

HOUSE BILL NO. 1224

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPARKS.

2734H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to the offense of sexual exploitation by a clergyman, 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 known as section 566.088, to read as follows:

- 566.088. 1. A person commits the offense of sexual exploitation by a clergyman if such person is or holds oneself out to be a clergyman as defined in subsection 3 of this section, engages in sexual conduct as defined in section 566.010 with another person who is not the clergyman'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 clergyman or within one hundred twenty days after such meeting;**
- (2) During a period of time in which the victim was meeting on an ongoing basis with the clergyman to seek or receive religious, spiritual, marital, or relationship advice, counseling, therapy, aid, or comfort from the clergyman; or**
- (3) While the clergyman 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 shall be a defense under this section unless the victim is a child under seventeen years of age.**
- 3. As used in this section, "clergyman" means any person practicing as a minister of the gospel, clergy, pastor, priest, bishop, cardinal, rabbi, Christian Science**

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.

17 **practitioner, or other person serving in a similar capacity for any religious organization**
18 **as defined in section 352.400.**

19 **4. The offense of sexual exploitation by a clergy person is a class C felony.**

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