

SENATE BILL NO. 1043

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

5730S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the offense of masked intimidation, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto
2 one new section, to be known as section 565.097, to read as
3 follows:

565.097. 1. A person commits the offense of masked
2 intimidation if that person intentionally harasses,
3 intimidates, or threatens any other person or group of
4 persons while hiding or concealing their face with a mask or
5 any other article or device for the purpose of concealing
6 their identity and with the intent to place another person
7 or group of persons in reasonable fear for their physical
8 safety.

9 2. A person who commits the offense of masked
10 intimidation shall be guilty of a class E felony for the
11 first offense, a class D felony for the second offense, and
12 a class C felony for a third or subsequent offense.

13 3. For purposes of this section, the following terms
14 shall mean:

15 (1) "Harass", to engage in a knowing and willful
16 pattern of conduct directed at a particular person or
17 particular group of persons that is intended to cause that

18 person or that group of persons to reasonably fear for their
19 safety or suffer substantial emotional distress;

20 (2) "Intimidate", to willfully and substantially
21 interfere, by threats, intimidation, or coercion, with the
22 exercise or enjoyment by any other person or persons of
23 rights secured by the constitution or laws of the United
24 States, or of rights secured by the constitution or laws of
25 the state of Missouri, because of that person or person's
26 actual or perceived race, color, religion, national origin,
27 ethnicity, sex, gender, gender identity or expression,
28 sexual orientation, or disability;

29 (3) "Threaten", to communicate a clear intention to
30 cause imminent bodily harm to another person.

31 4. The provisions of this section shall not apply to
32 any person or persons wearing a mask or otherwise covering
33 one's face for any purpose other than a purpose specified in
34 subsection 1 of this section, in cases where a person is:

35 (1) Wearing a mask or face covering on or near the
36 occasion of a holiday, celebration or other event involving
37 costumes;

38 (2) Wearing a mask, hood, article, or other device for
39 the purpose of ensuring the physical safety of the wearer or
40 because of the nature of the person's occupation, trade, or
41 profession;

42 (3) Wearing a mask, hood, article, or other device for
43 the purpose of protection from the weather elements or while
44 participating in a winter sport;

45 (4) Wearing a mask, hood, article, or other device in
46 an artistic or theatrical production or celebration;

47 (5) Wearing a gas mask or other protective facial
48 covering for the purposes of protection during or related to

49 an emergency situation, or during emergency management
50 drills;

51 (6) Wearing a mask for the purpose of ensuring one's
52 physical health and safety or the health and safety of
53 others, including, but not limited to, limiting the spread
54 of airborne illnesses; or

55 (7) Wearing any garb for religious purposes.

56 5. Nothing in this section shall be construed to
57 diminish or infringe upon any right protected under the
58 First Amendment to the Constitution of the United States or
59 any right protected under the constitution of Missouri.

✓