

SECOND REGULAR SESSION

HOUSE BILL NO. 2552

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

5443H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the offense of false imprisonment, with penalty provisions.

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

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.131, to read as follows:

565.131. 1. A person commits the offense of false imprisonment if he or she knowingly restrains or impedes the movement of another unlawfully and without consent so as to interfere substantially with the individual's liberty.

2. The offense of false imprisonment is a class A misdemeanor unless the individual unlawfully restrained is removed from this state, in which case it is a class E felony.

3. A person who commits the offense of false imprisonment shall also be guilty of the offense of assault in the third degree under section 565.054 if physical contact was initiated by such person during the commission of the offense of false imprisonment. If the person moves to block an individual, it shall be assumed that any subsequent physical contact was initiated by the person who is in violation of this section.

4. It shall be deemed that an individual has met the individual's burden of proof in a false imprisonment case and assumed that the individual feared for his or her life if the individual attempts to retreat and the person is behaving in an aggressive or threatening manner and the person is not more than:

(1) Seven feet from the individual; or

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 (2) Seventy-five feet from the individual and the person is throwing objects
18 capable of bodily harm to the individual.

19 5. A person shall be guilty of a violation of this section and section 565.054 if the
20 person commits such offense upon a motor vehicle that is occupied so long as the action
21 against the motor vehicle constitutes a felony offense, and it shall be assumed the
22 occupants in the motor vehicle fear for their lives.

23 6. A person shall be guilty of a violation of this section and section 565.054 if the
24 person commits such offense upon a building that is occupied so long as the action
25 against the building constitutes a felony offense, and it shall be assumed the individuals
26 within the building fear for their lives.

27 7. As used in this section, the following terms mean:

28 (1) "Interfere substantially", includes, but is not limited to, the willful blocking
29 of an individual's right-of-way;

30 (2) "Willful blocking", includes, but is not limited to, establishing a grip or hold,
31 moving to block, or participating as part of a group that blocks rights-of-way on
32 sidewalks, roadways, or any other location in which another has a right or obligation to
33 be or to proceed. An individual with the right-of-way has no obligation to escape or
34 retreat.

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