

SECOND REGULAR SESSION

HOUSE BILL NO. 1338

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CHAPPELLE-NADAL (Sponsor), WALTON GRAY,
NASHEED AND OXFORD (Co-sponsors).

3711L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 565.090, RSMo, and to enact in lieu thereof one new section relating to harassment, with a penalty provision.

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

Section A. Section 565.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.090, to read as follows:

565.090. 1. A person commits the crime of harassment if he or she:

(1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or

(2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or

(3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or

(4) Knowingly communicates with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or

(5) Knowingly makes repeated unwanted communication to another person; or

(6) Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

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. Harassment is a class [A misdemeanor] **D felony** unless:

18 (1) Committed by a person twenty-one years of age or older against a person seventeen
19 years of age or younger; or

20 (2) The person has previously pleaded guilty to or been found guilty of a violation of this
21 section, or of any offense committed in violation of any county or municipal ordinance in any
22 state, any state law, any federal law, or any military law which, if committed in this state, would
23 be chargeable or indictable as a violation of any offense listed in this subsection. In such cases,
24 harassment shall be a class [D] **C felony**.

25 3. This section shall not apply to activities of federal, state, county, or municipal law
26 enforcement officers conducting investigations of violation of federal, state, county, or municipal
27 law.

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