

SENATE BILL NO. 1747

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

7194S.03I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 285.625, 285.630, 285.635, 285.650, 285.670, 407.1095, 407.1098, 407.1101, 407.1104, 455.030, 455.050, 455.523, 565.076, 565.090, 565.091, 565.227, 571.070, 589.660, 589.663, and 590.040, RSMo, and to enact in lieu thereof thirty new sections relating to the protection of vulnerable persons from cybercrimes, with penalty provisions.

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

Section A. Sections 285.625, 285.630, 285.635, 285.650,
2 285.670, 407.1095, 407.1098, 407.1101, 407.1104, 455.030,
3 455.050, 455.523, 565.076, 565.090, 565.091, 565.227, 571.070,
4 589.660, 589.663, and 590.040, RSMo, are repealed and thirty
5 new sections enacted in lieu thereof, to be known as sections
6 27.117, 285.625, 285.630, 285.635, 285.650, 285.670, 407.1095,
7 407.1098, 407.1101, 407.1104, 407.1115, 455.030, 455.050,
8 455.523, 565.076, 565.090, 565.091, 565.227, 565.260, 565.400,
9 565.405, 571.070, 573.570, 573.575, 589.660, 589.663, 590.040,
10 595.205, 595.400, and 595.450, to read as follows:

**27.117. The attorney general shall have concurrent
2 jurisdiction with any and all prosecuting attorneys to
3 prosecute persons in violation of sections 565.090, 565.091,
4 565.225, 565.227, 565.400, 565.405, 573.570, or 573.575,
5 where the offense occurred in more than one jurisdiction of
6 the state.**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

285.625. As used in sections 285.625 to 285.670, the following terms mean:

(1) "Abuse", the same meaning as in section 210.110;

(2) "Cyberharassment", a purposeful or knowing course of conduct using digital technology, internet service providers, electronic service providers, or other electronic communications and devices to cause reasonable fear, alarm, anxiety, undo stress, or terror to others by repeated contact with no legitimate purpose. This course of conduct is threatening, aggressive, or otherwise fear-inducing and involves an invasion of a person's relative right to privacy and manifests in repeated actions over time;

(3) "Cyberstalking", a purposeful or knowing course of conduct using digital technology, internet service providers, electronic service providers, or other electronic communications and devices to enhance the ability to intimidate, track, follow, or cause reasonable fear, alarm, anxiety, undo stress, or terror to another person. This course of conduct is threatening, aggressive, or otherwise fear-inducing and involves an invasion of a person's relative right to privacy and manifests in repeated actions over time;

(4) "Director", the director of the department of labor and industrial relations;

[(3)] (5) "Domestic violence", the same meaning as in section 455.010;

[(4)] (6) "Employ", the act of employing or state of being employed, engaged, or hired to perform work or services of any kind or character within the state of Missouri;

31 [(5)] (7) "Employee", any person performing work or
32 service of any kind or character for hire within the state
33 of Missouri;

34 [(6)] (8) "Employer", the state or any agency of the
35 state, political subdivision of the state, or any person
36 that employs at least twenty employees;

37 [(7)] (9) "Employee benefit plan" or "plan", an
38 employee welfare benefit plan or an employee pension benefit
39 plan or a plan that is both an employee welfare benefit plan
40 and an employee pension benefit plan;

41 [(8)] (10) "Employment benefits", all benefits
42 provided or made available to employees by an employer,
43 including life insurance, health insurance, disability
44 insurance, sick leave, annual leave, educational benefits,
45 pensions, and profit-sharing, regardless of whether such
46 benefits are provided by a practice or written policy of an
47 employer or through an employee benefit plan;

48 [(9)] (11) "Family or household member", for employees
49 with a family or household member who is a victim of
50 domestic or sexual violence, a spouse, parent, son,
51 daughter, other person related by blood or by present or
52 prior marriage, other person who shares a relationship
53 through a son or daughter, and persons jointly residing in
54 the same household;

55 (12) "Harassment", **engaging in a purposeful or knowing**
56 **course of conduct involving more than one incident that**
57 **alarms or causes distress to an adult or child and serves no**
58 **legitimate purpose. The course of conduct shall be such as**
59 **would cause a reasonable adult or child to suffer**
60 **substantial emotional distress and shall actually cause**
61 **substantial emotional distress to the petitioner or child.**
62 **Such conduct shall include, but is not limited to:**

63 (a) **Following another about in a public place or**
64 **places;**

65 (b) **Peering in the window or lingering outside the**
66 **residence of another, but does not include constitutionally**
67 **protected activity;**

68 [(10)] (13) "Parent", the biological parent of an
69 employee or an individual who stood in loco parentis to an
70 employee when the employee was a son or daughter who is a
71 victim of domestic or sexual violence;

72 [(11)] (14) "Person", an individual, partnership,
73 association, corporation, business trust, legal
74 representative, or any organized group of persons;

75 [(12)] (15) "Public agency", the government of the
76 state or of any political subdivision thereof, any agency of
77 the state or of any political subdivision of the state, or
78 any other governmental agency;

79 [(13)] (16) "Public assistance", includes cash, food
80 stamps, medical assistance, housing assistance, and other
81 benefits provided on the basis of income by a public agency
82 or public employer;

83 [(14)] (17) "Qualified individual", in the case of:

84 (a) An applicant or employee of an employer, an
85 individual who, but for being a victim of domestic or sexual
86 violence or with a family or household member who is a
87 victim of domestic or sexual violence, **cyberharassment,**
88 **cyberstalking, harassment, or stalking,** can perform the
89 essential functions of the employment position that such
90 individual holds or desires; or

91 (b) An applicant for or recipient of public assistance
92 from a public agency, an individual who, but for being a
93 victim of domestic or sexual violence, **cyberharassment,**
94 **cyberstalking, harassment, or stalking,** or with a family or

95 household member who is a victim of domestic or sexual
96 violence, **cyberharassment, cyberstalking, harassment, or**
97 **stalking**, can satisfy the essential requirements of the
98 program providing the public assistance that the individual
99 receives or desires;

100 [(15)] (18) "Reasonable safety accommodation", an
101 adjustment to a job structure, workplace facility, or work
102 requirement, including a transfer, reassignment, modified
103 schedule, leave, a changed telephone number or seating
104 assignment, installation of a lock, implementation of a
105 safety procedure, or assistance in documenting domestic
106 violence that occurs at the workplace or in work-related
107 settings, in response to actual or threatened domestic
108 violence. Any exigent circumstances or danger facing the
109 employee or his or her family or household member shall be
110 considered in determining whether the accommodation is
111 reasonable;

112 [(16)] (19) "Reduced work schedule", a work schedule
113 that reduces the usual number of hours per workweek, or
114 hours per workday, of an employee;

115 [(17)] (20) "Sexual violence", a sexual assault, as
116 defined in section 455.010, and trafficking for the purposes
117 of sexual exploitation as described in section 566.209;

118 [(18)] (21) "Son or daughter", a biological, adopted,
119 or foster child, a stepchild, a legal ward, or a child of a
120 person standing in loco parentis, who is under eighteen
121 years of age, or is eighteen years of age or older and
122 incapable of self-care because of a mental or physical
123 disability and is a victim of domestic or sexual violence;

124 (22) "Stalking", an unwanted course of conduct that
125 causes alarm to another person, or a person who resides
126 together in the same household with the person seeking the

127 order of protection when it is reasonable in that person's
128 situation to have been alarmed by the conduct. As used in
129 this subdivision, "alarm" shall mean fear of danger of
130 physical harm and "course of conduct" shall mean two or more
131 acts that serve no legitimate purpose including, but not
132 limited to, acts in which the stalker directly, indirectly,
133 or through a third party follows, monitors, observes,
134 surveils, threatens, or communicates to a person by any
135 action, method, or device;

136 [(19)] (23) "Undue hardship", significant difficulty
137 or expense, when considered in light of the nature and cost
138 of the reasonable safety accommodation;

139 [(20)] (24) "Victim of domestic or sexual violence",
140 an individual who has been subjected to domestic violence,
141 sexual violence, or abuse;

142 [(21)] (25) "Victim services organization", a
143 nonprofit, nongovernmental organization that provides
144 assistance to victims of domestic violence or to advocates
145 for such victims, including a rape crisis center, a child
146 advocacy center, an organization carrying out a domestic
147 violence program, an organization operating a shelter or
148 providing counseling services, or a legal services
149 organization or other organization providing assistance
150 through the legal process;

151 [(22)] (26) "Work", any job, task, labor, services, or
152 any other activity for which compensation is provided,
153 expected, or due.

