

HCS SS SB 34 -- CRIMINAL OFFENSES

SPONSOR: Cunningham (Rhoads)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 6 to 5. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 6 to 5.

SCHOOL DISTRICT POLICIES

School districts are required to include a provision in their policy handbooks requiring school officials to report to law enforcement incidents of harassment in the first degree. This bill repeals that requirement (Section 160.261, RSMo).

This is similar to HCS HB 727 (2017).

REPORTING REQUIREMENTS FOR PRINCIPALS AND TEACHERS

Currently, a principal is required to report to the appropriate local law enforcement agency and to the superintendent any incident when a person is believed to have committed an act which if committed by an adult would be assault in the first, second, or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property. This bill repeals that requirement.

Currently, a principal is required to immediately report to the appropriate local law enforcement agency and to the superintendent if a pupil is discovered to have on or about the pupil's person any controlled substance. This bill modifies the reporting requirement to be made as soon as reasonably practical. Furthermore, if a teacher becomes aware that a pupil is in possession of a controlled substance or weapon on school property or has committed specified crimes on school property, the teacher shall, as soon as practical, report the incident to the principal.

The bill provides civil immunity for school employees, superintendents, or their designees who provide information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed an act which, if committed by an adult, would be assault in the third degree or assault in the fourth degree (Section 167.117).

This is similar to HCS HB 727 and HCB 9 (2017).

ENFORCEMENT AUTHORITY OF CONSERVATION COMMISSION

This bill states that an agent of the Conservation Commission may

enforce provisions of law establishing the offense of littering and the offense of abandoning a vehicle only upon the water, the banks thereof, or public land (Section 252.069).

This is similar to HCB 9 (2017) and HCS HB 1133 and SB 512 (2017).

OFFENSE OF DOMESTIC ASSAULT

Currently, the offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of assault of a domestic victim two or more times, in which case such offense is a class E felony. This bill provides that domestic assault in the fourth degree is a class E felony if the person has been found guilty two or more times of any assault offense under state law or of any offense against a domestic victim under any local ordinance, or any state, federal, or military law which would constitute domestic assault in the fourth degree if committed in this state (Section 565.076).

This is similar to HCS HB 1133 and SB 512 and HCB 9 (2017).

OFFENSE OF HARASSMENT

Harassment in the second degree is a class A misdemeanor, unless the person has previously been found guilty of harassment in the second degree or of any offense under any local ordinance, state law, federal law, or military law, which would be chargeable as harassment in the second degree, then harassment in the second degree is a class E felony. The provisions criminalizing harassment in the second degree shall not apply to the activities of law enforcement officers conducting investigations (Section 565.091).

This is similar to HCS HB 1133, HCB 9, and SB 512 (2017).

OFFENSE OF ACCEDING TO CORRUPTION

The offense of acceding to corruption is a class D felony if a witness accepts a benefit on the understanding that he or she will disobey a legal process in a felony prosecution proceeding (Section 575.280).

This provision is similar to HCS HB 1133, HCB 9, and SB 512 (2017).

INTOXICATION-RELATED OFFENSES

The definition of the terms "habitual offender" and "intoxication-related traffic offense" are modified as used in provisions relating to public safety criminal offenses. Driving while

intoxicated is a class B felony if the person acts with criminal negligence to:

- 1) Cause the death of another who is not in the vehicle,
- 2) Cause death of two or more persons, or
- 3) Cause the death of any person while having a blood alcohol content of at least .18 of 1% (Section 577.001).

This is similar to HCS HB 1133, HCB 9, and SB 512 (2017).

OFFENSE OF LEAVING THE SCENE OF AN ACCIDENT

The offense of leaving the scene of an accident is a class D felony if a death occurred as a result of the accident (Section 577.060). This is similar to HB 178, HCB 1, and HCB 9 (2017).

OFFENSE OF ILLEGAL REENTRY

This bill creates the offense of illegal reentry. A person commits the offense of illegal reentry if he or she has been removed from the United States due to the violation of certain federal offenses and thereafter enters the state of Missouri and commits the offense of misdemeanor assault or domestic assault, or certain other felony offense, or any crime committed in another state that would be considered an offense of misdemeanor assault or domestic assault, or certain other felony offense under Missouri law (Section 577.685).

Illegal reentry is punishable as a class C felony.

This is similar to SS SC SSB 612 (2016).

CRIME VICTIMS' COMPENSATION FUND

The bill specifies that when a defendant is found guilty of a class E felony, the court shall enter a judgment for \$46 payable to the Crime Victims' Compensation Fund (Section 595.045).

This is similar to SB 512, HB 743, HCS HB 1133, and HCB 9 (2017).

PROPONENTS: Supporters say that this bill is not about rounding up illegal aliens; it is about people who have committed violent felonies and have been removed under federal law.

Testifying for the bill were Senator Cunningham; Brittany Tolley, Act For America; and the Concerned Women for America of Missouri.

OPPONENTS: Those who oppose the bill say that they are concerned about the issue of the Supremacy Clause of the U.S. Constitution; immigration is under the exclusive purview of the federal government, and expending state resources on something covered by the federal government would be a waste of resources. Additionally, this legislation will not make our communities safer and it does not tell an accurate story of what is going on here. Approximately 5% of crimes committed in the United States are committed by immigrants. Missouri has a wonderful opportunity to support and foster immigration rather than continuing to convey the message that Missouri is opposed to immigrants. Missouri should be leading the way to unity and togetherness.

Testifying against the bill were American Civil Liberties Union (ACLU) Missouri; Sara John, Inter-Faith Committee on Latin America; Jessie Chappel, CG Immigration Law; Judy Ancel, Cross Border Network; Aimee Abizera, Missouri Immigrant and Refugee Advocates; Empower Missouri; Mary Luis Pabello; Marissa Ornelas; Yareli (Ellie) Urbina; Kenneth K. Schmitt; and American Immigration Lawyers.