

FIRST REGULAR SESSION

# HOUSE BILL NO. 1219

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHNELTING.

1995H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 565.184, RSMo, and to enact in lieu thereof one new section relating to the offense of abuse of an elderly person, a person with a disability, or a vulnerable person, with penalty provisions.

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

Section A. Section 565.184, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.184, to read as follows:

565.184. 1. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

(1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or

(2) Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or

(3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.

2. The offense of abuse of an elderly person, a person with a disability, or a vulnerable person is a class A misdemeanor; **however, if a person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person under**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **subdivision (3) of subsection 1 of this section and such person is a care provider, the**  
18 **offense of abuse of an elderly person, a person with a disability, or a vulnerable person is**  
19 **a class E felony.** Nothing in this section shall be construed to mean that an elderly person, a  
20 person with a disability, or a vulnerable person is abused solely because such person chooses  
21 to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as  
22 evidence by such person's explicit consent, advance directive for health care, or practice.

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