

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

# SENATE BILL NO. 999

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

5530S.15P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 188.035, 192.990, 455.050, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, and 565.227, RSMo, and to enact in lieu thereof twenty-two new sections relating to vulnerable persons, with penalty provisions, a nonseverability clause, and an effective date for certain sections.

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

Section A. Sections 188.035, 192.990, 455.050, 565.002, 2 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 3 565.076, 565.090, 565.091, 565.225, and 565.227, RSMo, are 4 repealed and twenty-two new sections enacted in lieu thereof, 5 to be known as sections 27.117, 188.035, 192.990, 455.050, 6 544.667, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 7 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 8 565.400, 565.405, 573.570, and 573.575, to read as follows:

**27.117. A prosecuting or circuit attorney may request**  
2 **assistance from the attorney general, or one of his or her**  
3 **assistants, to assist in the prosecution of a violation of**  
4 **sections 565.090, 565.091, 565.225, 565.227, 565.400,**  
5 **565.405, 573.570, or 573.575, where the offense occurred in**  
6 **more than one jurisdiction of the state. The prosecuting or**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

7 circuit attorney may request any resource or capability of  
8 the attorney general when prosecuting such cases.

188.035. [Whoever, with intent to do so, shall take  
2 the life of a child aborted alive, shall be guilty of murder  
3 of the second degree.] 1. This section shall be known and  
4 may be cited as the "Born-Alive Abortion Survivors  
5 Protection Act".

6 2. A child born alive during or after an abortion or  
7 an attempted abortion shall have all the rights, privileges,  
8 and immunities available to other persons, citizens, and  
9 residents of this state, including any other liveborn child.

10 3. A health care provider licensed, registered, or  
11 certified in this state who is present in the provider's  
12 professional capacity at the time a child is born alive  
13 during or after an abortion or attempted abortion shall  
14 exercise the same degree of professional skill, care, and  
15 diligence to preserve the life, health, and comfort of the  
16 child as a reasonably diligent and conscientious health care  
17 provider would render to any other child born alive at the  
18 same gestational age.

19 4. Any person who knowingly performs or attempts to  
20 perform an overt act that kills a child born alive described  
21 under subsection 3 of this section shall be guilty of first  
22 degree murder under section 565.020.

23 5. A person shall have the right to bring a cause of  
24 action under sections 537.080 to 537.090 or chapter 538 for  
25 any injury arising from a violation of the provisions of  
26 subsection 3 of this section. Any civil remedy contemplated  
27 by this subsection shall not be deemed exclusive of any  
28 other available administrative or criminal action which may  
29 be brought as a result of any violation of the provisions of  
30 this section.

31           6. As used in this section, the term "born alive"  
32 shall have the same meaning as in 1 U.S.C. Section 8(b).

33           7. The natural and spontaneous loss of an unborn child  
34 before fetal viability shall not be construed to be an  
35 abortion, as such term is defined in section 188.015.

192.990. 1. There is hereby established within the  
2 department of health and senior services the "Pregnancy-  
3 Associated Mortality Review Board" to improve data  
4 collection and reporting with respect to maternal deaths.  
5 The department may collaborate with localities and with  
6 other states to meet the goals of the initiative.

7           2. For purposes of this section, the following terms  
8 shall mean:

9           (1) "Department", the Missouri department of health  
10 and senior services;

11           (2) "Maternal death", the death of a woman while  
12 pregnant or during the one-year period following the date of  
13 the end of pregnancy, regardless of the cause of death and  
14 regardless of whether a delivery, miscarriage, or death  
15 occurs inside or outside of a hospital;

16           (3) **"Maternity care deserts", counties in which access**  
17 **to maternity care services is limited or absent, either**  
18 **through a lack of services or through barriers to a woman's**  
19 **ability to access care within a county. A "maternity care**  
20 **desert" shall include, but not be limited to, any county**  
21 **without a hospital or birth center offering obstetric care**  
22 **and without any obstetric clinicians.**

23           3. The board shall be composed of no more than  
24 [eighteen] **twenty-two** members, with a chair elected from  
25 among its membership. The board shall meet at least twice  
26 per year and shall approve the strategic priorities, funding  
27 allocations, work processes, and products of the board.

28 Members of the board shall be appointed by the director of  
29 the department. Members shall serve four-year terms, except  
30 that the initial terms shall be staggered so that  
31 approximately one-third serve three-, four-, and five-year  
32 terms.

33 4. The board shall have a multidisciplinary and  
34 diverse membership that represents a variety of medical and  
35 nursing specialties, including, but not limited to,  
36 obstetrics and maternal-fetal care, as well as state or  
37 local public health officials, epidemiologists,  
38 statisticians, community organizations, geographic regions,  
39 and other individuals or organizations that are most  
40 affected by maternal deaths and lack of access to maternal  
41 health care services. **At least one member from each**  
42 **congressional district shall be selected to serve on the**  
43 **board and membership shall be demographically diverse and**  
44 **shall include representation from both rural and urban**  
45 **populations.**

46 5. The duties of the board shall include, but not be  
47 limited to:

- 48 (1) Conducting ongoing comprehensive,  
49 multidisciplinary reviews of all maternal deaths;  
50 (2) Identifying factors associated with maternal  
51 deaths;  
52 (3) **Identifying maternity care deserts throughout the**  
53 **state;**  
54 (4) Reviewing medical records and other relevant data,  
55 which shall include, to the extent available:  
56 (a) A description of the maternal deaths determined by  
57 matching each death record of a maternal death to a birth  
58 certificate of an infant or fetal death record, as  
59 applicable, and an indication of whether the delivery,

60 miscarriage, or death occurred inside or outside of a  
61 hospital;

62 (b) Data collected from medical examiner and coroner  
63 reports, as appropriate; [and]

64 (c) **The level and timing of prenatal and postnatal**  
65 **medical care; and**

