

FIRST REGULAR SESSION

# SENATE BILL NO. 156

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

Read 1st time January 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1038S.011

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## AN ACT

To repeal sections 566.032, 566.034, 566.062, and 566.064, RSMo, and to enact in lieu thereof four new sections relating to suspended sentences for certain crimes, with penalty provisions in existing language.

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

Section A. Sections 566.032, 566.034, 566.062, and 566.064, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 566.032, 566.034, 566.062, and 566.064, to read as follows:

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

4 2. Statutory rape in the first degree or an attempt to commit statutory  
5 rape in the first degree is a felony for which the authorized term of imprisonment  
6 is life imprisonment or a term of years not less than five years, unless in the  
7 course thereof the actor inflicts serious physical injury on any person, displays  
8 a deadly weapon or dangerous instrument in a threatening manner, subjects the  
9 victim to sexual intercourse or deviate sexual intercourse with more than one  
10 person, or the victim is less than twelve years of age in which case the authorized  
11 term of imprisonment is life imprisonment or a term of years not less than ten  
12 years.

13 3. **No person found guilty of or pleading guilty to statutory rape**  
14 **in the first degree or an attempt to commit statutory rape in the first**  
15 **degree shall be granted a suspended imposition of sentence or**  
16 **suspended execution of sentence.**

566.034. 1. A person commits the crime of statutory rape in the second  
2 degree if being twenty-one years of age or older, he has sexual intercourse with

3 another person who is less than seventeen years of age.

4 2. Statutory rape in the second degree is a class C felony.

5 **3. No person found guilty of or pleading guilty to statutory rape**  
6 **in the second degree or an attempt to commit statutory rape in the**  
7 **second degree shall be granted a suspended imposition of sentence or**  
8 **suspended execution of sentence.**

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

4 2. Statutory sodomy in the first degree or an attempt to commit statutory  
5 sodomy in the first degree is a felony for which the authorized term of  
6 imprisonment is life imprisonment or a term of years not less than five years,  
7 unless in the course thereof the actor inflicts serious physical injury on any  
8 person, displays a deadly weapon or dangerous instrument in a threatening  
9 manner, subjects the victim to sexual intercourse or deviate sexual intercourse  
10 with more than one person, or the victim is less than twelve years of age, in  
11 which case the authorized term of imprisonment is life imprisonment or a term  
12 of years not less than ten years.

13 **3. No person found guilty of or pleading guilty to statutory**  
14 **sodomy in the first degree or an attempt to commit statutory sodomy**  
15 **in the first degree shall be granted a suspended imposition of sentence**  
16 **or suspended execution of sentence.**

566.064. 1. A person commits the crime of statutory sodomy in the second  
2 degree if being twenty-one years of age or older, he has deviate sexual intercourse  
3 with another person who is less than seventeen years of age.

4 2. Statutory sodomy in the second degree is a class C felony.

5 **3. No person found guilty of or pleading guilty to statutory**  
6 **sodomy in the second degree or an attempt to commit statutory sodomy**  
7 **in the second degree shall be granted a suspended imposition of**  
8 **sentence or suspended execution of sentence.**

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