

SECOND REGULAR SESSION

# HOUSE BILL NO. 2517

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5953H.021

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal sections 565.090, 565.091, 566.100, and 566.101, RSMo, and to enact in lieu thereof four new sections relating to offenses committed by law enforcement officers, with penalty provisions.

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

Section A. Sections 565.090, 565.091, 566.100, and 566.101, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 565.090, 565.091, 566.100,  
3 and 566.101, to read as follows:

565.090. 1. A person commits the offense of harassment in the first degree if he or she,  
2 without good cause, engages in any act with the purpose to cause emotional distress to another  
3 person, and such act does cause such person to suffer emotional distress.

4 2. The offense of harassment in the first degree is a class E felony.

5 3. ~~[This section shall not apply to activities of federal, state, county, or municipal law~~  
6 ~~enforcement officers conducting investigations of violation of federal, state, county, or municipal~~  
7 ~~law.]~~ **A law enforcement officer shall not be eligible to receive retirement benefits from his**  
8 **or her respective retirement system if such law enforcement officer is convicted of an**  
9 **offense under this section.**

565.091. 1. A person commits the offense of harassment in the second degree if he or  
2 she, without good cause, engages in any act with the purpose to cause emotional distress to  
3 another person.

4 2. The offense of harassment in the second degree is a class A misdemeanor, unless the  
5 person has previously pleaded guilty to or been found guilty of a violation of this section, of any  
6 offense committed in violation of any county or municipal ordinance in any state, any state law,

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.

7 any federal law, or any military law which if committed in this state would be chargeable or  
8 indictable as a violation of any offense listed in this subsection, in which case it is a class E  
9 felony.

10 3. ~~[This section shall not apply to activities of federal, state, county, or municipal law~~  
11 ~~enforcement officers conducting investigations of violations of federal, state, county, or~~  
12 ~~municipal law.]~~ **A law enforcement officer shall not be eligible to receive retirement benefits**  
13 **from his or her respective retirement system if such law enforcement officer is convicted**  
14 **of an offense under this section.**

566.100. 1. A person commits the offense of sexual abuse in the first degree if he or she  
2 subjects another person to sexual contact when that person is incapacitated, incapable of consent,  
3 or lacks the capacity to consent, or by the use of forcible compulsion.

4 2. The offense of sexual abuse in the first degree is a class C felony unless the victim is  
5 less than fourteen years of age, or it is an aggravated sexual offense, in which case it is a class  
6 B felony.

7 **3. The offense of sexual abuse in the first degree is a class B felony if the offender**  
8 **is a law enforcement officer who commits the offense while acting in an official capacity**  
9 **as a law enforcement officer.**

10 **4. A law enforcement officer shall not be eligible to receive retirement benefits from**  
11 **his or her respective retirement system if such law enforcement officer is convicted of an**  
12 **offense under this section.**

566.101. 1. A person commits the offense of sexual abuse in the second degree if he or  
2 she purposely subjects another person to sexual contact without that person's consent.

3 2. The offense of sexual abuse in the second degree is a class A misdemeanor, unless it  
4 is an aggravated sexual offense, in which case it is a class E felony.

5 **3. The offense of sexual abuse in the second degree is a class E felony if the offender**  
6 **is a law enforcement officer who commits the offense while acting in an official capacity**  
7 **as a law enforcement officer.**

8 **4. A law enforcement officer shall not be eligible to receive retirement benefits from**  
9 **his or her respective retirement system if such law enforcement officer is convicted of an**  
10 **offense under this section.**

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