

SECOND REGULAR SESSION

# HOUSE BILL NO. 2259

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE INGLE.

4987H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 566, RSMo, by adding thereto one new section relating to the offense of sexual contact with a child or incapacitated person, with a penalty provision.

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

Section A. Chapter 566, RSMo, is amended by adding thereto one new section, to be  
2 known as section 566.087, to read as follows:

3 **566.087. 1. A person commits the offense of sexual contact with a child or**  
4 **incapacitated person if he or she has sexual contact with a child or incapacitated person**  
5 **and is a foster parent or legal guardian of the child or incapacitated person.**

6 **2. The offense of sexual contact with a child or incapacitated person is a class E**  
7 **felony.**

8 **3. It is not a defense to prosecution for a violation of this section that the child or**  
9 **incapacitated person consented to the sexual contact.**

10 **4. As used in this section, "incapacitated person" means a person who is unable**  
11 **by reason of any physical or mental condition to receive and evaluate information or to**  
12 **communicate decisions to such an extent that he or she lacks capacity to meet essential**  
13 **requirements for food, clothing, shelter, safety, or other care such that serious physical**  
**injury, illness, or disease is likely to occur, including a partially incapacitated person**  
**who lacks the capacity to meet, in part, such essential requirements.**

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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.