

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 1317

96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 1, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4789S.06C

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 existing 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Section A. Section 568.060, RSMo, is repealed and one new section
2 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:

2 (1) Knowingly inflicts cruel and inhuman punishment upon a child less
3 than seventeen years old; or

4 (2) **Recklessly causes serious physical injury to a child less than**
5 **five years of age which results in a condition commonly known as**
6 **abusive head trauma. For purposes of this section, "abusive head**
7 **trauma" means a serious physical injury to the head or brain caused by**
8 **shaking, jerking, pushing, pulling, slamming, hitting, or kicking; or**

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

13 2. As used in this section "prohibited sexual act" means any of the
14 following, whether performed or engaged in either with any other person or alone:
15 sexual or anal intercourse, masturbation, bestiality, sadism, masochism,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity
17 is to be depicted for the purpose of sexual stimulation or gratification of any
18 individual who may view such depiction.

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

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

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

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

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