

FIRST REGULAR SESSION

SENATE BILL NO. 36

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Pre-filed December 1, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0517S.011

AN ACT

To repeal sections 566.030 and 566.060, RSMo, and to enact in lieu thereof two new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

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

Section A. Sections 566.030 and 566.060, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 566.030 and 566.060, to read as follows:

566.030. 1. A person commits the crime of forcible rape if such person has sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. Forcible rape or an attempt to commit forcible rape is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) 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 intercourse or deviate sexual intercourse with more than one person, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years; or

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

15 (2) The victim is a child less than twelve years of age, in which case the
16 required term of imprisonment is life imprisonment without eligibility for
17 probation [or], parole [until the defendant has served not less than thirty years
18 of such sentence or unless the defendant has reached the age of seventy-five years
19 and has served at least fifteen years of such sentence], **or conditional**
20 **release**. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence
21 of a person who has pleaded guilty to or has been found guilty of forcible rape
22 when the victim is under the age of twelve, and "life imprisonment" shall mean
23 imprisonment for the duration of a person's natural life for the purposes of this
24 section.

25 3. No person found guilty of or pleading guilty to forcible rape or an
26 attempt to commit forcible rape shall be granted a suspended imposition of
27 sentence or suspended execution of sentence.

566.060. 1. A person commits the crime of forcible sodomy if such person
2 has deviate sexual intercourse with another person by the use of forcible
3 compulsion. Forcible compulsion includes the use of a substance administered
4 without a victim's knowledge or consent which renders the victim physically or
5 mentally impaired so as to be incapable of making an informed consent to sexual
6 intercourse.

7 2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for
8 which the authorized term of imprisonment is life imprisonment or a term of
9 years not less than five years, unless:

10 (1) In the course thereof the actor inflicts serious physical injury or
11 displays a deadly weapon or dangerous instrument in a threatening manner or
12 subjects the victim to sexual intercourse or deviate sexual intercourse with more
13 than one person, in which case the authorized term of imprisonment is life
14 imprisonment or a term of years not less than ten years; or

15 (2) The victim is a child less than twelve years of age, in which case the
16 required term of imprisonment is life imprisonment without eligibility for
17 probation [or], parole [until the defendant has served not less than thirty years
18 of such sentence or unless the defendant has reached the age of seventy-five years
19 and has served at least fifteen years of such sentence], **or conditional**
20 **release**. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence
21 of a person who has pleaded guilty to or has been found guilty of forcible sodomy
22 when the victim is under the age of twelve, and "life imprisonment" shall mean
23 imprisonment for the duration of a person's natural life for the purposes of this

24 section.

25 3. No person found guilty of or pleading guilty to forcible sodomy or an
26 attempt to commit forcible sodomy shall be granted a suspended imposition of
27 sentence or suspended execution of sentence.

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