

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 747

95TH GENERAL ASSEMBLY

1889L.01T

2009

AN ACT

To repeal section 566.145, RSMo, and to enact in lieu thereof one new section relating to sexual contact with a prisoner or offender, with a penalty provision.

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

Section A. Section 566.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.145, to read as follows:

566.145. 1. A person commits the crime of sexual contact with a prisoner or offender if:

(1) 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 a prisoner or an offender **who is confined in a jail, prison, or correctional facility**; or

(2) Such person is a probation and parole officer and has sexual intercourse or deviate sexual intercourse with an offender who is under the direct supervision of the officer.

2. For the purposes of this section the following terms shall mean:

(1) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole;

(2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. Sexual contact with a prisoner or offender is a class D felony.

4. Consent of a prisoner or offender is not an affirmative defense.

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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.