

FIRST REGULAR SESSION

# SENATE BILL NO. 405

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1315S.01H

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 and an emergency clause.

*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Section A. Section 568.045, RSMo, is repealed and one new  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;

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 **[,]**  
17 or attempts to manufacture compounds, possesses, produces,

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

18 prepares, sells, transports, tests or analyzes amphetamine  
19 or methamphetamine or any of [their] **its** analogues.

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

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

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

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

Section B. Because immediate action is necessary to  
2 further equip and enhance our criminal justice system to  
3 fight violent crime in Missouri and protect our citizens and  
4 residents due to the recent unprecedented wave of violent  
5 crime across our nation and state, section A of this act is  
6 deemed necessary for the immediate preservation of the  
7 public health, welfare, peace, and safety, and is hereby  
8 declared to be an emergency act within the meaning of the  
9 constitution, and section A of this act shall be in full  
10 force and effect upon its passage and approval.

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