

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Bill No. 1396, Page 1, in the Title, Line 3, by removing the words "the address  
2 confidentiality program" and inserting in lieu thereof the words "crime prevention"; and

3  
4 Further amend said bill and page, Section A, Line 2, by inserting immediately after said line the  
5 following:

6 "516.371. Notwithstanding any provision of law to the contrary, there shall be [a ten-year]  
7 no statute of limitation on any action for damages for personal injury caused to an individual by a  
8 person within the third degree of affinity or consanguinity who subjects such individual to sexual  
9 contact, as defined in section 566.010.

10 537.046. 1. As used in this section, the following terms mean:

11 (1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff  
12 which act occurred when the plaintiff was under the age of eighteen years and which act would have  
13 been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090,  
14 566.100, 566.110, or 566.120, or section 568.020;

15 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or  
16 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

17 2. Any action to recover damages from injury or illness caused by childhood sexual abuse in  
18 an action brought pursuant to this section [shall be commenced within ten years of the plaintiff  
19 attaining the age of twenty-one or within three years of the date the plaintiff discovers, or  
20 reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse,  
21 whichever later occurs] may be commenced at any time.

22 3. This section shall apply to any action commenced on or after August 28, [2004] 2015,  
23 including any action which would have been barred by the application of the statute of limitation  
24 applicable prior to that date.

25 556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful  
26 sexual offenses involving a person eighteen years of age or under [must be commenced within thirty  
27 years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first  
28 degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first  
29 degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first  
30 degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any  
31 time.

32 556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful  
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36 degree, forcible sodomy, kidnapping, attempted sodomy in the first degree, or attempted forcible

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1 sodomy in which case such prosecutions] may be commenced at any time.

2 568.060. 1. As used in this section, the following terms shall mean:

3 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person  
4 eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted  
5 on a child by accidental means by a person with care, custody, or control of the child, or discipline  
6 of a child by a person with care, custody, or control of the child, including spanking, in a reasonable  
7 manner;

8 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any  
9 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional  
11 condition of a child as evidenced by an observable and substantial impairment of the ability of the  
12 child to function within his or her normal range of performance or behavior;

13 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and control  
14 of a child under the age of eighteen years, the care reasonable and necessary to maintain the  
15 physical and mental health of the child, when such failure presents a substantial probability that  
16 death or physical injury or sexual injury would result;

17 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary  
19 disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
21 permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive,  
22 or physical condition. Serious emotional injury shall be established by testimony of qualified  
23 experts upon the reasonable expectation of probable harm to a reasonable degree of medical or  
24 psychological certainty;

25 (7) "Serious physical injury", a physical injury that creates a substantial risk of death or that  
26 causes serious disfigurement or protracted loss or impairment of the function of any part of the  
27 body.

28 2. A person commits the offense of abuse or neglect of a child if such person knowingly  
29 causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury as the  
32 result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person recklessly  
34 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

35 4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole  
36 fact that the person delivers or allows the delivery of a child to a provider of emergency services.

37 5. The offense of abuse or neglect of a child is:

38 (1) A class D felony, without eligibility for probation, parole, or conditional release until the  
39 defendant has served no less than one year of such sentence, unless the person has previously been  
40 found guilty of a violation of this section or of a violation of the law of any other jurisdiction that  
41 prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury  
42 or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without  
43 eligibility for probation or parole until the defendant has served not less than five years of such  
44 sentence; or

45 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
46 chargeable under the provisions of this section.

47 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or  
48 neglect of a child is a class A felony, without eligibility for probation, parole, or conditional release

1 until the defendant has served not less than fifteen years of such sentence, if:

2 (1) The injury is a serious emotional injury or a serious physical injury;

3 (2) The child is less than fourteen years of age; and

4 (3) The injury is the result of sexual abuse or sexual abuse in the first degree as defined  
5 under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

6 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or  
7 neglect of a child to an appropriate public or private agency for treatment or counseling so long as  
8 the agency has consented to taking such referrals. Nothing in this subsection shall limit the  
9 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for  
10 treatment or counseling pursuant to this subsection.

11 8. Nothing in this section shall be construed to alter the requirement that every element of  
12 any crime referred to herein must be proven beyond a reasonable doubt.

13 9. Discipline, including spanking administered in a reasonable manner, shall not be  
14 construed to be abuse under this section.

15 10. Notwithstanding the provisions of section 556.036, prosecutions for child abuse may be  
16 commenced at any time.

17 568.060. 1. As used in this section, the following terms shall mean:

18 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person  
19 eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted  
20 on a child by accidental means by a person with care, custody, or control of the child, or discipline  
21 of a child by a person with care, custody, or control of the child, including spanking, in a reasonable  
22 manner;

23 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any  
24 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

25 (3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional  
26 condition of a child as evidenced by an observable and substantial impairment of the ability of the  
27 child to function within his or her normal range of performance or behavior;

28 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and control  
29 of a child under the age of eighteen years, the care reasonable and necessary to maintain the  
30 physical and mental health of the child, when such failure presents a substantial probability that  
31 death or physical injury or sexual injury would result;

32 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
33 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary  
34 disfigurement and impairment of any bodily function or organ;

35 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
36 permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive,  
37 or physical condition. Serious emotional injury shall be established by testimony of qualified  
38 experts upon the reasonable expectation of probable harm to a reasonable degree of medical or  
39 psychological certainty;

40 (7) "Serious physical injury", a physical injury that creates a substantial risk of death or that  
41 causes serious disfigurement or protracted loss or impairment of the function of any part of the  
42 body.

43 2. A person commits the offense of abuse or neglect of a child if such person knowingly  
44 causes a child who is less than eighteen years of age:

45 (1) To suffer physical or mental injury as a result of abuse or neglect; or

46 (2) To be placed in a situation in which the child may suffer physical or mental injury as the  
47 result of abuse or neglect.

48 3. A person commits the offense of abuse or neglect of a child if such person recklessly

1 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

2 4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole  
3 fact that the person delivers or allows the delivery of a child to a provider of emergency services.

4 5. The offense of abuse or neglect of a child is:

5 (1) A class C felony, without eligibility for probation or parole until the defendant has  
6 served no less than one year of such sentence, unless the person has previously been found guilty of  
7 a violation of this section or of a violation of the law of any other jurisdiction that prohibits the  
8 same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious  
9 physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for  
10 probation or parole until the defendant has served not less than five years of such sentence; or

11 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
12 chargeable under the provisions of this section.

13 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or  
14 neglect of a child is a class A felony, without eligibility for probation or parole until the defendant  
15 has served not less than fifteen years of such sentence, if:

16 (1) The injury is a serious emotional injury or a serious physical injury;

17 (2) The child is less than fourteen years of age; and

18 (3) The injury is the result of sexual abuse as defined under section 566.100 or sexual  
19 exploitation of a minor as defined under section 573.023.

20 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or  
21 neglect of a child to an appropriate public or private agency for treatment or counseling so long as  
22 the agency has consented to taking such referrals. Nothing in this subsection shall limit the  
23 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for  
24 treatment or counseling pursuant to this subsection.

25 8. Nothing in this section shall be construed to alter the requirement that every element of  
26 any crime referred to herein must be proven beyond a reasonable doubt.

27 9. Discipline, including spanking administered in a reasonable manner, shall not be  
28 construed to be abuse under this section.

29 10. Notwithstanding the provisions of section 556.036, prosecutions for child abuse may be  
30 commenced at any time."; and

31  
32 Further amend said bill by amending the title, enacting clause, and intersectional references  
33 accordingly.