

HB 1642 -- Crime

Sponsor: Lipke

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

- (1) Adds any moving violation, as defined by Section 302.010, RSMo, to the list of infractions for which a court may order payment to the county law enforcement restitution fund;
- (2) Expands protection for the elderly against financial exploitation;
- (3) Adds Zopiclone, its salts, isomers, and salts of isomers to the list of Schedule IV controlled substances;
- (4) Adds Pregabalin to the list of Schedule V controlled substances;
- (5) Expands the crime of distribution of a controlled substance near a park to include unlawfully distributing or delivering any controlled substance to a person in, on, or within 1,000 feet of the real property comprising a public or private park, state park, county park, or municipal park. Currently, a person must unlawfully distribute or deliver heroin, cocaine, LSD, amphetamine, or methamphetamine to another person within 1,000 feet of the real property comprising a public, state, county, or municipal park;
- (6) Specifies that the Amber Alert System is to aid in the location of abducted children rather than adults and defines "abducted child" as an individual whose whereabouts are unknown, is younger than 18 years of age, and is reasonably believed to be a victim of kidnapping or younger than 18 years of age and at least 14 years of age and who would be reasonably believed to be a victim of child kidnapping if the person was younger than 14 years of age;
- (7) Requires a photograph to be taken of an incarcerated individual upon release and made available to the victim upon his or her request;
- (8) Allows offenders to appear before the Board of Probation and Parole by means of a video conference, rather than personal appearance, at the discretion of the board;
- (9) Allows any offender to refuse parole that is conditioned on the performance of free work. Any county, city, person, organization, agency, or its employee who is charged with the

supervision of free work or who benefits from its performance will be immune from any cause of action arising from his or her supervision of performance, except for an intentional tort or gross negligence;

(10) Requires commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensure of peace officers. Officers who are employed and performing their duties on August 28, 2006, will have until July 1, 2010, to comply with the mandatory standards;

(11) Specifies that any person convicted of criminal securities fraud will be fined an amount not to exceed \$1 million, be sentenced to a term of imprisonment not to exceed 10 years, or both. If the violation was committed against a disabled or elderly person, the offender will be fined an amount not to exceed \$50,000, be sentenced to a term of imprisonment not to exceed five years, or both;

(12) Allows a judge to order the defendant in a municipal or circuit criminal case to pay costs as determined in Section 488.012;

(13) Allows a judge to order a probationer, as a condition of probation, to be vaccinated for Hepatitis A and B at his or her local health department with the costs to be paid by the probationer;

(14) Revises the definitions of "domestic assault offense" and "intoxication-related offense" to include any offense committed in another state or any federal or military offense which, if committed in Missouri, would be considered a domestic assault offense or an intoxication-related offense;

(15) Specifies that the term "stealing-related offense" will include robbery and clarifies that a person who has pled guilty to or been found guilty of two separate stealing offenses, which were committed on two separate occasions, will be guilty of a class B felony;

(16) Increases the penalty for the crime of possessing child pornography from a class D felony to a class C felony. A second or subsequent offense will be increased from a class C felony to a class B felony;

(17) Creates the crime of false identification if a prisoner or offender knowingly and with the purpose to mislead gives a false name, date of birth, or Social Security number when identifying himself or herself to a person who is an employee of a jail or correctional center. False identification will be a class C

felony;

(18) Increases the penalty for the crime of making a false report from a class B misdemeanor to a class A misdemeanor;

(19) Increases the penalty for the crime of resisting or interfering with arrest, detention, or stop from a class D felony to a class C felony;

(20) Creates the crime of disarming a peace or correctional officer if a person intentionally removes from or deprives the peace or correctional officer of the use of his or her firearm or other deadly weapon while the officer is acting within the scope of his or her official duties. The crime, a class C felony, does not include situations in which the person does not know or could not reasonably have known that the person was a peace or correctional officer or if the officer was engaged in felonious conduct at the time of the disarmament;

(21) Allows a court of competent jurisdiction to suspend or revoke the driving privileges of any person determined to have violated any state, county, or municipal law involving unlawful use or possession of drug paraphernalia while operating a motor vehicle;

(22) Prohibits the use or possession of an alcohol beverage vaporizer. Any substance that has been approved by the federal Food and Drug Administration as an over-the-counter or therapeutic drug product administered by an authorized medical practitioner is exempt;

(23) Requires the Peace Officer Standards Training (POST) Commission to make instruction available to peace officers on the investigation of crimes involving the use of a computer, the Internet, or both;

(24) Allows the Director of the Department of Public Safety to establish rules to implement the POST Program;

(25) Requires crime victims to be paid up to \$250 from the Crime Victims' Compensation Fund to replace clothing, bedding, or other personal items seized by law enforcement as evidence of a crime;

(26) Allows victims to be represented by an appointed person instead of appearing in person during the offender's parole and probation revocation hearings. The victim's appointee who honors any subpoena to testify in or attend a criminal proceeding is protected from discharge by any employer or from using vacation, personal, or sick leave to attend any criminal proceeding;

(27) Allows records and documents pertaining to internal investigations by a law enforcement agency on the fitness and conduct of a law enforcement officer employed by the agency used solely in connection with matters relating to the employment of the officer to remain confidential unless the records and documents are used in a criminal investigation;

(28) Allows the department to establish rules recommending procedures for issuing missing/endangered person advisories; and

(29) Specifies that the members of the Missouri Medal of Valor Board will be appointed by the Governor from a list submitted by the department director.