

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1439
99TH GENERAL ASSEMBLY

5001H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to offenses against the family, 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Section A. Section 568.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.045, to read as follows: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) **Is eighteen years of age or older and knowingly exposes obscene material or performance to a minor;**

(4) 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)~~ (5) 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.

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As used in this subsection, “material”, “minor”, “obscene”, and “performance” have the same meaning as in section 573.010.

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

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

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

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

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