285.630. 1. An employee who is a victim of domestic
2 or sexual violence, **cyberharassment, cyberstalking,**
3 **harassment, or stalking** or a family or household member who
4 is a victim of domestic or sexual violence, **cyberharassment,**
5 **cyberstalking, harassment, or stalking** whose interests are

6 not adverse to the employee as it relates to the domestic or
7 sexual violence, **cyberharassment, cyberstalking, harassment,**
8 **or stalking** may take unpaid leave from work to address such
9 violence by:

10 (1) Seeking medical attention for, or recovering from,
11 physical or psychological injuries caused by domestic or
12 sexual violence, **cyberharassment, cyberstalking, harassment,**
13 **or stalking** to the employee or the employee's family or
14 household member;

15 (2) Obtaining services from a victim services
16 organization for the employee or the employee's family or
17 household member;

18 (3) Obtaining psychological or other counseling for
19 the employee or the employee's family or household member;

20 (4) Participating in safety planning, temporarily or
21 permanently relocating, or taking other actions to increase
22 the safety of the employee or the employee's family or
23 household member from future domestic or sexual violence,
24 **cyberharassment, cyberstalking, harassment, or stalking** or
25 to ensure economic security; or

26 (5) Seeking legal assistance or remedies to ensure the
27 health and safety of the employee or the employee's family
28 or household member, including preparing for or
29 participating in any civil or criminal legal proceeding
30 related to or derived from domestic or sexual violence,
31 **cyberharassment, cyberstalking, harassment, or stalking.**

32 2. Subject to subsection 5 of this section, an
33 employee working for an employer that employs at least fifty
34 employees shall be entitled to a total of two workweeks of
35 leave under subsection 1 of this section during any twelve-
36 month period. An employee working for an employer that
37 employs at least twenty but not more than forty-nine

38 employees shall be entitled to a total of one workweek of
39 leave under subsection 1 of this section during any twelve-
40 month period. For purposes of this subsection "workweek"
41 shall mean an individual employee's standard workweek. The
42 total number of workweeks to which an employee is entitled
43 shall not decrease during the relevant twelve-month period.
44 Sections 285.625 to 285.670 shall not create a right for an
45 employee to take unpaid leave that exceeds the amount of
46 unpaid leave time allowed under the federal Family and
47 Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

48 3. Leave described in subsection 2 of this section may
49 be taken intermittently or on a reduced work schedule.

50 4. The employee shall provide the employer with at
51 least forty-eight hours' advance notice of the employee's
52 intention to take leave under subsection 1 of this section,
53 unless providing such notice is not practicable. When an
54 unscheduled absence occurs, the employer may not take any
55 action against the employee if the employee, upon request of
56 the employer and within a reasonable period after the
57 absence, provides certification under subsection 5 of this
58 section.

59 5. The employer may require the employee to provide
60 certification to the employer that the employee or the
61 employee's family or household member is a victim of
62 domestic or sexual violence, **cyberharassment, cyberstalking,**
63 **harassment, or stalking** and that the leave is for one of the
64 purposes enumerated in subsection 1 of this section. The
65 employee shall provide such certification to the employer
66 within a reasonable period after the employer requests
67 certification.

68 6. An employee may satisfy the certification
69 requirement of subsection 5 of this section by providing to

70 the employer a sworn statement of the employee and the
71 following:

72 (1) Documentation from an employee, agent, or
73 volunteer of a victim services organization, an attorney, a
74 member of the clergy, or a medical or other professional
75 from whom the employee or the employee's family or household
76 member has sought assistance in addressing domestic violence
77 or sexual violence, **cyberharassment, cyberstalking,**
78 **harassment, or stalking** and the effects of such violence;

79 (2) A police or court record; or

80 (3) Other corroborating evidence.

81 7. All information provided to the employer pursuant
82 to subsection 6 of this section including a statement of the
83 employee or any other documentation, record, or
84 corroborating evidence, and the fact that the employee has
85 requested or obtained leave pursuant to this section, shall
86 be retained in the strictest confidence by the employer,
87 except to the extent that disclosure is requested or
88 consented to in writing by the employee or otherwise
89 required by applicable federal or state law.

90 8. Any employee who takes leave under this section
91 shall be entitled, on return from such leave, to be restored
92 by the employer to the position of employment held by the
93 employee when the leave commenced or an equivalent position
94 with equivalent employment benefits, pay, and other terms
95 and conditions of employment.

96 9. The taking of leave under this section shall not
97 result in the loss of any employment benefit accrued prior
98 to the date on which the leave commenced. Nothing in this
99 section shall be construed to entitle any restored employee
100 to the accrual of any seniority or employment benefits
101 during any period of leave or any right, benefit, or

102 position of employment other than any right, benefit, or
103 position to which the employee would have been entitled had
104 the employee not taken the leave. Nothing in this section
105 shall be construed to prohibit an employer from requiring an
106 employee on leave under this section to report periodically
107 to the employer on the status and intention of the employee
108 to return to work.

109 10. **Any employee who reports, seeks help, or needs**
110 **extended privacy measures to ensure safety from domestic or**
111 **sexual violence, cyberharassment, cyberstalking, harassment,**
112 **or stalking shall not be subject to eviction, harassment,**
113 **dismissal, or retaliation by an employer.**

114 11. Upon the request of an employer, an employee
115 requesting a reasonable safety accommodation pursuant to
116 sections 285.625 to 285.670 shall provide the employer a
117 written statement signed by the employee or an individual
118 acting on the employee's behalf, certifying that the
119 reasonable safety accommodation is for a purpose authorized
120 under sections 285.625 to 285.670.

285.635. 1. During any period that an employee takes
2 leave under section 285.630, the employer shall maintain
3 coverage for the employee and any family or household member
4 under any group health plan for the duration of such leave
5 at the level and under the conditions coverage would have
6 been provided if the employee had continued in employment
7 continuously for the duration of such leave.

8 2. The employer may recover from the employee the
9 premium that the employer paid for maintaining coverage for
10 the employee and the employee's family or household member
11 under such group health plan during any period of leave
12 under this section if the employee fails to return from
13 leave after the period of leave to which the employee is

14 entitled has expired for a reason other than the
15 continuation, recurrence, or onset of domestic violence,
16 sexual violence, abuse, a sexual assault, **cyberharassment**,
17 **cyberstalking, harassment, or stalking** or human trafficking
18 that entitled the employee to leave under section 285.630,
19 or other circumstances beyond the control of the employee.

20 3. An employer may require an employee who claims that
21 the employee is unable to return to work because of a reason
22 described in subsection 2 of this section to provide, within
23 a reasonable period after making the claim, certification to
24 the employer that the employee is unable to return to work
25 because of that reason by providing the employer with:

- 26 (1) A sworn statement of the employee;
- 27 (2) Documentation from an employee, agent, or
28 volunteer of a victim services organization, an attorney, a
29 member of the clergy, or a medical or other professional
30 from whom the employee has sought assistance in addressing
31 domestic or sexual violence, **cyberharassment, cyberstalking,**
32 **harassment, or stalking** and the effects of such violence;
- 33 (3) A police or court record; or
- 34 (4) Other corroborating evidence.

35 4. All information provided to the employer pursuant
36 to subsection 3 of this section including a statement of the
37 employee or any other documentation, record, or
38 corroborating evidence, and the fact that the employee is
39 not returning to work because of a reason described in
40 subsection 2 of this section shall be retained in the
41 strictest confidence by the employer, except to the extent
42 that disclosure is requested or consented to in writing by
43 the employee, or otherwise required by applicable federal or
44 state law.

285.650. 1. Employers and public agencies shall make
2 reasonable safety accommodations, in a timely manner, to the
3 known limitations resulting from circumstances relating to
4 being a victim of domestic or sexual violence,
5 **cyberharassment, cyberstalking, harassment, or stalking** or a
6 family or household member being a victim of domestic or
7 sexual violence, **cyberharassment, cyberstalking, harassment,**
8 **or stalking** of an otherwise qualified individual:

9 (1) Who is:

10 (a) An employee of the employer; or

11 (b) An applicant for or recipient of public assistance
12 from a public agency; and

13 (2) Who is:

14 (a) A victim of domestic or sexual violence,
15 **cyberharassment, cyberstalking, harassment, or stalking;** or

16 (b) With a family or household member who is a victim
17 of domestic or sexual violence, **cyberharassment,**
18 **cyberstalking, harassment, or stalking** whose interests are
19 not adverse to the individual in this subdivision as it
20 relates to the domestic violence, sexual violence, [or]
21 abuse, **cyberharassment, cyberstalking, harassment, or**
22 **stalking;**

23 2. Subsection 1 of this section shall not apply if the
24 employer or public agency can demonstrate that the
25 accommodation would impose an undue hardship on the
26 operation of the employer or public agency.

285.670. 1. Nothing in sections 285.625 to 285.670
2 shall be construed to supersede any provision of any
3 federal, state, or local law, collective bargaining
4 agreement, or employment benefits program or plan that
5 provides:

6 (1) Greater leave benefits for victims of domestic or
7 sexual violence, **cyberharassment, cyberstalking, harassment,**
8 **or stalking** than the rights established under sections
9 285.625 to 285.670; or

10 (2) Leave benefits for a larger population of victims
11 of domestic or sexual violence, as defined in such law,
12 agreement, program, or plan, than the victims of domestic or
13 sexual violence, **cyberharassment, cyberstalking, harassment,**
14 **or stalking** covered under sections 285.625 to 285.670.

15 2. The rights and remedies established for applicants
16 and employees who are victims of domestic or sexual
17 violence, **cyberharassment, cyberstalking, harassment, or**
18 **stalking** and applicants and employees with a family or
19 household member who is a victim of domestic or sexual
20 violence, **cyberharassment, cyberstalking, harassment, or**
21 **stalking** under sections 285.625 to 285.670 shall not be
22 diminished by any federal, state, or local law, collective
23 bargaining agreement, or employment benefits program or plan.

