

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 11, Section 557.035, Line 13, by inserting immediately after said section and line the following:

"565.024. 1. A person commits the offense of involuntary manslaughter in the first degree if he or she recklessly causes the death of another person.

2. The offense of involuntary manslaughter in the first degree is a class C felony, unless the victim is intentionally targeted due to his or her employment as a law enforcement officer, as defined in 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer or first responder, in which case it is a class B felony.

565.027. 1. A person commits the offense of involuntary manslaughter in the second degree if he or she acts with criminal negligence to cause the death of any person.

2. The offense of involuntary manslaughter in the second degree is a class E felony, unless the victim is intentionally targeted due to his or her employment as a law enforcement officer, as defined in 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer or first responder, in which case it is a class D felony."; and

Further amend said bill, Page 12, Section 565.091, Line 12, by inserting immediately after all of said section and line the following:

"565.225. 1. As used in this section and section 565.227, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:

(1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause

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1 physical injury to, or the kidnapping of the person, the person's family or household members, or
 2 the person's domestic animals or livestock as defined in section 276.606 kept at such person's
 3 residence or on such person's property; or

4 (2) At least one of the acts constituting the course of conduct is in violation of an order of
 5 protection and the person has received actual notice of such order; or

6 (3) At least one of the actions constituting the course of conduct is in violation of a
 7 condition of probation, parole, pretrial release, or release on bond pending appeal; or

8 (4) At any time during the course of conduct, the other person is seventeen years of age or
 9 younger and the person disturbing the other person is twenty-one years of age or older; or

10 (5) He or she has previously been found guilty of domestic assault, violation of an order of
 11 protection, or any other crime where the other person was the victim; or

12 (6) At any time during the course of conduct, the other person is a participant of the address
 13 confidentiality program under sections 589.660 to 589.681, and the person disturbing the other
 14 person knowingly accesses or attempts to access the address of the other person.

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

17 4. This section shall not apply to activities of federal, state, county, or municipal law
 18 enforcement officers conducting investigations of any violation of federal, state, county, or
 19 municipal law.

20 5. The offense of stalking in the first degree is a class E felony, unless the defendant has
 21 previously been found guilty of a violation of this section or section 565.227, or any offense
 22 committed in another jurisdiction which, if committed in this state, would be chargeable or
 23 indictable as a violation of any offense listed in this section or section 565.227, or unless the victim
 24 is intentionally targeted due to his or her employment as a law enforcement officer, as defined in
 25 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he or she is a
 26 relative within the second degree of consanguinity or affinity to a law enforcement officer or first
 27 responder, in which case stalking in the first degree is a class D felony.

28 565.227. 1. A person commits the offense of stalking in the second degree if he or she
 29 purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb
 30 another person.

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

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

36 4. The offense of stalking in the second degree is a class A misdemeanor, unless the
 37 defendant has previously been found guilty of a violation of this section or section 565.225, or of
 38 any offense committed in another jurisdiction which, if committed in this state, would be chargeable
 39 or indictable as a violation of any offense listed in this section or section 565.225, or unless the
 40 victim is intentionally targeted due to his or her employment as a law enforcement officer, as
 41 defined in 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he
 42 or she is a relative within the second degree of consanguinity or affinity to a law enforcement
 43 officer or first responder, in which case stalking in the second degree is a class E felony."; and

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 45 Further amend said bill, Page 13, Section 566.010, Line 40, by inserting immediately after said
 46 section and line the following:

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 48 "569.100. 1. A person commits the offense of property damage in the first degree if such

1 person:

2 (1) Knowingly damages property of another to an extent exceeding seven hundred fifty
3 dollars; or

4 (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of
5 defrauding an insurer; or

6 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
7 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
8 therein or the damage occurs while such person is committing the crime of stealing within the motor
9 vehicle.

10 2. The offense of property damage in the first degree committed under subdivision (1) or (2)
11 of subsection 1 of this section is a class E felony, unless the offense of property damage in the first
12 degree was committed under subdivision (1) of subsection 1 of this section and the victim was
13 intentionally targeted due to his or her employment as a law enforcement officer, as defined in
14 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he or she is a
15 relative within the second degree of consanguinity or affinity to a law enforcement officer or first
16 responder, in which case it is a class D felony. The offense of property damage in the first degree
17 committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed
18 as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it
19 is a class B felony.

20 569.120. 1. A person commits the offense of property damage in the second degree if he or
21 she:

22 (1) Knowingly damages property of another; or

23 (2) Damages property for the purpose of defrauding an insurer.

24 2. The offense of property damage in the second degree is a class B misdemeanor, unless
25 the offense of property damage in the second degree was committed under subdivision (1) of
26 subsection 1 of this section and the victim was intentionally targeted due to his or her employment
27 as a law enforcement officer, as defined in 556.061, or as a first responder, as defined in 67.145, or
28 the victim is targeted because he or she is a relative within the second degree of consanguinity or
29 affinity to a law enforcement officer or first responder, in which it is a class A misdemeanor.

30 569.140. 1. A person commits the offense of trespass in the first degree if he or she
31 knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure
32 or upon real property.

33 2. A person does not commit the offense of trespass in the first degree by entering or
34 remaining upon real property unless the real property is fenced or otherwise enclosed in a manner
35 designed to exclude intruders or as to which notice against trespass is given by:

36 (1) Actual communication to the actor; or

37 (2) Posting in a manner reasonably likely to come to the attention of intruders.

38 3. The offense of trespass in the first degree is a class B misdemeanor, unless the victim is
39 intentionally targeted due to his or her employment as a law enforcement officer, as defined in
40 556.061, or as a first responder, as defined in 67.145, or the victim is targeted because he or she is a
41 relative within the second degree of consanguinity or affinity to a law enforcement officer or first
42 responder, in which case it is a class A misdemeanor."; and

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44 Further amend said bill by amending the title, enacting clause, and intersectional references
45 accordingly.

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47 THIS AMENDMENT SUBSTITUTES 0089H04.19H.