

SECOND REGULAR SESSION

HOUSE BILL NO. 2165

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLAN.

5094H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 565.002, RSMo, and to enact in lieu thereof one new section relating to special victims.

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

Section A. Section 565.002, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.002, to read as follows:

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 17 (7) "Emotional distress", something markedly greater than the level of uneasiness,
18 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;
- 19 (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic
20 area, buttock, or any part of the nipple of the breast of any female person, with less than a
21 fully opaque covering;
- 22 (9) "Legal custody", the right to the care, custody and control of a child;
- 23 (10) "Parent", either a biological parent or a parent by adoption;
- 24 (11) "Person having a right of custody", a parent or legal guardian of the child;
- 25 (12) "Photographs" or "films", the making of any photograph, motion picture film,
26 videotape, or any other recording or transmission of the image of a person;
- 27 (13) "Place where a person would have a reasonable expectation of privacy", any
28 place where a reasonable person would believe that a person could disrobe in privacy, without
29 being concerned that the person's undressing was being viewed, photographed or filmed by
30 another;
- 31 (14) "Special victim", any of the following:
- 32 (a) A law enforcement officer assaulted in the performance of his or her official
33 duties or as a direct result of such official duties;
- 34 (b) Emergency personnel, any paid or volunteer firefighter, emergency room,
35 hospital, or trauma center personnel, or emergency medical technician, assaulted in the
36 performance of his or her official duties or as a direct result of such official duties;
- 37 (c) A probation and parole officer assaulted in the performance of his or her official
38 duties or as a direct result of such official duties;
- 39 (d) An elderly person;
- 40 (e) A person with a disability;
- 41 (f) A vulnerable person;
- 42 (g) Any jailer or corrections officer of the state or one of its political subdivisions
43 assaulted in the performance of his or her official duties or as a direct result of such official
44 duties;
- 45 (h) A highway worker in a construction or work zone as the terms "highway worker",
46 "construction zone", and "work zone" are defined under section 304.580;
- 47 (i) Any utility worker, meaning any employee of a utility that provides gas, heat,
48 electricity, water, steam, telecommunications services, or sewer services, whether privately,
49 municipally, or cooperatively owned, while in the performance of his or her job duties,
50 including any person employed under a contract;
- 51 (j) Any cable worker, meaning any employee of a cable operator, as such term is
52 defined in section 67.2677, including any person employed under contract, while in the
53 performance of his or her job duties; ~~and~~

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

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

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

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

67 (17) "Views", the looking upon of another person, with the unaided eye or with any
68 device designed or intended to improve visual acuity, for the purpose of arousing or gratifying
69 the sexual desire of any person.

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