



2009 LEGISLATIVE SESSION

IN REVIEW

The 2009 legislative session came to a close in Jefferson City on May 15. Though it was a challenging year—particularly on the budget front—we were able to pass significant legislation in the areas of crime, education and civil law. We also started a meaningful discussion on tax credit reform that I hope will continue for legislative sessions to come. You can read more about these and other topics in this end-of-session report.

I would like to thank you once again for allowing me the opportunity to serve you in the Missouri Senate for the past seven years. I look forward to my final year as your state senator in 2010.

If you have any questions or comments about any issue involving state government, please do not hesitate to contact my office.

Sincerely,

Matt Bartle

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On the last day of session, lawmakers gave resounding approval to a comprehensive crime bill—the first of its kind in several years—and sent the legislation to the governor for signing into law. House Bill 62, which Sen. Bartle handled in the Senate, contains several provisions that maintain the Show-Me State's commitment to being tough on crime.

DAINGEROUS DOGS

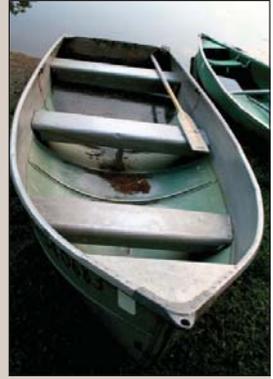
The legislation gives anyone who is threatened by a dog the right to act first—without fear of criminal or civil liability—to defend themselves or their family from an attack. It also creates penalties for the owners of dogs that injure people. In 2007, a husband and wife who went out for a jog in their neighborhood near Buckner were almost killed when they were attacked by a vicious bull mastiff that had previously attacked an elderly woman. The husband acted to defend his wife from the dog—which tried to lunge for her neck—and they both ended up being injured before he was able to kill the animal after a long struggle. This bill will give citizens greater legal protection if they need to defend themselves.



FAMILY-FRIENDLY STREAMS

Another portion of the bill takes steps to make Missouri's floating rivers more family-friendly. In recent years, behavior on the part of some floaters has kept many families

away. With this legislation, people will no longer be able to have or use beer bongs, large kegs or any other contraption designed for the rapid consumption of alcohol while on the rivers.



CRACKDOWN ON ONLINE CLASSIFIED ADS

Certain classified-ad websites have been in the news recently due to their involvement in several high-profile crimes. These include the recent conviction of a rapist from Kansas and a murderer in Boston who used online ads to lure their victims. Unfortunately, these types of sites were also serving as a thinly disguised invitation to prostitution. While some sites have agreed to greater self-policing measures, this does not go far enough. House Bill 62 prohibits a web-based classified ad service from being used by individuals to post advertisements promoting prostitution, enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child. Those convicted will be guilty of a felony, punishable by a \$5,000 fine for each day of the violation.



RECORDED INTERROGATIONS

The crime bill also requires entire interrogations of individuals suspected of committing serious crimes to be recorded. By recording the interrogations, jurors have a better view of all the evidence. By their nature, interrogations must often be intense. However, on some occasions an innocent person has confessed under the stress of the moment. This leads to a miscarriage of justice on two fronts. An innocent person may be convicted and the true perpetrator may escape prosecution and go on to commit other serious crimes. Recording interrogations will help remedy these problems. This measure had the backing of notable law enforcement and prosecutor associations.

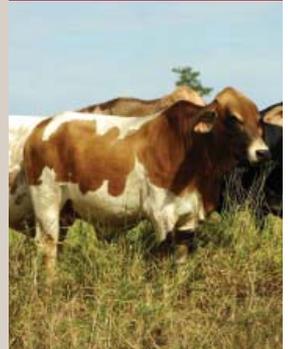
CATTLE RUSTLING

Another section of HB 62 targets cattle rustlers. While many people might assume cattle rustling only happened in the days of the Wild West, in reality, only the methods have changed. In one night, cattle thieves with a large livestock trailer can do serious damage to a rancher's livelihood. The legislation gives law enforcement greater access to sale records at livestock auctions and requires certain repeat offenders to serve at least 80 percent of their sentence before being eligible for probation or parole.

Among other things, the crime bill also:

- Makes it a crime to use a false or misleading diploma for admission to higher education institutions or in connection with employment.
- Requires a photo to be taken of an incarcerated individual prior to his or her release, at the victim's request, and then be provided to the victim.
- Expands the crime of assault of a corrections officer.
- Criminalizes threatening or stalking a prosecutor or their family members.
- Extends the amount of time a prosecutor has to bring a case against an arsonist.
- Makes it easier for law enforcement to run blood alcohol tests on minors who are visibly intoxicated.

