

SECOND REGULAR SESSION

HOUSE BILL NO. 929

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), ENGLER, DUSENBERG, MOORE, BYRD,
STEFANICK, MUNZLINGER, SANDER AND ICET (Co-sponsors).

Pre-filed December 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2952L.011

AN ACT

To repeal sections 566.025, 566.032, 566.062, 566.067, 566.083 and 566.100, RSMo, and to enact in lieu thereof six new sections relating to sexual offenses, with penalty provisions.

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

Section A. Sections 566.025, 566.032, 566.062, 566.067, 566.083 and 566.100, RSMo,
2 are repealed and six new sections enacted in lieu thereof, to be known as sections 566.025,
3 566.032, 566.062, 566.067, 566.083 and 566.100, to read as follows:

566.025. In prosecutions pursuant to this chapter or chapter 568, RSMo, of a sexual
2 nature involving a victim under [fourteen] **sixteen** years of age, whether or not age is an element
3 of the crime for which the defendant is on trial, evidence that the defendant has committed other
4 charged or uncharged crimes of a sexual nature involving victims under [fourteen] **sixteen** years
5 of age shall be admissible for the purpose of showing the propensity of the defendant to commit
6 the crime or crimes with which he or she is charged unless the trial court finds that the probative
7 value of such evidence is outweighed by the prejudicial effect.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has
2 sexual intercourse with another person who is less than [fourteen] **sixteen** years old.

3 2. Statutory rape in the first degree is a felony for which the authorized term of
4 imprisonment is life imprisonment or a term of years not less than five years, unless in the course
5 thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or
6 dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or
7 deviate sexual intercourse with more than one person, or the victim is less than [twelve] **fourteen**
8 years of age in which case the authorized term of imprisonment is life imprisonment or a term

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

9 of years not less than ten years.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if [he]
2 **such person** has deviate sexual intercourse with another person who is less than [fourteen]
3 **sixteen** years old.

4 2. Statutory sodomy in the first degree is a felony for which the authorized term of
5 imprisonment is life imprisonment or a term of years not less than five years, unless in the course
6 thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or
7 dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or
8 deviate sexual intercourse with more than one person, or the victim is less than [twelve] **fourteen**
9 years of age, in which case the authorized term of imprisonment is life imprisonment or a term
10 of years not less than ten years.

566.067. 1. A person commits the crime of child molestation in the first degree if he or
2 she subjects another person who is less than [fourteen] **sixteen** years of age to sexual contact.

3 2. Child molestation in the first degree is a class B felony unless the actor has previously
4 been convicted of an offense under this chapter or in the course thereof the actor inflicts serious
5 physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the
6 offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony.

566.083. 1. A person commits the crime of sexual misconduct involving a child if the
2 person:

3 (1) Knowingly exposes the person's genitals to a child less than [fourteen] **sixteen** years
4 of age in a manner that would cause a reasonable adult to believe that the conduct is likely to
5 cause affront or alarm to a child less than [fourteen] **sixteen** years of age;

6 (2) Knowingly exposes the person's genitals to a child less than [fourteen] **sixteen** years
7 of age for the purpose of arousing or gratifying the sexual desire of any person, including the
8 child; or

9 (3) Coerces a child less than [fourteen] **sixteen** years of age to expose the child's genitals
10 for the purpose of arousing or gratifying the sexual desire of any person, including the child.

11 2. As used in this section, the term "sexual act" means any of the following, whether
12 performed or engaged in either with any other person or alone: sexual or anal intercourse,
13 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual
14 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or
15 gratification of any individual who may view such depiction.

16 3. Violation of this section is a class D felony; except that the second or any subsequent
17 violation of this section is a class C felony.

566.100. 1. A person commits the crime of sexual abuse if [he] **such person** subjects
2 another person to sexual contact by the use of forcible compulsion.

3 2. Sexual abuse is a class C felony unless in the course thereof the actor inflicts serious
4 physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or
5 subjects the victim to sexual contact with more than one person or the victim is less than
6 [fourteen] **sixteen** years of age, in which case the crime is a class B felony.