

CCS HCS SS SB 34 -- CRIMINAL OFFENSES

This bill creates and modifies provisions relating to criminal offenses.

PUBLIC EMPLOYMENT RETIREMENT PLAN

This bill clarifies provisions related to public pension forfeiture when a felonious act is committed in direct connection with or directly related to the participant's duties. The employer is required to notify the appropriate retirement system and provide information in connection with the felony charge or conviction (Section 105.669, RSMo).

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).

"SPECIAL VICTIM" DEFINITION

The bill adds hospital personnel to the definition of "special victim." Certain offenses carry enhanced penalties when committed against a special victim (Section 565.002).

CRIMINAL NONSUPPORT

This bill defines the term "arrearage" and specifies that the arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

Currently, criminal nonsupport is a class E felony if the total arrearage is in excess of 12 monthly payments. The bill changes it to if the total arrearage is in excess of 24 monthly payments.

A person whose children were the subject of a child support order and the obligation of such person to make payments has been terminated, who has pled guilty to or been convicted of a felony offense for criminal nonsupport, and who has successfully completed probation after a plea of guilty or was sentenced may petition the court for expungement of all official records of his or her arrest, plea, trial, or conviction. The bill lays out the specific elements a court must find the petitioner has met before ordering expungement. An individual may request an expungement of his or her DNA records pursuant to these provisions.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only entitled to have one petition for expungement granted under these provisions (Section 568.040).

The bill also changes these provisions in the newly revised criminal code that took effect January 1, 2017.

OFFENSES AGAINST LAW ENFORCEMENT

This bill enhances the penalties for involuntary manslaughter in the first and second degrees, stalking in the first and second degrees, property damage in the first and second degrees, and trespass in the first degree, if the victim of such offenses is intentionally targeted as a law enforcement officer or because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer (Sections 565.024, 565.027, 565.225, 565.227, 569.100, 569.120, and 569.140).

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).

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).

SEXUAL OFFENDER LOITERING

This bill prohibits sexual offenders from being present or loitering within 500 feet of any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under 18 years of age (Section 566.150).

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).

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).

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).

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 illegally 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.

ADDRESS CONFIDENTIALITY PROGRAM

This bill adds provisions related to the Address Confidentiality Program, which protects program participants from having their actual addresses disclosed in certain situations (Sections 589.664 and 586.675).

MISTAKEN IDENTITY OR FALSE IDENTITY

This bill allows a person to petition a court for the expungement of any records relating to any infraction or a crime as a result of another person using the identifying information of the named person or mistaken identity and a finding of not guilty is entered, or the conviction is set aside, the named person may apply by petition or written motion to the court where the charge was last pending for an order to expunge from all official records any entries relating to the person's apprehension, charge, or trial. If the charge against the named person is dismissed, the prosecutor or other judicial officer who ordered the dismissal shall notify the court, and the court shall order the expungement.

The court, after notice to the prosecuting attorney, must hold a hearing on the motion or petition and, upon finding that the person's identity was used without permission and the charges were dismissed or the person was found not guilty, the court must order the expungement.

No person as to whom an order has been entered under these provisions can be held thereafter under any provision of law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of the person's failure to recite or acknowledge any expunged entries concerning apprehension, charge, or trial.

The court is required to order that such entries must be expunged from the records of the court and direct all law enforcement agencies, the Department of Corrections, the Department of Revenue, or any other state or local government agency identified by the petitioner, or the person eligible for automatic expungement as bearing record of the same to expunge their records of the entries.

The clerk must notify state and local agencies of the court's order. The costs of expunging the records, as provided in this chapter, cannot be taxed against the person eligible for expungement under this section.

Any insurance company that charged any additional premium based on insurance points assessed against a policyholder as a result of a charge or conviction that was expunged must refund the additional

premiums to the policyholder upon notification of the expungement (Section 610.145).

BLUE ALERT SYSTEM

This bill establishes the Blue Alert System to aid in the identification, location, and apprehension of any individual or individuals suspected of killing or seriously injuring a local, state, or federal law enforcement officer. The Department of Public Safety will coordinate with local law enforcement agencies and public commercial television and radio broadcasters to effectively implement the system. Participation is entirely optional for local law enforcement agencies and federally licensed radio and television broadcasters, but the program will include at least: the Department of Public Safety, Highway Patrol, Department of Transportation, and Missouri Lottery. Knowingly making a false report that triggers an alert is a class A misdemeanor. If the false report results in serious physical injury or death, it is a class E felony (Section 650.520).

This bill also includes clean-up language to certain criminal statutes that went into effect January 1, 2017, with the revision of the criminal code (Sections 479.170, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, and 577.010).