

HCS HB 2 -- CRIME

SPONSOR: Roark (Lipke)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 8 to 0.

This substitute corrects inconsistencies between House Bill 353, House Bill 972, Senate Bill 37, et al., Senate Bill 254, and Senate Bill 402 as enacted by the first regular session of the 93rd General Assembly.

Currently, any owner, occupier, or other person with a lawful right to the use and enjoyment of any property who knowingly allows a person under the age of 21 to drink or possess intoxicating liquor or who fails to stop a person under the age of 21 from drinking or possessing intoxicating liquor on his or her property is guilty of a class A misdemeanor. The substitute changes the penalty to a class B misdemeanor. Any subsequent violation is a class A misdemeanor.

The substitute changes the laws regarding driving while intoxicated to expand the definitions of "aggravated offender," "chronic offender," and "intoxication-related traffic offense" to include murder in the second degree where the underlying felony is an intoxication-related offense. A chronic offender is a person convicted of:

- (1) Four or more intoxication-related offenses;
- (2) Two or more occasions of involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree; or
- (3) Two intoxication-related offenses and involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree.

The substitute also restructures the statute regarding involuntary manslaughter in the first degree and eliminates Sections 577.625 and 577.628, RSMo, as enacted in House Bill 353 to make them consistent with Senate Bill 254. Inconsistencies in Section 210.117 as enacted by House Bill 568, Senate Bill 155, and Senate Bill 420 concerning child abuse are also eliminated.

The substitute contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.