

CCS SS HCS HB 1055 -- CRIMES

This bill changes the laws regarding sexual offenses, assault on law enforcement officers, and the payment of restitution for criminal offenses.

In the provisions regarding sexual offenses, the bill:

(1) Makes possession of child pornography a class D felony for a first offense and a class C felony for any subsequent offense. Under current law, it is a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense;

(2) Makes the crime of furnishing pornographic material to minors a class D felony when the offender has a prior conviction for a violation of Chapters 566, 568, or 573, RSMo. Under current law, the crime is a class D felony only upon a second or subsequent conviction for the offense;

(3) Adds several pornography offenses to the list of crimes which require a person to register as a sexual offender;

(4) Clarifies that a plea of nolo contendere is considered the same as a plea of guilty in terms of the sex offender registry;

(5) Requires sex offenders to successfully complete a sex offender treatment program. Current law requires only that the offenders participate in the program;

(6) Prohibits any person who has been convicted of certain sex-related crimes from residing within 1,000 feet of a school or a child care facility. Violation of the provision is a class D felony. A second or subsequent offense is a class B felony. If a school or child care facility is opened within 1,000 feet of where an offender already resides, the person must notify the sheriff of this fact within one week. Failure to do so is a class A misdemeanor. A subsequent offense is a class D felony;

(7) Makes it a class D felony to fail to register as a sex offender when the person has been convicted of a sex crime which is an unclassified felony, a class A felony, a class B felony, or any felony involving a child under the age of 14. A second or subsequent offense is a class C felony. Under current law, the first offense is a class A misdemeanor, and a second or subsequent offense is a class D felony;

(8) Allows sheriffs to collect a fee from sex offenders at the time of the offender's registration. At the offender's initial registration, the fee can be up to \$10. For every subsequent change in registration, the fee is \$5;

(9) Requires probation and parole officers who are assigned to a registered sex offender to notify the sheriff when learning of the sex offender's intent to change residency. The officer must also notify the offender of his or her duty to register upon changing residency. The bill clarifies that the term "probation officer" includes any private entity providing probation supervision services;

(10) Expands the crime of sexual misconduct in the second degree to include when a person has sexual contact while in a public place in the presence of another person;

(11) Expands the crime of sexual misconduct in the third degree to include when a person requests another person to engage in sexual conduct while in a public place in the presence of another person;

(12) Lengthens the statute of limitation for most sexual offenses in which the victim is age 18 or younger. Under current law, the statute of limitation is 10 years after the victim reaches age 18. The bill lengthens the limitation to 20 years after the victim reaches age 18. The limitation applies to all sexual offenses in which the victim is under the age of 18, except for the crimes of rape and sodomy for which there is no statute of limitation;

(13) Adds child pornography to the list of crimes involving children that may be investigated by the State Technical Assistance Team within the Department of Social Services;

(14) Lengthens the statute of limitation on civil claims for damages caused by sexual abuse suffered as a child. Under current law, a claim must be brought within three years from the date the victim should have discovered the injury or illness or within five years of the victim's eighteenth birthday, whichever occurs later. The bill lengthens the time to within 10 years from the victim's twenty-first birthday; and

(15) Prohibits persons providing sexual offender assessment services from being related within the third degree of consanguinity to anyone who has a financial interest in a private sexual offender treatment program.

The crime of assault on a law enforcement officer is revised. The bill makes it a class C felony when a person:

(1) Knowingly causes physical injury to a law enforcement officer by means other than a deadly weapon;

(2) Acts with criminal negligence and causes physical injury to

a law enforcement officer by means of a deadly weapon. Under current law, this crime is a class A misdemeanor;

(3) Acts with criminal negligence and creates a substantial risk of death or serious physical injury to a law enforcement officer. Under current law, this crime is a class A misdemeanor; and

(4) Purposely or recklessly places a law enforcement officer in apprehension of immediate serious physical injury. Under current law, this crime is a class A misdemeanor, though the immediate physical injury need not be serious.

A mechanism for county law enforcement agencies to receive restitution from criminals is created. The bill allows counties to establish by ordinance the county law enforcement restitution fund, to defray some of the costs incurred by law enforcement agencies. In those counties where the fund is established, the court may order the offender to pay restitution up to \$300 to the fund for any offense. The court cannot order restitution to the fund for infractions, class C misdemeanors, or certain traffic offenses. The court may revoke probation if, after a hearing, the court determines the defendant willfully refused to pay or willfully failed to make sufficient efforts to acquire the resources to make the payment. The fund may only be used for specified law enforcement expenditures and will be supervised by a board of five trustees appointed by certain county officials. The bill prohibits county commissions from reducing any law enforcement agency's budget as a result of the funds received for restitution. The judge cannot have any authority over the administration of the fund, and it is subject to an audit.