These are just some of the many provisions that can be found in HB 62. This bill helps modernize our criminal laws and will put criminals behind bars where they belong.



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KEY PROVISIONS IN HOUSE BILL 481:

CIVIL LAW AND MISSOURI COURTS

- 1 Allows a judge to take any reasonable action necessary to prevent an international abduction of a child by a parent.

EXPANDING MISSOURI'S DNA REGISTRY



Five years ago, Sen. Bartle worked to pass a landmark crime-fighting bill (Senate Bill 1000) that requires all convicted felons in Missouri to submit DNA samples. Since its inception, this program has helped law enforcement solve numerous cases by providing concrete evidence as to who committed a crime. Before the enactment of SB 1000, many of these criminals—including violent murderers and rapists—would never have been caught.

This year, the Legislature expanded on this successful DNA profiling system with the passage of HB 152, which Sen. Bartle handled in the Senate. House Bill 152 takes the program a step further by requiring any person who is age 17 or older and who is arrested for certain violent felonies, burglaries and sexual offenses to provide a DNA sample for the database. To protect individuals' civil liberties, lawmakers took measures to ensure that if the charges are dropped after a person is arrested, the DNA sample would be destroyed and all DNA records expunged. This expansion of the law will make the DNA database an even more effective tool for law enforcement.

For example, in Jackson County, a DNA match last year linked a convicted drug offender to an unsolved rape that occurred in 2000. The sample he was required to provide when he was convicted of a drug crime led to his arrest. Without his DNA sample, the case most likely would never have been solved and he would have walked away to potentially hurt someone else. The creation of this program was a victory for law enforcement and for all law-abiding Missourians. Expanding Missouri's DNA database to include arrestees will have several benefits: more crimes will be solved, more crimes will be prevented and more innocent people will be exonerated.

- 5 Brings Missouri into compliance with the Uniform Child Custody Act.

- 6 Removes the loophole that would have allowed an oversight by the Department of Corrections to be the basis for dismissing a criminal charge.

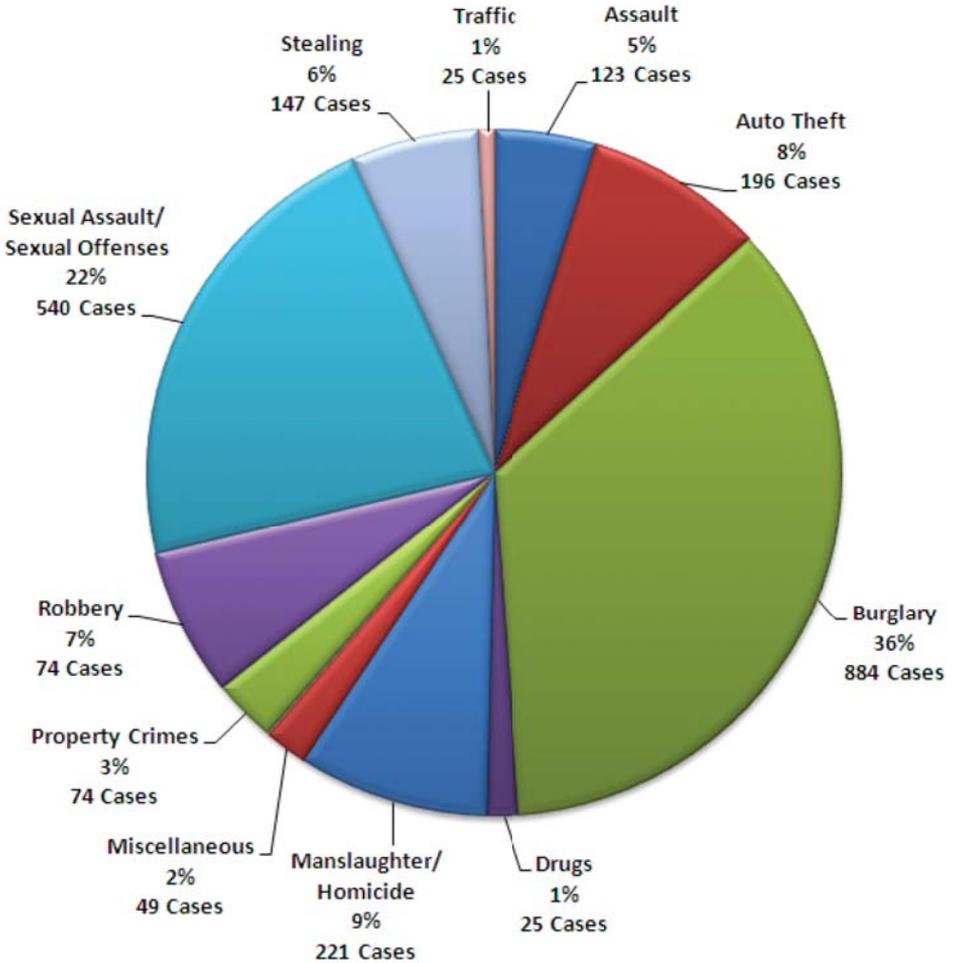
2 Changes the age of “adult” from 18 to 17 for purposes of the adult abuse statute to help protect 17-year-olds who are being abused—possibly by an older boyfriend.

