

HB 1659 -- PUBLIC SAFETY

SPONSOR: Roberts

This bill modifies provisions regarding public safety.

JUVENILE OFFENDERS (Sections 211.031, 211.071, 211.600, 217.345, and 217.690)

Currently, the juvenile court has exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases can be taken by the court of the circuit in which the child resides or in which the violation is alleged to have occurred.

This bill provides that any proceeding involving a child alleged to have violated state law shall be brought in the court of the circuit in which the violation occurred, except if a juvenile officer transfers the case or the court grants a motion to transfer the case to the circuit court in which the child resides.

Currently, a child between the ages of 12 and 18 may be certified for trial as an adult after a hearing, if requested by the court, the juvenile officer, or the child's custodian. This bill changes the ages to between 14 and 18 years old.

Additionally, under current law, a court is required to hold a hearing to determine whether a child should be certified for trial as an adult if the child commits certain offenses. This bill clarifies that such mandatory certification hearings apply to children between the ages of 12 and 18. The bill also adds dangerous felonies to the list of offenses for which a certification hearing is required.

This bill provides that the Office of the State Courts Administrator shall collect certain information as provided in the bill relating to petitions to certify juveniles as adults and make such information publicly available annually.

The bill modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. The programs shall include physical separation from offenders 18 years of age or older and shall include education programs that award a high school diploma or its equivalent.

Currently, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This bill adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree when such person knowingly causes the death of another person.

The provisions of Sections 211.071, 211.600, and 217.345, RSMo, are subject to an emergency clause.

BENCH WARRANTS FOR NON-MOVING TRAFFIC VIOLATIONS (Sections 307.018 and 556.021)

The bill specifies that no court can issue an arrest warrant for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of Chapter 307. In lieu of a warrant, the court must issue a notice of failure to respond, pay the assessed fine, or appear and it must schedule a second court date. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under Section 556.021 for the infraction. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court modify the judgment, and the court will have a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the ability to pay, the court will modify the judgment, as provided in the bill.

WRONGFUL CONVICTION (Section 547.031)

Currently, a prosecuting attorney in the jurisdiction in which the person was convicted may file a motion to vacate or set aside the judgment. This bill changes this provision to a prosecutor in the jurisdiction in which charges were filed.

PERSISTENT OFFENDERS (Section 558.016)

Currently, the court may sentence a person to an extended term of imprisonment if such person is a persistent offender. This bill adds that a "persistent offender" will also include a person who has previously been found guilty of a dangerous felony as defined in law.

ARMED CRIMINAL ACTION (Sections 558.019 and 571.015)

Currently, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This bill repeals the exclusion of the offense of armed criminal action.

This bill provides that the offense of armed criminal action will be an unclassified felony.

CYBERSTALKING AND HARASSMENT TASK FORCE (Section 565.258)

This bill creates the "Stop Cyberstalking and Harassment Task Force". The task force members are specified in the bill and include two members of the House of Representatives appointed by the Speaker of the House and two members of the Senate appointed by the President Pro Tem of the Senate. The Task Force shall elect a chairperson and shall hold an initial meeting before October 1, 2024.

The Task Force shall collect feedback from stakeholders, which may include victims, law enforcement, victim advocates, and digital evidence and forensics experts. The Task Force shall make recommendations on what resources and tools are needed to stop cyberstalking and harassment, as specified in the bill.

The Task Force shall submit a report to the Governor and General Assembly on or before December 31 of each year and the Task Force shall expire on December 31, 2026, unless the Department of Public Safety determines the Task Force should be extended until December 31, 2028.

ENDANGERING THE WELFARE OF A CHILD (Section 568.045)

This bill adds to the offense of endangering the welfare of a child in the first degree when any person knowingly encourages, aids, or causes a child less than 17 years of age to engage in any conduct violating the law relating to weapons offenses. Under the provisions of the bill, any such person shall be guilty of a class D felony.

This provision is subject to an emergency clause.

UNLAWFUL DISCHARGE OF A FIREARM (Section 571.031)

This bill establishes "Blair's Law", which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of a municipality. Any such person shall be guilty of a class A misdemeanor for the first offense, a class E felony for the second offense, and a class D felony for any third or subsequent offense. These provisions will not apply if the firearm is discharged under circumstances as provided in the bill.

UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)

Currently, unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony, in which case it is a class C felony.

This bill changes the penalty for the offense to a class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, in which case it is a class B felony.

LAW ENFORCEMENT ANIMALS (Sections 575.010, 575.353, 578.007, and 578.022)

This bill creates "Max's Law."

Currently, the offense of assault on a law enforcement animal is a class C misdemeanor.

This bill provides that the offense of assault on a law enforcement animal is a class A misdemeanor if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a class D felony if the assault results in the death of such animal.

Additionally, exemptions to the offenses of agroterrorism, animal neglect, and animal abuse shall not apply to the killing or injuring of a law enforcement animal while the animal is working.

Finally, this bill adds that any dog that is owned by or in the service of a law enforcement agency and that bites or injures another animal or human is exempt from the penalties of the offense of animal abuse.

DRUG TRAFFICKING (Sections 579.021, 579.022, 579.065, and 579.068)

This bill creates the offense of delivery of a controlled substance causing serious physical injury, which is a class C felony, and it creates the offense of delivery of a controlled substance causing death, which is a class A felony. For the purposes of these sections, the term "controlled substance" is limited to Schedule I and Schedule II controlled substances.

Additionally, under current law, a person commits the offense of drug trafficking in the first or second degree if he or she is distributing or purchasing more than 8 grams or more than 24 grams of a mixture containing a cocaine base. This bill repeals those provisions.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

The bill amends the "Critical Incident Stress Management Program" within the Department of Public Safety and adds a provision specifying that the program will provide services for firefighters as well, not just peace officers.

CIVILIAN OVERSIGHT DIVISIONS (Section 590.653)

This bill allows a city, county, or the City of St. Louis to establish a division of civilian oversight or any other entity that provides civilian review oversight of police agencies; currently such political subdivisions are authorized to establish a civilian review board. The board, division or other entity has power solely limited to receiving, investigating, making findings, and recommending disciplinary action upon complaints by members of the public against members of the police department.

OFFICE OF PUBLIC DEFENDER (Section 600.042)

This bill creates the "Public Defender - Federal and Other Fund" and requires moneys from any government grant, private gift, donation, bequest, or other sources to be deposited into the fund. The money must be used for the sole purpose of funding local offices of the office of the State Public Defender.