

## Missouri Sexual Offense Table ([RSMo. 566](#))

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
Rape 1 <sup>st</sup> Deg	<i>Sexual intercourse</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	5, 15 years – life (30 years - natural life)	<a href="#">566.030</a>
Rape 2 <sup>nd</sup> Deg	<i>Sexual intercourse</i>	Without <i>Consent</i>	Up to 7 years, D/Felony	<a href="#">566.031</a>
Stat. Rape 1 <sup>st</sup> Deg	<i>Sexual intercourse</i>	Intercourse with someone under 14	5, 10 years – life (natural life)	<a href="#">566.032</a>
Stat. Rape 2 <sup>nd</sup> Deg	<i>Sexual intercourse</i>	21 or older having intercourse with someone under 17	Up to 7 years, D/Felony	<a href="#">566.034</a>
Sodomy 1 <sup>st</sup> Deg	<i>Deviate sexual intercourse</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	5, 10 years – life (natural life)	<a href="#">566.060</a>
Sodomy 2 <sup>nd</sup> Deg	<i>Deviate sexual intercourse</i>	Without <i>consent</i>	Up to 7 years, D/Felony	<a href="#">566.061</a>
Stat. Sodomy 1 <sup>st</sup> Deg	<i>Deviate sexual intercourse</i>	Intercourse with someone under 14	5, 10 years – life (30 years - natural life)	<a href="#">566.062</a>
Stat. Sodomy 2 <sup>nd</sup> Deg	<i>Deviate sexual intercourse</i>	21 or older having intercourse with someone under 17	Up to 7 years, D/Felony	<a href="#">566.064</a>
Sexual Misconduct, 1 <sup>st</sup> degree* ( <i>non-clery crime</i> )	Genital exposure, sexual contact in the presence of others, sex in public	Knowledge that this was likely to cause affront or alarm	6 months – 1 year, A/B misdemeanor	<a href="#">566.093</a>
Sexual Misconduct, 2 <sup>nd</sup> degree* ( <i>non-clery crime</i> )	Solicits or request another person to engage in sexual conduct	Knowledge that this was likely to cause affront or alarm	15 days, C/misdemeanor	<a href="#">566.095</a>
Sexual Abuse 1 <sup>st</sup> Degree	<i>Sexual contact</i>	Incapable/lack capacity for <i>consent</i> , or by the use of <i>forcible compulsion</i>	3 to 15 years, C,B/Felony	<a href="#">566.100</a>
Sexual Abuse 2 <sup>nd</sup> Degree	<i>Sexual contact</i>	Without <i>consent</i>	Up to 1 or 4 years, A/misdemeanor or E/Felony	<a href="#">566.101</a>
Child Molestation 2 <sup>nd</sup> degree	<i>Sexual contact</i>	<12 years old <i>or Aggravated Sexual Offense</i> Offender > 4 years older than person not yet 17 ( <i>with or without consent</i> )	5 to 15 years, B/Felony	<a href="#">566.068</a>
Child Molestation 4 <sup>th</sup> degree	<i>Sexual contact</i>	Offender > 4 years older than person not yet 17 ( <i>with or without consent</i> )	Up to 4 years, E/Felony	<a href="#">566.071</a>
Incest	Marry or attempt to marry, sexual inter. or <i>deviate sexual intercourse</i>	Relative (Siblings, ancestors, & adopted children..etc..)	Up to 4 years, E/Felony	<a href="#">568.020</a>

*A conviction on the attempt of the crimes listed above carry the same penalties as a completed crime of the same category.*

[Revised Statutes of Missouri \(RSMo.\)](#)

(See [556.061](#) , [562.016](#), and [566.010](#) RSMo. for definition of applicable terms)

## Missouri VAWA Related Offenses ([RSMo. 565](#))

CHARGE	ACT	OTHER ELEMENTS	PRISON TERM	STATUTE
<b>Domestic Assault 1<sup>st</sup> Degree</b>	Attempt to kill, or cause <b>serious physical injury</b>	Knowing causes injury Term “ <i>Domestic Victim</i> ”	5 years – life (30 years), B,A/Felony	<a href="#">565.072</a>
<b>Domestic Assault 2<sup>nd</sup> Degree</b>	<b>Knowingly</b> cause <b>physical injury</b>	<b>Recklessly</b> causes injury choking use of a weapon*	Up to 7 years, D/Felony	<a href="#">565.073</a>
<b>Domestic Assault 3<sup>rd</sup> Degree</b>	Attempt to cause <b>physical injury</b> or pain		Up to 4 years, E/Felony	<a href="#">565.074</a>
<b>Domestic Assault 4<sup>th</sup> Degree</b>	<b>Recklessly</b> causes <b>physical injury</b> or pain	<b>Criminal negligence</b>	Up to 1 year or 4 years, A/Misdemeanor or E/Felony	<a href="#">565.076</a>
<b>Harassment 1<sup>st</sup> Degree</b>	act with the purpose to cause emotional <b>distress and suffering</b> to another person*		Up to 4 years, E/Felony	<a href="#">565.090</a>
<b>Harassment 2<sup>nd</sup> Degree</b>	engages in any act with the purpose to cause emotional distress		Up to 1 year, A/misdemeanor	<a href="#">565.091</a>
<b>Stalking 1<sup>st</sup> Degree</b>	<b>In the course of conduct</b> disturbs or follows with the intent of disturbing another person <i>or knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program</i> ( <a href="#">HB1562</a> ) 8/28/16	Communicates a credible threat	Up to 7 years ,E,D/Felony	<a href="#">565.225</a>
<b>Stalking 2<sup>nd</sup> Degree</b>	<b>In the course of conduct</b> disturbs or follows with the intent of disturbing another person		Up to 1 year of Up to 4 years, A/misdemeanor or E/Felony	<a href="#">565.227</a>
<b>Unlawful Posting Info on Internet</b>	<b>knowingly</b> posts the name, home address, Social Security number, or telephone number of any person	intending to cause great bodily harm or death, or threatening to cause	Up to 15 days, C/misdemeanor	<a href="#">565.240</a>
<b>Invasion of Privacy</b>	<b>Knowingly</b> photographs or films another person (full/partial/nudity)	Without Consent	Up to 1 year of up to 4 years, A/misdemeanor or E/Felony	<a href="#">565.252</a>
<b>Non-consensual dissemination of private sexual images</b>	<b>Intentionally disseminates an image with intent to harass, threaten or coerce</b> ( <a href="#">2019 H.B. 243 &amp; 544</a> ) 8/28/19	Without Consent	Up to 7 years, D/Felony	<a href="#">573.110</a>
<b>Threatening the non-consensual dissemination of private sexual images</b>	<b>Gains or attempts to gain anything by threatening to disseminate an image</b>	Without Consent	Up to 4 years, E/Felony	<a href="#">573.112</a>

