

HCS HB 384 -- CRIMINAL OFFENSES AND PROCEDURES (Keeney)

COMMITTEE OF ORIGIN: Committee on Crime Prevention

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 (Section 192.925, RSMo);
- (2) Specifies that any person who is in possession of less than 35 grams of marijuana, a class A misdemeanor, will also be required to perform 25 hours of community service for a first offense and 50 hours of community service for each subsequent offense as part of his or her punishment (Section 195.202);
- (3) Establishes Hope's Law which changes the laws regarding the crime of endangering the welfare of a child in the first degree. Any person violating the provisions of Chapter 195 regarding the possession or control of a controlled substance, except 35 grams or less of marijuana, in the presence of or in a residence where a person younger than 17 years of age resides will be guilty of a class B felony (Sections 195.202 and 568.045);
- (4) 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 (Section 210.1012);
- (5) Changes the jurisdictional age limit of juvenile courts for state or local traffic violations from 15 1/2 to 15 years of age (Section 211.031);
- (6) 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 if the defendant consents to pay and is not indigent and unable to pay the costs (Sections 479.260, 488.5025, and 488.5032);
- (7) Removes the requirement that court costs be assessed to the prosecutor in trespass and capital cases if the defendant is acquitted or the prosecution fails (Sections 550.040 - 550.090);
- (8) Establishes Erica and Zayquon's Law and expands the crime to

include when a person knowingly causes the death of a child younger than 18 years of age and a heinous element is involved in the commission of the crime. Currently, the crime of murder in the first degree, a class A felony, occurs if a person knowingly causes the death of another person after deliberation upon the matter (Section 565.020);

(9) Specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility (Section 566.145);

(10) 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 (Section 566.226);

(11) Establishes Karra's and Jocelyn's Law which increases the penalty for the crime of endangering the welfare of a child in the first degree to a term of imprisonment of not less than 15 years if an individual acts to create a substantial risk to the life, body, or health of a child by shaking a child younger than five years of age by the arms, legs, chest, or shoulders (Section 568.045);

(12) Specifies that a person who steals or receives a stolen firearm or an explosive weapon will be guilty of a class C felony regardless of the item's value (Sections 570.030 and 570.080);

(13) Specifies that any person who fails to register as a sexual offender will be guilty of a class C felony if the person is required to register based on having committed an offense in any other state or foreign country or under federal, tribal, or military jurisdiction which, if committed in this state, would be an offense under Chapter 566 and has previously pled guilty to or has been found guilty of failing to register as a sexual offender (Section 589.425); and

(14) 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 (Section 229.110).

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2010, FY 2011, and FY 2012. No impact on Other State Funds in FY 2010, FY 2011, and FY 2012.