

HCS HB 1698, 1236, 995, 1362 & 1290 -- SEXUAL OFFENDERS

SPONSOR: Lipke

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 12 to 0.

This substitute changes the laws regarding sexual offenders. In its main provisions, the substitute:

(1) Increases the penalty from a minimum of five years imprisonment to a minimum of 25 years for the crimes of forcible rape and forcible sodomy if the victim is younger than 12 years of age;

(2) Increases the crime of child molestation in the second degree from a class A misdemeanor to a class D felony. Subsequent convictions of this crime are increased from a class D felony to a class C felony as well as instances in which the perpetrator inflicts serious physical injury on any person; displays a deadly weapon or dangerous instrument in a threatening manner; or the offense was committed as part of a ritual or ceremony;

(3) Specifies that no sexual offender will be present or loiter within 500 feet of the real property of any school or in any conveyance owned, leased, or contracted by a school when persons younger than 18 years of age are present unless the offender is a parent, legal guardian, or custodian of the person and has obtained permission from the school administration;

(4) Adds community residential programs to the list of places where a sex offender cannot establish residency within 1,000 feet;

(5) Increases the penalty for the crimes of enticement of a child or attempt to commit enticement of a child to a term of imprisonment of no less than five years and no more than 30 years;

(6) Limits the definition of "child abuse" to only those instances in which a person knowingly inflicts cruel and inhuman punishment on a younger than 17 years of age;

(7) Creates the crime of harboring a sexual predator, a class A misdemeanor;

(8) Allows an individual that has been required to register on the sex offender registry for a crime that he or she committed while younger than 21 years of age or who has committed certain

other crimes to petition to have his or her name removed;

(9) Establishes procedures for search warrants where notification of the existence of the search warrant causes an adverse result including danger to the life or physical safety of an individual, flight from prosecution, the destruction or tampering with evidence, the intimidation of witnesses, or serious jeopardy to an investigation;

(10) Specifies that records sought under the search warrant be produced within five business days of receipt of the warrant or a showing of good cause by a foreign corporation that an extension of time will not cause an adverse result;

(11) Specifies that any attempt made to quash the warrant must be made in the court that issues the warrant within the time required for production of the records;

(12) Requires Missouri corporations providing electronic communication services, when served with a warrant from another state, to produce records pertaining to customer identification, data stored by or on behalf of the customer, the customer's usage of those services, or the destination or content of the communications as if the warrant had been issued by a Missouri court;

(13) Gives immunity to Missouri corporations providing records sought under a search warrant as specified in the substitute;

(14) Permits the Board of Probation and Parole to access information on the home computer of a registered sexual offender;

(15) Requires sexual offenders to provide the date of their birth; their physical description and that of their vehicle; nature and dates of the offenses requiring the offender to register; and the date in which the offender was released from the Department of Health, prison, or jail or placed on parole, supervised release, or probation;

(16) Requires any individual that has been required to register on the sex offender registry who commits a third sexual offense to be electronically monitored for a period of 10 years and an additional 10-year period for each subsequent offense; and

(17) Requires the Department of Corrections to notify the State Highway Patrol of any offender who is required to be electronically monitored.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$440,460 in FY 2007, Less than \$863,391 in FY 2008, and Less than

\$1,226,824 in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill increases penalties for those predators who victimize children younger than 12 years of age. If there are high mandatory minimums for all sexual crimes, prosecutors will lose convictions and the ability to track those offenders.

Testifying for the bill were Representative Lipke; Missouri Association of Prosecuting Attorneys; Missouri Coalition Against Domestic Violence; and Office of the Attorney General.

OPPONENTS: There was no opposition voiced to the committee.

Kristina Jenkins, Legislative Analyst