

SENATE BILL NO. 524

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1906S.01I

KRISTINA MARTIN, Secretary

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Section A. Section 565.002, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 537.551 and 565.002, to read as follows: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

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

18 **inactions that are intentional, willful, wanton, reckless,**
19 **malicious, or grossly negligent.**

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) "Child", a person under seventeen years of age;

9 (3) "Conduct", includes any act or omission;

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

17 (5) "Deliberation", cool reflection for any length of
18 time no matter how brief;

19 (6) "Domestic victim", a household or family member as
20 the term "family" or "household member" is defined in
21 section 455.010, including any child who is a member of the
22 household or family;

23 (7) "Emotional distress", something markedly greater
24 than the level of uneasiness, nervousness, unhappiness, or
25 the like which are commonly experienced in day-to-day living;

26 (8) "Full or partial nudity", the showing of all or
27 any part of the human genitals, pubic area, buttock, or any
28 part of the nipple of the breast of any female person, with
29 less than a fully opaque covering;

30 (9) "Legal custody", the right to the care, custody
31 and control of a child;

32 (10) "Parent", either a biological parent or a parent
33 by adoption;

34 (11) "Person having a right of custody", a parent or
35 legal guardian of the child;

36 (12) "Photographs" or "films", the making of any
37 photograph, motion picture film, videotape, or any other
38 recording or transmission of the image of a person;

39 (13) "Place where a person would have a reasonable
40 expectation of privacy", any place where a reasonable person
41 would believe that a person could disrobe in privacy,
42 without being concerned that the person's undressing was
43 being viewed, photographed or filmed by another;

44 (14) "Special victim", any of the following:

45 (a) A law enforcement officer assaulted in the
46 performance of his or her official duties or as a direct
47 result of such official duties;

48 (b) Emergency personnel, any paid or volunteer
49 firefighter, emergency room, hospital, or trauma center
50 personnel, or emergency medical technician, assaulted in the
51 performance of his or her official duties or as a direct
52 result of such official duties;

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

56 (d) An elderly person;

57 (e) A person with a disability;

58 (f) A vulnerable person;

59 (g) Any jailer or corrections officer of the state or
60 one of its political subdivisions assaulted in the

61 performance of his or her official duties or as a direct
62 result of such official duties;

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

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

72 (j) Any cable worker, meaning any employee of a cable
73 operator, as such term is defined in section 67.2677,
74 including any person employed under contract, while in the
75 performance of his or her job duties; [and]

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

79 **(l) A sports official assaulted while the sports**
80 **official is performing his or her duties as a sports**
81 **official or as a direct result of such duties. A sports**
82 **official shall include, but not be limited to, a judge,**
83 **linesman, official, referee, or umpire. To qualify as a**
84 **sports official, a person shall be trained and certified or**
85 **registered as such by an organization engaged in the**
86 **education, training, and certifying or registering of sports**
87 **officials;**

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

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

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

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