

FIRST REGULAR SESSION

# SENATE BILL NO. 563

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SHIELDS.

Read 1st time February 24, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1866S.011

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## AN ACT

To repeal sections 566.025, 566.032, 566.062, 566.067, 566.083, and 566.100, RSMo, and to enact in lieu thereof six new sections relating to sexual offenses, with penalty provisions.

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

Section A. Sections 566.025, 566.032, 566.062, 566.067, 566.083, and 566.100, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 566.025, 566.032, 566.062, 566.067, 566.083, and 566.100, to read as follows:

566.025. In prosecutions pursuant to this chapter or chapter 568, RSMo, of a sexual nature involving a victim under **[fourteen] sixteen** years of age, whether or not age is an element of the crime for which the defendant is on trial, evidence that the defendant has committed other charged or uncharged crimes of a sexual nature involving victims under **[fourteen] sixteen** years of age shall be admissible for the purpose of showing the propensity of the defendant to commit the crime or crimes with which he or she is charged unless the trial court finds that the probative value of such evidence is outweighed by the prejudicial effect.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than **[fourteen] sixteen** years old.

2. Statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, or the victim is less than **[twelve] fourteen** years of age in which case the authorized term of imprisonment is life imprisonment

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

or a term of years not less than ten years.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if [he] **such person** has deviate sexual intercourse with another person who is less than [fourteen] **sixteen** years old.

2. Statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, or the victim is less than [twelve] **fourteen** years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.067. 1. A person commits the crime of child molestation in the first degree if he or she subjects another person who is less than [fourteen] **sixteen** years of age to sexual contact.

2. Child molestation in the first degree is a class B felony unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony.

566.083. 1. A person commits the crime of sexual misconduct involving a child if the person:

(1) Knowingly exposes the person's genitals to a child less than [fourteen] **sixteen** years of age in a manner that would cause a reasonable adult to believe that the conduct is likely to cause affront or alarm to a child less than [fourteen] **sixteen** years of age;

(2) Knowingly exposes the person's genitals to a child less than [fourteen] **sixteen** years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(3) Coerces a child less than [fourteen] **sixteen** years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. As used in this section, the term "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.

3. Violation of this section is a class D felony; except that the second or any subsequent violation of this section is a class C felony.

566.100. 1. A person commits the crime of sexual abuse if [he] **such person** subjects another person to sexual contact by the use of forcible compulsion.

2. Sexual abuse is a class C felony unless in the course thereof the actor inflicts serious

physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than [fourteen] **sixteen** years of age, in which case the crime is a class B felony.

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