

FIRST REGULAR SESSION

# HOUSE BILL NO. 297

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), FRANZ, JONES (89), JONES (63), WYATT,  
LARGENT AND OXFORD (Co-sponsors).

1124L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 568.060, RSMo, and to enact in lieu thereof one new section relating to child abuse, with existing penalty provisions.

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

Section A. Section 568.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.060, to read as follows:

568.060. 1. A person commits the crime of abuse of a child if such person:

(1) Knowingly inflicts cruel [and inhuman] **or excessive** punishment upon a child less than seventeen years old; or

(2) **Knowingly cause physical injury to a child less than seventeen years of age by any means including, but not limited to torturing, shaking, slamming, kicking, or neglecting the child; or**

(3) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

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

3. Abuse of a child is a class C felony, unless:

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 (1) In the course thereof the person inflicts **physical injury or** serious emotional injury  
18 on [the] **a child less than two years of age**, or the offense is committed as part of a ritual or  
19 ceremony in which case the crime is a class B felony; or

20 (2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the  
21 provisions of this section, in which case the crime is a class A felony.

22 4. As used in this section, the word "fetishism" means a condition in which erotic  
23 feelings are excited by an object or body part whose presence is psychologically necessary for  
24 sexual stimulation or gratification.

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