407.1095. As used in sections 407.1095 to 407.1110,
2 the following words and phrases mean:

3 (1) **"Business subscriber", a person or entity that,**
4 **for business use, has subscribed to telephone service,**
5 **wireless service, or other similar service;**

6 (2) **"Call spoofing", the practice by a calling party**
7 **or any caller identification service of knowingly**
8 **transmitting misleading or inaccurate caller identification**
9 **information with the intent to deceive, defraud, cause harm,**
10 **harass, mislead, or wrongfully obtain anything of value;**

11 (3) **"Caller identification service", a type of**
12 **telephone service which permits telephone subscribers to see**
13 **the telephone number of incoming telephone calls;**

14 [(2)] (4) "Residential subscriber", a person who, for
15 [primarily] personal and familial use, has subscribed to
16 residential telephone service, wireless service or similar
17 service, or the other persons living or residing with such
18 person;

19 [(3)] (5) "Seller", the same as defined in section
20 407.1070;

21 (6) "Telemarketer", the same as defined in section
22 407.1070;

23 (7) "Telephone solicitation", any voice, facsimile,
24 short messaging service (SMS), or multimedia messaging
25 service (MMS), for the purpose of encouraging the purchase
26 or rental of, or investment in, property, goods or services,
27 **or soliciting donations of money, property, goods, or**
28 **services**, but does not include communications:

29 (a) To any **business subscriber or** residential
30 subscriber with that subscriber's prior express invitation
31 or permission;

32 (b) By or on behalf of any person or entity with whom
33 a **business subscriber or** residential subscriber has had a
34 business contact within the past one hundred eighty days or
35 a current business or personal relationship;

36 (c) By or on behalf of an entity organized pursuant to
37 Chapter 501 (c) (3) of the United States Internal Revenue
38 Code, while such entity is engaged in [fund-raising]
39 **fundraising** to support the charitable purpose for which the
40 entity was established provided that a bona fide member of
41 such exempt organization makes the voice communication;

42 (d) By or on behalf of any entity over which a federal
43 agency has regulatory authority to the extent that:

44 a. Subject to such authority, the entity is required
45 to maintain a license, permit or certificate to sell or

46 provide the merchandise being offered through telemarketing;
47 and

48 b. The entity is required by law or rule to develop
49 and maintain a no-call list[;

50 (e) By a natural person responding to a referral, or
51 working from his or her primary residence, or a person
52 licensed by the state of Missouri to carry out a trade,
53 occupation or profession who is setting or attempting to set
54 an appointment for actions relating to that licensed trade,
55 occupation or profession within the state or counties
56 contiguous to the state].

407.1098. No person or entity shall make or cause to
2 be made any telephone solicitation, **including via call**
3 **spoofing**, to any **business subscriber or** residential
4 subscriber in this state who has given notice to the
5 attorney general, in accordance with rules promulgated
6 pursuant to section 407.1101 of such subscriber's objection
7 to receiving telephone solicitations.

407.1101. 1. The attorney general shall establish and
2 provide for the operation of a database to compile a list of
3 telephone numbers of **business subscribers and** residential
4 subscribers who object to receiving telephone
5 solicitations. [Such list is not intended to include any
6 telephone number primarily used for business or commercial
7 purposes.]

8 2. The attorney general shall promulgate rules and
9 regulations governing the establishment of a state no-call
10 database as he or she deems necessary and appropriate to
11 fully implement the provisions of sections 407.1095 to
12 407.1110. The rules and regulations shall include those
13 which:

14 (1) Specify the methods by which each **business**
15 **subscriber or** residential subscriber may give notice to the
16 attorney general or its contractor of his or her objection
17 to receiving such solicitations or revocation of such
18 notice. There shall be no cost to the subscriber for
19 joining the database;

20 (2) Specify the length of time for which a notice of
21 objection shall be effective and the effect of a change of
22 telephone number on such notice;

23 (3) Specify the methods by which such objections and
24 revocations shall be collected and added to the database;

25 (4) **Specify that once a person gives notice of**
26 **objection, the person shall not have to renew his or her**
27 **objection;**

28 (5) Specify the methods by which any person or entity
29 desiring to make telephone solicitations will obtain access
30 to the database as required to avoid calling the telephone
31 numbers of **business subscribers or** residential subscribers
32 included in the database, including the cost assessed to
33 that person or entity for access to the database; **and**

34 [(5)] (6) Specify such other matters relating to the
35 database that the attorney general deems desirable.

36 3. If the Federal Communications Commission
37 establishes a single national database of telephone numbers
38 of subscribers who object to receiving telephone
39 solicitations pursuant to 47 U.S.C. Section 227(c)(3), the
40 attorney general shall include that part of such single
41 national database that relates to Missouri in the database
42 established pursuant to this section.

43 4. Information contained in the database established
44 pursuant to this section shall be used only for the purpose
45 of compliance with section 407.1098 and this section or in a

46 proceeding or action pursuant to section 407.1107. Such
47 information shall not be considered a public record pursuant
48 to chapter 610.

49 5. In April, July, October and January of each year,
50 the attorney general shall be encouraged to obtain
51 subscription listings of **business subscribers and**
52 residential subscribers in this state who have arranged to
53 be included on any national do-not-call list and add those
54 telephone numbers to the state do-not-call list.

55 6. The attorney general may utilize moneys
56 appropriated from general revenue and moneys appropriated
57 from the merchandising practices revolving fund established
58 in section 407.140 for the purposes of establishing and
59 operating the state no-call database.

60 7. Any rule or portion of a rule, as that term is
61 defined in section 536.010, that is created under the
62 authority delegated in sections 407.1095 to 407.1110 shall
63 become effective only if it complies with and is subject to
64 all of the provisions of chapter 536 and, if applicable,
65 section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the
67 general assembly pursuant to chapter 536 to review, to delay
68 the effective date or to disapprove and annul a rule are
69 subsequently held unconstitutional, then the grant of
70 rulemaking authority and any rule proposed or adopted after
71 August 28, 2000, shall be invalid and void.

407.1104. 1. Any person or entity who makes a
2 telephone solicitation to any **business subscriber or**
3 residential subscriber in this state shall, at the beginning
4 of such solicitation, state clearly the identity of the
5 person or entity initiating the solicitation.

6 2. No person or entity who makes a telephone
7 solicitation to a **business subscriber or** residential
8 subscriber in this state shall knowingly use any method,
9 **including call spoofing**, to block or otherwise circumvent
10 any subscriber's use of a caller identification service.

 407.1115. 1. This section shall be known and may be
2 cited as the "Caller ID Anti-Spoofing Act".

3 2. As used in this section, the following terms mean:

4 (1) "Automatic telephone dialing system", equipment
5 that has the capacity to:

6 (a) Store or produce telephone numbers to be called,
7 using a random or sequential number generator; and

8 (b) Dial such numbers;

9 (2) "Call", any telephone call, facsimile, or text
10 message made using a public switched telephone network,
11 wireless cellular telephone service, or voice-over-internet
12 protocol (VoIP) service that has the capability of accessing
13 users on the public switched telephone network or a
14 successor network;

15 (3) "Caller", a person or entity who places a call,
16 facsimile, or text message, whether by phone or computer;

17 (4) "Caller identification information", information
18 provided by a caller identification service regarding the
19 telephone number or other origination information of a call
20 or facsimile transmission made using a telecommunications
21 service or an interconnected VoIP service or of a text
22 message sent using a text messaging service;

23 (5) "Caller identification service", any service or
24 device designed to provide the user of the service or device
25 with the telephone number or other origination information
26 of a call or facsimile transmission made using a
27 telecommunications service or an interconnected VoIP service

28 or of a text message sent using a text messaging service.
29 "Caller identification service" includes automatic number
30 identification services;

31 (6) "Provider", a telecommunication company that
32 provides voice communication services to customers in this
33 state;

34 (7) "Robocall", a call made, including a text message
35 sent, to any telephone number owned by a person or entity in
36 the state using an automatic telephone dialing system or an
37 artificial or prerecorded voice;

38 (8) "STIR/SHAKEN" or the "Secure Telephone Identity
39 Revisited (STIR) and Signature-based Handling of Asserted
40 Information Using toKENs (SHAKEN)", an authentication
41 framework of interconnected standards adopted by the Federal
42 Communications Commission. "STIR/SHAKEN" digitally
43 validates the handoff of phone calls passing through the
44 complex web of networks, allowing the phone company of the
45 consumer receiving the call to verify that a call is in fact
46 from the number displayed on Caller ID;

47 (9) "Text message":

48 (a) A real-time or near real-time message consisting
49 of text, images, sounds, or other information that is
50 transmitted from or received by a device that is identified
51 as the transmitting or receiving device by means of a
52 telephone number;

53 (b) Includes a short message service (SMS) message, an
54 enhanced message service (EMS) message, and a multimedia
55 message service (MMS) message; and

56 (c) Does not include a real-time, two-way voice or
57 video communication;

58 (10) "Text messaging service", a service that permits
59 the transmission or receipt of a text message, including a

60 service provided as part of or in connection with a
61 telecommunications service or an interconnected VoIP service;

62 (11) "Voice service", any service that is
63 interconnected with the public switched telephone network
64 and that furnishes voice communications to an end user using
65 resources from the North American Numbering Plan or any
66 successor to the North American Numbering Plan adopted by
67 the public service commission under the Communications Act
68 of 1934, 47 U.S.C. Section 251(e)(1), as amended; and
69 includes:

70 (a) Transmissions from a telephone facsimile machine,
71 computer, or other device to a telephone facsimile machine;
72 and

73 (b) Without limitation, any service that enables real-
74 time, two-way voice communications, including any service
75 that requires internet protocol-compatible customer premises
76 equipment (commonly known as "CPE") and permits outbound
77 calling, whether the service is one-way or two-way voice
78 over internet protocol.

79 3. Consistent with authorization provided by federal
80 law and rules of the Federal Communications Commission or
81 its successors:

82 (1) Providers shall block a voice call when the
83 subscriber to which the originating number is assigned has
84 requested that calls purporting to originate from that
85 number be blocked because the number is used for inbound
86 calls only; and

87 (2) Providers shall block calls originating from the
88 following numbers:

89 (a) A number that is not a valid North American
90 numbering plan number;

91 (b) A valid North American numbering plan number that
92 is not allocated to a provider by the North American
93 numbering plan administrator; and

94 (c) A valid North American numbering plan number that
95 is allocated to a provider by the North American number plan
96 administrator or pooling administrator, but is unused, so
97 long as the provider blocking the calls is the allocatee of
98 the number and confirms that the number is unused or has
99 obtained verification from the allocatee that the number is
100 unused at the time of the blocking.

