

SECOND REGULAR SESSION

HOUSE BILL NO. 1793

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROGERS.

4492H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.015 and 571.017, RSMo, and to enact in lieu thereof two new sections relating to armed criminal action, with penalty provisions.

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

Section A. Sections 571.015 and 571.017, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.015 and 571.017, to read as follows:

571.015. 1. ~~[Except as provided in subsection 4 of this section,]~~ Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the crime of armed criminal action and, upon conviction, shall be punished by imprisonment by the department of corrections and human resources for a term of not less than three years. The punishment imposed pursuant to this subsection shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action shall be punished by imprisonment by the department of corrections and human resources for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five calendar years.

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.

17 3. Any person convicted of a third or subsequent offense of armed criminal action shall
18 be punished by imprisonment by the department of corrections and human resources for a term
19 of not less than ten years. The punishment imposed pursuant to this subsection shall be in
20 addition to any punishment provided by law for the crime committed by, with, or through the
21 use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under
22 this subsection shall be eligible for parole, probation, conditional release or suspended
23 imposition or execution of sentence for a period of ten calendar years.

24 ~~[4. The provisions of this section shall not apply to the felonies defined in sections~~
25 ~~564.590, 564.610, 564.620, 564.630, and 564.640.]~~

 571.017. Nothing contained in any other provision of law~~[-except as provided in~~
2 ~~subsection 4 of section 571.015,]~~ shall prevent imposition of sentences for both armed criminal
3 action and the crime committed by, with, or through the use, assistance, or aid of a dangerous
4 instrument or deadly weapon.

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