The following criminal violations noted above can be considered as part of the “course of conduct” for a stalking determination under the Clery Act:

- Harassment 1st Degree
- Harassment 2nd Degree
- Unlawful Posting Info on Internet
- Invasion of Privacy
- Non-consensual dissemination of private sexual images
- Threatening the non-consensual dissemination of private sexual images

## Classification of Missouri Penalties and Fines for Offenses

### Missouri Penalties and Fines for Offenses

Felony Class	Penalties (Years of imprisonment <a href="#">558.011 RSMo.</a> )	Fines ( <a href="#">558.002 RSMo.</a> )
A	10 – 30, or life	-
B	5 - 15	-
C	3 - 10	Up to \$10,000
D	Up to 7	Up to \$10,000
E	Up to 4	Up to \$10,000
Misdemeanor Class	Penalties (Term of imprisonment <a href="#">558.011 RSMo.</a> )	Fines ( <a href="#">558.002 RSMo.</a> )
A	Up to 1 year	\$2,000
B	Up to 6 month	\$1,000
C	Up to 15 days	\$750
D	-	\$500
Infraction	-	\$400

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## Definitions

(See [556.061 RSMo.](#) for definition of applicable terms)

- **"Consent"**: consent or lack of consent may be expressed or implied.  
Assent does not constitute consent if:
  - (A) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;  
or
  - (B) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
  - (C) It is induced by force, duress or deception;

**"Criminal negligence"**, failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

**"Forcible compulsion"** either:

Physical force that overcomes reasonable resistance; or

A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

**"Incapacitated"**, a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

**"Knowingly"**, when used with respect to:

Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

**"Purposely"**, when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

**"Recklessly"**, consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

**"Physical injury"**, slight impairment of any function of the body or temporary loss of use of any part of the body;

**"Serious physical injury"**, physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

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(See [566.010 RSMo.](#) for definition of applicable terms for Sex Offenses)

"**Aggravated sexual offense**", any sexual offense, in the course of which, the actor:

- A. Inflicts serious physical injury on the victim; or
- B. Displays a deadly weapon or dangerous instrument in a threatening manner; or
- C. Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; or
- D. Had previously been found guilty of an offense under this chapter or under section [573.200](#), child used in sexual performance; section [573.205](#), promoting sexual performance by a child; section [573.023](#), sexual exploitation of a minor; section [573.025](#), promoting child pornography in the first degree; section [573.035](#), promoting child pornography in the second degree; section [573.037](#), possession of child pornography; or section [573.040](#), furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;
- E. Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or
- F. Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:
  - Ancestor or descendant by blood or adoption;
  - Stepchild while the marriage creating that relationship exists;
  - Brother or sister of the whole or half -blood; or
  - Uncle, aunt, nephew, or niece of the whole blood;

"**Deviate sexual intercourse**", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, *of the penis, female genitalia*, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

"**Sexual conduct**", sexual intercourse, deviate sexual intercourse or sexual contact;

"**Sexual contact**", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person *or for the purpose of terrorizing the victim*;

"**Sexual intercourse**", any penetration, however slight, *of the female genitalia by the penis*.

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(See [455 RSMo.](#) for definition of applicable terms)

**Domestic Violence** (455.010(5) RSMO.) is “*abuse*” or “*stalking*” committed by a “*family or household member*”

**Dating Violence** is considered the same as domestic violence under current Missouri law in the definition for domestic assault based on the definition of “*Family*” or “*Household Member*”

“**Family or Household Member**” *“spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;”*

“**Abuse**” includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

- a. “**Assault**”, purposely or knowingly placing or attempting to place another in fear of physical harm;
- b. “**Battery**”, purposely or knowingly causing physical harm to another with or without a deadly weapon;
- c. “**Coercion**”, compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;
- d. “**Harassment**”, engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child.  
Such conduct might include, but is not limited to:
  - i. Following another about in a public place or places;
  - ii. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- e. “**Sexual assault**”, **causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that persons consent;\***
- f. “**Unlawful imprisonment**”, holding, confining, detaining or abducting another person against that person's will;

**"Stalking"** is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person, **or a person who also resides together in the same household with the person seeking the order of protection** when it is reasonable in that person's situation to have been alarmed by the conduct.

As used in this subdivision:

- a. "Alarm" means to cause fear of danger of physical harm; **and**
- b. "Course of conduct" means a pattern of conduct composed of **two or more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact;

(See [565.002 RSMo. Offenses Against the Person for the definition of course of conduct](#))

**"Course of conduct"** a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;