101 4. Consistent with the authorization provided by
102 federal law and rules of the Federal Communications
103 Commission or its successors:

104 (1) Providers shall not block a voice call if the call
105 is an emergency call placed to 911; and

106 (2) Providers shall not block a voice call to a
107 subscriber who has requested that no inbound calls be
108 blocked.

109 5. For purposes of blocking calls from certain
110 originating numbers as authorized in subsections 3 and 4 of
111 this section, a provider may rely on caller identification
112 service information to determine the originating number.

113 6. Notwithstanding any other provision of law to the
114 contrary, a voice service provider shall be considered to be
115 in compliance with this section and any rule or regulation
116 adopted thereunder if that provider has filed a
117 certification with the Federal Communications Commission
118 that the provider's traffic is either authenticated with
119 STIR/SHAKEN or subject to a compliant robocall mitigation
120 program. A copy of such certification shall be made
121 available to the attorney general upon request.

122 7. No later than August 28, 2027, a provider of voice
123 service shall implement STIR/SHAKEN authentication protocol
124 or an alternative technology that provides comparable or
125 superior capability to verify and authenticate caller
126 identification in the internet protocol networks of voice
127 service providers.

128 8. (1) Any voice service provider that knowingly
129 fails or neglects to comply with this section, or a rule or
130 regulation adopted thereunder, shall be subject to the
131 payment of fines as follows:

132 (a) A sum of twenty-five thousand dollars for the
133 first offense;

134 (b) A sum of fifty thousand dollars for the second
135 offense; and

136 (c) A sum of seventy-five thousand dollars for the
137 third or any subsequent offense.

138 (2) All fines collected by the attorney general under
139 this section shall be deposited into the state treasury to
140 be credited to the merchandising practices revolving fund
141 created under section 407.140.

142 9. The attorney general has jurisdiction to commence
143 an action on behalf of the state of Missouri for any
144 violations under this section in a court of competent
145 jurisdiction. The court may, upon notice to the defendant
146 of not less than five days, grant injunctive relief to
147 enjoin and restrain the continuation of any violations, and
148 for the enforcement and collection of the fines under
149 subsection 8 of this section.

150 10. It shall be a violation of this section for a
151 caller to:

152 (1) Enter or cause to be entered false information
153 into a caller identification service with the malicious

154 intent to deceive, defraud, cause harm, harass, mislead, or
155 wrongfully obtain anything of value from the recipient of a
156 call; or

157 (2) Place a call knowing that false information was
158 entered into the caller identification service with the
159 intent to deceive, defraud, cause harm, harass, mislead, or
160 wrongfully obtain anything of value from the recipient of
161 the call.

162 11. This section shall not apply to:

163 (1) The blocking of caller identification information;

164 (2) Any law enforcement agency of the federal, state,
165 county, or municipal government;

166 (3) Any intelligence or security agency of the federal
167 government; or

168 (4) A communications service provider, including a
169 telecommunications, broadband, or voice-over-internet
170 service provider that:

171 (a) Acts in the communications service provider's
172 capacity as an intermediary for the transmission of
173 telephone service between the caller and the recipient;

174 (b) Provides or configures a service or service
175 feature as requested by the customer;

176 (c) Acts in a manner that is authorized or required by
177 applicable law; or

178 (d) Engages in other conduct that is necessary to
179 provide service.

180 12. The recipient of any call in which the caller uses
181 false caller identification information shall have standing
182 to recover actual and punitive damages against the caller.

183 Punitive damages shall be in an amount determined by the
184 court but not to exceed five thousand dollars per call.

185 Call recipients may bring action under this section as

186 members of a class. The attorney general may initiate legal
187 proceedings or intervene in legal proceedings on behalf of
188 call recipients and, if the caller is found guilty, shall
189 recover all costs of the investigation and prosecution of
190 the action.

191 13. It shall be unlawful for any person within the
192 United States, or any person outside the United States if
193 the recipient is within the United States, in connection
194 with any voice service or text messaging service, to cause
195 any caller identification service to knowingly transmit
196 misleading or inaccurate caller identification information
197 with the intent to deceive, defraud, cause harm, harass,
198 mislead, or wrongfully obtain anything of value, unless such
199 transmission is exempted under subsection 11 of this section.

455.030. 1. When the court is unavailable after
2 business hours or on holidays or weekends, a verified
3 petition for protection from domestic violence or a motion
4 for hearing on violation of any order of protection under
5 sections 455.010 to 455.085 may be filed before any
6 available court in the city or county having jurisdiction to
7 hear the petition pursuant to the guidelines developed
8 pursuant to subsection 4 of this section. An ex parte order
9 may be granted pursuant to section 455.035.

10 2. All papers in connection with the filing of a
11 petition or the granting of an ex parte order of protection
12 or a motion for a hearing on a violation of an order of
13 protection under this section shall be certified by such
14 court or the clerk within the next regular business day to
15 the circuit court having jurisdiction to hear the petition.

16 3. A petitioner seeking a protection order shall not
17 be required to reveal any current address or place of
18 residence except to the court in camera for the purpose of

19 determining jurisdiction and venue. The petitioner may be
20 required to provide a mailing address unless the petitioner
21 alleges that he or she would be endangered by such
22 disclosure, or that other family or household members would
23 be endangered by such disclosure. Effective January 1,
24 2004, a petitioner shall not be required to provide his or
25 her Social Security number on any petition or document filed
26 in connection with a protection order; except that, the
27 court may require that a petitioner's Social Security number
28 be retained on a confidential case sheet or other
29 confidential record maintained in conjunction with the
30 administration of the case.

31 4. The supreme court shall develop guidelines which
32 ensure that a verified petition may be filed on holidays,
33 evenings and weekends.

34 **5. The supreme court shall develop guidelines for**
35 **redaction of personal identifying information where a**
36 **petitioner is required to reveal such information to the**
37 **court.**

455.050. 1. Any full or ex parte order of protection
2 granted pursuant to sections 455.010 to 455.085 shall be to
3 protect the petitioner from **cyberstalking**, domestic
4 violence, stalking, or sexual assault and may include such
5 terms as the court reasonably deems necessary to ensure the
6 petitioner's safety, including but not limited to:

7 (1) Temporarily enjoining the respondent from
8 committing or threatening to commit **cyberstalking**, domestic
9 violence, molesting, stalking, sexual assault, or disturbing
10 the peace of the petitioner, including violence against a
11 pet;

12 (2) Temporarily enjoining the respondent from entering
13 the premises of the dwelling unit of the petitioner when the
14 dwelling unit is:

15 (a) Jointly owned, leased or rented or jointly
16 occupied by both parties; or

17 (b) Owned, leased, rented or occupied by petitioner
18 individually; or

19 (c) Jointly owned, leased, rented or occupied by
20 petitioner and a person other than respondent; provided,
21 however, no spouse shall be denied relief pursuant to this
22 section by reason of the absence of a property interest in
23 the dwelling unit; or

24 (d) Jointly occupied by the petitioner and a person
25 other than respondent; provided that the respondent has no
26 property interest in the dwelling unit; or

27 (3) Temporarily enjoining the respondent from
28 communicating with the petitioner in any manner or through
29 any medium.

30 2. Mutual orders of protection are prohibited unless
31 both parties have properly filed written petitions and
32 proper service has been made in accordance with sections
33 455.010 to 455.085.

34 3. When the court has, after a hearing for any full
35 order of protection, issued an order of protection, it may,
36 in addition:

37 (1) Award custody of any minor child born to or
38 adopted by the parties when the court has jurisdiction over
39 such child and no prior order regarding custody is pending
40 or has been made, and the best interests of the child
41 require such order be issued;

42 (2) Establish a visitation schedule that is in the
43 best interests of the child;

44 (3) Award child support in accordance with supreme
45 court rule 88.01 and chapter 452;

46 (4) Award maintenance to petitioner when petitioner
47 and respondent are lawfully married in accordance with
48 chapter 452;

49 (5) Order respondent to make or to continue to make
50 rent or mortgage payments on a residence occupied by the
51 petitioner if the respondent is found to have a duty to
52 support the petitioner or other dependent household members;

53 (6) Order the respondent to pay the petitioner's rent
54 at a residence other than the one previously shared by the
55 parties if the respondent is found to have a duty to support
56 the petitioner and the petitioner requests alternative
57 housing;

58 (7) Order that the petitioner be given temporary
59 possession of specified personal property, such as
60 automobiles, checkbooks, keys, and other personal effects;

61 (8) Prohibit the respondent from transferring,
62 encumbering, or otherwise disposing of specified property
63 mutually owned or leased by the parties;

64 (9) Order the respondent to participate in a court-
65 approved counseling program designed to help batterers stop
66 violent behavior or to participate in a substance abuse
67 treatment program;

68 (10) Order the respondent to pay a reasonable fee for
69 housing and other services that have been provided or that
70 are being provided to the petitioner by a shelter for
71 victims of domestic violence;

72 (11) Order the respondent to pay court costs;

73 (12) Order the respondent to pay the cost of medical
74 treatment and services that have been provided or that are
75 being provided to the petitioner as a result of injuries

76 sustained to the petitioner by an act of domestic violence
77 committed by the respondent;

78 (13) Award possession and care of any pet, along with
79 any moneys necessary to cover medical costs that may have
80 resulted from abuse of the pet.

