

FIRST REGULAR SESSION

HOUSE BILL NO. 1072

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRUNS.

1682L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 589, RSMo, by adding thereto one new section relating to forfeiture of computers used in the commission of sexual offenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 589, RSMo, is amended by adding thereto one new section, to be known as section 589.044, to read as follows:

589.044. In any sexual offense case where one or more computers or laptop computers of the defendant were seized in the investigation and prosecution of the case, and where the prosecuting or circuit attorney believes that such computers or laptop computers were used in the commission of the sexual offense, upon a plea of guilt or a finding of guilt of the defendant the prosecuting or circuit attorney shall, prior to sentencing, request that the court make a finding at sentencing that the computers or laptop computers or both were used in the commission of the offense and that they are forfeited and shall not be returned to the defendant but shall be retained by the law enforcement agency which seized such computers or laptop computers for such agency's own use or sale. The prosecuting or circuit attorney shall give notice to the defendant of the request to forfeit the computers or laptop computers. If the defendant contests the forfeiture the court shall allow the defendant to present evidence or argument or both that the computers or laptop computers or both were not used in the commission of the offense and should not be forfeited. The court shall then make its finding. If the court finds that the computers or laptop computers or both were used in the commission of the offense the court shall enter an order declaring that the computers or laptop computers or both are forfeited and shall not be returned to the defendant and shall further grant ownership of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 the computers or laptop computers or both to the law enforcement agency which
19 investigated the case and seized the computers or laptop computers. If the court finds that
20 the computers or laptop computers were not used in the commission of the offense the
21 court shall order that such computers or laptop computers or both be returned to the
22 defendant at the same time and in the same manner as is customary at the end of a criminal
23 case.

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