

SCS/SB 491

Section Number	Page Number	Change	Requested By	Reason
115.631(1)	23	Repeals intersectional reference		Obsolete
197.1010	143	Corrects intersectional reference	DPS	
197.1036	160	Replaced w/ current statute		Introduced bill didn't have current statute / drafting error
198.070.9	177	Replaces "purposely" with "knowingly"	DPS	Mens rea in crime is knowingly
217.364.3(1), 217.541.1, 217.785.3	187, 189, 201	Contain references to C and D felonies and chapter 195.	DOC	C and D felonies are now D and E felonies and chapter 195 offenses are now in 579.
217.703.1(2)	195	Adds references to current offenses in addition to proposed offenses and removes class C felony offenders from eligibility for earned compliance credits.	DOC/Pros.	Avoid confusion / Adding class C felonies would include offenses that are not eligible for the credit under current law.
217.735.1	199	Adds lifetime supervision for sections 566.210, 566.211, 573.200 and 573.205 for acts on or after 1/1/16, when the act is against a victim less than 14 years of age and the offender is prior sex offender.	DOC	The bill seeks to require lifetime supervision on convictions under §§566.210, 566.211, 573.200 and 573.205 for acts on or after 1/1/16, when the act is against a victim less than 14 years of age and the offender is prior sex offender as defined by the section. This change should also be included in §217.735, which is the companion statute directing Board action on lifetime supervision.
301.570.4	237	Class D felony made a class E felony.	DOC	Consistent with code revisions.
302.304.13	256	Specifies that people must pay to reinstate license suspended/revoked for DWI-related reasons	DOR	The provisions of this subsection will now apply to Sections 577.041, 577.510, and 577.614 when these sections are moved to chapter 302. This subsection does not apply to suspensions or revocations issued under chapter 577. The fiscal estimate for the first year of implementation is approximately \$1.8 million and the ongoing annual impact is approximate \$220,000.

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302.309.3(6)(e) & .3(8)(b), 302.700.2(18)(d) & .2(19)(c)	269-271, 306-307	Corrects intersectional references and replaces reference to involuntary manslaughter to “acting with criminal negligence while driving while intoxicated to cause the death of another person”		Involuntary manslaughter no longer includes DWI under proposal.
306.110	902	Moves water ski/surfboard while intoxicated to 577.024 and provides a penalty for the offense. Removes “other waterborne device”.		Penalty was not included. Criminal offense should be in code. Waterborne device would conflict with definition of vessel.
306.111	902-903	Moved to 577.025.		Criminal offense should be in code.
476.055.7	483-484	Repeals the joint legislative committee on court automation.		
544.472.1	494	Repeals obsolete provision.	DPS	States that provision applies until a date in 2009.
556.061(19)	506	Adds kidnapping in the first degree to the definition of “dangerous felony”.		Kidnapping is already in definition under current law and it is being renamed to kidnapping in the first degree under the proposal.
556.061(24)	508	Replaces definition of disabled person with “disability” and modifies the definition to incorporate definition in financial exploitation provision (570.145).		Changed reference to disabled person to person with a disability and removed definition of disability in the hate crime statute (557.035).
556.061(25)	508	Age of “elderly person” is lowered to 60.	DHSS	Consistent with Department of Health statutes that define “elderly person” as someone who is 60 and with current laws regarding elder abuse/abuse reporting/financial exploitation.
556.061(50)	514	Adds definition of vulnerable person.	DMH	Vulnerable person is being added into certain statutes to maintain current law regarding the abuse of vulnerable persons.
557.035.1	518	Removes reference to 571.033 in hate crime statute.	DPS	The crime in 571.033 already has a greater penalty than what is provided under the hate crime enhancement.

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558.019.2	532	Removes reference to regimented discipline program, adds modifier that it's only the first incarceration and includes all statutory programs that do not count under the statute that enhances sentences for repeat offenders.	DOC	Regimented discipline program was repealed in 2012, makes language consistent with language in other statutes.
559.036.4(a)	544-545	Adds references to current offenses in addition to proposed offenses and removes class C felony offenders from eligibility for CODS.	DOC/Pros.	Avoid confusion / Adding class C felonies would include offenses that are not eligible for CODS under current law.
565.002(14)	582	Changes reference to disabled person to person with a disability and adds vulnerable person to the definition of special victim.	DHSS/DMH	Adding vulnerable person to the list of special victim enhances the assault penalties so that they mirror the penalties under current law in vulnerable person abuse, which is being repealed under the act.
565.020, 565.030, 565.032, 565.040		Removed from the bill.		Do not want conflicts with juvenile life without parole bill.
565.056.1(5)	595	Adds attempt to cause physical contact with a person with a disability to 4 th degree assault.	DHSS	Attempt to cause physical contact was in elderly/disabled person abuse statute that is repealed under the act.
565.115.3	606	Makes child kidnapping a class A felony in all cases rather than a class B felony when the child is over the age of 2.	Kidsfirst	Consistent with current law.
565.184	611-613	Adds vulnerable person to the offense of abuse of an elderly or disabled person and changes disabled person to person with a disability.	DMH / DHSS	Consistent with current vulnerable person abuse, which is being repealed under the act.

