

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 113, Page 1, Section A, Line 2, by inserting immediately after said section
2 and line the following:

3
4 "558.016. 1. The court may sentence a person who has been found guilty of an offense to a
5 term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a
6 statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor
7 offender. The court may sentence a person to an extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a dangerous offender, and the person is
9 sentenced under subsection 7 of this section;

10 (2) The statute under which the person was found guilty contains a sentencing enhancement
11 provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the
12 person is sentenced according to the statute; or

13 (3) A more specific sentencing enhancement provision applies that is based on a prior
14 finding of guilt or a finding of prior criminal conduct.

15 2. A "prior offender" is one who has been found guilty of one felony.

16 3. A "persistent offender" is one who has been found guilty of two or more felonies
17 committed at different times.

18 4. A "dangerous offender" is one who:

19 (1) Is being sentenced for a felony during the commission of which he knowingly murdered
20 or endangered or threatened the life of another person or knowingly inflicted or attempted or
21 threatened to inflict serious physical injury on another person; and

22 (2) Has been found guilty of a class A or B felony or a dangerous felony.

23 5. A "persistent misdemeanor offender" is one who has been found guilty of two or more
24 offenses, committed at different times that are classified as A or B misdemeanors under the laws of
25 this state.

26 6. The findings of guilt shall be prior to the date of commission of the present offense.

27 7. The court ~~shall~~ may sentence a person, who has been found to be a persistent offender
28 or a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of
29 imprisonment for the offense that is one class higher than the offense for which the person is found
30 guilty."; and

31
32 Further amend said bill and page, Section 558.043, Line 19, by inserting immediately after said
33 section and line the following:

34
35 "[579.170. 1. The following words or phrases as used in this chapter have the following
36 meanings, unless the context otherwise requires:

Action Taken _____ Date _____

1 ~~_____ (1) "Persistent drug offender", one who has been found guilty of two or more felony~~
2 ~~offenses of the laws of this state or of the United States, or any other state, territory or district~~
3 ~~relating to controlled substances;~~

4 ~~_____ (2) "Prior drug offender", one who has been found guilty of any felony offense of the laws~~
5 ~~of this state, or of the United States, or any other state, territory or district relating to controlled~~
6 ~~substances.~~

7 ~~_____ 2. Prior findings of guilt shall be pleaded and proven in the same manner as required by~~
8 ~~section 558.021.~~

9 ~~_____ 3. The court shall not instruct the jury as to the range of punishment or allow the jury, upon~~
10 ~~a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior drug~~
11 ~~offenders or persistent drug offenders.~~

12 ~~_____ 4. The court shall sentence a person who has been found to be a prior drug offender and is~~
13 ~~found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment~~
14 ~~for an offense one class higher than the offense for which the person was found guilty.~~

15 ~~_____ 5. The court shall sentence a person who has been found to be a persistent drug offender and~~
16 ~~is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment~~
17 ~~for an offense two classes higher than the offense for which the person was found guilty. The court~~
18 ~~shall sentence a persistent drug offender who is found guilty of a class B felony under this chapter to~~
19 ~~the authorized term of imprisonment for a class A felony offense.]"~~; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.