

HB 2386 -- Sexual Offenses Involving a Child

Sponsor: Sander

This bill changes the laws regarding sexual offenses involving a child. In its main provisions, the bill:

(1) Requires the forfeiture of any computers, computer equipment, computer hardware and software, cellular telephones, or other devices capable of accessing the Internet used by the owner or with the owner's consent as a means of committing certain felonies or those used as an instrument to distribute or store anything in which the possession of which is a state offense. A law enforcement agency upon court order is allowed to retain possession and convert to law enforcement use these items used in the acquisition, possession, or distribution of child pornography or obscene material (Section 542.301, RSMo);

(2) Allows a court to order a defendant upon a plea of guilty or finding of guilt for a felony sexual offense in which these items were seized to reimburse the state or local law enforcement agency for the costs incurred in its examination of the items seized in addition to any other penalties provided by law (Section 566.015);

(3) Adds to the crime of sexual misconduct involving a child the act of knowingly coercing or inducing a female child younger than 15 years of age to expose her breasts for the purpose of arousing or gratifying the sexual desire of any person. The bill specifies that sexual misconduct involving a child or attempted sexual misconduct involving a child will be a class D felony unless the actor was 21 years of age or older and was located outside the state of Missouri at the time the offense was committed, in which case it will be a class C felony (Section 566.083);

(4) Increases, from 15 years to 17 years, the age of the child as it relates to the crime of enticement of a child for the purpose of engaging in sexual conduct by any person at least 21 years of age. The bill specifies that enticement of a child or an attempt to commit enticement of a child will be a felony for which the term of imprisonment is between five years and 30 years when the victim is younger than 15 years of age and will be a class D felony when the victim is at least 15 years of age but younger than 17 years of age. Any person convicted of this crime when the victim is younger than 15 years of age will not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for at least five years (Section 566.151); and

(5) Changes the crime of age misrepresentation to be when a person knowingly misrepresents his or her age to a person younger than 17 years of age or to a police officer masquerading as a person younger than 17 years of age in order to commit or attempt to commit a felony sexual offense under Chapter 566 or an offense against the family under Chapter 568 (Section 566.153).