

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate
2 Committee Substitute for Senate Bill No. 289, Page 5, Section 537.620, Line 16, by inserting after
3 said section and line the following:
4

5 "566.145. 1. A person commits the offense of sexual conduct in the course of public duty if
6 the person engages in sexual conduct:

7 (1) With a detainee, a prisoner, or an offender ~~[if he or she]~~ and the person:

8 ~~[(1)]~~ (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility
9 and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or
10 correctional facility; ~~or~~

11 ~~_____~~ (2) (b) Is a probation and parole officer and engages in sexual conduct with an offender
12 who is under the direct supervision of the officer; or

13 (c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner
14 who is in the custody of such officer; or

15 (2) With someone who is not a detainee, a prisoner, or an offender and the person is:

16 (a) A probation and parole officer, a police officer, or an employee of, or assigned to work
17 in, any jail, prison, or correctional facility;

18 (b) On duty; and

19 (c) The offense was committed by means of coercion as defined in section 566.200.

20 2. For the purposes of this section the following terms shall mean:

21 (1) "Detainee", a person deprived of liberty and kept under involuntary restraint,
22 confinement, or custody;

23 (2) "Offender", includes any person in the custody of a prison or correctional facility and
24 any person who is under the supervision of the state board of probation and parole;

25 ~~[(2)]~~ (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
26 after disposition of a charge.

27 3. The offense of sexual conduct ~~[with a prisoner or offender]~~ in the course of public duty is
28 a class E felony.

29 4. Consent of a detainee, a prisoner ~~[or]~~ , an offender, or any other person is not a defense.";
30 and
31

32 Further amend said bill, Page 7, Section 590.030, Line 40, by inserting after said section and line the
33 following:
34

35 "590.805. 1. A law enforcement officer shall not knowingly use a respiratory choke-hold
36 unless the use is in defense of the officer or another from serious physical injury or death.

Action Taken _____ Date _____

1 2. A respiratory choke-hold includes the use of any body part or object to attempt to control
2 or disable by applying pressure to a person's neck with the purpose of controlling or
3 restricting such person's breathing."; and

4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.