

HB 2336 -- CRIMINAL OFFENSES (Tate)

COMMITTEE OF ORIGIN: Standing Committee on Crime Prevention and Public Safety

This bill specifies that a child taken into the custody of the state or a child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which a parent or any person residing in the home has been found guilty of sexual trafficking of a child in the first degree.

Additionally, in any court proceedings relating to child custody, the court shall not award custody or unsupervised visitation, or visitation to a parent not granted custody, of a child to a parent if such parent or any person residing with such parent has been found guilty of or has pled guilty to sexual trafficking of a child in the first degree.

The bill also cleans up some provisions in the criminal statutes. The bill adds to the definition of "dangerous felony," intoxication-related traffic offenses and intoxication-related boating offenses under certain circumstances specified in the bill. It also specifies circumstances under which a person found guilty of the offense of driving while intoxicated shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment. It specifies that boating while intoxicated and boating with excessive blood alcohol content are class B felonies if a person acts with criminal negligence to cause the death of any person while the defendant has a blood alcohol content of at least .18 by weight of alcohol in the defendant's blood.

The bill also creates the offense of sexual conduct in the course of public duty, which is a class D felony. A person commits the offense of sexual conduct in the course of public duty if he or she is a probation or parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility and engages in sexual conduct with a witness, arrestee, detainee, or inmate while on duty.

The bill also removes the upper end of the weight ranges for the offense of trafficking drugs in the first degree and the offense of trafficking drugs in the second degree.

Currently, no case may be awarded victim compensation if police records show a report was not issued within 48 hours. This bill repeals that provision and allows victims of domestic violence, sexual offenses, and stalking to provide sworn statements in lieu of official records.