

CCS SS SCS HCS HB 353 -- CRIME

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

(1) 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 (Section 1.160, RSMo);

(2) 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 (Section 8.177);

(3) 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 (Sections 43.300 - 43.330);

(4) Allows local law enforcement agencies to perform a criminal record review of open records through the Missouri Uniform Law Enforcement System (MULES) on persons applying for city or county employment (Sections 43.535 and 43.543);

(5) Allows cities and counties to submit fingerprints of job applicants or licensees in certain occupations to the State Highway Patrol for the purpose of conducting a criminal record review (Section 43.543);

(6) Allows different forms of identification for the purpose of registering to vote (Sections 115.135 - 115.160);

(7) Makes it a class C felony to fraudulently register to vote. Currently, it is a class one election offense with a maximum of five years' imprisonment (Section 115.631);

(8) Prohibits any person convicted of a federal crime from qualifying as a candidate for an elective public office (Section 115.348);

(9) 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 (Section 195.017);

(10) Gives the juvenile court concurrent jurisdiction with the circuit court in cases involving children younger than 17 years

of age who violate state or municipal ordinances prohibiting the possession or use of tobacco products (Section 211.031);

(11) Requires lifetime supervision by the Board of Probation and Parole for any person convicted of certain sex offenses when the victim is younger than 14 years of age and the offender is sentenced as a prior sex offender. These offenders must be electronically monitored using a global positioning system (Sections 217.735 and 559.106);

(12) Adds failure to register as a sex offender to the list of violations for which the board provides supervision services (Section 217.750);

(13) Removes a requirement that the municipal judge must be an attorney for any conviction for an intoxication-related offense in that municipal court to be considered for the purposes of sentence enhancement in any subsequent conviction (Sections 302.321, 302.541, 577.023, and 577.500);

(14) Increases the penalty from a class C to a class B misdemeanor for failure to yield to an emergency vehicle (Section 304.022);

(15) 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; increases from \$200 to \$500 the damage amount that requires the filing of an accident report when there is damage to a watercraft; and prohibits the use of any device that, when activated, allows a watercraft's muffler to exceed the maximum decibel levels allowed by law (Sections 306.112 - 306.147);

(16) Requires all licensed pawnbrokers to report to law enforcement personnel specific data regarding their transactions (Section 367.031);

(17) Prohibits employers, after January 1, 2006, from requiring a person to use his or her Social Security number as an employee number for any type of employment-related activity. This section contains an emergency clause (Section 407.1355);

(18) Modifies the procedures for the appointment of a judge to fill a temporary vacancy in a municipal court (Section 479.230);

(19) Removes the requirement that photographs taken pursuant to a search warrant must be filed with the court clerk after the search is conducted (Section 542.276);

(20) Allows law enforcement agencies to hold a suspect arrested without a warrant for up to 24 hours before charging the person

with a crime. Currently, suspects may be held for 24 hours when arrested for a class A felony and 20 hours for lesser offenses (Section 544.170);

(21) Allows sheriffs to enter into agreements regarding the housing of inmates in cases of a change of venue (Section 545.550);

(22) Lengthens the statute of limitations, from three years to five years, on the crimes of arson in the first and second degree and knowingly burning or exploding property (Section 556.036);

(23) 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 (Section 558.016);

(24) Removes a provision allowing the Board of Probation and Parole to convert an offender's consecutive prison sentences into concurrent sentences (Section 558.019);

(25) 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 (Section 559.016);

(26) Allows a prosecutor to file a motion seeking the revocation of a person's probation and allows the court to temporarily suspend a person's probationary period when issuing an arrest warrant for the person (Section 559.036);

(27) Adds probation and parole officers to the crimes of assault on a law enforcement officer in the first, second, and third degree (Sections 565.081 - 565.083);

(28) Clarifies the crime of sexual misconduct involving a child. The crime is committed when a person exposes his or her genitals to a child younger than 14 years of age under circumstances in which the person knows the conduct is likely to cause affront or alarm to the child. This section contains an emergency clause (Section 566.083);

