

SECOND REGULAR SESSION

HOUSE BILL NO. 1878

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIXON (Sponsor), WILDBERGER,
SANDER AND WOOD (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

5256L.01I

AN ACT

To repeal section 558.018, RSMo, and to enact in lieu thereof one new section relating to prior, persistent, and predatory sexual offenders, with penalty provisions.

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

Section A. Section 558.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.018, to read as follows:

558.018. 1. The court shall sentence a person who has pleaded guilty to or has been found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender.

2. A "persistent sexual offender" is one who has previously pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection.

3. The term of imprisonment for one found to be a persistent sexual offender shall be not less than thirty years, which term shall be served [without] **with eligibility for** probation or parole, **however, subsection 4 of section 558.019 shall not apply to persons found to be persistent sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other**

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 **provision of law, in no event shall a person found to be a persistent sexual offender receive**
16 **a final discharge from parole.**

17 4. [The court shall sentence a person who has pleaded guilty to or has been found guilty
18 of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
19 sodomy in the first degree, or an attempt to commit any of the preceding crimes or child
20 molestation in the first degree when classified as a class B felony or sexual abuse when classified
21 as a class B felony to an extended term of imprisonment as provided for in this section if it finds
22 the defendant is a predatory sexual offender.] **Notwithstanding any other provision of law, the**
23 **court shall set the minimum time required to be served before a persistent sexual offender**
24 **is eligible for parole, conditional release, or other early release by the department of**
25 **corrections. The minimum time to be served by a person found to be a persistent sexual**
26 **offender who:**

27 (1) **Has pleaded guilty to or has been found guilty of the felony of forcible rape,**
28 **rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the**
29 **first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or**
30 **is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible**
31 **sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding**
32 **crimes shall be any number of years but not less than thirty years;**

33 (2) **Has previously pleaded guilty to or has been found guilty of child molestation**
34 **in the first degree when classified as a class B felony or sexual abuse when classified as a**
35 **class B felony and pleads guilty to or is found guilty of attempting to commit or committing**
36 **forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the**
37 **first degree shall be any number of years but not less than fifteen years;**

38 (3) **Has previously pleaded guilty to or has been found guilty of the felony of**
39 **forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory**
40 **sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads**
41 **guilty to or is found guilty of child molestation in the first degree when classified as a class**
42 **B felony or sexual abuse when classified as a class B felony shall be any number of years**
43 **but not less than fifteen years;**

44 (4) **Has previously pleaded guilty to or has been found guilty of child molestation**
45 **in the first degree when classified as a class B felony or sexual abuse when classified as a**
46 **class B felony, and pleads guilty to or is found guilty of child molestation in the first degree**
47 **when classified as a class B felony or sexual abuse when classified as a class B felony shall**
48 **be any number of years but not less than fifteen years;**

49 (5) **Is found to be a persistent sexual offender under subsection 2 of this section**
50 **shall be any number of years within the range to which the person could have been**

51 **sentenced pursuant to the applicable law if the person was not found to be a persistent**
52 **sexual offender.**

53 5. For purposes of this section, a "predatory sexual offender" is a person who:

54 (1) Has previously pleaded guilty to or has been found guilty of the felony of forcible
55 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
56 first degree, or an attempt to commit any of the preceding crimes or child molestation in the first
57 degree when classified as a class B felony or sexual abuse when classified as a class B felony;
58 or

59 (2) Has previously committed an act which would constitute an offense listed in
60 subsection 4 of this section, whether or not the act resulted in a conviction; or

61 (3) Has committed an act or acts against more than one victim which would constitute
62 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
63 charged with an additional offense or offenses as a result of such act or acts.

64 6. A person found to be a predatory sexual offender shall be imprisoned for life [with]
65 **without** eligibility for parole[, however subsection 4 of section 558.019 shall not apply to
66 persons found to be predatory sexual offenders for the purposes of determining the minimum
67 prison term or the length of sentence as defined or used in such subsection. Notwithstanding any
68 other provision of law, in no event shall a person found to be a predatory sexual offender receive
69 a final discharge from parole.

70 7. Notwithstanding any other provision of law, the court shall set the minimum time
71 required to be served before a predatory sexual offender is eligible for parole, conditional release
72 or other early release by the department of corrections. The minimum time to be served by a
73 person found to be a predatory sexual offender who:

74 (1) Has previously pleaded guilty to or has been found guilty of the felony of forcible
75 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
76 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
77 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
78 sodomy in the first degree or an attempt to commit any of the preceding crimes shall be any
79 number of years but not less than thirty years;

80 (2) Has previously pleaded guilty to or has been found guilty of child molestation in the
81 first degree when classified as a class B felony or sexual abuse when classified as a class B
82 felony and pleads guilty to or is found guilty of attempting to commit or committing forcible
83 rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree
84 shall be any number of years but not less than fifteen years;

85 (3) Has previously pleaded guilty to or has been found guilty of the felony of forcible
86 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the

87 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
88 guilty of child molestation in the first degree when classified as a class B felony or sexual abuse
89 when classified as a class B felony shall be any number of years but not less than fifteen years;

90 (4) Has previously pleaded guilty to or has been found guilty of child molestation in the
91 first degree when classified as a class B felony or sexual abuse when classified as a class B
92 felony, and pleads guilty to or is found guilty of child molestation in the first degree when
93 classified as a class B felony or sexual abuse when classified as a class B felony shall be any
94 number of years but not less than fifteen years;

95 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
96 subsection 5 of this section shall be any number of years within the range to which the person
97 could have been sentenced pursuant to the applicable law if the person was not found to be a
98 predatory sexual offender].

99 [8.] 7. Notwithstanding any provision of law to the contrary, the department of
100 corrections, or any division thereof, may not furlough an individual found to be and sentenced
101 as a persistent sexual offender or a predatory sexual offender.

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