

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 60

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 in the first degree, with penalty provisions.

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*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Section A. Section 568.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.045, to read as follows: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 571 or 579; or

(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 any of the following: fentanyl, carfentanil, amphetamine [or], methamphetamine, or any **[of its analogues]** analogue thereof.

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

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

(2) Involves fentanyl or carfentanil, or any analogue thereof, in which case:

(a) The offense is a class B felony; and

(b) A person sentenced under this subdivision shall not be eligible for conditional release or parole until he or she has served at least five years of imprisonment;

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

**[(3)]** (4) Results in the death of a child, in which case the offense is a class A felony.