66 (d) Using other appropriate methods or information to  
67 identify maternal deaths, including deaths from pregnancy  
68 outcomes not identified under paragraph (a) of this  
69 subdivision;

70 [(4)] (5) Consulting with relevant experts, as needed;

71 [(5)] (6) Analyzing cases to produce recommendations  
72 for reducing maternal mortality;

73 [(6)] (7) Disseminating recommendations to policy  
74 makers, health care providers and facilities, and the  
75 general public;

76 [(7)] (8) Recommending and promoting preventative  
77 strategies and making recommendations for systems changes;

78 [(8)] (9) Protecting the confidentiality of the  
79 hospitals and individuals involved in any maternal deaths;

80 [(9)] (10) Examining racial and social disparities in  
81 maternal deaths;

82 (11) **Investigating and developing recommendations**  
83 **regarding approaches taken in other states or other**  
84 **organizations to reduce or eliminate racial inequities in**  
85 **maternal deaths, including community-driven strategies,**  
86 **health care accessibility, insurance availability, and other**  
87 **barriers to access and delivery of prenatal and postpartum**  
88 **care;**

89 [(10)] (12) Subject to appropriation, providing for  
90 voluntary and confidential case reporting of maternal deaths  
91 to the appropriate state health agency by family members of

92 the deceased, and other appropriate individuals, for  
93 purposes of review by the board;

94 [(11)] (13) Making publicly available the contact  
95 information of the board for use in such reporting;

96 [(12)] (14) Conducting outreach to local professional  
97 organizations, community organizations, and social services  
98 agencies regarding the availability of the review board;

99 [and]

100 (15) Examining and developing recommendations on the  
101 adequacy of data collected under this section and if  
102 additional categories of data would be informative in the  
103 study of maternal deaths in Missouri; and

104 [(13)] (16) Ensuring that data collected under this  
105 section is made available, as appropriate and practicable,  
106 for research purposes, in a manner that protects  
107 individually identifiable or potentially identifiable  
108 information and that is consistent with state and federal  
109 privacy laws.

110 6. The board may contract with other entities  
111 consistent with the duties of the board.

112 7. (1) Before June 30, 2020, and annually thereafter,  
113 the board shall submit to the Director of the Centers for  
114 Disease Control and Prevention, the director of the  
115 department, the governor, and the general assembly a report  
116 on maternal mortality in the state based on data collected  
117 through ongoing comprehensive, multidisciplinary reviews of  
118 all maternal deaths, and any other projects or efforts  
119 funded by the board. The data shall be collected using best  
120 practices to reliably determine and include all maternal  
121 deaths, regardless of the outcome of the pregnancy and shall  
122 include data, findings, and recommendations of the  
123 committee, and, as applicable, information on the

124 implementation during such year of any recommendations  
125 submitted by the board in a previous year. **Data reported by**  
126 **the board shall be disaggregated by race, ethnicity,**  
127 **language, nationality, age, zip code, the presence or**  
128 **absence of maternity care deserts, and level and timing of**  
129 **prenatal and postnatal care in a manner that protects**  
130 **individually identifiable or potentially identifiable**  
131 **information and that is consistent with state and federal**  
132 **privacy laws.**

133 (2) The report shall be made available to the public  
134 on the department's website and the director shall  
135 disseminate the report to all health care providers and  
136 facilities that provide women's health services in the state.

137 8. The director of the department, or his or her  
138 designee, shall provide the board with the copy of the death  
139 certificate and any linked birth or fetal death certificate  
140 for any maternal death occurring within the state.

141 9. Upon request by the department, health care  
142 providers, health care facilities, clinics, laboratories,  
143 medical examiners, coroners, law enforcement agencies,  
144 driver's license bureaus, other state agencies, and  
145 facilities licensed by the department shall provide to the  
146 department data related to maternal deaths from sources such  
147 as medical records, autopsy reports, medical examiner's  
148 reports, coroner's reports, law enforcement reports, motor  
149 vehicle records, social services records, and other sources  
150 as appropriate. Such data requests shall be limited to  
151 maternal deaths which have occurred within the previous  
152 twenty-four months. No entity shall be held liable for  
153 civil damages or be subject to any criminal or disciplinary  
154 action when complying in good faith with a request from the

155 department for information under the provisions of this  
156 subsection.

157       10. (1) The board shall protect the privacy and  
158 confidentiality of all patients, decedents, providers,  
159 hospitals, or any other participants involved in any  
160 maternal deaths. In no case shall any individually  
161 identifiable health information be provided to the public or  
162 submitted to an information clearinghouse.

163       (2) Nothing in this subsection shall prohibit the  
164 board or department from publishing statistical compilations  
165 and research reports that:

166       (a) Are based on confidential information relating to  
167 mortality reviews under this section; and

168       (b) Do not contain identifying information or any  
169 other information that could be used to ultimately identify  
170 the individuals concerned.

171       (3) Information, records, reports, statements, notes,  
172 memoranda, or other data collected under this section shall  
173 not be admissible as evidence in any action of any kind in  
174 any court or before any other tribunal, board, agency, or  
175 person. Such information, records, reports, notes,  
176 memoranda, data obtained by the department or any other  
177 person, statements, notes, memoranda, or other data shall  
178 not be exhibited nor their contents disclosed in any way, in  
179 whole or in part, by any officer or representative of the  
180 department or any other person. No person participating in  
181 such review shall disclose, in any manner, the information  
182 so obtained except in strict conformity with such review  
183 project. Such information shall not be subject to  
184 disclosure under chapter 610.

185       (4) All information, records of interviews, written  
186 reports, statements, notes, memoranda, or other data

187 obtained by the department, the board, and other persons,  
188 agencies, or organizations so authorized by the department  
189 under this section shall be confidential.

