

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

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.

Taken up for Perfection March 27, 2001. House Committee Substitute for House Bills Nos. 533 & 724, ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0382L.03P

AN ACT

To repeal section 589.400, RSMo 2000, relating to offenses against the person by enacting in lieu thereof four new sections, with penalty provisions.

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

Section A. Section 589.400, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 565.200, 566.111, 566.145 and 589.400, to read as follows: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

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

13 defined in section 566.010, RSMo, with a resident or client to whom the owner or employee
14 is married.

566.111. 1. For purposes of this section, the following terms mean:

2 (1) "Animal", every creature, either alive or dead, other than a human being;

3 (2) "Sexual conduct with an animal", any touching of an animal with the genitals
4 or any touching of the genitals or anus of an animal for the purpose of arousing or
5 gratifying sexual desire.

6 2. No person shall engage in any sexual conduct with an animal, or cause, aid or
7 abet another person to engage in any sexual conduct with an animal. No person shall
8 permit any sexual conduct with an animal on any premises under such person's charge or
9 control. No person shall engage in, promote, aid or abet any activity involving any sexual
10 conduct with an animal for commercial or recreational purposes.

11 3. Any person who violates this section shall be guilty of a class D felony. Any
12 person who violates this section in the presence of a minor or causes any animal serious
13 physical injury or death while violating or attempting to violate this section shall be guilty
14 of a class C felony.

15 4. In addition to the penalty imposed, the court may:

16 (1) Prohibit the defendant permanently or for a reasonable time from harboring
17 animals or residing in any household where animals are present;

18 (2) Order the defendant to relinquish and permanently forfeit all animals residing
19 in the defendant's household to a recognized or duly incorporated animal shelter or
20 humane society, and order the defendant to reimburse such shelter or humane society for
21 all reasonable costs incurred for the care and maintenance of the animals involved in the
22 violation of this section; and

23 (3) Order psychological evaluation and counseling of the defendant, at the
24 defendant's expense.

25 5. Nothing in this section shall be construed to prohibit generally accepted animal
26 husbandry practices or generally accepted veterinary medical practices performed by a
27 licensed veterinarian or veterinary technician.

28 6. Any person acting under authority of this section may seize any and all animals
29 involved in the alleged violation. The defendant charged with violating this section shall
30 be provided a disposition hearing pursuant to section 578.018, RSMo.

566.145. 1. A person commits the crime of sexual contact with an inmate if such
2 person is an employee of, or assigned to work in, any jail, prison or correctional facility
3 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.**

589.400 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been
3 found guilty of, or pled guilty to committing, or attempting to commit, an offense of chapter 566,
4 RSMo; or

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
6 guilty of, or pled guilty to committing, or attempting to commit one or more of the following
7 offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the
8 second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child
9 in a sexual performance; or promoting sexual performance by a child; and committed or
10 attempted to commit the offense against a victim who is a minor, defined for the purposes of
11 sections 589.400 to 589.425 as a person under eighteen years of age; or

12 (3) Any person who, since July 1, 1979, has been committed to the department of mental
13 health as a criminal sexual psychopath; or

14 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
15 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

16 (5) Any person who is a resident of this state and has been or is required to register in
17 another state or has been or is required to register under federal or military law; or

18 (6) Any person who has been or is required to register in another state or has been or is
19 required to register under federal or military law and who works or attends school or training on
20 a full-time or on a part-time basis in Missouri. Part-time in this subdivision means for more than
21 fourteen days in any twelve-month period.

22 2. Any person to whom sections 589.400 to 589.425 apply shall, within **thirty days of**
23 **the effective date of this section or within ten days of the date on which such person**
24 **becomes subject to sections 589.400 to 589.425, whichever earlier occurs, register with the**
25 **chief law enforcement official of the county in which such person resides. Any person to**
26 **whom sections 589.400 to 589.425 apply who changes his or her county of residence shall,**
27 **within** ten days of [coming into any county] **such change of residence**, register with the chief
28 law enforcement official of the **new** county in which such person resides. The chief law
29 enforcement official shall forward a copy of the registration form required by section 589.407
30 to a city, town or village law enforcement agency located within the county of the chief law
31 enforcement official, if so requested. Such request may ask the chief law enforcement official
32 to forward copies of all registration forms filed with such official. The chief law enforcement
33 official may forward a copy of such registration form to any city, town or village law
34 enforcement agency, if so requested.

35 3. The registration requirements of sections 589.400 through 589.425 are lifetime
36 registration requirements unless all offenses requiring registration are reversed, vacated or set
37 aside or unless the registrant is pardoned of the offenses requiring registration.