

HB 3426 -- CRIMINAL OFFENSES

SPONSOR: Weber

This bill authorizes concurrent jurisdiction to the Missouri Attorney General with all prosecuting attorneys to prosecute individuals for violations of harassment in the first degree, harassment in the second degree, stalking in the first degree, stalking in the second degree, cyberharassment, cyberstalking, disclosure of an intimate digital depiction, or sadistic online exploitation, if the violation occurred in more than one jurisdiction in the State.

This bill adds cyberstalking to the list of offenses for which a full or ex parte order of protection may be granted to a petitioner.

The bill specifies that a person who violates any condition of release that imposes no contact with specific individuals will be guilty of a class A misdemeanor.

The bill adds definitions for "bodily harm", "great bodily harm", "substantial bodily harm", and "technological abuse conduct" to the existing criminal code definitions. The term "bodily harm" replaces the term "physical injury" and the term "great bodily injury" replaces the term "serious physical injury" in the assault statutes.

The bill enhances the penalty for harassment in the first degree to a class D felony if the defendant has been previously found guilty of harassment in the first degree or in the second degree or if he or she has previously been found guilty of an offense in another state that would be harassment in the first or second degree in Missouri. The bill enhances the penalty for harassment in the second degree to a class E felony if the defendant has been previously found guilty of harassment in the first degree or in the second degree or if he or she has previously been found guilty of an offense in another state that would be harassment in the first or second degree in Missouri.

The bill amends the offense of stalking in the first degree to remove disturbing as an element, remove references to certain courses of conduct and replace with effects on the victim, and include through technological abuse conduct. The bill amends the offense of stalking in the second degree to include engaging in technological abuse conduct to commit the offense and to replace

language related to the intent of the offender with language related to the effect on the victim.

This bill establishes the offense of unlawful tracking of a motor vehicle, which a person commits if the person knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle.

There are several exceptions to the offense, as described in the bill, including, but not limited to, for the purposes of a criminal investigation, for participation in voluntary usage-based insurance programs, at the discretion of a parent or legal guardian, or if the vehicle is being repossessed.

The offense of unlawful tracking of a motor vehicle is a class A misdemeanor for the first offense and a class E felony for a subsequent offense.

The bill establishes the offense of cyberharassment, which a person commits if he or she purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing course of conduct by using digital, internet, or other electronic technology to cause reasonable fear, alarm, anxiety, undue stress, or terror to others by repeated contact with no legitimate purpose. A first violation of this offense is a class B misdemeanor and a subsequent violation is a class A misdemeanor.

The bill establishes the offense of cyberstalking, which a person commits if he or she purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing course of conduct by using digital, internet, or other electronic technology to enhance the ability to intimidate, track, follow, or cause reasonable fear, alarm, anxiety, undue stress, or terror to others. A first violation of this offense is a class B misdemeanor and a subsequent violation is a class A misdemeanor.

The bill also establishes the criminal offense of disclosure of an intimate digital depiction, which a person commits if the person discloses or threatens to disclose an intimate digital depiction: with the intent to harass, annoy, threaten, alarm, or cause harm to the depicted individual; or with the actual knowledge that, or reckless disregard for whether, the disclosure or threatened disclosure will cause harm to the depicted individual.

The bill lists the penalties associated with the offense of disclosure of an intimate digital depiction as well as whether certain defenses can be applied to the offense.

The bill creates the offense of sadistic online exploitation, which a person commits if he or she uses the internet or engages in physical or nonphysical coercion manipulation, or intimidation of a victim for purposes specified in the bill. The offense is a class E felony.

This bill is similar to SCS SB 928 (2026).