190 (5) All proceedings and activities of the board,  
191 opinions of members of such board formed as a result of such  
192 proceedings and activities, and records obtained, created,  
193 or maintained under this section, including records of  
194 interviews, written reports, statements, notes, memoranda,  
195 or other data obtained by the department or any other  
196 person, agency, or organization acting jointly or under  
197 contract with the department in connection with the  
198 requirements of this section, shall be confidential and  
199 shall not be subject to subpoena, discovery, or introduction  
200 into evidence in any civil or criminal proceeding; provided,  
201 however, that nothing in this section shall be construed to  
202 limit or restrict the right to discover or use in any civil  
203 or criminal proceeding anything that is available from  
204 another source and entirely independent of the board's  
205 proceedings.

206 (6) Members of the board shall not be questioned in  
207 any civil or criminal proceeding regarding the information  
208 presented in or opinions formed as a result of a meeting or  
209 communication of the board; provided, however, that nothing  
210 in this section shall be construed to prevent a member of  
211 the board from testifying to information obtained  
212 independently of the board or which is public information.

213 11. The department may use grant program funds to  
214 support the efforts of the board and may apply for  
215 additional federal government and private foundation grants  
216 as needed. The department may also accept private,  
217 foundation, city, county, or federal moneys to implement the  
218 provisions of this section.

455.050. 1. Any full or ex parte order of protection  
2 granted pursuant to sections 455.010 to 455.085 shall be to  
3 protect the petitioner from **cyberstalking**, domestic  
4 violence, stalking, or sexual assault and may include such  
5 terms as the court reasonably deems necessary to ensure the  
6 petitioner's safety, including but not limited to:

7 (1) Temporarily enjoining the respondent from  
8 committing or threatening to commit **cyberstalking**, domestic  
9 violence, molesting, stalking, sexual assault, or disturbing  
10 the peace of the petitioner, including violence against a  
11 pet;

12 (2) Temporarily enjoining the respondent from entering  
13 the premises of the dwelling unit of the petitioner when the  
14 dwelling unit is:

15 (a) Jointly owned, leased or rented or jointly  
16 occupied by both parties; or

17 (b) Owned, leased, rented or occupied by petitioner  
18 individually; or

19 (c) Jointly owned, leased, rented or occupied by  
20 petitioner and a person other than respondent; provided,  
21 however, no spouse shall be denied relief pursuant to this  
22 section by reason of the absence of a property interest in  
23 the dwelling unit; or

24 (d) Jointly occupied by the petitioner and a person  
25 other than respondent; provided that the respondent has no  
26 property interest in the dwelling unit; or

27 (3) Temporarily enjoining the respondent from  
28 communicating with the petitioner in any manner or through  
29 any medium.

30 2. Mutual orders of protection are prohibited unless  
31 both parties have properly filed written petitions and

32 proper service has been made in accordance with sections  
33 455.010 to 455.085.

34 3. When the court has, after a hearing for any full  
35 order of protection, issued an order of protection, it may,  
36 in addition:

37 (1) Award custody of any minor child born to or  
38 adopted by the parties when the court has jurisdiction over  
39 such child and no prior order regarding custody is pending  
40 or has been made, and the best interests of the child  
41 require such order be issued;

42 (2) Establish a visitation schedule that is in the  
43 best interests of the child;

44 (3) Award child support in accordance with supreme  
45 court rule 88.01 and chapter 452;

46 (4) Award maintenance to petitioner when petitioner  
47 and respondent are lawfully married in accordance with  
48 chapter 452;

49 (5) Order respondent to make or to continue to make  
50 rent or mortgage payments on a residence occupied by the  
51 petitioner if the respondent is found to have a duty to  
52 support the petitioner or other dependent household members;

53 (6) Order the respondent to pay the petitioner's rent  
54 at a residence other than the one previously shared by the  
55 parties if the respondent is found to have a duty to support  
56 the petitioner and the petitioner requests alternative  
57 housing;

58 (7) Order that the petitioner be given temporary  
59 possession of specified personal property, such as  
60 automobiles, checkbooks, keys, and other personal effects;

61 (8) Prohibit the respondent from transferring,  
62 encumbering, or otherwise disposing of specified property  
63 mutually owned or leased by the parties;

64           (9) Order the respondent to participate in a court-  
65 approved counseling program designed to help batterers stop  
66 violent behavior or to participate in a substance abuse  
67 treatment program;

68           (10) Order the respondent to pay a reasonable fee for  
69 housing and other services that have been provided or that  
70 are being provided to the petitioner by a shelter for  
71 victims of domestic violence;

72           (11) Order the respondent to pay court costs;

73           (12) Order the respondent to pay the cost of medical  
74 treatment and services that have been provided or that are  
75 being provided to the petitioner as a result of injuries  
76 sustained to the petitioner by an act of domestic violence  
77 committed by the respondent;

78           (13) Award possession and care of any pet, along with  
79 any moneys necessary to cover medical costs that may have  
80 resulted from abuse of the pet.

81           4. A verified petition seeking orders for maintenance,  
82 support, custody, visitation, payment of rent, payment of  
83 monetary compensation, possession of personal property,  
84 prohibiting the transfer, encumbrance, or disposal of  
85 property, or payment for services of a shelter for victims  
86 of domestic violence, shall contain allegations relating to  
87 those orders and shall pray for the orders desired.

88           5. In making an award of custody, the court shall  
89 consider all relevant factors including the presumption that  
90 the best interests of the child will be served by placing  
91 the child in the custody and care of the nonabusive parent,  
92 unless there is evidence that both parents have engaged in  
93 abusive behavior, in which case the court shall not consider  
94 this presumption but may appoint a guardian ad litem or a  
95 court-appointed special advocate to represent the children

96 in accordance with chapter 452 and shall consider all other  
97 factors in accordance with chapter 452.

