

SECOND REGULAR SESSION

HOUSE BILL NO. 2325

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUCAS.

5286H.01I

JOSEPH ENGLER, Chief Clerk

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.

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 558.023, to read as follows:

558.023. 1. As used in this section, the following terms mean:

(1) "Concealment", actions taken to hide a person's identity that would prevent ordinary witnesses or surveillance from recognizing the person;

(2) "Intent to conceal", a person knowingly and purposefully taking action to avoid identification while committing an offense.

2. If a person is convicted of a misdemeanor or felony and the state proves beyond a reasonable doubt that the person wore a mask, hood, disguise, or other clothing or a device with the intent to conceal the person's identity for the purpose of committing the misdemeanor or felony, the court may impose an enhanced sentence.

3. (1) The enhanced sentence may increase the class of the offense by up to one class higher than the underlying misdemeanor or felony for which the person was convicted.

(2) The court shall consider the circumstances of the offense and the person's prior record when deciding whether an enhancement is appropriate.

4. The provisions of this section shall apply only to misdemeanors and felonies involving theft, assault, or property damage exceeding five hundred dollars.

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 **5. The provisions of this section shall not apply to persons wearing face or body**
18 **coverings for legitimate religious, medical, or occupational purposes, or in**
19 **circumstances where concealment was incidental and not intended to aid in**
20 **committing the offense.**

21 **6. (1) Evidence of intentional concealment may be considered by the court at**
22 **sentencing for the underlying offense, without requiring a separate jury determination.**

23 **(2) The court may consider such evidence in deciding the appropriate sentence**
24 **within the statutory limits.**

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