

HCS HB 457 & 770 -- OFFENSE OF SEXUAL CONDUCT IN THE COURSE OF PUBLIC DUTY

SPONSOR: Dogan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Public Safety by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 457.

This bill creates the offense of sexual conduct in the course of public duty, which is a class E felony.

A probation or parole officer, a police officer, or an employee of, or person assigned to work in, any jail, prison, or correctional facility commits the offense of sexual conduct in the course of public duty if he or she engages in sexual conduct with a detainee, prisoner, or offender, regardless of whether the person is on duty at the time the conduct occurs.

This bill contains an emergency clause.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill has been filed for several years and it was inspired by a woman who was sexually assaulted by an officer who was responding to a domestic disturbance call. The officer used a "consent" defense and later resigned. In 2018, it was legal in 35 states to have sex with detainees, and now it's legal in 33 or 34 states. Between 2009 and 2014, over 100 officers lost their licenses due to various types of sexual misconduct. Also, being on call is not the same thing as being on duty.

Testifying for the bill were Representative Dogan; Missouri State Conference of National Association for the Advancement of Colored People and Missouri Coalition Against Domestic And Sexual Violence.

OPPOSERS: There was no opposition voiced to the committee.