

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 60

103RD GENERAL ASSEMBLY

1011S.04C

KRISTINA MARTIN, Secretary

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.

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Section A. Section 568.045, RSMo, is repealed and one new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

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

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

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

11 (3) Knowingly encourages, aids or causes a child less
12 than seventeen years of age to engage in any conduct which
13 violates the provisions of chapter 571 or 579; **or**

14 (4) In the presence of a child less than seventeen
15 years of age or in a residence where a child less than
16 seventeen years of age resides, unlawfully manufactures or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 attempts to manufacture compounds, possesses, produces,
18 prepares, sells, transports, tests or analyzes **any of the**
19 **following: fentanyl, carfentanil,** amphetamine [or],
20 methamphetamine, or any [of its analogues] **analogue thereof.**

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

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

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

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

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

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

37 [(3)] (4) Results in the death of a child, in which
38 case the offense is a class A felony.

✓