

FIRST REGULAR SESSION

# HOUSE BILL NO. 601

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LUCAS.

1101H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 558, RSMo, by adding thereto one new section relating to an enhanced sentence for wearing face or body coverings during the commission of an offense, with penalty provisions.

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

Section A. Chapter 558, RSMo, is amended by adding thereto one new section, to be known as section 558.022, to read as follows:

**558.022. 1. If a person is convicted of a misdemeanor or felony and it is found as provided in this section that the person wore a mask, hood, disguise, or other clothing or a device that concealed or attempted to conceal the person's identity at the time of the offense, the person shall be guilty of a misdemeanor or felony that is one class higher than the underlying misdemeanor or felony for which the person was convicted. Notwithstanding any provision of law, the court shall impose a sentence of imprisonment for a person convicted of an offense enhanced under this section if, after enhancement, the class of offense and prior record level permit active punishment as a sentence disposition.**

**2. An indictment or information for the offense shall allege in that indictment or information or in a separate indictment or information the facts that qualify the offense for an enhancement under subsection 1 of this section. One pleading shall be sufficient for all offenses that are tried at a single trial.**

**3. The state shall prove the issues set out in subsection 1 of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the offense unless the defendant pleads guilty or no contest to the issues. If the defendant pleads**

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 **guilty or no contest to the offense but pleads not guilty to the issues laid out in subsection**  
18 **1 of this section, a jury shall be impaneled to determine the issues.**

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