

SS#2 SCS HCS HB 972 -- CRIME

This bill changes the laws regarding crime.

The bill restricts the operation of adult cabarets and other sexually oriented businesses. A "sexually oriented business" is defined as any adult cabaret or any business which generates more than 30% of its revenue from the sale of sexually oriented material. In its provisions regarding sexually oriented businesses, the bill makes it a class A misdemeanor to:

- (1) Exhibit films depicting sexual activity at any sexually oriented business, unless several specific restrictions are met. Violation of this provision allows the county prosecutor or the Attorney General to enjoin the business as a public nuisance;
- (2) Appear in a state of nudity or depict, simulate, or perform a sex act in a sexually oriented business;
- (3) Appear in a semi-nude condition in a sexually oriented business, unless the person is an employee and remains at least 10 feet away from any customer, on a stage at least two feet from the floor and behind a railing no less than two feet in height;
- (4) Touch a customer in a sexually oriented business while in a semi-nude condition; or
- (5) Allow a person younger than 21 years of age to enter a sexually oriented business, except for delivery persons or repair persons.

A sexually oriented business may be closed as a public nuisance if the owner of the business allows criminal activity to occur on the premises.

The bill changes the laws regarding sex crimes. The bill:

- (1) Clarifies the crime of sexual misconduct involving a child. A person commits the crime when a person exposes his or her genitals to a child younger than 14 years of age under circumstances in which the person knows the conduct is likely to cause affront or alarm to the child. This provision contains an emergency clause;
- (2) Requires lifetime supervision by the Board of Probation and Parole for any person convicted of certain sex offenses when the victim is younger than 14 years of age and the offender is sentenced as a prior sex offender. All offenders must be electronically monitored using a global positioning system;
- (3) Creates the crime of violating a condition of lifetime

supervision, a class C felony. The crime is committed when a person knowingly violates a condition of lifetime supervision by the board for any person convicted of certain sexual offenses; and

(4) Creates the crime of tampering with electronic monitoring equipment, a class C felony. The crime is committed when a person intentionally removes or tampers with an electronic monitoring device which is required to be worn by a criminal offender, pursuant to a court order or as required by the board.

The bill changes the laws regarding driving while intoxicated. The bill expands the crime of involuntary manslaughter in the first degree and increases the penalty to a class B felony under certain circumstances. The crime is a class B felony when a person operates a motor vehicle in an intoxicated condition and with criminal negligence:

(1) Causes the death of any person not a passenger in the vehicle operated by the defendant;

(2) Causes the death of two or more persons; or

(3) Causes the death of any person while the defendant's blood-alcohol content is greater than .18%.

The bill changes the definition of "persistent offender." Currently, persistent offender, as used in Chapter 577, RSMo, is defined as a person with two or more convictions for intoxication-related offenses during the past 10 years. The bill removes the time requirements.

Two new types of offender status, "aggravated offender" and "chronic offender", are created for the purposes of applying the enhanced penalties and prison requirements of Section 577.023. An aggravated offender is a person convicted of:

(1) Three intoxication-related offenses; or

(2) Two intoxication-related offenses, when one of them is for involuntary manslaughter, murder in the second degree when the underlying felony is an intoxication-related offense, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree.

A chronic offender is a person convicted of:

(1) Four or more intoxication-related offenses;

(2) Involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree on two separate occasions; or

(3) Involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree, and two other intoxication-related offenses.

The bill makes driving while intoxicated or driving with an excessive blood-alcohol content a class C felony when the defendant is sentenced as an aggravated offender and a class B felony when sentenced as a chronic offender. Aggravated offenders must serve at least 60 days of imprisonment and chronic offenders at least two years of imprisonment before becoming eligible for probation or parole.

The bill 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 younger than 17 years of age is in the vehicle.

In other provisions, the bill:

(1) Makes it a class A misdemeanor for a property owner to allow someone younger than 21 years of age to drink or possess alcohol on the owner's property;

(2) Clarifies that the term "court" as used in Chapter 577, regarding intoxication-related offenses, includes municipal courts; and

(3) Removes the requirement that a municipal judge must be a licensed attorney for any intoxication-related convictions in that court to be considered in an offender's sentence enhancement.