

SS SCS HCS HB 1371 -- MISSOURI CRIMINAL CODE

This bill makes minor technical and grammatical corrections and corrects erroneous intersectional references in the Missouri Criminal Code as it was truly agreed and finally passed in HCS SS SCS SB 491 in 2014.

Several sections that contain references to offenses that had their names or section numbers changed are modified to include both the previous and amended names and section numbers, and intersectional references to sections that have different numbers are updated.

Currently, an offender found guilty of a specified class C or class D felony is eligible for earned compliance credits and court-ordered detention sanctions while on probation, parole, or supervised release. HCS SS SCS SB 491 limits the two programs to an offender of a specified class D or class E felony. The bill specifies that any offender who was sentenced prior to January 1, 2017, for an offense that was eligible for earned compliance credits and court-ordered detention sanctions remains eligible for both programs so long as the offender meets all the other statutory requirements.

Currently, lifetime supervision is required for a sexual offender found guilty of rape in the first degree, statutory rape in the first degree, sodomy in the first degree, or statutory sodomy in the first degree. Anyone found guilty of first degree child molestation, sexual misconduct involving a child, sexual abuse in the first degree, enticement of a child, sexual trafficking of a child, incest, using a child in a sexual performance, or promoting a sexual performance by a child must be supervised for life if the victim was less than 14 years old and the offender is a repeat sexual offender. The bill specifies that an offender found guilty of any of these sexual offenses, regardless of the age of the victim or his or her criminal history, must be supervised for life.

HCS SS SCS SB 491 excludes any prison commitment prior to release on probation in a 120-day shock incarceration or treatment program or sexual offender assessment for purposes of calculating mandatory minimum sentences for repeat offenders. The bill, and current law, specifies that only the first prison commitment prior to release on probation is excluded from the calculation.

The definition of "habitual offender" and "habitual boating offender" are revised to include any offender who, while driving while intoxicated, acted with criminal negligence to cause the death of someone who was not a passenger in the vehicle or vessel, caused the death of two or more people, or caused the death of a person while having a blood alcohol content of .18 or more. An

individual found guilty of being a habitual offender or habitual boating offender is guilty of a class B felony and must be sentenced as a dangerous felony offender. The offense is a class A felony if the defendant is a habitual offender and is found guilty of a subsequent violation.

A provision regarding the admissibility of a refusal to submit to a blood alcohol test is modified to clarify that the refusal is admissible whenever the refusal occurs when a person is under arrest.

Provisions are added prohibiting the purchase, acquisition, or receipt of certain amounts of methamphetamine precursor drugs to the elements of the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs.

Specified provisions of the bill will become effective on January 1, 2017.