

FIRST REGULAR SESSION

HOUSE BILL NO. 804

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE INGLE.

1309H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to the offense of sexual contact with a child or incapacitated person, with a penalty provision.

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
2 known as section 566.087, to read as follows:

3 **566.087. 1. A person commits the offense of sexual contact with a child or**
4 **incapacitated person if he or she has sexual contact with a child or incapacitated person**
5 **and is a foster parent or legal guardian of the child or incapacitated person.**

6 **2. The offense of sexual contact with a child or incapacitated person is a class E**
7 **felony.**

8 **3. It is not a defense to prosecution for a violation of this section that the child or**
9 **incapacitated person consented to the sexual contact.**

10 **4. As used in this section, "incapacitated person" means a person who is unable**
11 **by reason of any physical or mental condition to receive and evaluate information or to**
12 **communicate decisions to such an extent that he or she lacks capacity to meet essential**
13 **requirements for food, clothing, shelter, safety, or other care such that serious physical**
injury, illness, or disease is likely to occur, including a partially incapacitated person
who lacks the capacity to meet, in part, such essential requirements.

✓

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.