

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 1678, Page 1, in the Title, Lines 2-3, by deleting the phrase, "student  
2 safety at public institutions of higher education" and inserting in lieu thereof the phrase, "sexual  
3 offenses"; and  
4

5 Further amend said bill, Page 2, Section 173.2050, Line 22, by inserting immediately after all of  
6 said line the following:  
7

8 "516.371. Notwithstanding any provision of law to the contrary, there shall be [a ten-year]  
9 no statute of limitation on any action for damages for personal injury caused to an individual by a  
10 person within the third degree of affinity or consanguinity who subjects such individual to sexual  
11 contact, as defined in section 566.010.

12 537.046. 1. As used in this section, the following terms mean:

13 (1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff  
14 which act occurred when the plaintiff was under the age of eighteen years and which act would have  
15 been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090,  
16 566.100, 566.110, or 566.120, or section 568.020;

17 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or  
18 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

19 2. Any action to recover damages from injury or illness caused by childhood sexual abuse in  
20 an action brought pursuant to this section [shall be commenced within ten years of the plaintiff  
21 attaining the age of twenty-one or within three years of the date the plaintiff discovers, or  
22 reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse,  
23 whichever later occurs] may be commenced at any time.

24 3. This section shall apply to any action commenced on or after August 28, [2004] 2015,  
25 including any action which would have been barred by the application of the statute of limitation  
26 applicable prior to that date.

27 556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful  
28 sexual offenses involving a person eighteen years of age or under [must be commenced within thirty  
29 years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first  
30 degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first  
31 degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first  
32 degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any  
33 time.

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Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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2 degree, forcible sodomy, kidnapping, attempted sodomy in the first degree, or attempted forcible  
3 sodomy in which case such prosecutions] may be commenced at any time.

4 568.060. 1. As used in this section, the following terms shall mean:

5 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person  
6 eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted  
7 on a child by accidental means by a person with care, custody, or control of the child, or discipline  
8 of a child by a person with care, custody, or control of the child, including spanking, in a reasonable  
9 manner;

10 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any  
11 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

12 (3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional  
13 condition of a child as evidenced by an observable and substantial impairment of the ability of the  
14 child to function within his or her normal range of performance or behavior;

15 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and control  
16 of a child under the age of eighteen years, the care reasonable and necessary to maintain the  
17 physical and mental health of the child, when such failure presents a substantial probability that  
18 death or physical injury or sexual injury would result;

19 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
20 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary  
21 disfigurement and impairment of any bodily function or organ;

22 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
23 permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive,  
24 or physical condition. Serious emotional injury shall be established by testimony of qualified  
25 experts upon the reasonable expectation of probable harm to a reasonable degree of medical or  
26 psychological certainty;

27 (7) "Serious physical injury", a physical injury that creates a substantial risk of death or that  
28 causes serious disfigurement or protracted loss or impairment of the function of any part of the  
29 body.

30 2. A person commits the offense of abuse or neglect of a child if such person knowingly  
31 causes a child who is less than eighteen years of age:

32 (1) To suffer physical or mental injury as a result of abuse or neglect; or

33 (2) To be placed in a situation in which the child may suffer physical or mental injury as the  
34 result of abuse or neglect.

35 3. A person commits the offense of abuse or neglect of a child if such person recklessly  
36 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

37 4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole  
38 fact that the person delivers or allows the delivery of a child to a provider of emergency services.

39 5. The offense of abuse or neglect of a child is:

40 (1) A class D felony, without eligibility for probation, parole, or conditional release until the  
41 defendant has served no less than one year of such sentence, unless the person has previously been  
42 found guilty of a violation of this section or of a violation of the law of any other jurisdiction that  
43 prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury  
44 or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without  
45 eligibility for probation or parole until the defendant has served not less than five years of such  
46 sentence; or

47 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
48 chargeable under the provisions of this section.

