

FIRST REGULAR SESSION

HOUSE BILL NO. 211

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CONWAY (104).

0935H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to sexual exploitation by a person with higher authority, with a penalty provision.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new section, to be known as section 566.088, to read as follows:

566.088. 1. The provisions of this section shall be known as “Carrie’s Law”.

2. A person commits the crime of sexual exploitation by a person of higher authority if such person is or holds oneself out to be in any higher authority than the victim whether such authority is related to a professional license or is recognized or upheld as an authority figure within the scope of his or her relationship with a specific group or body of individuals or constituencies and engages in sexual conduct as defined in section 566.010 with another person who is not the individual's spouse and the sexual conduct occurred:

(1) Following a documented pattern of efforts to seduce the victim over a period of time; and

(2) During the course of a meeting in which the victim sought or received instruction, counseling, advice, therapy, aid, or comfort from the person or within one hundred twenty days after such meeting has ended; or

(3) During a period of time in which the victim was meeting on an ongoing basis with the person of higher authority to seek or receive instruction, counseling, advice, therapy, aid, or comfort from the person; or

(4) While the person was in a position of trust or authority over the victim and used that position of trust or authority to engage in the sexual conduct.

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. Consent by the victim is not a defense under this section.**

19 **4. Sexual exploitation by a person of higher authority is a class B misdemeanor**
20 **unless the person used the relationship to solicit or collect anything of monetary value from**
21 **the victim or on behalf of the victim or such monetary collection was solicited or required**
22 **by the structure of the group or body of individuals bestowing such authority, in which**
23 **case such sexual exploitation shall be a class A misdemeanor.**

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