(29) 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 (Section 566.086);

(30) Changes the laws regarding human trafficking and establishes requirements for international matchmaking organizations. Intentionally providing false or incomplete information required by these provisions is a class D felony (Sections 566.200 - 566.223);

(31) 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 younger than 17 years of age. The crime is expanded to include producing, selling, or attempting to produce the drug within the residence of the child (Section 568.045);

(32) 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 younger than 17 years of age is in the vehicle (Section 568.050);

(33) Expands the crime of arson in the first degree, a class A felony, to include damage to a structure by fire or explosion resulting from an attempt to produce methamphetamine (Section 569.040);

(34) Increases the penalty from a class D felony to a class C felony for the theft of materials to manufacture methamphetamine and increases the penalty from a class C felony to a class B felony for the theft of anhydrous ammonia or liquid nitrogen (Section 570.030);

(35) Expands the crime of passing a bad check by including any other form of presentment involving the transmission of account information. The minimum charge for the administrative handling costs assessed by the prosecuting attorney for processing bad check claims is increased from \$5 to \$25 and the maximum charge from \$50 to \$75. The bill allows the prosecuting attorney to spend these fees on any lawful expense of the office (Section 570.120);

(36) Increases the penalty from a class B felony to a class A felony for financial exploitation of the elderly when the amount stolen is more than \$50,000 (Section 570.145);

(37) Revises the crime of identity theft. Currently, a class B felony occurs when the amount stolen exceeds \$10,000. That threshold is reduced to \$5,000. The threshold amount for a class A felony is reduced from \$100,000 to \$50,000. This section contains an emergency clause (Section 570.223);

(38) 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 (Section 570.255);

(39) 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 (Section 570.300);

(40) Creates the crime of tampering with electronic monitoring equipment, a class C felony. The crime is committed when a person intentionally removes or tampers with an electronic monitoring device which is required to be worn by a criminal offender, pursuant to a court order or as required by the Board of Probation and Parole (Section 575.205);

(41) Creates the crime of violating a condition of lifetime supervision, a class C felony. The crime is committed when a person knowingly violates a condition of lifetime supervision by the board for any person convicted of certain sexual offenses (Section 575.206);

(42) Clarifies that the crime of witness tampering does not require that the prospective witness needs to be testifying in an official proceeding in order for the crime to occur (Section 575.270);

(43) Expands the crime of misuse of official information to include the reckless disclosing of information from the MULES or the National Crime Information Center System for personal or private use (Section 576.050);

(44) 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 (Sections 577.625 and 577.628);

(45) 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 (Section 578.500);

(46) Requires first classification counties to grant a reserve peace officer license to anyone who has completed 160 hours of training and who was commissioned as a reserve peace officer prior to August 28, 2001 (Section 590.040);

(47) Allows crime victims to be notified of proceedings regarding the offender by first class mail, rather than certified mail. The bill also clarifies that crime victims are entitled to receive notice of proceedings involving the offender being sent to a substance abuse treatment program (Section 595.209);

(48) Allows victims of a sexual offender to testify at a parole hearing of the sex offender for the crime of escape from commitment. This section contains an emergency clause (Section

595.210);

(49) Allows the Director of the Department of Public Safety to establish a state firearms training and qualification standard for retired law enforcement officers carrying concealed firearms to comply with the federal Law Enforcement Officers Safety Act (Section 650.030); and

(50) Reduces the amount of damages a person who is wrongly convicted may receive from the state. Currently, when a person is found to be actually innocent of a crime for which he or she was convicted through the use of DNA evidence, the person may be awarded damages of \$50 per day of wrongful incarceration. The bill limits the amount that may be awarded to any individual to \$36,500 during each fiscal year (Section 650.055).

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

(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 (Section 559.105);

(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 (Section 559.105);

(3) Makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case (Section 569.080);

(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 (Section 569.090);

(5) Makes auto theft a class B felony when the person has two prior convictions for stealing-related offenses (Section 570.040); and

(6) 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 (Section 570.080).