

FIRST REGULAR SESSION

HOUSE BILL NO. 151

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLL.

0504H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 568.050, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child in the second degree, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 568.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 568.050, to read as follows:

568.050. 1. A person commits the offense of endangering the welfare of a child in the second degree if he or she:

(1) With criminal negligence 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) **With criminal negligence acts in a manner that allows a child less than seventeen years of age to gain access to a loaded firearm located on a premises under the person's control without the permission of the child's parent, foster parent, or guardian and, after accessing the firearm, the child:**

(a) **Uses the loaded firearm in a reckless or threatening manner;**

(b) **Uses the loaded firearm during the commission of an offense; or**

(c) **Discharges the loaded firearm;**

(3) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; ~~or~~

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.

16 ~~(3)~~ (4) Being a parent, guardian or other person legally charged with the care or
17 custody of a child less than seventeen years of age, recklessly fails or refuses to exercise
18 reasonable diligence in the care or control of such child to prevent him or her from coming
19 within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of
20 subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

21 ~~(4)~~ (5) Knowingly encourages, aids or causes a child less than seventeen years of
22 age to enter into any room, building or other structure which is a public nuisance as defined in
23 section 579.105.

24 2. Nothing in this section shall be construed to mean the welfare of a child is
25 endangered for the sole reason that he or she is being provided nonmedical remedial treatment
26 recognized and permitted under the laws of this state.

27 3. The offense of endangering the welfare of a child in the second degree is a class A
28 misdemeanor unless the offense is committed as part of an act or series of acts performed by
29 two or more persons as part of an established or prescribed pattern of activity, in which case
30 the offense is a class E felony.

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