98         6. The court shall grant to the noncustodial parent  
99 rights to visitation with any minor child born to or adopted  
100 by the parties, unless the court finds, after hearing, that  
101 visitation would endanger the child's physical health,  
102 impair the child's emotional development or would otherwise  
103 conflict with the best interests of the child, or that no  
104 visitation can be arranged which would sufficiently protect  
105 the custodial parent from further domestic violence. The  
106 court may appoint a guardian ad litem or court-appointed  
107 special advocate to represent the minor child in accordance  
108 with chapter 452 whenever the custodial parent alleges that  
109 visitation with the noncustodial parent will damage the  
110 minor child.

111         7. The court shall make an order requiring the  
112 noncustodial party to pay an amount reasonable and necessary  
113 for the support of any child to whom the party owes a duty  
114 of support when no prior order of support is outstanding and  
115 after all relevant factors have been considered, in  
116 accordance with Missouri supreme court rule 88.01 and  
117 chapter 452.

118         8. The court may grant a maintenance order to a party  
119 for a period of time, not to exceed one hundred eighty  
120 days. Any maintenance ordered by the court shall be in  
121 accordance with chapter 452.

122         9. (1) The court may, in order to ensure that a  
123 petitioner can maintain an existing wireless telephone  
124 number or numbers, issue an order, after notice and an  
125 opportunity to be heard, directing a wireless service  
126 provider to transfer the billing responsibility for and  
127 rights to the wireless telephone number or numbers to the

128 petitioner, if the petitioner is not the wireless service  
129 accountholder.

130       (2) (a) The order transferring billing responsibility  
131 for and rights to the wireless telephone number or numbers  
132 to the petitioner shall list the name and billing telephone  
133 number of the accountholder, the name and contact  
134 information of the person to whom the telephone number or  
135 numbers will be transferred, and each telephone number to be  
136 transferred to that person. The court shall ensure that the  
137 contact information of the petitioner is not provided to the  
138 accountholder in proceedings held under this chapter.

139       (b) Upon issuance, a copy of the full order of  
140 protection shall be transmitted, either electronically or by  
141 certified mail, to the wireless service provider's  
142 registered agent listed with the secretary of state, or  
143 electronically to the email address provided by the wireless  
144 service provider. Such transmittal shall constitute  
145 adequate notice for the wireless service provider acting  
146 under this section and section 455.523.

147       (c) If the wireless service provider cannot  
148 operationally or technically effectuate the order due to  
149 certain circumstances, the wireless service provider shall  
150 notify the petitioner within three business days. Such  
151 circumstances shall include, but not be limited to, the  
152 following:

153       a. The accountholder has already terminated the  
154 account;

155       b. The differences in network technology prevent the  
156 functionality of a device on the network; or

157       c. There are geographic or other limitations on  
158 network or service availability.

159           (3) (a) Upon transfer of billing responsibility for  
160 and rights to a wireless telephone number or numbers to the  
161 petitioner under this subsection by a wireless service  
162 provider, the petitioner shall assume all financial  
163 responsibility for the transferred wireless telephone number  
164 or numbers, monthly service costs, and costs for any mobile  
165 device associated with the wireless telephone number or  
166 numbers.

167           (b) This section shall not preclude a wireless service  
168 provider from applying any routine and customary  
169 requirements for account establishment to the petitioner as  
170 part of this transfer of billing responsibility for a  
171 wireless telephone number or numbers and any devices  
172 attached to that number or numbers including, but not  
173 limited to, identification, financial information, and  
174 customer preferences.

175           (4) This section shall not affect the ability of the  
176 court to apportion the assets and debts of the parties as  
177 provided for in law, or the ability to determine the  
178 temporary use, possession, and control of personal property.

179           (5) No cause of action shall lie against any wireless  
180 service provider, its officers, employees, or agents, for  
181 actions taken in accordance with the terms of a court order  
182 issued under this section.

183           (6) As used in this section and section 455.523, a  
184 "wireless service provider" means a provider of commercial  
185 mobile service under Section 332(d) of the Federal  
186 [Telecommunications Act of 1996] **Communications Act of 1934**  
187 (47 U.S.C. Section [151, et seq.] **332**).

**544.667. In addition to the forfeiture of any security**  
2 **which was given or pledged for a person's release, any**  
3 **person who, having been released upon a recognizance or bond**

4 pursuant to any other provisions of law while pending  
5 preliminary hearing, trial, sentencing, appeal, probation or  
6 parole revocation, or any other stage of a criminal matter  
7 against him or her, knowingly violates any condition of  
8 release that imposes no contact with specific individuals  
9 shall be guilty of a class A misdemeanor.

565.002. As used in this chapter, unless a different  
2 meaning is otherwise plainly required the following terms  
3 mean:

4 (1) "Adequate cause", cause that would reasonably  
5 produce a degree of passion in a person of ordinary  
6 temperament sufficient to substantially impair an ordinary  
7 person's capacity for self-control;

8 (2) **"Bodily harm", physical pain or injury, illness,  
9 or any impairment of physical condition;**

10 (3) "Child", a person under [seventeen] **eighteen** years  
11 of age;

12 [(3)] (4) "Conduct", includes any act or omission;

13 [(4)] (5) "Course of conduct", a pattern of conduct  
14 composed of two or more acts, which may include  
15 communication by any means, over a period of time, however  
16 short, evidencing a continuity of purpose. Constitutionally  
17 protected activity is not included within the meaning of  
18 course of conduct. Such constitutionally protected activity  
19 includes picketing or other organized protests;

20 [(5)] (6) "Deliberation", cool reflection for any  
21 length of time no matter how brief;

22 [(6)] (7) "Domestic victim", a household or family  
23 member as the term "family" or "household member" is defined  
24 in section 455.010, including any child who is a member of  
25 the household or family;

