

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 533 & 724**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Criminal Law March 15,, 2001, with recommendation that the House Committee Substitute for House Bill Nos. 533 & 724 Do Pass.

TED WEDEL, Chief Clerk

0382L.03C

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**AN ACT**

To amend chapters 565 and 566, RSMo, by adding thereto two new sections relating to offenses against the person, with penalty provisions.

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

Section A. Chapter 565, RSMo, is amended by adding thereto two new sections, to be known as sections 565.200 and 566.145, to read as follows:

**565.200. 1. Any owner or employee of a long-term care facility, as defined in section 660.600, RSMo, or an in-home services provider agency, as defined in section 660.250, RSMo, who:**

**(1) Has sexual contact, as defined in section 566.010, RSMo, with a resident or client is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation of this subdivision is guilty of a class A misdemeanor; or**

**(2) Has sexual intercourse or deviant sexual intercourse, as defined in section 566.010, RSMo, with a resident or client is guilty of a class D felony. Any person who commits a second or subsequent violation of this subdivision is guilty of a class C felony.**

**2. Consent of the victim is no defense to a prosecution pursuant to this section.**

**3. The provisions of this section shall not apply to an owner or employee of a long-term care facility or in-home services provider agency who engages in sexual conduct, as defined in section 566.010, RSMo, with a resident or client to whom the owner or employee is married.**

**566.145. 1. A person commits the crime of sexual contact with an inmate if such person is an employee of, or assigned to work in, any jail, prison or correctional facility and such person has sexual intercourse or deviate sexual intercourse with an inmate or**

4   **resident of the facility.**

5           **2. Sexual contact with an inmate is a class D felony.**

6           **3. Consent of the victim is no defense to a prosecution pursuant to this section.**