

HCS HB 353 -- CRIME (Lipke)

COMMITTEE OF ORIGIN: Crime Prevention and Public Safety

This substitute changes the laws regarding crime prevention. In its main provisions, the substitute:

(1) Allows law enforcement agencies to hold a suspect arrested without a warrant for up to 32 hours before charging the person with a crime. Currently, suspects can be held for 24 hours when arrested for a class A felony and 20 hours for lesser offenses;

(2) Removes the provision allowing first-time offenders convicted of a class C or class D nonviolent felony to petition the court for early release after serving at least 120 days;

(3) Expands the crimes of arson in the first and second degree to include damage to a structure by fire or explosion, when the fire or explosion is caused by a person committing or attempting to commit a felony;

(4) Allows the court to add up to one year onto a person's probationary period when the person has violated the terms of his or her probation;

(5) Allows a prosecutor to file a motion seeking the revocation of a person's probation;

(6) Requires the court to temporarily suspend a person's probationary period when issuing an arrest warrant for the person. When the arrest warrant is served, the probation period will begin to run again;

(7) Adds failure to register as a sex offender to the list of violations for which the Board of Probation and Parole provides supervision services;

(8) Removes a provision requiring defendants to be sentenced according to the law in place at the time of sentencing, rather than the law as it existed at the time of the crime, whenever the change in law reduced the penalty for the offense;

(9) Removes a provision allowing the board to convert an offender's consecutive prison sentences into concurrent sentences;

(10) Creates the crime of sexual contact with a student, a class D felony. The crime is committed when a teacher has sexual contact with a student on school property;

(11) Allows each county sheriff to maintain a web page,

available to the public, containing a list of the registered sexual offenders in the county with each offender's name, address, photograph, and the crimes for which the offender was required to register;

(12) Expands the crime of endangering the welfare of a child in the first degree, a class C felony. Currently, a person commits the offense if he or she produces or sells methamphetamine in the presence of a child under the age of 17. The crime is expanded to include producing, selling, or attempting to produce the drug within the residence of the child;

(13) Expands the crime of endangering the welfare of a child in the second degree, a class A misdemeanor. The offense is committed when a person operating a motor vehicle commits involuntary manslaughter, assault in the second degree, driving while intoxicated, or driving with excessive blood-alcohol content while a child under the age of 17 is in the vehicle;

(14) Makes it a class A misdemeanor to operate a video camera within a motion picture theater without the consent of the theater owner. A second or subsequent offense is a class D felony. The owner of the movie theater is exempt from civil liability for detaining a person suspected of the offense, as long as the detention is reasonable;

(15) Changes the crime of illegal copying and distribution of sound recordings by lowering the threshold for a felony from 1,000 illegal copies to 100 illegal copies;

(16) Expands the crime of theft of cable television service to include when a person knowingly attempts to tamper with any cable television equipment which results in the disruption or unauthorized use of a cable television system;

(17) Makes it a class C misdemeanor to interfere with an arrest, stop, or detention by providing a false name, address, date of birth, or Social Security number to a law enforcement officer;

(18) Creates the crime of failure to provide identification to a law enforcement officer. A person commits the crime when he or she refuses to provide their name and address to a law enforcement officer or provides a false name or address during a lawful stop or detention;

(19) Creates the Anhydrous Ammonia Additive Fund to reimburse distributors of anhydrous ammonia for the actual cost of adding red dye to anhydrous ammonia to prevent methamphetamine producers from stealing it. The provisions of this section will expire six years from the effective date;

(20) Adds salvia divinorum and 12 other compounds to the list of controlled substances and clarifies which forms of anabolic steroids are included within schedule II controlled substances;

(21) Creates the crime of distribution of a controlled substance within 2,000 feet of a park, a class A felony;

(22) Creates the crimes of possessing and distributing a prescription medication on school property without a valid prescription. Possession is a class C misdemeanor, and distribution is a class B misdemeanor;

(23) Creates the crime of distribution of a controlled substance within 2,000 feet of a child care facility, a class A felony. If the person convicted is a persistent drug offender, the sentence must be served without probation or parole;

(24) Allows local law enforcement agencies to perform a criminal record review of open records through the Missouri Uniform Law Enforcement System on persons applying for city or county employment;

(25) Allows cities and counties to enact ordinances requiring fingerprints of job applicants or licensees in certain occupations for the purpose of conducting a criminal record review;

(26) Adds chemical urine tests to the list of tests that may be conducted by the State Water Patrol to measure the blood-alcohol content of a person operating a watercraft;

(27) Increases from \$200 to \$500 the damage amount that requires the filing of an accident report when there is damage to a watercraft;

(28) Prohibits the use of any device that, when activated, allows a watercraft's muffler to exceed the maximum decibel levels allowed by law;

(29) Increases the penalty from a class C to a class B misdemeanor for failure to yield to an emergency vehicle;

(30) Removes financial conflict of interest restrictions on sex offender counseling program providers when there is only one qualified service provider within a reasonably accessible distance from the offender;

(31) Authorizes Missouri Capitol Police officers to investigate and arrest a person anywhere in Cole County when there is probable cause to believe the person committed a crime within their jurisdiction;

(32) Creates the Governor's Security Division within the State Highway Patrol. The division will provide transportation, security, and protection for the Governor, the Governor's family, and, at the discretion of the Superintendent of the State Highway Patrol, other public officials;

(33) Gives the juvenile court jurisdiction in cases involving children under the age of 17 who violate state or municipal ordinances prohibiting the possession or use of tobacco products; and

(34) Allows the Director of the Department of Public Safety to establish a state firearms training and qualification standard for retired law enforcement officers to comply with the federal Law Enforcement Officers Safety Act;

The substitute also changes the laws regarding the crimes of stealing, tampering, and receiving stolen property. The substitute:

(1) Allows the court to order restitution be paid to the victim of tampering or auto theft, including the victim's insurance deductible payment, towing and storage fees, and any reasonable expenses incurred by the victim in prosecuting the offense;

(2) Prohibits the court or the Board of Probation and Parole from releasing a person early from probation or parole if the person has failed to pay restitution;

(3) Makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case;

(4) Makes tampering in the second degree a class C felony when the person has a prior conviction for tampering in the first or second degree, auto theft, or receiving stolen property;

(5) Expands the crime of stealing to include obtaining control over property or services under circumstances that a reasonable person would know it was stolen and clarifies that the crime occurs when undercover police are posing as the sellers of stolen property; and

(6) Makes auto theft a class B felony when the person has two prior convictions for stealing-related offenses.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a Cost of More than \$100,000 to an Income of Unknown in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.