



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 3017</b>		DATE: <b>4/7/2026</b>	
COMMITTEE: <b>Crime and Public Safety</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>RYAN MILLS</b>		PHONE NUMBER: <b>816-305-5165</b>	
REPRESENTING: <b>KANSAS CITY MO POLICE</b>		TITLE:	
ADDRESS: <b>1125 LOCUST</b>			
CITY: <b>KANSAS CITY</b>		STATE: <b>MO</b>	ZIP: <b>64157</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>4/7/2026 12:00 AM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>VERLEE GILKERSON</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>		SUBMIT DATE: <b>4/7/2026 11:04 AM</b>
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<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>ARNIE C. AC "HONEST-ABE" DIENOFF</b>		PHONE NUMBER: <b>314-440-9000</b>	
BUSINESS/ORGANIZATION NAME: <b>STATE PUBLIC ADVOCACY</b>		TITLE: <b>STATE PUBLIC ADVOCATE</b>	
ADDRESS: <b>P.O. BOX #1535</b>			
CITY: <b>O' FALLON</b>		STATE: <b>MO</b>	ZIP: <b>63366</b>
EMAIL: <b>ArnieDienoff@Mail.Com</b>	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>4/7/2026 11:57 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

**I am in Opposition to this Bill.**

**This Bill is difficult to determine. Difficult to Enforce and may be Found Unconstitutional by Our State Court System.**



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>4/7/2026 7:18 AM</b>	
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This bill is presented as a tool to address nuisance properties.

In reality, it creates a felony-level offense based on third-party conduct, vague standards, and cumulative complaints, raising serious constitutional and due process concerns.

At the outset, I am placing this on record as formal legislative notice: this proposal raises substantial concerns under due process, vagueness doctrine, overbreadth, and fundamental principles of criminal liability, particularly as it imposes felony exposure for conduct a person may not directly commit or control.

This bill makes it a class E felony for a person to “permit” a public nuisance if they “knowingly permit, allow, or fail to prevent” illegal activity on property they own, rent, occupy, or control. That language is extraordinarily broad. It does not require that the individual commit the illegal act, participate in it, or even have the practical ability to stop it. It extends criminal liability to failure to prevent the actions of others, which is a significant departure from traditional principles of criminal law.

The definition of “illegal activity” further expands that risk. It includes not only serious offenses, but also peace disturbances, noise complaints, and underage alcohol consumption. This means a property owner or occupant can face felony charges based on relatively minor or common incidents, particularly in shared or rental settings. The inclusion of “any other criminal acts” creates an open-ended category with no clear limiting principle.

The enforcement structure compounds the issue. After three documented calls for service within a twelve-month period, an individual “shall be subject to arrest.” That threshold is not based on convictions or adjudicated violations—it is based on complaints and observations, which may vary in reliability, severity, and context. This effectively creates a complaint-driven pathway to felony liability, where repeated allegations can trigger arrest regardless of whether the accused had meaningful control over the underlying conduct.

This raises a direct due process concern. Criminal liability—especially at the felony level—requires clear notice, defined conduct, and a meaningful opportunity to conform one’s behavior to the law. Here, individuals are expected to prevent undefined future actions by third parties, under threat of felony prosecution.

That is not a clear or enforceable standard—it is an indeterminate obligation backed by severe

penalties.

There is also a vagueness problem. Terms such as “permit,” “allow,” and “fail to prevent” are not sufficiently defined to establish what specific actions are required to avoid liability. Does calling law enforcement suffice? Evicting a tenant? Being physically present? The statute does not say. That ambiguity invites inconsistent enforcement and leaves individuals guessing at what level of action is legally required.

Additionally, this bill risks overbreadth in application, particularly for landlords, family members, and individuals in shared housing situations. A person may take reasonable steps to address an issue and still face liability if those efforts are later deemed insufficient. This is especially problematic in cases involving domestic situations, tenant relationships, or properties where the owner is not continuously present.

Finally, the long-term structural concern is significant. This bill establishes a precedent where criminal liability is detached from direct action and instead tied to failure to control others, combined with a complaint-based enforcement trigger. Once that framework exists, it can be expanded into other areas of law, gradually shifting criminal responsibility away from individual conduct and toward generalized responsibility for environments.

For the record, I am placing the following on notice: the imposition of felony liability based on third-party conduct, vague statutory standards, and complaint-driven enforcement mechanisms creates a high likelihood of constitutional challenge under due process and vagueness doctrines.

Addressing nuisance properties is a legitimate goal. But it must be done through clear, proportionate, and constitutionally sound mechanisms.

This bill does not meet that standard.

For those reasons, I stand in opposition.