

HB 326 -- SEXUAL MISCONDUCT

SPONSOR: Fitzwater

COMMITTEE ACTION: Voted "Do Pass" by the Special Standing Committee on Corrections by a vote of 10 to 0.

This bill increases the penalty for the crime of sexual misconduct in the second degree, a class B misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense, to a class D felony if committed by a person while incarcerated within a Department of Corrections facility. A person commits the crime if he or she exposes his or her genitals or has sexual contact in the presence of a third person under circumstances he or she knows is likely to cause affront or alarm or has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

PROPOSERS: Supporters say that there is a continuing problem with sexual misconduct by certain inmates within correctional facilities. In most of these instances, the acts are only misdemeanors and prosecutors will not prosecute a person in the custody of the department for misdemeanor offenses. These acts are having a detrimental effect on staff, visitors and other inmates and increasing the penalty will hopefully act as a deterrent.

Testifying for the bill were Representative Fitzwater; Department of Corrections; and Missouri Corrections Officers Association.

OPPOSERS: There was no opposition voiced to the committee.