

FIRST REGULAR SESSION

HOUSE BILL NO. 748

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CROSS (Sponsor), SCHOELLER, ROWLAND, JONES (89), McCAHERTY, SCHARNHORST, McGHEE, McNARY, BROWN (116), CONWAY (14), BERRY, NANCE, THOMSON, POLLOCK, PARKINSON, LONG, DAVIS, HAMPTON, BRATTIN, SCHNEIDER, SILVEY, KORMAN, DIEHL, FITZWATER, GATSCHENBERGER, SCHAD, SATER, JOHNSON, FRAKER, CIERPIOT, JONES (117), HOUGHTON AND FRANKLIN (Co-sponsors).

1617L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to the crime of absconding without paying rent, with a penalty provision.

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

Section A. Chapter 578, RSMo, is amended by adding thereto one new section, to be known as section 578.148, to read as follows:

578.148. 1. Whoever having obtained the tenancy of residential property he or she is entitled to occupy, intentionally absconds without paying all current and past rent due is guilty of a class A misdemeanor.

2. A person has a defense to prosecution under subsection 1 of this section if he or she has provided the landlord with a security deposit that equals or exceeds the amount that the person owes the landlord regarding rent and damage to property.

3. A person has a defense to prosecution under subsection 1 of this section if, within five days after the day he or she vacates the rental premises, he or she pays all current and past rent due or provides to the landlord, in writing, a complete and accurate forwarding address.

4. When the existence of a defense under subsection 2 or 3 of this section has been placed in issue by the trial evidence, the state shall prove beyond a reasonable doubt that the facts constituting the defense do not exist in order to sustain a finding of guilt under subsection 1 of this section.

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.

15 **5. Subsection 1 of this section shall not apply to any tenant against whom a civil**
16 **judgment has been entered for punitive damages because the tenant left the premises with**
17 **unpaid rent.**

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