

FIRST REGULAR SESSION

# SENATE BILL NO. 322

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS GROSS AND GIBBONS.

Read 1st time January 18, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1173S.011

## AN ACT

To repeal section 566.093, RSMo 2000, relating to sexual misconduct in the second degree, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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

Section A. Section 566.093, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 566.093, to read as follows:

566.093. 1. A person commits the crime of sexual misconduct in the second degree if [he] **such person:**

(1) Exposes [his] **such person's** genitals under circumstances in which [he] **such person** knows that [his] **such** conduct is likely to cause affront or alarm; or

(2) Has sexual contact in the presence of a third person or persons under circumstances in which [he] **such person** knows that such conduct is likely to cause affront or alarm.

2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously **pled guilty to or** been convicted of an offense [under] **pursuant to** this chapter, in which case it is a class A misdemeanor, **or unless the actor has twice previously pled guilty to or been convicted pursuant to this section, in which case it is a class D felony.**

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