

SECOND REGULAR SESSION

SENATE BILL NO. 537

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 9, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4097S.011

AN ACT

To repeal section 565.090, RSMo, and to enact in lieu thereof one new section relating to harassment, with a penalty provision.

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

Section A. Section 565.090, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 565.090, to read as follows:

565.090. 1. A person commits the crime of harassment if he or she:

2 (1) Knowingly communicates a threat to commit any felony to another
3 person and in so doing frightens, intimidates, or causes emotional distress to such
4 other person; or

5 (2) When communicating with another person, knowingly uses coarse
6 language offensive to one of average sensibility and thereby puts such person in
7 reasonable apprehension of offensive physical contact or harm; or

8 (3) Knowingly frightens, intimidates, or causes emotional distress to
9 another person by anonymously making a telephone call or any electronic
10 communication; or

11 (4) Knowingly communicates with another person who is, or who purports
12 to be, seventeen years of age or younger and in so doing and without good cause
13 recklessly frightens, intimidates, or causes emotional distress to such other
14 person; or

15 (5) Knowingly makes repeated unwanted communication to another
16 person; or

17 (6) Without good cause engages in any other act with the purpose to
18 frighten, intimidate, or cause emotional distress to another person, cause such
19 person to be frightened, intimidated, or emotionally distressed, and such person's

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

20 response to the act is one of a person of average sensibilities considering the age
21 of such person.

22 2. Harassment is a class [A misdemeanor] **D felony** unless:

23 (1) Committed by a person twenty-one years of age or older against a
24 person seventeen years of age or younger; or

25 (2) The person has previously pleaded guilty to or been found guilty of a
26 violation of this section, or of any offense committed in violation of any county or
27 municipal ordinance in any state, any state law, any federal law, or any military
28 law which, if committed in this state, would be chargeable or indictable as a
29 violation of any offense listed in this subsection. In such cases, harassment shall
30 be a class [D] **C felony**.

31 3. This section shall not apply to activities of federal, state, county, or
32 municipal law enforcement officers conducting investigations of violation of
33 federal, state, county, or municipal law.

✓

Bill

Copy