

SS#2 SCS SBs 754, 746, 788, 765, 841, 887 & 861 -- PUBLIC SAFETY

SPONSOR: Luetkemeyer (Roberts)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 10 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 7 to 2.

JURISDICTION OF JUVENILE COURTS (Section 211.031, RSMo.)

Currently, the juvenile court has exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases may 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 who is alleged to have violated state law must 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.

CERTIFICATION OF JUVENILES FOR TRIAL AS ADULTS (Section 211.071, 211.600, & 217.345)

Currently, a child between the ages of 12 and 18 may be certified for trial as an adult for certain felony offenses. This bill changes the ages to between 14 and 18 years old.

Currently, a court must order a hearing to determine whether a child should be certified for trial as an adult for certain offenses. This bill adds that a child between 12 and 18 years old shall have a certification hearing for certain offenses. The bill also adds dangerous felonies and any felony involving a deadly weapon to these offenses.

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

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

ELIGIBILITY FOR PAROLE FOR JUVENILES (Section 217.690)

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 they are found guilty of murder in the first degree.

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

ARRESTS FOR TRAFFIC VIOLATIONS (Sections 307.018 and 556.021)

This bill provides that no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic violation issued for an infraction. In lieu of the warrant, the court will issue a notice of failure to respond, pay the fine assessed, or appear, and the court will schedule a second court date for the person to respond, pay the fine assessed, or appear. If the driver fails to respond to the second notice or pay the fine, the court may issue a default judgment for the infraction. The driver may appear in court after a default judgment to show proof the fine was paid.

MOTION TO VACATE OR SET ASIDE THE JUDGMENT (Section 547.031)

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

CONVICTION REVIEW UNIT (Section 547.500)

This bill allows the Missouri Office of Prosecution Services to establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

The Missouri Office of Prosecution Services must create an application process for defendants as specified in the bill. The conviction review unit will consist of two attorneys hired by the executive director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director will be an ex officio member of the unit.

Once the review is complete, the conviction review unit must present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office who requested the review. The prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit.

Any document produced by the conviction review unit is a closed record until after the finality of all proceedings.

Finally, any prosecuting or circuit attorney may also file a motion to vacate or set aside the judgment while a conviction review unit is completing a review pursuant to this bill.

PERSISTENT OFFENDERS (Section 558.016)

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

MINIMUM PRISON TERMS FOR ARMED CRIMINAL ACTION (Sections 558.019 & 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.

CYBER CRIMES TASK FORCE (Section 565.258)

The 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 must elect a chairperson and hold an initial meeting before October 1, 2024.

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

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

OFFENSE OF 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 that any person who knowingly encourages or aids a child less than 17 to engage in any conduct violating law relating to firearms shall be guilty of a class D felony.

BLAIR'S LAW (Section 571.031)

The bill establishes "Blair's Law" which specifies that a person commits the offense of unlawful discharge of a firearm if he or she recklessly discharges a firearm within or into the limits of a municipality. A person will 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 offenses. These provisions will not apply if the firearm is discharged under circumstances as specified in the bill.

OFFENSE OF UNLAWFUL POSSESSION OF FIREARMS (Section 571.070)

Currently, unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony then 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, then it is a class B felony.

MAX'S LAW (Sections 575.010, 575.353, 578.007, & 578.022)

The 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 working.

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

VALENTINE'S LAW (Section 575.151)

This bill establishes "Valentine's Law" which creates the offense of aggravated fleeing a stop or detention of a motor vehicle if the person knows that a law enforcement officer is attempting to detain the vehicle and the person flees at a high speed which creates a substantial risk of serious physical injury or death or actually causes physical injury or death to another person. The offense is a class D felony if the person creates a substantial risk of injury, a class B felony if the person causes physical injury, and a class A felony if the person causes death of another.

A person is presumed to be fleeing a vehicle stop if he or she has seen or heard or reasonably should have seen or heard emergency lights or sounds. It is not be a defense that the law enforcement officer was acting unlawfully in making the arrest.

OFFENSE OF DELIVERY OF A CONTROLLED SUBSTANCE (Sections 579.021 & 579.022)

The bill creates the offenses of delivery of a controlled substance causing serious physical injury which is a class C felony. This bill also creates the offense of delivery of a controlled substance causing death which is a class A felony.

DRUG TRAFFICKING (Sections 579.065 & 579.068)

Currently, 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 adds 911 dispatchers, paramedics, emergency medical technicians, or volunteer or full-time paid firefighters as eligible first responder personnel to receive services from the Critical Incident Stress Management Program of the Department of Public Safety.

CIVILIAN REVIEW BOARDS (Section 590.653)

This bill provides that civilian review boards established by political subdivisions are solely limited to reviewing, investigating, making findings, and recommending disciplinary action against law enforcement officers.

PUBLIC DEFENDER FUND (Section 600.042)

Currently, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited in the General Revenue fund of the state.

This bill creates the "Public Defender - Federal and Other Fund" in the state treasury and provides that funding from any government grants, private gifts, donations, bequests, or other sources must be deposited into the fund.

EXPUNGEMENT OF CRIMINAL RECORDS (Section 610.140)

The bill modifies provisions relating to the number of crimes a person may apply to have expunged from his or her record.

Currently, certain offenses, violations, and infractions are not eligible for expungement. This bill adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning shall not be eligible for expungement.

The bill repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony and adds that a court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted.

This bill changes the time a person can petition to expunge an arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest. The bill provides that a person shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. This bill modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime.

These provisions have an effective date of January 1, 2025.

This bill contains provisions that are the same as provisions in the perfected version of HB 1659 (2024).

PROPONENTS: Supporters say that this bill is virtually identical to the Perfected version of HCS HB 1659. The bill contains the provisions that were truly agreed to and finally passed on SB 189 from last year that was vetoed by the Governor and these provisions did not pass on any other bill. There were provisions that were

objected to last year and those were removed in this version. The addition is Valentine's Law. Also, prosecutors get federal grants but public defenders do not receive such grants, so this would allow the public defender's office to receive grant money. Crime and public safety issues are putting Missouri in a competitive disadvantage for businesses so supporters are in favor of the legislation, particularly the portions that aim to curb crime.

Testifying in person for the bill were Senator Luetkemeyer; Missouri Association of Prosecuting Attorneys; Missouri Office of Prosecution Services; Missouri State Troopers Association; City of Kansas City; Civic Council of Greater Kansas City; Greater Kansas City Chamber of Commerce; Missouri Fraternal Order of Police; St. Louis Police Officers Association; Kansas City Fraternal Order of Police; United States Police Canine Assn. Region 16; Mo Chamber of Commerce; St. Louis County; St. Louis County Police Assn.; Missouri 911 Directors Association; Missouri 911 Service Board; Missouri Chapter of The Association of Public Safety Communications Officials; and Missouri Chapter of The National Emergency Number Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill expressed concern over how language related to civilian oversight boards might be affected by the language in Section 590.653. They have various duties and the language in the legislation could affect their duties by limiting their power to investigate and make findings on complaints by members of the public.

Testifying in person on the bill was Reece Ellis.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.