

HB 35 -- Child Victims of Sex Offenses

Co-Sponsors: Jolly, Moore, LeVota

TESTIMONY OF CHILD VICTIMS

This bill requires the defendant being prosecuted under certain sections to be physically excluded from a room where discovery or depositions are conducted when a child victim will testify.

CHILD MOLESTATION

The bill allows enhanced penalties for first degree child molestation when the offender has previously pled guilty to a sex offense in another state. Currently, enhanced penalties are only available when the offender has been found guilty in Missouri.

The penalty for second degree sexual molestation is increased from a class A misdemeanor to a class C felony. Enhanced penalties for second degree sexual molestation are allowed when the offender has previously pled guilty to a sex offense in Missouri or when the offender has pled guilty or been found guilty of a sex offense in another state. The enhanced penalty for second degree child molestation is increased from a class D felony to a class B felony.

The bill creates the crimes of third and fourth degree child molestation. Third degree child molestation is subjecting a child less than 14 years of age to conduct that would be sexual contact except that touching occurs through clothing; it is a class D felony. The penalty becomes a class C felony if the offender has previously pled guilty or been found guilty of a sex offense in Missouri or another state, if the offender inflicts serious physical injury on the child, if the offender displays a deadly weapon or dangerous weapon in a threatening manner, or if the conduct occurred as part of a ritual or ceremony. Fourth degree child molestation is subjecting a child less than 17 years of age to conduct that would be sexual contact except that touching occurs through clothing; it is a class A misdemeanor. The penalty becomes a class D felony if the offender has previously pled guilty or been found guilty of a sex offense in Missouri or another state, if the offender inflicts serious physical injury on the child, if the offender displays a deadly weapon or dangerous weapon in a threatening manner, or if the conduct occurred as part of a ritual or ceremony.

SEXUAL MISCONDUCT INVOLVING A CHILD

The bill allows enhanced penalties for sexual misconduct involving a child when the offender has previously pled guilty or

been convicted of a sex offense in Missouri or another state. Currently, the enhanced penalty is only available for second or subsequent sexual misconduct involving child offenses.