26 [(7)] (8) "Emotional distress", something markedly  
27 greater than the level of uneasiness, nervousness,  
28 unhappiness, or the like which are commonly experienced in  
29 day-to-day living;

30 [(8)] (9) "Full or partial nudity", the showing of all  
31 or any part of the human genitals, pubic area, buttock, or  
32 any part of the nipple of the breast of any female person,  
33 with less than a fully opaque covering;

34 (10) **"Great bodily harm", bodily injury which creates**  
35 **a high probability of death, or which causes serious**  
36 **permanent or protracted loss or impairment of function of**  
37 **any bodily member or organ, or other serious bodily harm;**

38 [(9)] (11) "Legal custody", the right to the care,  
39 custody and control of a child;

40 [(10)] (12) "Parent", either a biological parent or a  
41 parent by adoption;

42 [(11)] (13) "Person having a right of custody", a  
43 parent or legal guardian of the child;

44 [(12)] (14) "Photographs" or "films", the making of  
45 any photograph, motion picture film, videotape, or any other  
46 recording or transmission of the image of a person;

47 [(13)] (15) "Place where a person would have a  
48 reasonable expectation of privacy", any place where a  
49 reasonable person would believe that a person could disrobe  
50 in privacy, without being concerned that the person's  
51 undressing was being viewed, photographed or filmed by  
52 another;

53 [(14)] (16) "Special victim", any of the following:

54 (a) A law enforcement officer assaulted in the  
55 performance of his or her official duties or as a direct  
56 result of such official duties;

57           (b) Emergency personnel, any paid or volunteer  
58 firefighter, emergency room, hospital, or trauma center  
59 personnel, or emergency medical technician, assaulted in the  
60 performance of his or her official duties or as a direct  
61 result of such official duties;

62           (c) A probation and parole officer assaulted in the  
63 performance of his or her official duties or as a direct  
64 result of such official duties;

65           (d) An elderly person;

66           (e) A person with a disability;

67           (f) A vulnerable person;

68           (g) Any jailer or corrections officer of the state or  
69 one of its political subdivisions assaulted in the  
70 performance of his or her official duties or as a direct  
71 result of such official duties;

72           (h) A highway worker in a construction or work zone as  
73 the terms "highway worker", "construction zone", and "work  
74 zone" are defined under section 304.580;

75           (i) Any utility worker, meaning any employee of a  
76 utility that provides gas, heat, electricity, water, steam,  
77 telecommunications services, or sewer services, whether  
78 privately, municipally, or cooperatively owned, while in the  
79 performance of his or her job duties, including any person  
80 employed under a contract;

81           (j) Any cable worker, meaning any employee of a cable  
82 operator, as such term is defined in section 67.2677,  
83 including any person employed under contract, while in the  
84 performance of his or her job duties; and

85           (k) Any employee of a mass transit system, including  
86 any employee of public bus or light rail companies, while in  
87 the performance of his or her job duties;

88           (17) "Substantial bodily harm", bodily injury which  
89 involves a temporary but substantial disfigurement, or which  
90 causes temporary but substantial loss or impairment of the  
91 function of any bodily member or organ, or which causes a  
92 fracture of any bodily member;

93           [(15)] (18) "Sudden passion", passion directly caused  
94 by and arising out of provocation by the victim or another  
95 acting with the victim which passion arises at the time of  
96 the offense and is not solely the result of former  
97 provocation;

98           (19) "Technological abuse conduct", an act or pattern  
99 of behavior that is intended to harm, threaten, intimidate,  
100 control, stalk, harass, monitor, except as otherwise  
101 permitted by law, another person, that occurs using any form  
102 of technology, including internet enabled devices, online  
103 platforms, computers, mobile devices, cameras and imaging  
104 programs, apps, location tracking devices, or any other  
105 emerging technologies;

106           [(16)] (20) "Trier", the judge or jurors to whom  
107 issues of fact, guilt or innocence, or the assessment and  
108 declaration of punishment are submitted for decision;

109           [(17)] (21) "Views", the looking upon of another  
110 person, with the unaided eye or with any device designed or  
111 intended to improve visual acuity, for the purpose of  
112 arousing or gratifying the sexual desire of any person.

565.050. 1. A person commits the offense of assault  
2 in the first degree if he or she attempts to kill or  
3 knowingly causes or attempts to cause [serious physical  
4 injury] **great bodily harm** to another person.

5           2. The offense of assault in the first degree is a  
6 class B felony unless in the course thereof the person  
7 inflicts [serious physical injury] **great bodily harm** on the

8 victim, or if the victim of such assault is a special  
9 victim, as the term "special victim" is defined under  
10 section 565.002, in which case it is a class A felony.

565.052. 1. A person commits the offense of assault  
2 in the second degree if he or she:

3 (1) Attempts to kill or knowingly causes or attempts  
4 to cause [serious physical injury] **great bodily harm** to  
5 another person under the influence of sudden passion arising  
6 out of adequate cause; or

7 (2) Attempts to cause or knowingly causes [physical  
8 injury] **bodily harm** to another person by means of a deadly  
9 weapon or dangerous instrument; or

10 (3) Recklessly causes [serious physical injury] **great**  
11 **bodily harm** to another person; or

12 (4) Recklessly causes [physical injury] **bodily harm** to  
13 another person by means of discharge of a firearm.

14 2. The defendant shall have the burden of injecting  
15 the issue of influence of sudden passion arising from  
16 adequate cause under subdivision (1) of subsection 1 of this  
17 section.

18 3. The offense of assault in the second degree is a  
19 class D felony, unless the victim of such assault is a  
20 special victim, as the term "special victim" is defined  
21 under section 565.002, in which case it is a class B felony.

565.054. 1. A person commits the offense of assault  
2 in the third degree if he or she knowingly causes [physical  
3 injury] **bodily harm** to another person.

