

HCS SCS SB 60 -- CRIMINAL OFFENSES

SPONSOR: Arthur (Neely)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 7 to 0.

This bill specifies that if an offender subject to lifetime supervision moves to a different state under an interstate compact, the person may stay in the receiving state and the Parole Board must defer to the standards and supervision of the receiving state. If the person ever returns to Missouri for more than 30 consecutive days, the offender will be subject to Missouri's lifetime supervision laws.

The bill also 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 documents verified under penalty of perjury. 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. The bill specifies conditions under which a court may depart from the applicable minimum term of imprisonment and it specifies to which offenses the minimum terms of imprisonment apply. The bill removes an exemption from registration on the Sexual Offender Registry when a registrant is no longer required to register and his or her name must be removed from the registry under the provisions of Section 589.414, RSMo.

The bill also removes sexual misconduct involving a child under Section 566.083, if it is a first offense and the punishment is less than one year, from Tier I of the registry. A first offense of sexual misconduct involving a child under Section 566.083, whether a misdemeanor or felony, remains on Tier II of the registry. It also changes sexual abuse in the second degree, child molestation in the second degree as it existed prior to January 1, 2017, and sexual conduct with a nursing facility resident or vulnerable person in the first degree on Tier I of the registry

from when the punishment is less than a year to if the offense is a misdemeanor. Additionally, the bill adds certain offenses to Tier I and certain offenses to Tier II.

PROPOSERS: Supporters say that oftentimes people who deal with these sorts of situations are worried about money and their living situations. They feel trapped in their homes because they cannot afford to leave. Alternatively, they are staying longer in shelters because they have a hard time, financially, leaving the shelter. The documents the individuals have to provide must be notarized, so it provides an additional level of verification. Federal law already provides the Violence Against Women Act, and there are many states that have passed similar legislation. There is a housing crisis in Missouri and this would help remove some of the barriers that have been created for finding independent housing.

Testifying for the bill were Senator Arthur; Missouri Coalition Against Domestic & Sexual Violence; St. Louis Apartment Association; Missouri Coalition of Children's Agencies; Nicole Lynch, Empower Missouri; and Nancy Litz, National Council of Jewish Women.

OPPOSERS: There was no opposition voiced to the committee.