81 4. (1) If the court issues, after a hearing for any
82 full order of protection, an order of protection, the court
83 may also:

84 (a) Prohibit the respondent from knowingly possessing
85 or purchasing any firearm while the order is in effect; and

86 (b) Inform the respondent of such prohibition in
87 writing and, if the respondent is present, orally; and

88 (2) If the court prohibits the respondent from
89 possessing or purchasing any firearm pursuant to subdivision
90 (1) of this subsection, the court shall forward the order to
91 the Missouri state highway patrol so that the Missouri state
92 highway patrol can update the respondent's record in the
93 National Instant Criminal Background Check System (NICS).
94 Upon receiving an order under this subsection, the Missouri
95 state highway patrol shall notify the Federal Bureau of
96 Investigation within twenty-four hours.

97 5. A verified petition seeking orders for maintenance,
98 support, custody, visitation, payment of rent, payment of
99 monetary compensation, possession of personal property,
100 prohibiting the transfer, encumbrance, or disposal of
101 property, or payment for services of a shelter for victims
102 of domestic violence, shall contain allegations relating to
103 those orders and shall pray for the orders desired.

104 [5.] 6. In making an award of custody, the court shall
105 consider all relevant factors including the presumption that
106 the best interests of the child will be served by placing
107 the child in the custody and care of the nonabusive parent,

108 unless there is evidence that both parents have engaged in
109 abusive behavior, in which case the court shall not consider
110 this presumption but may appoint a guardian ad litem or a
111 court-appointed special advocate to represent the children
112 in accordance with chapter 452 and shall consider all other
113 factors in accordance with chapter 452.

114 [6.] 7. The court shall grant to the noncustodial
115 parent rights to visitation with any minor child born to or
116 adopted by the parties, unless the court finds, after
117 hearing, that visitation would endanger the child's physical
118 health, impair the child's emotional development or would
119 otherwise conflict with the best interests of the child, or
120 that no visitation can be arranged which would sufficiently
121 protect the custodial parent from further domestic
122 violence. The court may appoint a guardian ad litem or
123 court-appointed special advocate to represent the minor
124 child in accordance with chapter 452 whenever the custodial
125 parent alleges that visitation with the noncustodial parent
126 will damage the minor child.

127 [7.] 8. The court shall make an order requiring the
128 noncustodial party to pay an amount reasonable and necessary
129 for the support of any child to whom the party owes a duty
130 of support when no prior order of support is outstanding and
131 after all relevant factors have been considered, in
132 accordance with Missouri supreme court rule 88.01 and
133 chapter 452.

134 [8.] 9. The court may grant a maintenance order to a
135 party for a period of time, not to exceed one hundred eighty
136 days. Any maintenance ordered by the court shall be in
137 accordance with chapter 452.

138 [9.] 10. (1) The court may, in order to ensure that a
139 petitioner can maintain an existing wireless telephone

140 number or numbers, issue an order, after notice and an
141 opportunity to be heard, directing a wireless service
142 provider to transfer the billing responsibility for and
143 rights to the wireless telephone number or numbers to the
144 petitioner, if the petitioner is not the wireless service
145 accountholder.

146 (2) (a) The order transferring billing responsibility
147 for and rights to the wireless telephone number or numbers
148 to the petitioner shall list the name and billing telephone
149 number of the accountholder, the name and contact
150 information of the person to whom the telephone number or
151 numbers will be transferred, and each telephone number to be
152 transferred to that person. The court shall ensure that the
153 contact information of the petitioner is not provided to the
154 accountholder in proceedings held under this chapter.

155 (b) Upon issuance, a copy of the full order of
156 protection shall be transmitted, either electronically or by
157 certified mail, to the wireless service provider's
158 registered agent listed with the secretary of state, or
159 electronically to the email address provided by the wireless
160 service provider. Such transmittal shall constitute
161 adequate notice for the wireless service provider acting
162 under this section and section 455.523.

163 (c) If the wireless service provider cannot
164 operationally or technically effectuate the order due to
165 certain circumstances, the wireless service provider shall
166 notify the petitioner within three business days. Such
167 circumstances shall include, but not be limited to, the
168 following:

169 a. The accountholder has already terminated the
170 account;

171 b. The differences in network technology prevent the
172 functionality of a device on the network; or

173 c. There are geographic or other limitations on
174 network or service availability.

175 (3) (a) Upon transfer of billing responsibility for
176 and rights to a wireless telephone number or numbers to the
177 petitioner under this subsection by a wireless service
178 provider, the petitioner shall assume all financial
179 responsibility for the transferred wireless telephone number
180 or numbers, monthly service costs, and costs for any mobile
181 device associated with the wireless telephone number or
182 numbers.

183 (b) This section shall not preclude a wireless service
184 provider from applying any routine and customary
185 requirements for account establishment to the petitioner as
186 part of this transfer of billing responsibility for a
187 wireless telephone number or numbers and any devices
188 attached to that number or numbers including, but not
189 limited to, identification, financial information, and
190 customer preferences.

191 (4) This section shall not affect the ability of the
192 court to apportion the assets and debts of the parties as
193 provided for in law, or the ability to determine the
194 temporary use, possession, and control of personal property.

195 (5) No cause of action shall lie against any wireless
196 service provider, its officers, employees, or agents, for
197 actions taken in accordance with the terms of a court order
198 issued under this section.

199 (6) As used in this section and section 455.523, a
200 "wireless service provider" means a provider of commercial
201 mobile service under Section 332(d) of the Federal

202 [Telecommunications Act of 1996] **Communications Act of 1934**
203 (47 U.S.C. Section [151, et seq.] **332**).

455.523. 1. Any full order of protection granted
2 under sections 455.500 to 455.538 shall be to protect the
3 victim from domestic violence, including danger to the
4 child's pet, stalking, and sexual assault may include such
5 terms as the court reasonably deems necessary to ensure the
6 petitioner's safety, including but not limited to:

7 (1) Temporarily enjoining the respondent from
8 committing domestic violence or sexual assault, threatening
9 to commit domestic violence or sexual assault, stalking,
10 molesting, or disturbing the peace of the victim;

11 (2) Temporarily enjoining the respondent from entering
12 the family home of the victim, except as specifically
13 authorized by the court;

14 (3) Temporarily enjoining the respondent from
15 communicating with the victim in any manner or through any
16 medium, except as specifically authorized by the court.

17 2. **(1) If the court issues, after a hearing for any**
18 **full order of protection, an order of protection, the court**
19 **may also:**

20 (a) **Prohibit the respondent from knowingly possessing**
21 **or purchasing any firearm while the order is in effect;**

22 (b) **Inform the respondent of such prohibition in**
23 **writing and, if the respondent is present, orally; and**

24 (2) **If the court prohibits the respondent from**
25 **possessing or purchasing any firearm pursuant to subdivision**

26 **(1) of this subsection, the court shall forward the order to**
27 **the Missouri state highway patrol so that the Missouri state**
28 **highway patrol can update the respondent's record in the**
29 **National Instant Criminal Background Check System (NICS).**

30 **Upon receiving an order under this subsection, the Missouri**

31 **state highway patrol shall notify the Federal Bureau of**
32 **Investigation within twenty-four hours.**

33 3. When the court has, after hearing for any full
34 order of protection, issued an order of protection, it may,
35 in addition:

36 (1) Award custody of any minor child born to or
37 adopted by the parties when the court has jurisdiction over
38 such child and no prior order regarding custody is pending
39 or has been made, and the best interests of the child
40 require such order be issued;

41 (2) Award visitation;

42 (3) Award child support in accordance with supreme
43 court rule 88.01 and chapter 452;

44 (4) Award maintenance to petitioner when petitioner
45 and respondent are lawfully married in accordance with
46 chapter 452;

47 (5) Order respondent to make or to continue to make
48 rent or mortgage payments on a residence occupied by the
49 victim if the respondent is found to have a duty to support
50 the victim or other dependent household members;

51 (6) Order the respondent to participate in a court-
52 approved counseling program designed to help stop violent
53 behavior or to treat substance abuse;

54 (7) Order the respondent to pay, to the extent that he
55 or she is able, the costs of his or her treatment, together
56 with the treatment costs incurred by the victim;

57 (8) Order the respondent to pay a reasonable fee for
58 housing and other services that have been provided or that
59 are being provided to the victim by a shelter for victims of
60 domestic violence;

61 (9) Order a wireless service provider, in accordance
62 with the process, provisions, and requirements set out in

63 subdivisions (1) to (6) of subsection 9 of section 455.050,
64 to transfer the billing responsibility for and rights to the
65 wireless telephone number or numbers of any minor children
66 in the petitioner's care to the petitioner, if the
67 petitioner is not the wireless service accountholder;

68 (10) Award possession and care of any pet, along with
69 any moneys necessary to cover medical costs that may have
70 resulted from abuse of the pet.

565.076. 1. A person commits the offense of domestic
2 assault in the fourth degree if the act involves a domestic
3 victim, as the term "domestic victim" is defined under
4 section 565.002, and:

5 (1) The person attempts to cause or recklessly causes
6 physical injury, physical pain, or illness to such domestic
7 victim;

8 (2) With criminal negligence the person causes
9 physical injury to such domestic victim by means of a deadly
10 weapon or dangerous instrument;

11 (3) The person purposely places such domestic victim
12 in apprehension of immediate physical injury by any means;

13 (4) The person recklessly engages in conduct which
14 creates a substantial risk of death or serious physical
15 injury to such domestic victim;

16 (5) The person knowingly causes physical contact with
17 such domestic victim knowing he or she will regard the
18 contact as offensive; or

19 (6) The person knowingly attempts to cause or causes
20 the isolation of such domestic victim by unreasonably and
21 substantially restricting or limiting his or her access to
22 other persons, telecommunication devices or transportation
23 for the purpose of isolation.

