

SECOND REGULAR SESSION

SENATE BILL NO. 1150

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

5420S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 557.035, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 557.035 and 565.097, to read as follows:

557.035. 1. For all violations of section 565.054 or
2 565.090, subdivision (1) of subsection 1 of section 569.100,
3 or subdivision (1), (2), (3), (4), (6), (7) or (8) of
4 subsection 1 of section 571.030, which the state believes to
5 be knowingly motivated because of race, color, religion,
6 national origin, sex, sexual orientation or disability of
7 the victim or victims, the state may charge the offense or
8 offenses under this section, and the violation is a class D
9 felony.

10 2. For all violations of section 565.056; subdivision
11 (1) of subsection 1 of section 569.090; **section 565.097;**
12 subdivision (1) of subsection 1 of section 569.120; section
13 569.140; or section 574.050; which the state believes to be
14 knowingly motivated because of race, color, religion,
15 national origin, sex, sexual orientation or disability of
16 the victim or victims, the state may charge the offense or

offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

565.097. 1. A person commits the offense of masked intimidation if the person intentionally harasses, intimidates, or threatens any other person while hiding or concealing their face with a mask, hood, or any other article or device for the purpose of concealing their identity and with the intent to place another person in reasonable fear for their physical safety.

2. The offense of masked intimidation is a class C misdemeanor, unless it is a second or subsequent offense of this section, in which case the offense is a class B misdemeanor.

3. This section shall not apply to any person wearing a mask or otherwise covering one's face for any purpose other than a purpose specified in subsection 1 of this section, in cases where a person is wearing a:

(1) Mask or face covering on or near the occasion of a holiday, celebration, or other event involving costumes;

(2) Mask, hood, article, or other device for the purpose of ensuring the physical safety of the wearer or because of the nature of the person's occupation, trade, or profession;

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

(4) Mask, hood, article, or other device in an artistic or theatrical production or celebration;

27 (5) Gas mask or other protective facial covering for
28 the purposes of protection during or related to emergency
29 situations or during emergency management drills;

30 (6) A mask for the purpose of ensuring one's physical
31 health and safety or the health and safety of others,
32 including but not limited to limiting the spread of airborne
33 illnesses; or

34 (7) Any garb for religious purposes.

35 4. Nothing in this section shall be construed to
36 diminish or infringe upon any right protected under the
37 First Amendment to the Constitution of the United States.

38 5. For purposes of this section, the following terms
39 mean:

40 (1) "Harass", engaging in a knowing and willful
41 pattern of conduct directed at a particular person or
42 particular group of persons that is intended to cause that
43 person or that group of persons to reasonably fear for their
44 safety or suffer substantial emotional distress;

45 (2) "Intimidate", willfully and substantially
46 interfering, by threats, intimidation, or coercion, with the
47 exercise or enjoyment by any other person of rights secured
48 by the constitution or laws of the United States, or of
49 rights secured by the constitution or laws of this state,
50 because of that person or person's actual or perceived race,
51 color, religion, national origin, ethnicity, sex, gender,
52 gender identity or expression, sexual orientation, or
53 disability;

54 (3) "Threaten", communication with the clear intention
55 to cause imminent physical injury to another person.

✓