

SECOND REGULAR SESSION

# HOUSE BILL NO. 1312

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOLLY, HOSMER, WILLOUGHBY, LAWSON, OSTMANN,  
BARRY, MYERS, JOHNSON (90), BOUCHER, DOLAN, REID (Co-sponsors), BARTELSMEYER,  
WHORTON AND MOORE.

Pre-filed December 20, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2922L.02I

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### AN ACT

To repeal sections 566.090 and 566.093, RSMo, and to enact in lieu thereof two new sections relating to criminal penalties for sexual misconduct, with penalty provisions.

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

Section A. Sections 566.090 and 566.093, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 566.090 and 566.093, to read as follows:

566.090. 1. A person commits the crime of sexual misconduct in the first degree if he  
2 has deviate sexual intercourse with another person of the same sex or he purposely subjects  
3 another person to sexual contact or engages in conduct which would constitute sexual contact  
4 except that the touching occurs through the clothing without that person's consent.

5 2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has  
6 previously **pleaded guilty to or** been convicted of an offense under this chapter or **the actor has**  
7 **previously pleaded guilty to or been convicted of an offense against the laws of another**  
8 **state or jurisdiction which would constitute an offense pursuant to this chapter if it had**  
9 **been committed in this state, or** unless in the course thereof the actor displays a deadly weapon  
10 in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which  
11 case it is a class D felony.

566.093. 1. A person commits the crime of sexual misconduct in the second degree if  
2 he:

3 (1) Exposes his genitals under circumstances in which he knows that his conduct is likely  
4 to cause affront or alarm; or

5 (2) Has sexual contact in the presence of a third person or persons under circumstances  
6 in which he knows that such conduct is likely to cause affront or alarm.

7           2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has  
8 previously **pleaded guilty to or** been convicted of an offense under this chapter, **or has**  
9 **previously pleaded guilty to or been convicted of an offense in another state or jurisdiction**  
10 **which if committed in this state would constitute an offense pursuant to this chapter,** in  
11 which case it is a class A misdemeanor.