

HCS SCS SB 36 & 112 -- FORCIBLE SEXUAL OFFENSES AGAINST CHILDREN

SPONSOR: Goodman (Wasson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention by a vote of 7 to 0.

This substitute specifies that when the victim of forcible rape or sodomy is younger than 12 years of age and the offense was outrageous or wantonly vile, horrible, or inhuman, in that it involved torture or depravity of mind, the penalty will be life imprisonment without eligibility for probation, parole, or conditional release. Currently, the penalty for these crimes is a term of imprisonment with no eligibility for probation or parole until the offender has served at least 30 years.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that the bill allows prosecutors the option to pursue a true life sentence for any person who has committed forcible rape or sodomy and the victim is a young child.

Testifying for the bill were Senator Goodman; and Office of the Attorney General.

OPPONENTS: Those who oppose the bill say they are opposed to the removal of the 120-day callback provision in the Senate committee substitute concerning offenders convicted of felony sexual offenses when the victim is younger than 17 years of age. The removal of the eligibility of these offenses will greatly handicap prosecutors in those cases.

Testifying against the bill were Mike Wright, Missouri Association of Prosecuting Attorneys; and Brian Keedy, Camden County Prosecutor.

OTHERS: Others testifying on the bill say the 120-day callback provision is used by courts as an assessment tool. Removing it would eliminate certain sexual offenders from undergoing that assessment.

Testifying on the bill was Department of Corrections.