

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 775, 751 & 640, Page 2, Section 491.015, Line 31, by inserting after all of said
3 section and line the following:
4

5 "565.002. As used in this chapter, unless a different meaning is otherwise plainly required
6 the following terms mean:

7 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a person
8 of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-
9 control;

10 (2) "Child", a person under seventeen years of age;

11 (3) "Conduct", includes any act or omission;

12 (4) "Course of conduct", a pattern of conduct composed of two or more acts, which may
13 include communication by any means, over a period of time, however short, evidencing a continuity
14 of purpose. Constitutionally protected activity is not included within the meaning of course of
15 conduct. Such constitutionally protected activity includes picketing or other organized protests;

16 (5) "Deliberation", cool reflection for any length of time no matter how brief;

17 (6) "Domestic victim", a household or family member as the term "family" or "household
18 member" is defined in section 455.010, including any child who is a member of the household or
19 family;

20 (7) "Emotional distress", something markedly greater than the level of uneasiness,
21 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

22 (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic area,
23 buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque
24 covering;

25 (9) "Legal custody", the right to the care, custody and control of a child;

26 (10) "Parent", either a biological parent or a parent by adoption;

27 (11) "Person having a right of custody", a parent or legal guardian of the child;

28 (12) "Photographs" or "films", the making of any photograph, motion picture film,
29 videotape, or any other recording or transmission of the image of a person;

30 (13) "Place where a person would have a reasonable expectation of privacy", any place

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1 where a reasonable person would believe that a person could disrobe in privacy, without being
2 concerned that the person's undressing was being viewed, photographed or filmed by another;

3 (14) "Special victim", any of the following:

4 (a) A law enforcement officer assaulted in the performance of his or her official duties or as
5 a direct result of such official duties;

6 (b) Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or
7 trauma center personnel, or emergency medical technician, assaulted in the performance of his or
8 her official duties or as a direct result of such official duties;

9 (c) A probation and parole officer assaulted in the performance of his or her official duties
10 or as a direct result of such official duties;

11 (d) An elderly person;

12 (e) A person with a disability;

13 (f) A vulnerable person;

14 (g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted
15 in the performance of his or her official duties or as a direct result of such official duties;

16 (h) A highway worker in a construction or work zone as the terms "highway worker",
17 "construction zone", and "work zone" are defined under section 304.580;

18 (i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity,
19 water, steam, telecommunications services, or sewer services, whether privately, municipally, or
20 cooperatively owned, while in the performance of his or her job duties, including any person
21 employed under a contract;

22 (j) Any cable worker, meaning any employee of a cable operator, as such term is defined in
23 section 67.2677, including any person employed under contract, while in the performance of his or
24 her job duties; ~~and~~

25 (k) Any employee of a mass transit system, including any employee of public bus or light
26 rail companies, while in the performance of his or her job duties; or

27 (l) A sports official assaulted at a sporting event while the sports official is performing his or
28 her duties as a sports official or as a direct result of such duties. A sporting event shall include all
29 levels of competition. A sports official shall include, but not be limited to, a judge, linesman,
30 official, referee, or umpire. To qualify as a sports official, a person shall be trained and certified or
31 registered as such by an organization engaged in the education, training, and certifying or registering
32 of sports officials;

33 (15) "Sudden passion", passion directly caused by and arising out of provocation by the
34 victim or another acting with the victim which passion arises at the time of the offense and is not
35 solely the result of former provocation;

36 (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the assessment
37 and declaration of punishment are submitted for decision;

38 (17) "Views", the looking upon of another person, with the unaided eye or with any device
39 designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual
40 desire of any person."; and

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.