

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

# HOUSE BILL NO. 1317

96TH GENERAL ASSEMBLY

4789L.03P

D. ADAM CRUMBLISS, Chief Clerk

---

---

## AN ACT

To repeal section 568.060, RSMo, and to enact in lieu thereof one new section relating to child injuries caused by abusive head trauma, with penalty provisions.

---

---

*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Section A. Section 568.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.060, to read as follows: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 punishment upon a child less than seventeen years old; or

(2) **Recklessly causes serious physical injury to a child less than seventeen years of age which results in a condition commonly known as abusive head trauma. For purposes of this section, "abusive head trauma" means a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking; 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.

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.

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

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

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

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

✓