

HCS SS SCS SB 818 & 795 -- HARASSMENT AND STALKING

SPONSOR: Rupp (Smith, 14)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 8 to 0.

This substitute changes the laws regarding harassment and stalking. A person commits the crime of harassment if he or she:

- (1) Knowingly communicates a threat to commit a felony to another person and in so doing, frightens, intimidates, or causes emotional distress to the person;
- (2) Knowingly uses coarse language offensive to a person of average sensibility which puts the person in reasonable apprehension of offensive physical contact or harm;
- (3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
- (4) Knowingly communicates with another person who is or purports to be younger than 18 years of age and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to the other person;
- (5) Knowingly makes repeated unwanted communications to another person; or
- (6) Purposely and without good cause engages in any other act that frightens, intimidates, or causes emotional distress to another person and the person's response to the act is one of a person of average sensibilities considering the age of the victim.

The penalty for the crime of harassment is increased from a class A misdemeanor to a class D felony when a person at least 21 years of age commits the crime against an individual younger than 18 years of age or the person has had a previous harassment violation.

Currently, a person commits the crime of aggravated stalking when he or she purposely and repeatedly harasses or follows with the intent of harassing or harasses another person and makes a credible threat with the intent to place that person in reasonably fear of death or serious physical injury. The substitute expands this crime to include situations in which a person purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person and makes

a credible threat, at least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of the order; at least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; at any time during the course of conduct the other person is younger than 18 years of age and the person harassing is at least 21 years of age; or he or she has previously pled guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

The penalty for the crime of stalking is increased from a class A misdemeanor to a class D felony if the person has previously pled guilty to or been found guilty of a stalking violation. The penalty for the crime of aggravated stalking is increased from a class D felony to a class C felony if the person has previously pled guilty to or been found guilty of a stalking violation.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2009, FY 2010, and FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that glaring deficiencies in our harassment statutes became apparent after a young woman in St. Louis took her own life after receiving harassing messages over the Internet. Cyberbullying has been identified as a public health crisis; yet under current Missouri laws, you can't prosecute cases involving this behavior. The bill addresses the increasingly serious problem of Internet bullying.

Testifying for the bill were Senator Rupp; Doug Abrams; Tina Meier; Brian Keedy, Office of Prosecution Services; Diane Parsons; Nancy Steward; and DeAnna Noriega.

OPPONENTS: Those who oppose the bill say that it is imperative that the state have strong and comprehensive harassment statutes but believe that the language in the bill is too broad.

Testifying against the bill was American Civil Liberties Union of Eastern Missouri.