

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 457 & 770**  
**101ST GENERAL ASSEMBLY**

1106H.04C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 566.145, RSMo, and to enact in lieu thereof one new section relating to the offense of sexual conduct in the course of public duty, with a penalty provision and an emergency clause.

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

Section A. Section 566.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 566.145, to read as follows:

566.145. 1. A person commits the offense of sexual conduct **in the course of public duty if the person engages in sexual conduct** with a **detainee**, a prisoner, or an offender [~~if he or she~~] **and the person:**

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

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

(3) **Is a police officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer.**

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

(1) **"Detainee", a person held in custody or confinement;**

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

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

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.

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

19           4. Consent of a **detainee, a prisoner, or an** offender is not a defense.

          Section B. Because immediate action is necessary to protect vulnerable persons from  
2 sexual assault or harm who are in state custody or on probation or parole, section A of this act  
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
5 section A of this act shall be in full force and effect upon its passage and approval.

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