

FIRST REGULAR SESSION

SENATE BILL NO. 439

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS BARTLE AND CALLAHAN.

Read 1st time February 28, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1744S.01I

AN ACT

To repeal section 568.050, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child, with penalty provisions.

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

Section A. Section 568.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.050, to read as follows:

568.050. 1. A person commits the crime of endangering the welfare of a child in the second degree if:

(1) He **or she** with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He **or she** knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he **or she** recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(4) He **or she** knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130, RSMo.

(5) The person operates a vehicle in violation of sections 565.024,

RSMo, 565.060, RSMo, 577.010, RSMo, or 577.012, RSMo, while a child less than seventeen years of age is present in the vehicle.

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he **or she** is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. Endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

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