

FIRST REGULAR SESSION

# SENATE BILL NO. 243

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 30, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1250S.011

## AN ACT

To repeal section 566.093, RSMo, and to enact in lieu thereof one new section relating to the crime of sexual misconduct in the second degree, with a penalty provision.

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

Section A. Section 566.093, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 566.093, to read as follows:

566.093. 1. A person commits the crime of sexual misconduct in the  
2 second degree if such person:

3 (1) Exposes his or her genitals under circumstances in which he or she  
4 knows that his or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under  
6 circumstances in which he or she knows that such conduct is likely to cause  
7 affront or alarm; or

8 (3) Has sexual intercourse or deviate sexual intercourse in a public place  
9 in the presence of a third person.

10 2. Sexual misconduct in the second degree is a class B misdemeanor  
11 unless the actor has previously been convicted of an offense under this chapter,  
12 in which case it is a class A misdemeanor.

13 **3. If such crime is committed by a person while incarcerated**  
14 **within a facility in the department of corrections system, it is a class**  
15 **D felony.**

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