

FIRST REGULAR SESSION

# HOUSE BILL NO. 1188

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

1862H.02I

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child, with penalty provisions.

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

Section A. Section 568.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.045, to read as follows:

568.045. 1. A person commits the offense of endangering the welfare of a child in the first degree if he or she:

(1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age; ~~[or]~~

(2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) Knowingly encourages, aids, or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 579;

(4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture, compounds, possesses, produces, prepares, sells, transports, tests, or analyzes amphetamine or methamphetamine or any of their analogues; **or**

**(5) Knowingly fails to secure a readily available firearm, as defined in section 571.010, in the presence of a child under seventeen years of age or in a residence where a child under seventeen years of age resides. For the purposes of this subdivision, the term "secure" means storing a firearm in a locked safe, cabinet, gun vault, or storage case or using a firearm locking device. It shall not be an affirmative defense to a charge under this**

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.

18 **subdivision if the offense results in the death of a child and the death is determined to be**  
19 **the result of a suicide.**

20           2. The offense of endangering the welfare of a child in the first degree is a class D felony  
21 unless the offense:

22           (1) Is committed as part of an act or series of acts performed by two or more persons as  
23 part of an established or prescribed pattern of activity, or where physical injury to the child  
24 results, or the offense is a second or subsequent offense under this section, in which case the  
25 offense is a class C felony;

26           (2) Results in serious physical injury to the child, in which case the offense is a class B  
27 felony; or

28           (3) Results in the death of a child, in which case the offense is a class A felony.

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