

SECOND REGULAR SESSION

HOUSE BILL NO. 2339

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

5704H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 455.010 and 455.032, RSMo, and to enact in lieu thereof two new sections relating to protective orders.

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

Section A. Sections 455.010 and 455.032, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 455.010 and 455.032, to read as follows:

455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms shall mean:

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

7 (a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or
8 threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or
9 distress the petitioner;

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

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

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

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 (e) "Harassment", engaging in a purposeful or knowing course of conduct involving
18 more than one incident that alarms or causes distress to an adult or child and serves no
19 legitimate purpose. The course of conduct must be such as would cause a reasonable adult or
20 child to suffer substantial emotional distress and must actually cause substantial emotional
21 distress to the petitioner or child. 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
24 include constitutionally protected activity;

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

27 (g) "Unlawful imprisonment", holding, confining, detaining or abducting another
28 person 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**
32 **free will and personal liberty, which may include, but is not limited to, unreasonably**
33 **engaging in the following:**

34 (a) **Isolating the person from friends, relatives, or other sources of support;**

35 (b) **Depriving the person of basic necessities;**

36 (c) **Controlling, regulating, or monitoring the person's movements,**
37 **communications, daily behavior, finances, economic resources, or access to services; or**

38 (d) **Compelling the person by force, threat of force, or intimidation, including**
39 **threats based on actual or suspected immigration status, to engage in conduct from**
40 **which the person has a right to abstain or to abstain from conduct in which the person**
41 **has a right to engage;**

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

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

50 ~~[(5)]~~ (7) "Domestic violence", abuse or stalking committed by a family or household
51 member, as such terms are defined in this section;

52 ~~[(6)]~~ (8) "Ex parte order of protection", an order of protection issued by the court
53 before the respondent has received notice of the petition or an opportunity to be heard on it;

54 ~~[(7)]~~ (9) "Family" or "household member", spouses, former spouses, any person
55 related by blood or marriage, persons who are presently residing together or have resided
56 together in the past, any person who is or has been in a continuing social relationship of a
57 romantic or intimate nature with the victim, and anyone who has a child in common
58 regardless of whether they have been married or have resided together at any time;

59 ~~[(8)]~~ (10) "Full order of protection", an order of protection issued after a hearing on
60 the record where the respondent has received notice of the proceedings and has had an
61 opportunity to be heard;

62 ~~[(9)]~~ (11) "Order of protection", either an ex parte order of protection or a full order of
63 protection;

64 ~~[(10)]~~ (12) "Pending", exists or for which a hearing date has been set;

65 ~~[(11)]~~ (13) "Pet", a living creature maintained by a household member for
66 companionship and not for commercial purposes;

67 ~~[(12)]~~ (14) "Petitioner", a family or household member who has been a victim of
68 domestic violence, or any person who has been the victim of stalking or sexual assault, or a
69 person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition
70 pursuant to the provisions of section 455.020 or section 455.505;

71 ~~[(13)]~~ (15) "Respondent", the family or household member alleged to have committed
72 an act of domestic violence, or person alleged to have committed an act of stalking or sexual
73 assault, against whom a verified petition has been filed or a person served on behalf of a child
74 pursuant to section 455.503;

75 ~~[(14)]~~ (16) "Sexual assault", as defined under subdivision (1) of this section;

76 ~~[(15)]~~ (17) "Stalking", is when any person purposely engages in an unwanted course
77 of conduct that causes alarm to another person, or a person who resides together in the same
78 household with the person seeking the order of protection when it is reasonable in that
79 person's situation to have been alarmed by the conduct. As used in this subdivision:

80 (a) "Alarm", to cause fear of danger of physical harm; and

81 (b) "Course of conduct", two or more acts that serve no legitimate purpose including,
82 but not limited to, acts in which the stalker directly, indirectly, or through a third party
83 follows, monitors, observes, surveils, threatens, or communicates to a person by any action,
84 method, or device.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall
2 have jurisdiction to enter an order of protection restraining or enjoining the respondent from
3 committing or threatening to commit domestic violence, stalking, sexual assault, molesting or
4 disturbing the peace of **the** petitioner, or abusing a pet, pursuant to sections 455.010 to
5 455.085, if the petitioner is present, whether permanently or on a temporary basis within the
6 state of Missouri and if the respondent's actions constituting domestic violence have occurred,

7 have been attempted or have been or are threatened within the state of Missouri. For purposes
8 of this section, if the petitioner has been the subject of domestic violence within or outside of
9 the state of Missouri, such evidence shall be admissible to demonstrate the need for protection
10 in Missouri.

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