24 2. The offense of domestic assault in the fourth
25 degree is a class ~~[A misdemeanor]~~ **E felony**, unless the
26 person has previously been found guilty of the offense of
27 domestic assault, of any assault offense under this chapter,
28 or of any offense against a domestic victim committed in
29 violation of any county or municipal ordinance in any state,
30 any state law, any federal law, or any military law which if
31 committed in this state two or more times would be a
32 violation of this section, in which case it is a class ~~[E]~~ **D**
33 felony. The offenses described in this subsection may be
34 against the same domestic victim or against different
35 domestic victims.

36 **3. Upon a conviction for the offense of domestic**
37 **assault in the fourth degree, the court shall forward the**
38 **record of conviction to the Missouri state highway patrol so**
39 **that the Missouri state highway patrol can update the**
40 **respondent's record in the National Instant Criminal**
41 **Background Check System (NICS). Upon receiving a record**
42 **under this subsection, the Missouri state highway patrol**
43 **shall notify the Federal Bureau of Investigation within**
44 **twenty-four hours.**

565.090. 1. A person commits the offense of
2 harassment in the first degree if he or she, without good
3 cause, engages in any act with the purpose to cause
4 emotional distress to another person, and such act does
5 cause such person to suffer emotional distress.

6 2. The offense of harassment in the first degree is a
7 class E felony, **unless the defendant has previously been**
8 **found guilty of a violation of this section or section**
9 **565.091, or any offense committed in another jurisdiction**
10 **which, if committed in this state, would be chargeable or**
11 **indictable as a violation of any offense listed in this**

12 **section or section 565.091, in which case harassment in the**
13 **first degree is a class D felony.**

14 3. This section shall not apply to activities of
15 federal, state, county, or municipal law enforcement
16 officers conducting investigations of violation of federal,
17 state, county, or municipal law.

565.091. 1. A person commits the offense of
2 harassment in the second degree if he or she, without good
3 cause, engages in any act with the purpose to cause
4 emotional distress to another person.

5 2. The offense of harassment in the second degree is a
6 class A misdemeanor, unless the [person has previously
7 pleaded guilty to or been found guilty of a violation of
8 this section, of any offense committed in violation of any
9 county or municipal ordinance in any state, any state law,
10 any federal law, or any military law which if committed in
11 this state would be chargeable or indictable as a violation
12 of any offense listed in this subsection, in which case it
13 is a class E felony] **defendant has previously been found**
14 **guilty of a violation of this section or section 565.090, or**
15 **of any offense committed in another jurisdiction which, if**
16 **committed in this state, would be chargeable or indictable**
17 **as a violation of any offense listed in this section or**
18 **section 565.090, in which case harassment in the second**
19 **degree is a class E felony.**

20 3. This section shall not apply to activities of
21 federal, state, county, or municipal law enforcement
22 officers conducting investigations of violations of federal,
23 state, county, or municipal law.

565.227. 1. A person commits the offense of stalking
2 in the second degree if he or she purposely, through his or

3 her course of conduct, disturbs, or follows with the intent
4 to disturb another person.

5 2. This section shall not apply to activities of
6 federal, state, county, or municipal law enforcement
7 officers conducting investigations of any violation of
8 federal, state, county, or municipal law.

9 3. Any law enforcement officer may arrest, without a
10 warrant, any person he or she has probable cause to believe
11 has violated the provisions of this section.

12 4. The offense of stalking in the second degree is a
13 class [A misdemeanor] **E felony**, unless the defendant has
14 previously been found guilty of a violation of this section
15 or section 565.225, or of any offense committed in another
16 jurisdiction which, if committed in this state, would be
17 chargeable or indictable as a violation of any offense
18 listed in this section or section 565.225, or unless the
19 victim is intentionally targeted as a law enforcement
20 officer, as defined in section 556.061, or the victim is
21 targeted because he or she is a relative within the second
22 degree of consanguinity or affinity to a law enforcement
23 officer, in which case stalking in the second degree is a
24 class [E] D felony.

25 5. **Upon a conviction for the offense of stalking in**
26 **the second degree, the court shall forward the record of**
27 **conviction to the Missouri state highway patrol so that the**
28 **Missouri state highway patrol can update the respondent's**
29 **record in the National Instant Criminal Background Check**
30 **System (NICS). Upon receiving a record under this**
31 **subsection, the Missouri state highway patrol shall notify**
32 **the Federal Bureau of Investigation within twenty-four hours.**

565.260. 1. **Except as provided in subsection 2 of**
2 **this section, a person commits the offense of unlawful**

3 tracking of a motor vehicle if the person knowingly
4 installs, conceals, or otherwise places an electronic
5 tracking device in or on a motor vehicle without the consent
6 of all owners of the vehicle for the purpose of monitoring
7 or following an occupant or occupants of the vehicle. As
8 used in this section, "person" does not include the
9 manufacturer of the motor vehicle.

10 2. (1) It shall not be an offense under this section
11 if the installing, concealing, or placing of an electronic
12 tracking device in or on a motor vehicle is by, or at the
13 direction of, a law enforcement officer in furtherance of a
14 criminal investigation and such investigation is carried out
15 in accordance with applicable state and federal law.

16 (2) It shall not be an offense under this section if
17 the installing, concealing, or placing of an electronic
18 tracking device in or on a motor vehicle is for the purpose
19 of tracking the location of stolen goods being transported
20 in the vehicle or for the purpose of tracking the location
21 of the vehicle if the motor vehicle is stolen.

22 (3) It shall not be an offense under this section if
23 the installing, concealing, or placing of an electronic
24 tracking device in or on a motor vehicle is by a legally
25 authorized representative of a vulnerable adult. As used in
26 this subdivision, "vulnerable adult" means any person
27 eighteen years of age or older who is impaired by reason of
28 mental illness, intellectual or developmental disability,
29 physical illness or disability, or other causes, including
30 age, to the extent the adult lacks sufficient understanding
31 or capacity to make, communicate, or carry out reasonable
32 decisions concerning his or her well-being or has one or
33 more limitations that substantially impair the adult's

34 ability to independently provide for his or her daily needs
35 or safeguard his or her person, property, or legal interests.

36 (4) If the installing, concealing, or placing of an
37 electronic tracking device in or on a motor vehicle is by,
38 or at the direction of, a person who obtains consent from
39 all owners of the vehicle, the installation, concealment, or
40 placement of the device in or on the vehicle shall not be an
41 offense under this section.

42 (5) It shall not be an offense under this section if
43 the installing, concealing, or placing of an electronic
44 tracking device in or on a motor vehicle is by a vehicle
45 rental, sharing, or leasing company that rents motor
46 vehicles for the purpose of tracking or managing the motor
47 vehicles owned by such company or providing services to
48 customers.

49 (6) It shall not be an offense under this section if
50 the installing, concealing, or placing of an electronic
51 tracking device in or on a motor vehicle is by a lienholder
52 or agent of a lienholder acting to track the movement or
53 location of a motor vehicle in order to repossess the motor
54 vehicle.

55 (7) It shall not be an offense under this section if
56 the installing, concealing, or placing of an electronic
57 tracking device in or on a motor vehicle is for any party to
58 participate in a voluntary usage-based insurance program.
59 "Voluntary usage-based insurance program" shall mean any
60 program implemented by, or on behalf of, an insurance
61 company that collects, records, or transmits information
62 relating to driving behavior of an insured party.

63 3. The provisions of this section shall not apply to a
64 tracking system installed by the manufacturer of a motor
65 vehicle.

66 4. The offense of unlawful tracking of a motor vehicle
67 is a class A misdemeanor for a first offense and a class E
68 felony for any second or subsequent offense.

 565.400. 1. A person commits the offense of
2 cyberharassment if such person purposely or knowingly
3 engages in a threatening, aggressive, or otherwise fear-
4 inducing course of conduct by using digital technology,
5 internet service providers, electronic service providers, or
6 other electronic communications and devices that cause
7 reasonable fear, alarm, anxiety, undue stress, or terror to
8 others by repeated contact with no legitimate purpose.

 2. The first offense of cyberharassment shall be a
10 class B misdemeanor. A second and any subsequent offense
11 shall be a class A misdemeanor.

 565.405. 1. A person commits the offense of
2 cyberstalking if such person purposely or knowingly engages
3 in a threatening, aggressive, or otherwise fear-inducing
4 course of conduct by using digital technology, internet
5 service providers, electronic service providers, or other
6 electronic communications and devices to enhance the ability
7 to intimidate, track, follow, or cause reasonable fear,
8 alarm, anxiety, undue stress, or terror to another person.

 2. The first offense of cyberstalking shall be a class
10 A misdemeanor. A second and any subsequent offense shall be
11 a class E felony.

 571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any
6 state or of the United States which, if committed within
7 this state, would be a felony; [or]

8 (2) Such person is a fugitive from justice, is
9 habitually in an intoxicated or drugged condition, or is
10 currently adjudged mentally incompetent;

11 (3) Such person has been convicted of a domestic
12 violence offense under the laws of this state, or of a crime
13 under the laws of any state or of the United States that, if
14 committed in this state, would be a domestic violence
15 offense; or

16 (4) Such person is subject to an order of protection
17 which prohibits the possession or purchasing of any firearm
18 granted under sections 455.010 to 455.095 or sections
19 455.500 to 455.538 that was issued after a hearing of which
20 the person had actual notice and at which the person had an
21 opportunity to participate or subject to an equivalent order
22 issued under the laws of another state or the United States.

23 2. Unlawful possession of a firearm is a class C
24 felony, unless a person has been convicted of a dangerous
25 felony as defined in section 556.061, or the person has a
26 prior conviction for unlawful possession of a firearm in
27 which case it is a class B felony.

28 3. The provisions of subdivision (1) of subsection 1
29 of this section shall not apply to the possession of an
30 antique firearm.

