

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 36 & 112

95TH GENERAL ASSEMBLY

2009

0517L.04T

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Section A. Sections 566.030 and 566.060, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 566.030 and
3 566.060, to read as follows:

566.030. 1. A person commits the crime of forcible rape if such person has
2 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 rape or an attempt to commit forcible rape is a felony for which
8 the authorized term of imprisonment is life imprisonment or a term of years not
9 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 fifteen years; [or]

15 (2) The victim is a child less than twelve years of age, in which case the

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

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 of
18 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, **unless such forcible**
20 **rape is described under subdivision (3) of this subsection; or**

21 **(3) The victim is a child less than twelve years of age and such**
22 **forcible rape was outrageously or wantonly vile, horrible or inhumane,**
23 **in that it involved torture or depravity of mind, in which case, the**
24 **required term of imprisonment is life imprisonment without eligibility**
25 **for probation, parole or conditional release.**

26 3. Subsection 4 of section 558.019, RSMo, shall not apply to the sentence
27 of a person who has pleaded guilty to or has been found guilty of forcible rape
28 when the victim is under the age of twelve, and "life imprisonment" shall mean
29 imprisonment for the duration of a person's natural life for the purposes of this
30 section.

31 [3.] 4. No person found guilty of or pleading guilty to forcible rape or an
32 attempt to commit forcible rape shall be granted a suspended imposition of
33 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 of
18 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, **unless such forcible**
20 **sodomy is described under subdivision (3) of this subsection; or**

21 **(3) The victim is a child less than twelve years of age and such**
22 **forcible sodomy was outrageously or wantonly vile, horrible or**
23 **inhumane, in that it involved torture or depravity of mind, in which**
24 **case, the required term of imprisonment is life imprisonment without**
25 **eligibility for probation, parole or conditional release.**

26 **3.** Subsection 4 of section 558.019, RSMo, shall not apply to the sentence
27 of a person who has pleaded guilty to or has been found guilty of forcible sodomy
28 when the victim is under the age of twelve, and "life imprisonment" shall mean
29 imprisonment for the duration of a person's natural life for the purposes of this
30 section.

31 **[3.] 4.** No person found guilty of or pleading guilty to forcible sodomy or
32 an attempt to commit forcible sodomy shall be granted a suspended imposition
33 of sentence or suspended execution of sentence.

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Bill

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