

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 557.045, Line 15, by inserting after said section and line the following:

3
4 "566.145. 1. A person commits the offense of sexual conduct in the course of public duty if
5 the person engages in sexual conduct:

6 (1) With a detainee, a prisoner, or an offender [if he or she] and the person:

7 [(1)] (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility
8 and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or
9 correctional facility; [or

10 ———(2)] (b) Is a probation and parole officer and engages in sexual conduct with an offender
11 who is under the direct supervision of the officer; or

12 (c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner
13 who is in the custody of such officer; or

14 (2) With someone who is not a detainee, a prisoner, or an offender and the person is:

15 (a) A probation and parole officer, a police officer, or an employee of, or assigned to work
16 in, any jail, prison, or correctional facility;

17 (b) On duty; and

18 (c) The offense was committed by means of coercion as defined in section 566.200.

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

20 (1) "Detainee", a person deprived of liberty and kept under involuntary restraint,
21 confinement, or custody;

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

24 [(2)] (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
25 after disposition of a charge.

26 3. The offense of sexual conduct [with a prisoner or offender] in the course of public duty is
27 a class E felony.

28 4. Consent of a detainee, a prisoner [or] , an offender, or any other person is not a defense.";
29 and

30
31 Further amend said bill, Page 9, Section 590.502, Line 175, by inserting after said section and line
32 the following:

33
34 "590.805. 1. A law enforcement officer shall not knowingly use a respiratory choke-hold
35 unless the use is in defense of the officer or another from serious physical injury or death.

36 2. A respiratory choke-hold includes the use of any body part or object to attempt to control

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- 1 or disable by applying pressure to a person's neck with the purpose of controlling or
- 2 restricting such person's breathing."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.