

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 36 & 112
95TH GENERAL ASSEMBLY

0517L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 566.030 and 566.060, RSMo, and to enact in lieu thereof two new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

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

Section A. Sections 566.030 and 566.060, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 566.030 and 566.060, to read as follows:

566.030. 1. A person commits the crime of forcible rape if such person has sexual
2 intercourse with another person by the use of forcible compulsion. Forcible compulsion includes
3 the use of a substance administered without a victim's knowledge or consent which renders the
4 victim physically or mentally impaired so as to be incapable of making an informed consent to
5 sexual intercourse.

6 2. Forcible rape or an attempt to commit forcible rape is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than five years,
8 unless:

9 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
11 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
12 term of imprisonment is life imprisonment or a term of years not less than fifteen years; [or]

13 (2) The victim is a child less than twelve years of age, in which case the required term
14 of imprisonment is life imprisonment without eligibility for probation or parole until the
15 defendant has served not less than thirty years of such sentence or unless the defendant has

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.

16 reached the age of seventy-five years and has served at least fifteen years of such sentence,
17 **unless such forcible rape is described under subdivision (3) of this subsection; or**

18 **(3) The victim is a child less than twelve years of age and such forcible rape was**
19 **outrageously or wantonly vile, horrible or inhumane, in that it involved torture or**
20 **depravity of mind, in which case, the required term of imprisonment is life imprisonment**
21 **without eligibility for probation, parole or conditional release.**

22 **3.** Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a person
23 who has pleaded guilty to or has been found guilty of forcible rape when the victim is under the
24 age of twelve, and "life imprisonment" shall mean imprisonment for the duration of a person's
25 natural life for the purposes of this section.

26 [3.] **4.** No person found guilty of or pleading guilty to forcible rape or an attempt to
27 commit forcible rape shall be granted a suspended imposition of sentence or suspended execution
28 of sentence.

566.060. 1. A person commits the crime of forcible sodomy if such person has deviate
2 sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion
3 includes the use of a substance administered without a victim's knowledge or consent which
4 renders the victim physically or mentally impaired so as to be incapable of making an informed
5 consent to sexual intercourse.

6 2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than five years,
8 unless:

9 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
11 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
12 term of imprisonment is life imprisonment or a term of years not less than ten years; or

13 (2) The victim is a child less than twelve years of age, in which case the required term
14 of imprisonment is life imprisonment without eligibility for probation or parole until the
15 defendant has served not less than thirty years of such sentence or unless the defendant has
16 reached the age of seventy-five years and has served at least fifteen years of such sentence,
17 **unless such forcible sodomy is described under subdivision (3) of this subsection; or**

18 **(3) The victim is a child less than twelve years of age and such forcible sodomy was**
19 **outrageously or wantonly vile, horrible or inhumane, in that it involved torture or**
20 **depravity of mind, in which case, the required term of imprisonment is life imprisonment**
21 **without eligibility for probation, parole or conditional release.**

22 **3.** Subsection 4 of section 558.019, RSMo, shall not apply to the sentence of a person
23 who has pleaded guilty to or has been found guilty of forcible sodomy when the victim is under

24 the age of twelve, and "life imprisonment" shall mean imprisonment for the duration of a
25 person's natural life for the purposes of this section.

26 [3.] **4.** No person found guilty of or pleading guilty to forcible sodomy or an attempt to
27 commit forcible sodomy shall be granted a suspended imposition of sentence or suspended
28 execution of sentence.

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