

FIRST REGULAR SESSION

# HOUSE BILL NO. 480

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GOSEN (Sponsor) AND ROWLAND (Co-sponsor).

1399H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 565.200, RSMo, and to enact in lieu thereof one new section relating to sexual crimes against a resident of a skilled nursing facility, with a penalty provision.

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

Section A. Section 565.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.200, to read as follows:

565.200. 1. Any owner or employee of a skilled nursing facility, as defined in section 198.006, or an Alzheimer's special unit or program, as defined in section 198.505, who:

(1) Has sexual contact, as defined in section 566.010, with a resident is guilty of a class [B misdemeanor] **D felony**. Any person who commits a second or subsequent violation of this subdivision is guilty of a class [A misdemeanor] **C felony**; or

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

2. The provisions of this section shall not apply to an owner or employee of a skilled nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined in section 566.010, with a resident to whom the owner or employee is married.

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

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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.