

SECOND REGULAR SESSION

HOUSE BILL NO. 2452

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FUCHS.

5541H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 575, RSMo, by adding thereto one new section relating to the offense of malicious prosecution of a journalist, with a penalty provision.

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

Section A. Chapter 575, RSMo, is amended by adding thereto one new section, to be known as section 575.245, to read as follows:

575.245. 1. A person commits the offense of malicious prosecution of a journalist if such person is an elected public official, assistant prosecuting attorney, or an assistant attorney general who:

(1) Instigates or commences a criminal prosecution against a journalist without probable cause;

(2) Continues the criminal prosecution against the journalist;

(3) Acts with malice against the journalist;

(4) Acts with the knowledge that no offense was committed by the journalist;

and

(5) Causes damages to the journalist.

2. The offense of malicious prosecution of a journalist is a class E felony.

3. A person in violation of this section shall be liable for damages, which may include, but are not limited to, reputational damages.

4. For purposes of this section, the following terms mean:

(1) "Doctrine of freedom of the press", the right to publish and disseminate information, thoughts, and opinions through newspapers, magazines, broadcast, online media bloggers, online influencers, podcasters, and other digital content creators;

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.

18 **(2) "Journalist", any person or organization entitled to protection under the**
19 **doctrine of freedom of the press without regard to whether other individuals would have**
20 **substantially similar rights under the First Amendment of the Constitution of the**
21 **United States and international documents, including Article 19 of the Universal**
22 **Declaration of Human Rights.**

23 **5. Sovereign immunity shall be waived for any civil action resulting from a**
24 **violation of this section.**

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