

SECOND REGULAR SESSION

# HOUSE BILL NO. 1329

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOLLY, HARDING, KELLY (27), REID, MOORE,  
OSTMANN (Co-sponsors), BARTELSMEYER, ROBIRDS AND BERKSTRESSER.

Pre-filed December 26, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2923L.011

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### AN ACT

To repeal sections 566.067, 566.068, and 566.083, RSMo, and to enact in lieu thereof six new sections relating to sexual conduct involving child victims, with penalty provisions.

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

Section A. Sections 566.067, 566.068, and 566.083, RSMo, are repealed and six new  
2 sections enacted in lieu thereof, to be known as sections 491.707, 566.067, 566.068, 566.069,  
3 566.071, and 566.083, to read as follows:

**491.707. 1. In all prosecutions brought under chapter 566, RSMo, sections 565.050,  
2 565.060, and 565.070, RSMo, sections 568.045, 568.050, 568.060, 568.080, and 568.090,  
3 RSMo, and sections 573.025 and 573.040, RSMo, the defendant shall be physically excluded  
4 from the room in which any and all discovery deposition proceedings are conducted at  
5 which a child victim will testify.**

**6 2. As used in this section "child victim" means any person who is less than  
7 seventeen years of age.**

566.067. 1. A person commits the crime of child molestation in the first degree if he or  
2 she subjects another person who is less than fourteen years of age to sexual contact.

3 2. Child molestation in the first degree is a class B felony unless the actor has previously  
4 **pleaded guilty to or been convicted of an offense under this chapter or has pleaded guilty to  
5 or been convicted of an offense in another state or jurisdiction which would have  
6 constituted an offense pursuant to this chapter if it had been committed in this state,** or in  
7 the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly  
8 instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended  
to be omitted in the law.**

9 in which case the crime is a class A felony.

566.068. 1. A person commits the crime of child molestation in the second degree if he  
2 or she subjects another person who is less than seventeen years of age to sexual contact.

3 2. Child molestation in the second degree is a class [A misdemeanor] **C felony** unless  
4 the actor has previously **pleaded guilty to or** been convicted of an offense under this chapter **or**  
5 **has pleaded guilty to or been convicted of an offense in another state or jurisdiction which**  
6 **would have constituted an offense pursuant to this chapter if it had been committed in this**  
7 **state**, or in the course thereof the actor inflicts serious physical injury on any person, displays  
8 a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed  
9 as part of a ritual or ceremony, in which case the crime is a class [D] **B** felony.

**566.069. 1. A person commits the crime of child molestation in the third degree if**  
2 **such person subjects another person who is less than fourteen years of age to conduct**  
3 **which would constitute sexual contact except that the touching occurs through the clothing.**

4 2. **Child molestation in the third degree is a class D felony unless the actor has**  
5 **previously pleaded guilty to or been convicted of an offense pursuant to this chapter or has**  
6 **pleaded guilty to or been convicted of an offense in another state or jurisdiction which**  
7 **would have constituted an offense pursuant to this chapter if it had been committed in this**  
8 **state, or in the course thereof the actor inflicts serious physical injury, displays a deadly**  
9 **weapon or a dangerous instrument in a threatening manner, or the offense is committed**  
10 **as part of a ritual or ceremony in which case the crime is a class C felony.**

**566.071. 1. A person commits the crime of child molestation in the fourth degree**  
2 **if such person subjects another person who is less than seventeen years of age to conduct**  
3 **which would constitute sexual contact except that the touching occurs through the clothing.**

4 2. **Child molestation in the fourth degree is a class A misdemeanor unless the actor**  
5 **has previously pleaded guilty to or been convicted of an offense pursuant to this chapter**  
6 **or has pleaded guilty to or been convicted of an offense in another state or jurisdiction**  
7 **which would have constituted an offense pursuant to this chapter if it had been committed**  
8 **in this state, or in the course thereof the actor inflicts serious physical injury, displays a**  
9 **deadly weapon or a dangerous instrument in a threatening manner, or the offense is**  
10 **committed as part of a ritual or ceremony in which case the crime is a class D felony.**

566.083. 1. A person commits the crime of sexual misconduct involving a child if the  
2 person:

3 (1) Knowingly exposes the person's genitals to a child less than fourteen years of age in  
4 a manner that would cause a reasonable adult to believe that the conduct is likely to cause affront  
5 or alarm to a child less than fourteen years of age;

6 (2) Knowingly exposes the person's genitals to a child less than fourteen years of age for

7 the purpose of arousing or gratifying the sexual desire of any person, including the child; or  
8 (3) Coerces a child less than fourteen years of age to expose the child's genitals for the  
9 purpose of arousing or gratifying the sexual desire of any person, including the child.

10 2. As used in this section, the term "sexual act" means any of the following, whether  
11 performed or engaged in either with any other person or alone: sexual or anal intercourse,  
12 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual  
13 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or  
14 gratification of any individual who may view such depiction.

15 3. Violation of this section is a class D felony[; except that the second or any subsequent  
16 violation of this section] **unless the actor has previously pleaded guilty to or been convicted**  
17 **of an offense pursuant to this chapter or the actor has previously pleaded guilty to or been**  
18 **convicted of an offense against the laws of another state or jurisdiction which would**  
19 **constitute an offense pursuant to this chapter if it had been committed in this state, in**  
20 **which case it** is a class C felony.