3 Allows the Highway Patrol to test the DNA samples of certain individuals determined to be sexual predators to try to link them to other crimes.

4 Removes the outdated requirement that court costs be assessed against the prosecutor in certain cases.

DNA HITS: SB 1000

TOTAL CASES ASSISTED: 2,455



7 Repeals an old law that requires prosecutors to file a lawsuit against individuals who fail to trim their hedge fences.

8 Corrects a law that unfairly targets citizens as being negligent simply because they are operating a motorcycle.

REFORMING TAX CREDITS



One of the biggest issues of the session was the debate over tax credits and the role of government. Unfortunately, over the past several decades, our society has grown more and more accustomed to having the government as a partner in private sector development. The “free market” is now heavily influenced by all sorts of government involvement. Many times, this influence is in the form of special tax credits given to certain people or companies.

This session, Sen. Bartle was a vital part of a coalition of senators who fought to keep government from excessive meddling in the economy. Although lacking the votes to push through all the reforms they wanted, in the final bill that passed, this coalition was able to make some positive changes to the tax credit system.

For those unfamiliar with the term, a tax credit is a dollar-for-dollar reduction of state tax liability. In recent years, the granting of tax credits has increased by more than 100 percent as millions of dollars are being issued without the approval of the people's elected representatives in the Legislature. To businesses with enough political pull to be on the receiving end of a state tax credit, the system works well. But to the majority of businesses and taxpayers who are not, the doling out of tax incentives to special interests does little but drain limited state resources and give their competitors an unfair advantage. This is why lawmakers made significant changes in House Bill 191 to increase tax credit transparency and reform some current tax credit programs.

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REFORMS PASSED IN HB 191

- **CAPPING TAX CREDITS**

One of the changes was to cap the tax credits that can be issued under the Missouri Historic Preservation Tax Credit Program (before there was no cap whatsoever). The state has been issuing approximately \$160 million or more annually in historic preservation tax credits in recent years with no legal authority to stop the flow of dollars to developers—even if they had asked for \$1 billion in a particular year. This lack of oversight was indefensible and several lawmakers fought to rein in the program.

- **TRANSPARENCY**

The legislation also requires tax credit recipients to report the number of estimated jobs to be created as a result of receiving tax credits. This will help the state determine if it's really getting any "bang for its buck." It also requires all tax credit recipients to report annually for three years following the issuance of the tax credits the actual number of jobs created so that the Department of Economic Development can publish the information on its website (www.ded.mo.gov) and on the Missouri Accountability Portal (www.mapyourtaxes.mo.gov) for Missourians to see for themselves if the promises of job creation are more than a mere mirage.

Although these changes are significant, more needs to be done. Sen. Bartle looks forward to the opportunity to make even greater reforms to Missouri's tax credit programs next year.



Senator Bartle visits with constituents in the Senate chamber.

SENATE JUDICIARY COMMITTEE

Senator Bartle has served as the chairman of the Senate Judiciary Committee since 2003. As chairman, he is responsible for determining which legislation is discussed and voted on in the committee's meetings. For legislation to make it to the Senate floor and through the legislative process, it must first be passed by its respective committee.

The Senate Judiciary Committee considers and reports on bills and matters relating to the judicial department of the state, including the practice of the courts, civil procedure and criminal laws, criminal costs and all related matters. It also considers issues relating to the probation or parole of individuals sentenced under the criminal laws of the state.

Senator Bartle also serves on the following Senate committees:

- **Commerce, Consumer Protection, Energy and the Environment**
- **Financial and Governmental Organizations and Elections**
- **Ways and Means**



Senator Bartle presiding over the Missouri Senate with his son, Mack.