

FIRST REGULAR SESSION

# HOUSE BILL NO. 1108

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PRATT.

Read 1st time March 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1997L.011

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### AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the crime of endangering the welfare of a child, with a penalty provision.

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

Section A. Section 568.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.045, to read as follows:

568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

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

15           (5) Such person, in the presence of a person less than seventeen years of age or in a  
16 residence where a person less than seventeen years of age resides, unlawfully manufactures, or  
17 attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes  
18 amphetamine or methamphetamine or any of their analogues.

19           **2. Any person violating the provisions of subdivision (3), (4), or (5) of subsection**  
20 **1 of this section shall be arrested and held for twenty-four hours if such person is acting**  
21 **as the caregiver of a child at the time of arrest. If such person is in possession of felony**  
22 **amounts of a controlled substance at the time of arrest, such possession shall be prima facie**  
23 **evidence that requires a drug recognition expert (DRE) evaluation while such person is in**  
24 **police custody. The results of the DRE evaluation shall be submitted to the children's**  
25 **division for proper evaluation of such person's ability to remain the caregiver for the**  
26 **affected child and any subsequent punishment for the crime of endangering the welfare of**  
27 **a child in the first degree.**

28           **3.** Endangering the welfare of a child in the first degree is a class C felony unless the  
29 offense is committed as part of a ritual or ceremony, or except on a second or subsequent  
30 offense, in which case the crime is a class B felony.

31           **4. This section shall be known as "Hope's Law".**

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