4 2. The offense of assault in the third degree is a  
5 class E felony, unless the victim of such assault is a  
6 special victim, as the term "special victim" is defined  
7 under section 565.002, in which case it is a class D felony.

565.056. 1. A person commits the offense of assault  
in the fourth degree if:

(1) The person attempts to cause or recklessly causes  
[physical injury, physical pain, or illness] **bodily harm** to  
another person;

(2) With criminal negligence the person causes  
[physical injury] **bodily harm** to another person by means of  
a firearm;

(3) The person purposely places another person in  
apprehension of immediate [physical injury] **bodily harm**;

(4) The person recklessly engages in conduct which  
creates a substantial risk of death or [serious physical  
injury] **great bodily harm** to another person;

(5) The person knowingly causes or attempts to cause  
physical contact with a person with a disability, which a  
reasonable person, who does not have a disability, would  
consider offensive or provocative; or

(6) The person knowingly causes physical contact with  
another person knowing the other person will regard the  
contact as offensive or provocative.

2. Except as provided in subsection 3 of this section,  
assault in the fourth degree is a class A misdemeanor.

3. Violation of the provisions of subdivision (3) or  
(6) of subsection 1 of this section is a class C misdemeanor  
unless the victim is a special victim, as the term "special  
victim" is defined under section 565.002, in which case a  
violation of such provisions is a class A misdemeanor.

565.072. 1. A person commits the offense of domestic  
assault in the first degree if he or she attempts to kill or  
knowingly causes or attempts to cause [serious physical  
injury] **great bodily harm** to a domestic victim, as the term  
"domestic victim" is defined under section 565.002.

6           2. The offense of domestic assault in the first degree  
7 is a class B felony unless in the course thereof the person  
8 inflicts serious physical injury on the victim, in which  
9 case it is a class A felony.

          565.073. 1. A person commits the offense of domestic  
2 assault in the second degree if the act involves a domestic  
3 victim, as the term "domestic victim" is defined under  
4 section 565.002, and he or she:

5           (1) Knowingly causes [physical injury] **bodily harm** to  
6 such domestic victim by any means, including but not limited  
7 to, use of a deadly weapon or dangerous instrument, or by  
8 choking or strangulation; or

9           (2) Recklessly causes [serious physical injury] **great**  
10 **bodily harm** to such domestic victim; or

11           (3) Recklessly causes [physical injury] **bodily harm** to  
12 such domestic victim by means of any deadly weapon.

13           2. The offense of domestic assault in the second  
14 degree is a class D felony.

          565.074. 1. A person commits the offense of domestic  
2 assault in the third degree if he or she attempts to cause  
3 [physical injury] **substantial bodily harm** or knowingly  
4 causes [physical pain or illness] **bodily harm** to a domestic  
5 victim, as the term "domestic victim" is defined under  
6 section 565.002.

7           2. The offense of domestic assault in the third degree  
8 is a class E felony.

          565.076. 1. A person commits the offense of domestic  
2 assault in the fourth degree if the act involves a domestic  
3 victim, as the term "domestic victim" is defined under  
4 section 565.002, and:

5           (1) The person attempts to cause or recklessly causes  
6 [physical injury, physical pain, or illness] **bodily harm** to  
7 such domestic victim;

8           (2) With criminal negligence the person causes  
9 [physical injury] **bodily harm** to such domestic victim by  
10 means of a deadly weapon or dangerous instrument;

11           (3) The person purposely places such domestic victim  
12 in apprehension of immediate [physical injury] **bodily harm**  
13 by any means;

14           (4) The person recklessly engages in conduct which  
15 creates a substantial risk of death or [serious physical  
16 injury] **great bodily harm** to such domestic victim;

17           (5) The person knowingly causes physical contact with  
18 such domestic victim knowing he or she will regard the  
19 contact as offensive; or

20           (6) The person knowingly attempts to cause or causes  
21 the isolation of such domestic victim by unreasonably and  
22 substantially restricting or limiting his or her access to  
23 other persons, telecommunication devices or transportation  
24 for the purpose of isolation.

25           2. The offense of domestic assault in the fourth  
26 degree is a class A misdemeanor, unless the person has  
27 previously been found guilty of the offense of domestic  
28 assault, of any assault offense under this chapter, or of  
29 any offense against a domestic victim committed in violation  
30 of any county or municipal ordinance in any state, any state  
31 law, any federal law, or any military law which if committed  
32 in this state two or more times would be a violation of this  
33 section, in which case it is a class E felony. The offenses  
34 described in this subsection may be against the same  
35 domestic victim or against different domestic victims.

565.090. 1. A person commits the offense of  
2 harassment in the first degree if he or she, without good  
3 cause, engages in any act with the purpose to cause  
4 emotional distress to another person, and such act does  
5 cause such person to suffer emotional distress.

6 2. The offense of harassment in the first degree is a  
7 class E felony, **unless the defendant has previously been**  
8 **found guilty of a violation of this section or section**  
9 **565.091, or any offense committed in another jurisdiction**  
10 **which, if committed in this state, would be chargeable or**  
11 **indictable as a violation of any offense listed in this**  
12 **section or section 565.091, in which case harassment in the**  
13 **first degree is a class D felony.**

14 3. This section shall not apply to activities of  
15 federal, state, county, or municipal law enforcement  
16 officers conducting investigations of violation of federal,  
17 state, county, or municipal law.

565.091. 1. A person commits the offense of  
2 harassment in the second degree if he or she, without good  
3 cause, engages in any act with the purpose to cause  
4 emotional distress to another person.