1           6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or  
2 neglect of a child is a class A felony, without eligibility for probation, parole, or conditional release  
3 until the defendant has served not less than fifteen years of such sentence, if:

4           (1) The injury is a serious emotional injury or a serious physical injury;

5           (2) The child is less than fourteen years of age; and

6           (3) The injury is the result of sexual abuse or sexual abuse in the first degree as defined  
7 under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

8           7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or  
9 neglect of a child to an appropriate public or private agency for treatment or counseling so long as  
10 the agency has consented to taking such referrals. Nothing in this subsection shall limit the  
11 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for  
12 treatment or counseling pursuant to this subsection.

13           8. Nothing in this section shall be construed to alter the requirement that every element of  
14 any crime referred to herein must be proven beyond a reasonable doubt.

15           9. Discipline, including spanking administered in a reasonable manner, shall not be  
16 construed to be abuse under this section.

17           10. Notwithstanding the provisions of section 556.036, prosecutions for child abuse may be  
18 commenced at any time.

19           568.060. 1. As used in this section, the following terms shall mean:

20           (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person  
21 eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted  
22 on a child by accidental means by a person with care, custody, or control of the child, or discipline  
23 of a child by a person with care, custody, or control of the child, including spanking, in a reasonable  
24 manner;

25           (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any  
26 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

27           (3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional  
28 condition of a child as evidenced by an observable and substantial impairment of the ability of the  
29 child to function within his or her normal range of performance or behavior;

30           (4) "Neglect", the failure to provide, by those responsible for the care, custody, and control  
31 of a child under the age of eighteen years, the care reasonable and necessary to maintain the  
32 physical and mental health of the child, when such failure presents a substantial probability that  
33 death or physical injury or sexual injury would result;

34           (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
35 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary  
36 disfigurement and impairment of any bodily function or organ;

37           (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
38 permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive,  
39 or physical condition. Serious emotional injury shall be established by testimony of qualified  
40 experts upon the reasonable expectation of probable harm to a reasonable degree of medical or  
41 psychological certainty;

42           (7) "Serious physical injury", a physical injury that creates a substantial risk of death or that  
43 causes serious disfigurement or protracted loss or impairment of the function of any part of the  
44 body.

45           2. A person commits the offense of abuse or neglect of a child if such person knowingly  
46 causes a child who is less than eighteen years of age:

47           (1) To suffer physical or mental injury as a result of abuse or neglect; or

48           (2) To be placed in a situation in which the child may suffer physical or mental injury as the

1 result of abuse or neglect.

2 3. A person commits the offense of abuse or neglect of a child if such person recklessly  
3 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4 4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole  
5 fact that the person delivers or allows the delivery of a child to a provider of emergency services.

6 5. The offense of abuse or neglect of a child is:

7 (1) A class C felony, without eligibility for probation or parole until the defendant has  
8 served no less than one year of such sentence, unless the person has previously been found guilty of  
9 a violation of this section or of a violation of the law of any other jurisdiction that prohibits the  
10 same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious  
11 physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for  
12 probation or parole until the defendant has served not less than five years of such sentence; or

13 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
14 chargeable under the provisions of this section.

15 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or  
16 neglect of a child is a class A felony, without eligibility for probation or parole until the defendant  
17 has served not less than fifteen years of such sentence, if:

18 (1) The injury is a serious emotional injury or a serious physical injury;

19 (2) The child is less than fourteen years of age; and

20 (3) The injury is the result of sexual abuse as defined under section 566.100 or sexual  
21 exploitation of a minor as defined under section 573.023.

22 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or  
23 neglect of a child to an appropriate public or private agency for treatment or counseling so long as  
24 the agency has consented to taking such referrals. Nothing in this subsection shall limit the  
25 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for  
26 treatment or counseling pursuant to this subsection.

27 8. Nothing in this section shall be construed to alter the requirement that every element of  
28 any crime referred to herein must be proven beyond a reasonable doubt.

29 9. Discipline, including spanking administered in a reasonable manner, shall not be  
30 construed to be abuse under this section.

31 10. Notwithstanding the provisions of section 556.036, prosecutions for child abuse may be  
32 commenced at any time."; and

33  
34 Further amend said bill by amending the title, enacting clause, and intersectional references  
35 accordingly.