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565.252.1	623	Removes “in the first degree” from the title of invasion of privacy.		There is no longer an invasion of privacy in the second degree, so it doesn’t need to be designated as first degree.
566.010(1)(f)	627	Adds incest as an aggravator for sexual offenses.	Kidsfirst	
566.101.1(2)	639-640	Adds sexual contact with a person less than 17 years old to second degree sexual abuse.	Kidsfirst	Currently in second degree child molestation statute, was to be repealed under the act unless the offender is 21+.
566.115	641-642	Adds vulnerable person to sexual conduct with a nursing facility resident.	DMH	Prohibited conduct was codified in vulnerable person abuse, which is being repealed.
566.116	642-643	Adds vulnerable person to sexual conduct with a nursing facility resident. Also, adds modifications to the statute that were in previous versions of the bill, but were mistakenly left out of SB 491.	DMH	Prohibited conduct was codified in vulnerable person abuse, which is being repealed.
569.010(4)	684	Adds providers of video, internet, and VOIP services to the definition of utility.	MCTA	
569.040.1(2) & .2	684	Removes the repeal of starting a fire while making meth from first degree arson.	Fire Safety	
569.132.2(2)	693	Specifies that the crime is to damage property in or on land on which a crop is located rather than in or on a crop.	Dept. of Agriculture	Makes more sense to reference the field than the crop itself.
570.010	700-707	Removes a definition for cable television and adds definitions of video service, internet service, and VOIP.	MCTA	

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570.030.5(0)	714-715	Adds stealing wires that transmit video, internet, or VOIP service to enhancement to class D felony for the crime of stealing that applies to stealing wires transmitting telecommunications and other utilities.	MCTA	
570.030.6(2)	715	Removes requirement that a person receive a sentence of ten days in order for his or her stealing offense to count toward the enhanced penalty for repeat offenders.	Retailer's Assoc.	Current law does not require ten day sentence.
570.145	731-736	Replaces references to disabled person with person with a disability	DHSS	
574.035	819-820	Class D felony made a class E felony.	DOC	Consistent with code revisions.
574.151.3	831	Removes processions from unlawful funeral protest.		Response to Missouri Supreme Court decision suggesting that it is unconstitutional to have a roving protected area. <i>Phelps-Roper v. Koster</i> , 713 F.3d 942 (8th Cir.), 2013
578.501 & 578.503	1104	Repealed		578.501 was found to be unconstitutional by the Missouri Supreme Court and the contingency in 578.503 occurred. <i>Phelps-Roper v. Koster</i> , 713 F.3d 942 (8th Cir.), 2013
575.021	1089-1090	Repealed.		Unconstitutional - <i>Legends Bank</i>
575.133 (575.130)	842	Creates a new section for the offense of filing a nonconsensual common law lien and inserts the definition of nonconsensual common law lien into the elements of the offense.		Conform to other criminal code revisions.

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575.270	856-857	Combines the offenses of witness tampering and victim tampering.		Conform to other criminal code revisions.
577.001		Removes definition of drug.	Pros.	No definition in current law and new definition required prosecutors to prove intent.
577.001		Removes definition of vessel.		A definition of vessel is already in 556.061.
577.010, 577.012	875, 879	Removes provisions requiring first time DWI/Driving w/ excessive BAC offenders to attend SATOP.	DMH	Would conflict with other provision that requires all offenders to attend SATOP.
577.010, 577.012		Provides a number of days for the community service requirement rather than a number of hours.	MODOT	Required for federal funding.
577.016.2	887-888	Adds standard chemical analysis language that's in the driving/boating sections.	DHSS	Ensure the tests are conducted appropriately.
577.020.4	891	Removes "for such purpose" after provision allowing the Health Department to issue permits.	DHSS	As written, the phrase "for such purpose" could be interpreted to mean that DHSS can issue permits for the purpose of ascertaining the qualifications and competence of individuals or for the conduct of analyses only. In reality, DHSS also issues permits for the repair of instrumentation as well as the performance of monthly maintenance checks.
577.021.2	893	Repeals provision stating that only law enforcement officers with the power to enforce drunk driving laws can administer chemical tests.	DHSS	This statute references the operation of a vessel, and it does not then refer to Sections 577.013 or 577.014 as grounds for conducting this test
577.599.1, 577.600, 577.605	933-935	Adds Department of Revenue orders to use ignition interlock and change references to limited driving privilege to requirement to comply with ignition interlock.	DOR	The person may have an ignition interlock installed based on a department of revenue requirement, which are referenced under the current law that is being repealed by the act.

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578.025.2 & .3, 578.026	949-951	Divides offenses of dogfighting and spectating dogfighting into two separate offenses.		Consistent with Criminal Code revision.
579.060.1 & .2	984-986	Changes recklessly to knowingly.	Retailer's Assoc.	Current law references recklessly or knowingly, so prosecutors probably have to prove knowingly.
595.223, 595.226	1021-1023	Repeals current names of crimes.		Any crime under chapter 566 would include those offenses because they were under chapter 566.
578.392	1101	Repeals requirement that department report by Dec. 1, 2013		Obsolete
566.025		Propensity evidence statute is no longer being repealed.		Missouri Constitution may be amended to allow for propensity evidence.
570.200, 570.210, 570.215		Library theft is no longer being repealed.	Libraries	
Sections throughout act		Changes references to "old" to "years of age" and "crime" to "offense", removes references to "pled guilty to" because "found guilty of" incorporates guilty pleas, and makes other technical changes.		