

HCS HB 384 -- CRIMINAL OFFENSES AND PROCEDURES

SPONSOR: Lipke (Keeney)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention by a vote of 12 to 0.

This substitute changes the laws regarding certain criminal offenses and procedures. In its main provisions, the substitute:

- (1) Requires the Department of Health and Senior Services to implement an education and awareness program regarding the financial exploitation of the elderly;
- (2) Specifies that the Amber Alert System is to aid in the location of abducted children rather than adults by defining "abducted child" as an individual whose whereabouts are unknown, is younger than 18 years of age, and is reasonably believed to be a victim of kidnapping or younger than 18 years of age and at least 14 years of age and who would be reasonably believed to be a victim of child kidnapping if the person was younger than 14 years of age;
- (3) Allows the judge in a criminal or municipal case that is dismissed before the defendant pleads guilty or is found guilty to assess court costs against the defendant as specified in Section 488.012, RSMo, if the defendant consents to pay and is not indigent and unable to pay the costs;
- (4) Removes the requirement that court costs be assessed to the prosecutor in trespass cases if the defendant is acquitted or the prosecution fails;
- (5) Specifies that the name of a defendant in a criminal case for crimes of sexual assault, domestic assault, stalking, or forcible rape will not be considered identifying information and will not be redacted from court records; and
- (6) Repeals provisions regarding owning a hedge fence situated along the right-of-way of any public road and certain provisions regarding the payment of costs in criminal cases.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill is a compilation of criminal statutes that need to be updated.

Testifying for the bill was Representative Lipke.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say positive and constructive alternatives to increasing penalties or creating crimes need to be explored in order to lower the number of people who are in Missouri prisons.

Testifying on the bill was Dan Viets, Missouri Association of Criminal Defense Lawyers.