

SECOND REGULAR SESSION

HOUSE BILL NO. 3536

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRIST.

7506H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 558.016, RSMo, and to enact in lieu thereof one new section relating to extended sentences for prior criminal conduct.

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

Section A. Section 558.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 558.016, to read as follows:

558.016. 1. The court may sentence a person who has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court ~~may~~ **shall** sentence a person to an extended term of imprisonment if:

(1) The defendant is a persistent offender or a dangerous offender, and the person is sentenced under subsection 7 of this section;

(2) The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or

(3) A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct.

2. A "prior offender" is one who has been found guilty of one felony.

3. A "persistent offender" is one who has been found guilty of two or more felonies committed at different times, or one who has been previously found guilty of a dangerous felony as defined in subdivision (19) of section 556.061.

4. A "dangerous offender" is one who:

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.

18 (1) Is being sentenced for a felony during the commission of which he knowingly
19 murdered or endangered or threatened the life of another person or knowingly inflicted or
20 attempted or threatened to inflict serious physical injury on another person; and

21 (2) Has been found guilty of a class A or B felony or a dangerous felony.

22 5. A "persistent misdemeanor offender" is one who has been found guilty of two or
23 more offenses, committed at different times that are classified as A or B misdemeanors under
24 the laws of this state.

25 6. The findings of guilt shall be prior to the date of commission of the present offense.

26 7. The court shall sentence a person, who has been found to be a persistent offender or
27 a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term
28 of imprisonment for the offense that is one class higher than the offense for which the person
29 is found guilty.

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