5 2. The offense of harassment in the second degree is a  
6 class A misdemeanor, unless the [person has previously  
7 pleaded guilty to or been found guilty of a violation of  
8 this section, of any offense committed in violation of any  
9 county or municipal ordinance in any state, any state law,  
10 any federal law, or any military law which if committed in  
11 this state would be chargeable or indictable as a violation  
12 of any offense listed in this subsection, in which case it  
13 is a class E felony] **defendant has previously been found**  
14 **guilty of a violation of this section or section 565.090, or**  
15 **of any offense committed in another jurisdiction which, if**

16 committed in this state, would be chargeable or indictable  
17 as a violation of any offense listed in this section or  
18 section 565.090, in which case harassment in the second  
19 degree is a class E felony.

20 3. This section shall not apply to activities of  
21 federal, state, county, or municipal law enforcement  
22 officers conducting investigations of violations of federal,  
23 state, county, or municipal law.

565.225. 1. [As used in this section and section  
2 565.227, the term "disturbs" shall mean to engage in a  
3 course of conduct directed at a specific person that serves  
4 no legitimate purpose and that would cause a reasonable  
5 person under the circumstances to be frightened,  
6 intimidated, or emotionally distressed.

7 2.] A person commits the offense of stalking in the  
8 first degree if he or she [purposely] knowingly, through  
9 [his or her] a course of conduct[, disturbs or follows with  
10 the intent of disturbing] that is directed at another person  
11 [and] or through technological abuse conduct, engages in  
12 conduct that would cause a reasonable person under similar  
13 circumstances to:

14 (1) [Makes a threat communicated with the intent to  
15 cause the person who is the target of the threat to  
16 reasonably] Fear [for his or her safety, the safety of his  
17 or her family or household member, or the safety of domestic  
18 animals or livestock as defined in section 276.606 kept at  
19 such person's residence or on such person's property. The  
20 threat shall be against the life of, or a threat to cause  
21 physical] death or bodily injury to[, or the kidnapping of]  
22 the person[.];

23 (2) Fear that an offense will be committed against a  
24 member of the person's family or household members, or [the

25 person's domestic animals or livestock as defined in section  
26 276.606 kept at such person's residence or on such person's  
27 property] **an individual with whom the person has a dating**  
28 **relationship; [or**

29 (2) At least one of the acts constituting the course  
30 of conduct is in violation of an order of protection and the  
31 person has received actual notice of such order; or]

32 (3) [At least one of the actions constituting the  
33 course of conduct is in violation of a condition of  
34 probation, parole, pretrial release, or release on bond  
35 pending appeal] **Fear that an offense will be committed**  
36 **against the person's property; or**

37 (4) [At any time during the course of conduct, the  
38 other person is seventeen years of age or younger and the  
39 person disturbing the other person is twenty-one years of  
40 age or older; or

41 (5) He or she has previously been found guilty of  
42 domestic assault, violation of an order of protection, or  
43 any other crime where the other person was the victim; or

44 (6) At any time during the course of conduct, the  
45 other person is a participant of the address confidentiality  
46 program under sections 589.660 to 589.681, and the person  
47 disturbing the other person knowingly accesses or attempts  
48 to access the address of the other person] **Feel harassed,**  
49 **terrified, or intimidated.**

50 [3.] 2. Any law enforcement officer may arrest,  
51 without a warrant, any person he or she has probable cause  
52 to believe has violated the provisions of this section.

53 [4.] 3. This section shall not apply to activities of  
54 federal, state, county, or municipal law enforcement  
55 officers conducting investigations of any violation of  
56 federal, state, county, or municipal law.

57 [5.] 4. The offense of stalking in the first degree is  
58 a class E felony, unless the defendant has previously been  
59 found guilty of a violation of this section or section  
60 565.227, or any offense committed in another jurisdiction  
61 which, if committed in this state, would be chargeable or  
62 indictable as a violation of any offense listed in this  
63 section or section 565.227, or unless the victim is  
64 intentionally targeted as a law enforcement officer, as  
65 defined in section 556.061, or the victim is targeted  
66 because he or she is a relative within the second degree of  
67 consanguinity or affinity to a law enforcement officer, in  
68 which case stalking in the first degree is a class D felony.

565.227. 1. A person commits the offense of stalking  
2 in the second degree if he or she [purposely, through his or  
3 her course of] **knowingly engages in a course of** conduct[,  
4 disturbs, or follows with the intent to disturb another  
5 person] **directed at a specific person or technological abuse**  
6 **conduct which would cause a reasonable person under the**  
7 **circumstances to feel harassed, terrified, or intimidated.**

8 2. This section shall not apply to activities of  
9 federal, state, county, or municipal law enforcement  
10 officers conducting investigations of any violation of  
11 federal, state, county, or municipal law.

12 3. Any law enforcement officer may arrest, without a  
13 warrant, any person he or she has probable cause to believe  
14 has violated the provisions of this section.

15 4. The offense of stalking in the second degree is a  
16 class A misdemeanor, unless the defendant has previously  
17 been found guilty of a violation of this section or section  
18 565.225, or of any offense committed in another jurisdiction  
19 which, if committed in this state, would be chargeable or  
20 indictable as a violation of any offense listed in this

21 section or section 565.225, or unless the victim is  
22 intentionally targeted as a law enforcement officer, as  
23 defined in section 556.061, or the victim is targeted  
24 because he or she is a relative within the second degree of  
25 consanguinity or affinity to a law enforcement officer, in  
26 which case stalking in the second degree is a class E felony.

565.400. 1. A person commits the offense of  
2 cyberharassment if such person purposely or knowingly  
3 engages in a threatening, aggressive, or otherwise fear-  
4 inducing, course of conduct by using digital technology,  
5 internet service providers, electronic service providers, or  
6 other electronic communications and devices to cause  
7 reasonable fear, alarm, anxiety, undue stress, or terror to  
8 others by repeated contact with no legitimate purpose.

9 2. The first offense of cyberharassment shall be a  
10 class B misdemeanor. A second and any subsequent offense  
11 shall be a class A misdemeanor.