31 4. As used in this section, "misdemeanor offense of
32 domestic violence" means:

33 (1) Domestic assault in the fourth degree under
34 section 565.076;

35 (2) Stalking in the second degree under section
36 565.227;

37 (3) Cyberstalking under section 565.405; or

38 (4) Any misdemeanor offense committed by a family or
39 household member of the victim as defined in section 455.010

40 that involves the use or attempted use of physical force or
41 the threatened use of a deadly weapon.

573.570. 1. As used in this section, the following
2 terms mean:

3 (1) "Depicted individual", an individual who, as a
4 result of digitization or by means of digital manipulation,
5 appears in whole or in part in an intimate digital depiction
6 and who is identifiable by virtue of the individual's face,
7 likeness, or other distinguishing characteristic, such as a
8 unique birthmark or other recognizable feature, or from
9 information displayed in connection with the digital
10 depiction;

11 (2) "Digital depiction", a realistic visual depiction
12 of an individual that has been created or altered using
13 digital manipulation;

14 (3) "Information content providers", any person or
15 entity that is responsible, in whole or in part, for the
16 creation or development of information provided through the
17 internet or any other interactive computer service;

18 (4) "Intimate digital depiction", a digital depiction
19 of an individual that has been created or altered using
20 digital manipulation and that depicts:

21 (a) The uncovered genitals, pubic area, anus, or
22 postpubescent female nipple of an identifiable individual;

23 (b) The display or transfer of bodily sexual fluids:

24 a. Onto any part of the body of an identifiable
25 individual; or

26 b. From the body of an identifiable individual; or

27 (c) An identifiable individual engaging in sexually
28 explicit conduct;

29 (5) "Sexually explicit conduct", actual or simulated:

30 (a) Sexual intercourse, including genital-genital,
31 oral-genital, anal-genital, or oral-anal, whether between
32 persons of the same or opposite sex;

33 (b) Bestiality;

34 (c) Masturbation;

35 (d) Sadistic or masochistic abuse; or

36 (e) Lascivious exhibition of the genitals or pubic
37 area of any person.

38 2. A person commits the offense of disclosure of an
39 intimate digital depiction if the person:

40 (1) Discloses an intimate digital depiction:

41 (a) With the intent to harass, annoy, threaten, alarm,
42 or cause substantial harm to the finances or reputation of
43 the depicted individual; or

44 (b) With the actual knowledge that, or reckless
45 disregard for whether, such disclosure will cause physical,
46 emotional, reputational, or economic harm to the depicted
47 individual; or

48 (2) Threatens to disclose an intimate digital
49 depiction:

50 (a) With the intent to harass, annoy, threaten, alarm,
51 or cause substantial harm to the finances or reputation of
52 the depicted individual; or

53 (b) With the actual knowledge that, or reckless
54 disregard for whether, such threatened disclosure will cause
55 physical, emotional, reputational, or economic harm to the
56 depicted individual.

57 3. (1) A violation of subdivision (1) of subsection 2
58 of this section shall be a class D felony.

59 (2) A violation of subdivision (2) of subsection 2 of
60 this section shall be a class E felony.

61 (3) A violation of subdivision (1) of subsection 2 of
62 this section shall be a class C felony if:

63 (a) The violation is a second or other subsequent
64 violation of subdivision (1) of subsection 2 of this
65 section; or

66 (b) The violation is such that the digital depiction
67 could be reasonably expected to:

68 a. Affect the conduct of any administrative,
69 legislative, or judicial proceeding of a federal, state,
70 local, or tribal government agency, including the
71 administration of an election or the conduct of foreign
72 relations; or

73 b. Facilitate violence.

74 (4) A violation of subdivision (2) of subsection 2 of
75 this section shall be a class D felony if:

76 (a) The violation is a second or other subsequent
77 violation of subdivision (2) of subsection 2 of this
78 section; or

79 (b) The violation is such that the digital depiction
80 could be reasonably expected to affect the conduct of any
81 administrative, legislative, or judicial proceeding of a
82 federal, state, local, or tribal government agency,
83 including the administration of an election or the conduct
84 of foreign relations.

85 4. It shall not be a defense to an offense of
86 disclosure of an intimate digital depiction under this
87 section that there is a disclaimer stating that the intimate
88 digital depiction of the depicted individual was
89 unauthorized or that the depicted individual did not
90 participate in the creation or development of the digital
91 depiction.

92 5. For the purposes of this section, a provider of an
93 interactive computer service shall not be held to have
94 committed the offense of disclosure of an intimate digital
95 depiction due to:

96 (1) Any action voluntarily taken in good faith to
97 restrict access to or availability of intimate digital
98 depictions; or

99 (2) Any action taken to enable or make available to
100 information content providers or other persons the technical
101 means to restrict access to intimate digital depictions.

 573.575. 1. A person commits the offense of sadistic
2 online exploitation if he or she:

3 (1) Uses the internet to manipulate, intimidate, hurt,
4 scare, control, or threaten a victim to undergo suffering
5 through forcing their submission, use of violence, self-
6 harm, or destruction for sadistic or sinister purposes;

7 (2) Coerces a victim into performing self-harm, animal
8 harm, or harm to another person;

9 (3) Uses nonphysical forms of coercion, manipulation,
10 shame, or fear to extort another person into providing
11 sexually explicit content then using such content to further
12 extort, threaten, or control the victim; or

13 (4) Uses intimate depictions as devices to threaten or
14 coerce a victim by demanding any kind of financial gain.

15 2. The offense of sadistic online exploitation shall
16 be a class E felony. If bodily harm or injury occurs, this
17 offense shall be a class D felony.

 589.660. As used in sections 589.660 to 589.681, the
2 following terms mean:

3 (1) "Address", a residential street address, school
4 address, or work address of a person, as specified on the
5 person's application to be a program participant;

6 (2) "Application assistant", an employee or volunteer
7 of a government agency, or of a nonprofit program that
8 provides counseling, referral, shelter, or other specialized
9 service to victims of domestic violence, rape, sexual
10 assault, human trafficking, stalking, **cyberstalking**,
11 **harassment**, **cyberharassment**, or other crimes who has been
12 designated by the respective agency or program, and who has
13 been trained and registered by the secretary of state to
14 assist individuals in the completion of program
15 participation applications;

16 (3) "Designated address", the address assigned to a
17 program participant by the secretary;

18 (4) "Mailing address", an address that is recognized
19 for delivery by the United States Postal Service;

20 (5) "Program", the address confidentiality program
21 established in section 589.663;

22 (6) "Program participant", a person certified by the
23 secretary of state as eligible to participate in the address
24 confidentiality program;

25 (7) "Secretary", the secretary of state.

589.663. There is created in the office of the
2 secretary of state a program to be known as the "Address
3 Confidentiality Program" to protect victims of domestic
4 violence, rape, sexual assault, human trafficking, stalking,
5 **cyberstalking**, **harassment**, **cyberharassment**, or other crimes
6 who fear for their safety, as well as the safety of
7 individuals residing in the same household as the victim, by
8 authorizing the use of designated addresses for such
9 victims, their minor children, and individuals residing with
10 them. The program shall be administered by the secretary
11 under the following application and certification procedures:

12 (1) An adult person, a parent or guardian acting on
13 behalf of a minor, or a guardian acting on behalf of an
14 incapacitated person may apply to the secretary to have a
15 designated address assigned by the secretary to serve as the
16 person's address or the address of the minor or
17 incapacitated person;

18 (2) The secretary may approve an application if it is
19 filed with the office of the secretary in the manner
20 established by rule and on a form prescribed by the
21 secretary. A completed application shall contain:

22 (a) The date the application was prepared, the
23 applicant's signature, and the signature and registration
24 number of the application assistant who assisted the
25 applicant in applying to be a program participant;

26 (b) A designation of the secretary as agent for
27 purposes of service of process and for receipt of first
28 class mail, legal documents, and certified mail;

29 (c) A statement that the applicant has good reason to
30 believe that he or she:

31 a. Is a victim or resides in the same household as a
32 victim; and

33 b. Fears future harm;

34 (d) A mailing address where the applicant may be
35 contacted by the secretary or a designee and the telephone
36 number or numbers where the applicant may be called by the
37 secretary or the secretary's designee; and

38 (e) One or more addresses that the applicant requests
39 not be disclosed for the reason that disclosure will
40 jeopardize the applicant's safety or increase the risk of
41 violence to the applicant or members of the applicant's
42 household;

43 (3) Upon receipt of a completed application, the
44 secretary may certify the applicant as a program
45 participant. A program participant is certified for four
46 years following the date of initial certification unless the
47 certification is withdrawn by the applicant or cancelled by
48 the secretary before that date. The secretary shall send
49 notification of an expiring certification and a renewal form
50 to a program participant at least four weeks prior to the
51 expiration of the program participant's certification. The
52 renewal need only be signed by the applicant and need not be
53 made before an application assistant;

54 (4) The secretary shall forward first class mail,
55 legal documents, and certified mail to the appropriate
56 program participants;

57 (5) This section shall be liberally construed as to
58 not hold omissions by the secretary against participants or
59 applicants.

