

SECOND REGULAR SESSION

# HOUSE BILL NO. 1346

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CONWAY (104).

5376H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to sexual exploitation by a clergyperson, with a penalty provision.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new section, to be known as section 566.088, to read as follows:

**566.088. 1. A person commits the crime of sexual exploitation by a clergyperson if such person is or holds oneself out to be a clergyperson as defined in subsection 3 of this section, and engages in sexual conduct, as defined in section 566.010, with another person who is not the clergyperson's spouse, and the sexual conduct occurred:**

**(1) During the course of a meeting in which the victim sought or received religious, spiritual, marital or relationship advice, counseling, therapy, aid, or comfort from the clergyperson or within one hundred twenty days after such meeting; or**

**(2) During a period of time in which the victim was meeting on an ongoing basis with the clergyperson to seek or receive religious, spiritual, marital or relationship advice, counseling, therapy, aid, or comfort from the clergyperson; or**

**(3) While the clergyperson was in a position of trust or authority over the victim and used that position of trust or authority to engage in the sexual conduct.**

**2. Consent by the victim is not a defense under this section.**

**3. As used in this section "clergyperson" means any person practicing as a minister of the gospel, priest, rabbi, or other person serving in a similar capacity for any organized religion, or any person serving for any organized religion as a spiritual advisor, confessor, counselor or comforter.**

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.

**4. Sexual exploitation by a clergyperson is a class C felony.**

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