

SENATE BILL NO. 1093

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

4590S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of 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Section A. Section 568.045, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 568.045,
3 to read as follows:

568.045. 1. A person commits the offense of
2 endangering the welfare of a child in the first degree if he
3 or she:

4 (1) Knowingly acts in a manner that creates a
5 substantial risk to the life, body, or health of a child
6 less than seventeen years of age;

7 (2) Knowingly engages in sexual conduct with a person
8 under the age of eighteen years over whom the person is a
9 parent, guardian, or otherwise charged with the care and
10 custody;

11 (3) Knowingly encourages, aids, or causes a child less
12 than seventeen years of age to engage in any conduct which
13 violates the provisions of chapter 571 or 579; [or]

14 (4) In the presence of a child less than seventeen
15 years of age or in a residence where a child less than
16 seventeen years of age resides, unlawfully manufactures or
17 attempts to manufacture compounds, possesses, produces,

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

18 prepares, sells, transports, tests or analyzes any of the
19 following: fentanyl, carfentanil, amphetamine, or
20 methamphetamine, or any analogue thereof; or

21 **(5) Knowingly fails to secure a readily available**
22 **firearm, as defined in section 571.010, in the presence of a**
23 **child under seventeen years of age or in a residence where a**
24 **child under seventeen years of age resides. For the**
25 **purposes of this subdivision, the term "secure" means**
26 **storing a firearm in a locked safe, cabinet, gun vault, or**
27 **storage case or using a firearm locking device. It shall**
28 **not be an affirmative defense to a charge under this**
29 **subdivision if the offense results in the death of a child**
30 **and the death is determined to be the result of a suicide.**

31 2. The offense of endangering the welfare of a child
32 in the first degree is a class D felony unless the offense:

33 (1) Is committed as part of an act or series of acts
34 performed by two or more persons as part of an established
35 or prescribed pattern of activity, or where physical injury
36 to the child results, or the offense is a second or
37 subsequent offense under this section, in which case the
38 offense is a class C felony;

39 (2) Involves fentanyl or carfentanil, or any analogue
40 thereof, in which case:

41 (a) The offense is a class B felony; and

42 (b) A person sentenced under this subdivision shall
43 not be eligible for conditional release or parole until he
44 or she has served at least five years of imprisonment;

45 (3) Results in serious physical injury to the child,
46 in which case the offense is a class B felony; or

47 (4) Results in the death of a child, in which case the
48 offense is a class A felony.

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