

SECOND REGULAR SESSION

HOUSE BILL NO. 2564

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRICE.

6277H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the offense of masked intimidation, 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
2 known as section 565.097, to read as follows:

565.097. 1. A person commits the offense of masked intimidation if that person
2 intentionally harasses, intimidates, or threatens any other person or group of persons
3 while hiding or concealing his or her face with a mask or any other article or device for
4 the purpose of concealing his or her identity and with the intent to place another person
5 or group of persons in reasonable fear for their physical safety.

6 2. A person who commits the offense of masked intimidation shall be guilty of a
7 class E felony for the first offense, a class D felony for the second offense, and a class C
8 felony for a third or subsequent offense.

9 3. For purposes of this section, the following terms shall mean:

10 (1) "Harass", to engage in a knowing and willful pattern of conduct directed at a
11 particular person or particular group of persons that is intended to cause that person or
12 that group of persons to reasonably fear for their safety or suffer substantial emotional
13 distress;

14 (2) "Intimidate", to willfully and substantially interfere, by threats,
15 intimidation, or coercion, with the exercise or enjoyment by any other person or
16 persons of rights secured by the constitution or laws of the United States, or of rights
17 secured by the constitution or laws of the state of Missouri, because of that person 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.

18 person's actual or perceived race, color, religion, national origin, ethnicity, sex, gender,
19 gender identity or expression, sexual orientation, or disability;

20 (3) "Threaten", to communicate a clear intention to cause imminent bodily
21 harm to another person.

22 4. The provisions of this section shall not apply to any person or persons wearing
23 a mask or otherwise covering one's face for any purpose other than a purpose specified
24 in subsection 1 of this section, in cases where a person is:

25 (1) Wearing a mask or face covering on or near the occasion of a holiday,
26 celebration, or other event involving costumes;

27 (2) Wearing a mask, hood, article, or other device for the purpose of ensuring
28 the physical safety of the wearer or because of the nature of the person's occupation,
29 trade, or profession;

30 (3) Wearing a mask, hood, article, or other device for the purpose of protection
31 from the weather elements or while participating in a winter sport;

32 (4) Wearing a mask, hood, article, or other device in an artistic or theatrical
33 production or celebration;

34 (5) Wearing a gas mask or other protective facial covering for the purposes of
35 protection during or related to an emergency situation, or during emergency
36 management drills;

37 (6) Wearing a mask for the purpose of ensuring one's physical health and safety
38 or the health and safety of others, including, but not limited to, limiting the spread of
39 airborne illnesses; or

40 (7) Wearing any garb for religious purposes.

41 5. Nothing in this section shall be construed to diminish or infringe upon any
42 right protected under the First Amendment to the Constitution of the United States or
43 any right protected under the constitution of Missouri.

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