

SECOND REGULAR SESSION

[PERFECTED]

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1498

91ST GENERAL ASSEMBLY

Taken up for Perfection February 20, 2002.

House Substitute for House Bill No. 1498 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

3976L.03P

AN ACT

To amend chapters 565 and 566, RSMo, by adding thereto three new sections relating to sexual offenses against inmates and residents in skilled nursing facilities and Alzheimer's special units or programs, and bestiality, with penalty provisions.

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

Section A. Chapters 565 and 566, RSMo, are amended by adding thereto three new sections, to be known as sections 565.200, 566.111 and 566.145, to read as follows:

565.200. 1. Any owner or employee of a skilled nursing facility, as defined in section 198.006, RSMo, or an Alzheimer's special unit or program, as defined in section 198.505, RSMo, who:

(1) Has sexual contact, as defined in section 566.010, RSMo, with a resident is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation of this subdivision is guilty of a class A misdemeanor; or

(2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010, RSMo, with a resident is guilty of a class D felony. Any person who commits a second or subsequent violation of this subdivision is guilty of a class C felony.

2. The provisions of this section shall not apply to an owner or employee of a skilled nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined in section 566.010, RSMo, with a resident to whom the owner or employee is married.

3. Consent of the victim is not a defense to a prosecution pursuant to this section.

566.111. 1. For purposes of this section, the following terms mean:

2 (1) "Animal", every creature, either alive or dead, other than a human being;

3 (2) "Sexual conduct with an animal", any touching of an animal with the genitals
4 or any touching of the genitals or anus of an animal for the purpose of arousing or
5 gratifying sexual desire.

6 2. No person shall engage in any sexual conduct with an animal, or cause, aid or
7 abet another person to engage in any sexual conduct with an animal. No person shall
8 permit any sexual conduct with an animal on any premises under such person's charge or
9 control. No person shall engage in, promote, aid or abet any activity involving any sexual
10 conduct with an animal for commercial or recreational purposes.

11 3. Any person who violates this section shall be guilty of a class D felony. Any
12 person who violates this section in the presence of a minor or causes any animal serious
13 physical injury or death while violating or attempting to violate this section shall be guilty
14 of a class C felony.

15 4. In addition to the penalty imposed, the court may:

16 (1) Prohibit the defendant permanently or for a reasonable time from harboring
17 animals or residing in any household where animals are present;

18 (2) Order the defendant to relinquish and permanently forfeit all animals residing
19 in the defendant's household to a recognized or duly incorporated animal shelter or
20 humane society, and order the defendant to reimburse such shelter or humane society for
21 all reasonable costs incurred for the care and maintenance of the animals involved in the
22 violation of this section; and

23 (3) Order psychological evaluation and counseling of the defendant, at the
24 defendant's expense.

25 5. Nothing in this section shall be construed to prohibit generally accepted animal
26 husbandry practices or generally accepted veterinary medical practices.

27 6. Any person acting under authority of this section may seize any and all animals
28 involved in the alleged violation. The defendant charged with violating this section shall
29 be provided a disposition hearing pursuant to section 578.018, RSMo.

 566.145. 1. A person commits the crime of sexual conduct with an inmate if such
2 person is an employee of, or assigned to work in, any jail, prison or correctional facility
3 and such person has sexual intercourse or deviate sexual intercourse with an inmate or
4 resident of the facility.

5 2. Sexual conduct with an inmate is a class D felony.

6 3. Consent of the victim is not a defense to a prosecution pursuant to this section.