 590.040. 1. The POST commission shall set the minimum
2 number of hours of basic training for licensure as a peace
3 officer no lower than six hundred, with the following
4 exceptions:

5 (1) Up to one thousand hours may be mandated for any
6 class of license required for commission by a state law
7 enforcement agency;

8 (2) As few as one hundred twenty hours may be mandated
9 for any class of license restricted to commission as a
10 reserve peace officer with police powers limited to the
11 commissioning political subdivision;

12 (3) Persons validly licensed on August 28, 2001, may
13 retain licensure without additional basic training;

14 (4) Persons licensed and commissioned within a county
15 of the third classification before July 1, 2002, may retain

16 licensure with one hundred twenty hours of basic training if
17 the commissioning political subdivision has adopted an order
18 or ordinance to that effect;

19 (5) Persons serving as a reserve officer on August 27,
20 2001, within a county of the first classification or a
21 county with a charter form of government and with more than
22 one million inhabitants on August 27, 2001, having
23 previously completed a minimum of one hundred sixty hours of
24 training, shall be granted a license necessary to function
25 as a reserve peace officer only within such county. For the
26 purposes of this subdivision, the term "reserve officer"
27 shall mean any person who serves in a less than full-time
28 law enforcement capacity, with or without pay and who,
29 without certification, has no power of arrest and who,
30 without certification, must be under the direct and
31 immediate accompaniment of a certified peace officer of the
32 same agency at all times while on duty; and

33 (6) The POST commission shall provide for the
34 recognition of basic training received at law enforcement
35 training centers of other states, the military, the federal
36 government and territories of the United States regardless
37 of the number of hours included in such training and shall
38 have authority to require supplemental training as a
39 condition of eligibility for licensure.

40 2. The director shall have the authority to limit any
41 exception provided in subsection 1 of this section to
42 persons remaining in the same commission or transferring to
43 a commission in a similar jurisdiction.

44 3. The basic training of every peace officer, except
45 agents of the conservation commission, shall include at
46 least thirty hours of training in the investigation and
47 management of cases involving domestic and family violence.

48 Such training shall include instruction, specific to
49 domestic and family violence cases, regarding: report
50 writing; physical abuse, sexual abuse, child fatalities and
51 child neglect; interviewing children and alleged
52 perpetrators; the nature, extent and causes of domestic and
53 family violence; the safety of victims, other family and
54 household members and investigating officers; legal rights
55 and remedies available to victims, including rights to
56 compensation and the enforcement of civil and criminal
57 remedies; services available to victims and their children;
58 the effects of cultural, racial and gender bias in law
59 enforcement; and state statutes. Said curriculum shall be
60 developed and presented in consultation with the department
61 of health and senior services, the children's division,
62 public and private providers of programs for victims of
63 domestic and family violence, persons who have demonstrated
64 expertise in training and education concerning domestic and
65 family violence, and the Missouri coalition against domestic
66 violence.

67 4. The basic training of every peace officer first
68 licensed on or after August 28, 2027, shall include at least
69 six hours of training concerning the prohibition against
70 racial profiling and such training shall promote
71 understanding and respect for racial and cultural
72 differences and the use of effective, noncombative methods
73 for carrying out law enforcement duties in a racially and
74 culturally diverse environment. Such training shall include
75 two hours of racial profiling training, two hours of
76 implicit bias training, and two hours of de-escalation
77 training.

78 **5. The basic training of every peace officer first**
79 **licensed on or after August 28, 2027, shall include at least**

80 four hours of training specific to stalking, harassment,
81 cyberstalking and cyberharassment, the safety of victims,
82 legal rights and remedies available to victims, including
83 the civil and criminal remedies, and resources and services
84 available to victims.

595.205. 1. This section shall be known and may be
2 cited as the "Cybercrime Survivors' Bill of Rights". These
3 rights shall be in addition to other rights as designated by
4 law and no person shall discourage a person from exercising
5 these rights. For the purposes of this section, "cybercrime
6 survivor" means any person who may be a victim of
7 cyberharassment or cyberstalking who presents themselves to
8 an appropriate law enforcement officer, prosecuting
9 attorney, or court.

10 2. A cybercrime survivor retains all the rights of
11 this section regardless of whether a criminal investigation
12 or prosecution results or if the survivor has previously
13 waived any of these rights. A cybercrime survivor has the
14 right to:

15 (1) Consult with an employee or volunteer of a crisis
16 center specializing in victim care and advocacy;

17 (2) Request to be interviewed by a law enforcement
18 officer of the gender of the survivor's choosing, when there
19 is an available appropriate law enforcement official of the
20 gender of the survivor's choosing;

21 (3) An interpreter who can communicate in the language
22 of the survivor's choice, as is reasonably available, in a
23 timely manner;

24 (4) Notification of basic rights afforded and
25 resources available to victims of cybercrimes;

26 (5) Notification about change in placement of
27 incarceration of the perpetrator;

28 (6) Be free from intimidation, harassment, and abuse
29 in any related criminal or civil proceeding and the right to
30 reasonable protection from the offender or any person acting
31 on behalf of the offender from harm and threats of harm
32 arising out of the survivor's disclosure.

33 3. An appropriate crisis care provider, law
34 enforcement officer, and prosecuting attorney shall provide
35 the cybercrime survivor with notification of the rights of
36 survivors pursuant to subsection 2 of this section in a
37 timely manner. Each appropriate crisis care provider, law
38 enforcement officer, and prosecuting attorney shall ensure
39 that the cybercrime survivor has been notified of these
40 rights.

41 4. The department of public safety, with the advice of
42 the attorney general, shall develop forms and procedures for
43 gathering, transmitting, and storing evidence related to
44 cyberharassment, cyberstalking, harassment, and stalking
45 offenses.

46 5. The department of public safety shall develop a
47 document in collaboration with Missouri-based stakeholders.
48 Missouri-based stakeholders shall include, but not be
49 limited to, the following:

- 50 (1) Prosecuting attorneys;
- 51 (2) Chief law enforcement officers or their designees;
- 52 (3) Appropriate medical providers, as defined in
53 section 595.220;
- 54 (4) Representatives of the statewide coalition against
55 domestic and sexual violence;
- 56 (5) The director of the Missouri state highway patrol
57 crime lab or their designee; and
- 58 (6) Representatives of a statewide association
59 representing Missouri hospitals.

60 6. The document required in subsection 4 of this
61 section shall include the following:

62 (1) A description of the rights of the cybercrime
63 survivor pursuant to this section; and

64 (2) Telephone and internet means for contacting a
65 crisis center specializing in victim care and advocacy.

66 The department of public safety shall provide this document
67 in clear language that is comprehensible to a person
68 proficient in English and shall provide this document in any
69 other foreign language spoken by at least five percent of
70 the population in any county or city not within a county in
71 Missouri.

 595.400. 1. There is hereby created the "Elder Abuse
2 Task Force" to consist of the following members:

3 (1) The director of the department health and senior
4 services or his or her designee;

5 (2) Four members of the general assembly:

6 (a) Two members of the senate, with one member to be
7 appointed by the president pro tempore of the senate and one
8 member to be appointed by the minority floor leader of the
9 senate; and

10 (b) Two members of the house of representatives, with
11 one member to be appointed by the speaker of the house of
12 representatives and one member to be appointed by the
13 minority floor leader of the house of representatives;

14 (3) Two members with law enforcement backgrounds and
15 experience with elder abuse appointed by the director of the
16 department of public safety;

17 (4) A representative of the Missouri Association of
18 Prosecuting Attorneys appointed by the president of the
19 Missouri Association of Prosecuting Attorneys;

20 (5) Two financial fraud experts appointed by the
21 governor;

22 (6) Two elder advocates appointed by the governor;

23 (7) One member appointed by the department of health
24 and senior services director with knowledge of the master
25 plan on aging;

26 (8) One member from the Missouri Council on Aging
27 appointed by their board president;

28 (9) One member from Missouri's Area Agencies on Aging
29 appointed by the Missouri Association of Area Agencies on
30 Aging.

31 2. The task force shall appoint a chairperson who is
32 elected by a majority vote of the members of the task
33 force. The task force shall have an initial meeting before
34 October 1, 2026. The members of the task force shall serve
35 without compensation, but shall be entitled to necessary and
36 actual expenses incurred in attending meetings of the task
37 force.

38 3. The task force shall examine and make
39 recommendations on including but not limited to:

40 (1) Romance scams, elder financial exploitation, cyber
41 harassment, and digital abuse;

42 (2) Educational and any other resources deemed
43 necessary by the task force to educate and inform victims
44 and the public on ways to protect themselves;

45 (3) Measures necessary to address and reduce elder
46 abuse; and

47 (4) Measures to help victims and victims' families
48 prevent and heal from elder abuse.

595.450. 1. (1) There is hereby created in the state
2 treasury the "Digital Victim Assistance and Awareness Fund",
3 which shall consist of moneys collected under subsection 2

4 this section and any gifts, donations, bequests, or
5 appropriations. The state treasurer shall be custodian of
6 the fund. In accordance with sections 30.170 and 30.180,
7 the state treasurer may approve disbursements. Upon
8 appropriation, money in the fund shall be used solely for
9 public awareness and education on cybercrimes.

10 (2) Notwithstanding the provisions of section 33.080
11 to the contrary, any moneys remaining in the fund at the end
12 of the biennium shall not revert to the credit of the
13 general revenue fund.

14 (3) The state treasurer shall invest moneys in the
15 fund in the same manner as other funds are invested. Any
16 interest and moneys earned on such investments shall be
17 credited to the fund.

18 2. In criminal cases involving violations of sections
19 565.090, 565.091, 565.225, 565.227, 565.400, 565.405,
20 573.570, or 573.575, there shall be assessed as costs a
21 surcharge in the amount of fifteen dollars. No such
22 surcharge shall be collected in any proceeding involving a
23 violation of an ordinance or state law when the proceeding
24 or defendant has been dismissed by the court or when costs
25 are to be paid by the state, county, or municipality. Such
26 surcharge shall be collected and disbursed by the clerk of
27 the court as provided by sections 488.010 to 488.020. The
28 surcharge collected pursuant to this section shall be paid
29 into the state treasury to the credit of the digital victim
30 assistance and awareness fund created in this section.

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