

FIRST REGULAR SESSION

HOUSE BILL NO. 427

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PROUDIE.

0443H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 455.010, RSMo, and to enact in lieu thereof one new section relating to protective orders.

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

Section A. Section 455.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.010, to read as follows:

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

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

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

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

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

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer

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 substantial emotional distress and must actually cause substantial emotional distress to the
18 petitioner or child. Such conduct might include, but is not limited to:

19 a. Following another about in a public place or places;

20 b. Peering in the window or lingering outside the residence of another; but does not
21 include constitutionally protected activity;

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

24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;

26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

28 (4) **"Coercive control", purposely or unreasonably interfering with a person's free
29 will and personal liberty, which may include, but is not limited to, unreasonably engaging
30 in the following:**

31 a. **Isolating the person from friends, relatives, or other sources of support;**

32 b. **Depriving the person of basic necessities;**

33 c. **Controlling, regulating, or monitoring the person's movements, communications,
34 daily behavior, finances, economic resources, or access to services; or**

35 d. **Compelling the person by force, threat of force, or intimidation, including
36 threats based on actual or suspected immigration status, to engage in conduct from which
37 the person has a right to abstain or to abstain from conduct in which the person has a right
38 to engage;**

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

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

47 [~~5~~] (7) "Domestic violence", abuse or stalking committed by a family or household
48 member, as such terms are defined in this section;

49 [~~6~~] (8) "Ex parte order of protection", an order of protection issued by the court before
50 the respondent has received notice of the petition or an opportunity to be heard on it;

51 [~~7~~] (9) "Family" or "household member", spouses, former spouses, any person related
52 by blood or marriage, persons who are presently residing together or have resided together in the

53 past, any person who is or has been in a continuing social relationship of a romantic or intimate
54 nature with the victim, and anyone who has a child in common regardless of whether they have
55 been married or have resided together at any time;

56 ~~[(8)]~~ **(10)** "Full order of protection", an order of protection issued after a hearing on the
57 record where the respondent has received notice of the proceedings and has had an opportunity
58 to be heard;

59 ~~[(9)]~~ **(11)** "Order of protection", either an ex parte order of protection or a full order of
60 protection;

61 ~~[(10)]~~ **(12)** "Pending", exists or for which a hearing date has been set;

62 ~~[(11)]~~ **(13)** "Petitioner", a family or household member who has been a victim of
63 domestic violence, or any person who has been the victim of stalking or sexual assault, or a
64 person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition
65 pursuant to the provisions of section 455.020 or section 455.505;

66 ~~[(12)]~~ **(14)** "Respondent", the family or household member alleged to have committed
67 an act of domestic violence, or person alleged to have committed an act of stalking or sexual
68 assault, against whom a verified petition has been filed or a person served on behalf of a child
69 pursuant to section 455.503;

70 ~~[(13)]~~ **(15)** "Sexual assault", as defined under subdivision (1) of this section;

71 ~~[(14)]~~ **(16)** "Stalking" is when any person purposely engages in an unwanted course of
72 conduct that causes alarm to another person, or a person who resides together in the same
73 household with the person seeking the order of protection when it is reasonable in that person's
74 situation to have been alarmed by the conduct. As used in this subdivision:

75 (a) "Alarm" means to cause fear of danger of physical harm; and

76 (b) "Course of conduct" means a pattern of conduct composed of two or more acts over
77 a period of time, however short, that serves no legitimate purpose. Such conduct may include,
78 but is not limited to, following the other person or unwanted communication or unwanted
79 contact.

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