

HCS HB 353 -- CRIME

SPONSOR: Lipke

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 11 to 0.

This substitute changes the laws regarding crime prevention. In its main provisions, the substitute:

- (1) Repeals the provision allowing first-time offenders convicted of a class C or D nonviolent felony to petition the court for early release after serving at least 120 days;
- (2) Expands the crimes of arson in the first and second degree to include damage to a structure by fire or explosion, when the fire or explosion is caused by a person committing or attempting to commit a felony;
- (3) Allows the court to add up to one year onto a person's probationary period when the person has violated the terms of his or her probation;
- (4) Allows a prosecutor to file a motion seeking the revocation of a person's probation;
- (5) Requires the court to temporarily suspend a person's probationary period when issuing an arrest warrant for the person. When the arrest warrant is served, the probation period will begin to run again;
- (6) Adds failure to register as a sex offender to the list of violations for which the Board of Probation and Parole provides supervision services;
- (7) Repeals a provision requiring defendants to be sentenced according to the law in place at the time of sentencing, rather than the law as it existed at the time of the crime, whenever the change in law reduced the penalty for the offense;
- (8) Repeals a provision allowing the board to convert an offender's consecutive prison sentences into concurrent sentences;
- (9) Creates the crime of sexual contact with a student, a class D felony. The crime is committed when a teacher has sexual contact with a student on school property;
- (10) Allows each county sheriff to maintain a web page, available to the public, containing a list of the registered sexual offenders in the county that provides each offender's

name, address, photograph, and the crimes for which the offender was required to register;

(11) Expands the crime of endangering the welfare of a child in the first degree, a class C felony. Currently, a person commits the offense if he or she produces or sells methamphetamine in the presence of a child under the age of 17. The crime is expanded to include producing, selling, or attempting to produce the drug within the residence of the child;

(12) Expands the crime of endangering the welfare of a child in the second degree, a class A misdemeanor. The offense is committed when a person operating a motor vehicle commits involuntary manslaughter, assault in the second degree, driving while intoxicated, or driving with excessive blood-alcohol content while a child under the age of 17 is in the vehicle;

(13) Makes it a class A misdemeanor to operate a video camera within a motion picture theater without the consent of the theater owner. A second or subsequent offense is a class D felony. The owner of the movie theater is exempt from civil liability for detaining a person suspected of the offense, as long as the detention is reasonable;

(14) Changes the crime of illegal copying and distribution of sound recordings by lowering the threshold for a felony from 1,000 illegal copies to 100 illegal copies;

(15) Makes it a class C misdemeanor to interfere with an arrest, stop, or detention by providing a false name, address, date of birth, or Social Security number to a law enforcement officer;

(16) Creates the crime of failure to provide identification to a law enforcement officer. A person commits the crime when he or she refuses to provide their name and address to a law enforcement officer or provides a false name or address during a lawful stop or detention;

(17) Creates the Anhydrous Ammonia Additive Fund to reimburse distributors of anhydrous ammonia for the actual cost of adding red dye to anhydrous ammonia to prevent methamphetamine producers from stealing it. The provisions of this section will expire six years from the effective date;

(18) Adds salvia divinorum and 12 other compounds to the list of controlled substances and clarifies which forms of anabolic steroids are included within schedule II controlled substances;

(19) Creates the crimes of possessing and distributing a prescription medication on school property without a valid prescription. Possession is a class C misdemeanor, and

distribution is a class B misdemeanor;

(20) Allows local law enforcement agencies to perform a criminal record review of open records through the Missouri Uniform Law Enforcement System on persons applying for city or county employment;

(21) Allows cities and counties to enact ordinances requiring fingerprints of job applicants or licensees in certain occupations for the purpose of conducting criminal record reviews;

(22) Adds chemical urine tests to the list of tests that may be conducted by the State Water Patrol to measure the blood-alcohol content of a person operating a watercraft;

(23) Increases from \$200 to \$500 the damage amount that requires the filing of an accident report when there is damage to a watercraft;

(24) Prohibits the use of any device that, when activated, allows a watercraft's muffler to exceed the maximum decibel levels allowed by law;

(25) Increases the penalty from a class C to a class B misdemeanor for failure to yield to an emergency vehicle;

(26) Removes financial conflict of interest restrictions on sex offender counseling program providers when there is only one qualified service provider within a reasonably accessible distance from the offender;

(27) Authorizes Missouri Capitol Police officers to investigate and arrest a person anywhere in Cole County when there is probable cause to believe the person committed a crime within their jurisdiction; and

(28) Gives the juvenile court jurisdiction in cases involving children under the age of 17 who violate state or municipal ordinances prohibiting the possession or use of tobacco products.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a Cost of More than \$100,000 to an Income of Unknown in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that when an offender is suspected of violating the terms of his or her probation, an arrest warrant is issued, but the probationary period can expire before the offender is actually arrested. The bill allows the prosecutor to file a motion to have probation revoked and requires the court to

suspend the probationary period until the offender is arrested. If the offender did violate the probation terms, the court can extend the length of probation up to one year.

Testifying for the bill was Representative Lipke.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst