

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1631

95TH GENERAL ASSEMBLY

3426L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 565.200 and 566.023, RSMo, and to enact in lieu thereof two new sections relating to sexual contact with a patient, with a penalty provision.

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

Section A. Sections 565.200 and 566.023, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 565.200 and 566.023, to read as follows:

565.200. 1. Any **person who is an** owner [or] , employee of, **or assigned to work in**
2 a skilled nursing facility, as defined in section 198.006, RSMo, [or] an Alzheimer's special unit
3 or program, as defined in section 198.505, RSMO, **any health care facility licensed under**
4 **chapter 197, or a long-term care facility as defined in section 198.006 and who:**

5 (1) Has sexual contact, as defined in section 566.010, RSMo, with a resident **or patient**
6 is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation
7 of this subdivision is guilty of a class A misdemeanor; or

8 (2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010,
9 RSMo, with a resident **or patient** is guilty of a class A misdemeanor. Any person who commits
10 a second or subsequent violation of this subdivision is guilty of a class D felony.

11 2. The provisions of this section shall not apply to [an owner or employee of a skilled
12 nursing facility or Alzheimer's special unit or program who engages] **persons who engage** in
13 sexual conduct, as defined in section 566.010, RSMo, with a resident **or patient** to whom the
14 [owner or employee] **person** is married.

15 3. Consent of the victim is not a defense to a prosecution pursuant to this section.

566.023. It shall be an affirmative defense to prosecutions pursuant to sections **565.200,**
2 566.032, 566.034, 566.062, 566.064, 566.068, and 566.090 that the defendant was married to
3 the victim at the time of the offense.

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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.