

FIRST REGULAR SESSION

# SENATE BILL NO. 328

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CLAY, BANKS AND WIGGINS.

Read 1st time January 21, 1999, and 1,000 copies ordered printed.

S0566.02I

TERRY L. SPIELER, Secretary.

## AN ACT

To repeal sections 574.090 and 574.093, RSMo 1994, relating to the crime of intimidation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 574.090 and 574.093, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 574.087, 574.090 and 574.093, to read as follows:

**574.087. For the purposes of sections 574.090 and 574.093, the following terms mean:**

(1) **"Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and**

(2) **"Sexual Orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness.**

574.090. 1. A person commits the crime of [ethnic] **criminal** intimidation in the first degree if, by reason of any motive relating to the **actual, presumed or perceived** race, color, religion [or], national origin, **sex, sexual orientation or disability** of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. [Ethnic] **Criminal** intimidation in the first degree is a class C felony.

574.093. 1. A person commits the crime of [ethnic] **criminal** intimidation in the second degree if, by reason of any motive relating to the **actual, presumed or perceived** race, color,

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

religion [or], national origin, **sex, sexual orientation or disability** of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. [Ethnic] **Criminal** intimidation in the second degree is a class D felony.

✓

Unofficial

Bill

Copy