

SECOND REGULAR SESSION

HOUSE BILL NO. 1441

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3566H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 565.002, RSMo, and to enact in lieu thereof two new sections relating to sports officials.

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

Section A. Section 565.002, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 537.551 and 565.002, to read as follows:

537.551. 1. For purposes of this section, "sports officials" shall mean those individuals who serve as referees, umpires, or linesmen or those individuals who serve in similar capacities but may be known by other titles and are duly registered or members of a local, state, regional, or national organization that is engaged in part in providing education and training to sports officials.

2. Sports officials who officiate athletic contests at any level of competition in this state shall not be liable to any person or entity in any civil action for injuries or damages claimed to have arisen by virtue of actions or inactions related in any manner to officiating duties within the confines of the athletic facility at which the athletic contests are played.

3. Nothing in this section shall be deemed to grant the protection set forth to sports officials who cause injury or damage to a person or entity by actions or inactions that are intentional, willful, wanton, reckless, malicious, or grossly negligent.

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

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.

- 3 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a
4 person of ordinary temperament sufficient to substantially impair an ordinary person's
5 capacity for self-control;
- 6 (2) "Child", a person under seventeen years of age;
- 7 (3) "Conduct", includes any act or omission;
- 8 (4) "Course of conduct", a pattern of conduct composed of two or more acts, which
9 may include communication by any means, over a period of time, however short, evidencing
10 a continuity of purpose. Constitutionally protected activity is not included within the
11 meaning of course of conduct. Such constitutionally protected activity includes picketing or
12 other organized protests;
- 13 (5) "Deliberation", cool reflection for any length of time no matter how brief;
- 14 (6) "Domestic victim", a household or family member as the term "family" or
15 "household member" is defined in section 455.010, including any child who is a member of
16 the household or family;
- 17 (7) "Emotional distress", something markedly greater than the level of uneasiness,
18 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;
- 19 (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic
20 area, buttock, or any part of the nipple of the breast of any female person, with less than a
21 fully opaque covering;
- 22 (9) "Legal custody", the right to the care, custody and control of a child;
- 23 (10) "Parent", either a biological parent or a parent by adoption;
- 24 (11) "Person having a right of custody", a parent or legal guardian of the child;
- 25 (12) "Photographs" or "films", the making of any photograph, motion picture film,
26 videotape, or any other recording or transmission of the image of a person;
- 27 (13) "Place where a person would have a reasonable expectation of privacy", any
28 place where a reasonable person would believe that a person could disrobe in privacy, without
29 being concerned that the person's undressing was being viewed, photographed or filmed by
30 another;
- 31 (14) "Special victim", any of the following:
- 32 (a) A law enforcement officer assaulted in the performance of his or her official
33 duties or as a direct result of such official duties;
- 34 (b) Emergency personnel, any paid or volunteer firefighter, emergency room,
35 hospital, or trauma center personnel, or emergency medical technician, assaulted in the
36 performance of his or her official duties or as a direct result of such official duties;
- 37 (c) A probation and parole officer assaulted in the performance of his or her official
38 duties or as a direct result of such official duties;
- 39 (d) An elderly person;

40 (e) A person with a disability;

41 (f) A vulnerable person;

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

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

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

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

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

56 **(l) A sports official assaulted while the sports official is performing his or her**
57 **duties as a sports official or as a direct result of such duties. A sports official shall**
58 **include, but not be limited to, a judge, linesman, official, referee, or umpire. To qualify**
59 **as a sports official, a person shall be trained and certified or registered as such by an**
60 **organization engaged in the education, training, and certifying or registering of sports**
61 **officials;**

62 (15) "Sudden passion", passion directly caused by and arising out of provocation by
63 the victim or another acting with the victim which passion arises at the time of the offense and
64 is not solely the result of former provocation;

65 (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the
66 assessment and declaration of punishment are submitted for decision;

67 (17) "Views", the looking upon of another person, with the unaided eye or with any
68 device designed or intended to improve visual acuity, for the purpose of arousing or gratifying
69 the sexual desire of any person.

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