

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 744, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:

3
4 "455.010. As used in this chapter, unless the context clearly indicates otherwise, the
5 following terms shall mean:

6 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
7 attempts or threats against a person who may be protected pursuant to this chapter, except abuse
8 shall not include abuse inflicted on a child by accidental means by an adult household member or
9 discipline of a child, including spanking, in a reasonable manner:

10 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
11 physical harm;

12 (b) "Battery", purposely or knowingly causing physical harm to another with or without a
13 deadly weapon;

14 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
15 which the latter has a right to abstain or to abstain from conduct in which the person has a right to
16 engage;

17 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving more
18 than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose.
19 The course of conduct must be such as would cause a reasonable adult or child to suffer substantial
20 emotional distress and must actually cause substantial emotional distress to the petitioner or child.
21 Such conduct might include, but is not limited to:

22 a. Following another about in a public place or places;

23 b. Peering in the window or lingering outside the residence of another; but does not include
24 constitutionally protected activity;

25 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any
26 sexual act by force, threat of force, duress, or without that person's consent;

27 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
28 against that person's will;

29 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

30 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

31 (4) "Coercive control", purposely or unreasonably interfering with a person's free will and
32 personal liberty, which may include, but is not limited to, unreasonably engaging in the following:

33 a. Isolating the person from friends, relatives, or other sources of support;

34 b. Depriving the person of basic necessities;

35 c. Controlling, regulating, or monitoring the person's movements, communications, daily
36 behavior, finances, economic resources, or access to services; or

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1 d. Compelling the person by force, threat of force, or intimidation, including threats based
 2 on actual or suspected immigration status, to engage in conduct from which the person has a right to
 3 abstain or to abstain from conduct in which the person has a right to engage;

4 (5) "Court", the circuit or associate circuit judge or a family court commissioner;

5 (6) "Disturbing the peace of the petitioner" or "disturbing the peace of the victim", conduct
 6 that, based on the totality of the circumstances, destroys the mental or emotional calm of the
 7 petitioner or the victim. Such conduct may be committed directly or indirectly, including through
 8 the use of a third party, and by any method or through any means including, but not limited to,
 9 telephone, online accounts, text messages, internet-connected devices, or other electronic
 10 technologies. Such conduct may also include, but is not limited to, coercive control, as defined in
 11 this section;

12 [(5)] (7) "Domestic violence", abuse or stalking committed by a family or household
 13 member, as such terms are defined in this section;

14 [(6)] (8) "Ex parte order of protection", an order of protection issued by the court before the
 15 respondent has received notice of the petition or an opportunity to be heard on it;

16 [(7)] (9) "Family" or "household member", spouses, former spouses, any person related by
 17 blood or marriage, persons who are presently residing together or have resided together in the past,
 18 any person who is or has been in a continuing social relationship of a romantic or intimate nature
 19 with the victim, and anyone who has a child in common regardless of whether they have been
 20 married or have resided together at any time;

21 [(8)] (10) "Full order of protection", an order of protection issued after a hearing on the
 22 record where the respondent has received notice of the proceedings and has had an opportunity to be
 23 heard;

24 [(9)] (11) "Order of protection", either an ex parte order of protection or a full order of
 25 protection;

26 [(10)] (12) "Pending", exists or for which a hearing date has been set;

27 [(11)] (13) "Petitioner", a family or household member who has been a victim of domestic
 28 violence, or any person who has been the victim of stalking or sexual assault, or a person filing on
 29 behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
 30 provisions of section 455.020 or section 455.505;

31 [(12)] (14) "Respondent", the family or household member alleged to have committed an act
 32 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,
 33 against whom a verified petition has been filed or a person served on behalf of a child pursuant to
 34 section 455.503;

35 [(13)] (15) "Sexual assault", as defined under subdivision (1) of this section;

36 [(14)] (16) "Stalking" is when any person purposely engages in an unwanted course of
 37 conduct that causes alarm to another person, or a person who resides together in the same household
 38 with the person seeking the order of protection when it is reasonable in that person's situation to
 39 have been alarmed by the conduct. As used in this subdivision:

40 (a) "Alarm" means to cause fear of danger of physical harm; and

41 (b) "Course of conduct" means a pattern of conduct composed of two or more acts over a
 42 period of time, however short, that serves no legitimate purpose. Such conduct may include, but is
 43 not limited to, following the other person or unwanted communication or unwanted contact."; and
 44

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