565.405. 1. A person commits the offense of  
2 cyberstalking if such person purposely or knowingly engages  
3 in a threatening, aggressive, or otherwise fear-inducing,  
4 course of conduct by using digital technology, internet  
5 service providers, electronic service providers, or other  
6 electronic communications and devices to enhance the ability  
7 to intimidate, track, follow or cause reasonable fear,  
8 alarm, anxiety, undue stress, or terror to another person.

9 2. The first offense of cyberstalking shall be a class  
10 A misdemeanor. A second and any subsequent offense shall be  
11 a class E felony.

573.570. 1. As used in this section, the following  
2 terms mean:

3 (1) "Depicted individual", an individual who, as a  
4 result of digitization or by means of digital manipulation,

5 appears in whole or in part in an intimate digital depiction  
6 and who is identifiable by virtue of the individual's face,  
7 likeness, or other distinguishing characteristic, such as a  
8 unique birthmark or other recognizable feature, or from  
9 information displayed in connection with the digital  
10 depiction;

11 (2) "Digital depiction", a realistic visual depiction  
12 of an individual that has been created or altered using  
13 digital manipulation;

14 (3) "Information content providers", any person or  
15 entity that is responsible, in whole or in part, for the  
16 creation or development of information provided through the  
17 internet or any other interactive computer service;

18 (4) "Intimate digital depiction", a digital depiction  
19 of an individual that has been created or altered using  
20 digital manipulation and that depicts:

21 (a) The uncovered genitals, pubic area, anus, or  
22 postpubescent female nipple of an identifiable individual;

23 (b) The display or transfer of bodily sexual fluids:

24 a. Onto any part of the body of an identifiable  
25 individual; or

26 b. From the body of an identifiable individual; or

27 (c) An identifiable individual engaging in sexually  
28 explicit conduct;

29 (5) "Sexually explicit conduct", actual or simulated:

30 (a) Sexual intercourse, including genital-genital,  
31 oral-genital, anal-genital, or oral-anal, whether between  
32 persons of the same or opposite sex;

33 (b) Bestiality;

34 (c) Masturbation;

35 (d) Sadistic or masochistic abuse; or

36 (e) Lascivious exhibition of the genitals or pubic  
37 area of any person.

38 2. A person commits the offense of disclosure of an  
39 intimate digital depiction if the person:

40 (1) Discloses an intimate digital depiction:

41 (a) With the intent to harass, annoy, threaten, alarm,  
42 or cause substantial harm to the finances or reputation of  
43 the depicted individual; or

44 (b) With the actual knowledge that, or reckless  
45 disregard for whether, such disclosure will cause physical,  
46 emotional, reputational, or economic harm to the depicted  
47 individual; or

48 (2) Threatens to disclose an intimate digital  
49 depiction:

50 (a) With the intent to harass, annoy, threaten, alarm,  
51 or cause substantial harm to the finances or reputation of  
52 the depicted individual; or

53 (b) With the actual knowledge that, or reckless  
54 disregard for whether, such threatened disclosure will cause  
55 physical, emotional, reputational, or economic harm to the  
56 depicted individual.

57 3. (1) A violation of subdivision (1) of subsection 2  
58 of this section shall be a class D felony.

59 (2) A violation of subdivision (2) of subsection 2 of  
60 this section shall be a class E felony.

61 (3) A violation of subsection 2 of this section shall  
62 be a class C felony if:

63 (a) The violation is a second or other subsequent  
64 violation of subsection 2 of this section; or

65 (b) The violation is such that the digital depiction  
66 could be reasonably expected to:

67           a. Affect the conduct of any administrative,  
68 legislative, or judicial proceeding of a federal, state,  
69 local, or tribal government agency, including the  
70 administration of an election or the conduct of foreign  
71 relations; or

72           b. Facilitate violence.

73           4. It shall not be a defense to an offense of  
74 disclosure of an intimate digital depiction under this  
75 section that there is a disclaimer stating that the intimate  
76 digital depiction of the depicted individual was  
77 unauthorized or that the depicted individual did not  
78 participate in the creation or development of the digital  
79 depiction.

80           5. For the purposes of this section, a provider of an  
81 interactive computer service shall not be held to have  
82 committed the offense of disclosure of an intimate digital  
83 depiction due to:

84           (1) Any action voluntarily taken in good faith to  
85 restrict access to or availability of intimate digital  
86 depictions; or

87           (2) Any action taken to enable or make available to  
88 information content providers or other persons the technical  
89 means to restrict access to intimate digital depictions.

          573.575. 1. A person commits the offense of sadistic  
2 online exploitation if he or she:

3           (1) Uses the internet to manipulate, intimidate, hurt,  
4 scare, control, or threaten a victim to undergo suffering  
5 through forcing their submission, use of violence, self-  
6 harm, or destruction for sadistic or sinister purposes;

7           (2) Coerces a victim into performing self-harm, animal  
8 harm, harming another person, sharing personal information,  
9 or suicidal actions or ideations;

10           (3) Uses non-physical forms of coercion, manipulation,  
11 shame or fear to extort another person into providing  
12 sexually explicit content then using such content to further  
13 extort, threaten, or control the victim; or

14           (4) Uses intimate depictions as devices to threaten or  
15 coerce a victim by demanding any kind of financial gain.

16           2. The offense of sadistic online exploitation shall  
17 be a class E felony.

          Section B. Notwithstanding the provisions of section  
2 1.140 to the contrary, the provisions of section A of this  
3 act shall be nonseverable, and if any provision is for any  
4 reason held to be invalid, such decision shall invalidate  
5 all of the remaining provisions of section A of this act.

          Section C. The repeal and reenactment of sections  
2 565.002, 565.050, 565.052, 565.054, 565.056, 565.072,  
3 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, and  
4 565.227 and the enactment of sections 27.117, 565.400, and  
5 565.405 of this act shall become effective on July 1, 2027.

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