

SECOND REGULAR SESSION

HOUSE BILL NO. 2517

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

5953H.02I

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Section A. Sections 565.090, 565.091, 566.100, and 566.101, RSMo, are repealed and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.**