

## HB 280 -- Sexual Offenses

Sponsor: Barnes

This bill changes the laws regarding certain sexual offenses. In its main provisions, the bill:

(1) Renames the crime of forcible rape to rape in the first degree and specifies that a person commits the crime if he or she has sexual intercourse with an individual who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(2) Renames the crime of forcible sodomy to sodomy in the first degree and specifies that a person commits the offense if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(3) Renames the crime of sexual assault to rape in the second degree;

(4) Renames the crime of deviate sexual assault to sodomy in the second degree;

(5) Renames the crime of sexual abuse to sexual abuse in the first degree and specifies that a person commits the offense if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(6) Renames the crime of "sexual misconduct in the second degree" to "sexual misconduct in the first degree";

(7) Renames the crime of "sexual misconduct in the third degree" to "sexual misconduct in the second degree";

(8) Renames the crime of "sexual misconduct" to "sexual abuse in the second degree";

(9) Specifies that a real estate broker's or salesperson's license must be revoked and an applicant must not be issued a license if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of rape in the first degree, rape in the second degree, sodomy in the first degree, sodomy in the second degree, or sexual abuse in the first or second degree;

(10) Specifies that a prosecution for rape in the first degree,

attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree may be commenced at any time;

(11) Defines the term "domestic violence", "family" and "household member" as they apply to certain information that an insurance company cannot disclose to be the same as they are in Section 455.010, RSMo;

(12) Specifies that a prosecution for an unlawful sexual offense involving a person 18 years old or younger must be commenced within 30 years after the victim reaches the age of 18 unless the prosecution is for rape in the first degree, attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree, in which case the prosecution may be commenced at any time;

(13) Includes being in a drug-induced state or for any other reason being manifestly unable or known by the actor to be unable to make a reasonable judgment to those who are incapable of giving consent to sexual activity; and

(14) Repeals the provision which specifies that a person is not considered incapacitated with respect to an act committed upon a person if he or she became unconscious, unable to appraise the nature of the person's conduct or unable to communicate unwillingness to an act after consenting to the act.