

SS SCS SB 37 -- CRIMINAL OFFENSES

SPONSOR: Onder

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 12 to 4.

This bill provides that with certain exceptions, a person who is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking shall not be denied tenancy, evicted from the premises, or in violation of a lease agreement on the basis of, or as a direct result of being such a victim. The tenant has an affirmative defense, in certain actions brought by the landlord, that the tenant who vacated the premise was a victim or was in imminent danger of becoming a victim of sexual assault, domestic violence or stalking. Additionally, this bill provides a list of acceptable evidence that the landlord must accept as proof that the lessee or tenant was or was going to be a victim of sexual assault, domestic violence, or stalking. This list of acceptable evidence includes certain notarized documents. Finally, this bill allows a landlord to impose a reasonable termination fee on such a tenant or lessee who wants to terminate the lease before the expiration date. These provisions shall only apply to residential properties.

Also, this bill modifies the offense of promoting prostitution in the first degree. A person may be found guilty of such offense if he or she owns, manages, or operates an interactive computer service with the intent to promote or facilitate the prostitution of another. Such offense shall be a class A felony if the person, in addition to operating an interactive computer service with the intent to promote prostitution while using a facility affecting commerce, acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation. A person injured by such actions may recover civil damages and restitution.

This bill provides that the offense of murder in the second degree is committed when a person knowingly and unlawfully manufactures, delivers, or distributes a Schedule I or II controlled substance, excluding marijuana for medical use, and thereafter the controlled substance is the proximate cause of the death of another person who uses or consumes it. It shall not be a defense that the defendant did not directly deliver or distribute the controlled substance to the decedent.

This bill contains provisions that are the same as SCS SB 60 (2019) and SB 223 (2019).

PROPOSERS: Supporters say that this is designed to fight online sex trafficking, as the Fight Online Sex Trafficking Act (FOSTA) was passed in 2017. Additionally, while they are in support, the

language about fentanyl and murder in the second degree could create problems if prosecutors were to interpret it broadly.

Testifying for the bill were Senator Onder; Bev Ehlen, Concerned Women For America Of Missouri; Missouri Association of Prosecuting Attorneys; and Missouri Office Of Prosecution Services.

OPPONENTS: There was no opposition voiced to the committee.