



MISSOURI SENATE

JEFFERSON CITY

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**A Weekly Column for the
Week of June 15, 2009**

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The Crime Bill

JEFFERSON CITY – This was the first year in several legislative sessions that we passed an omnibus crime bill. We typically pass a big crime bill whenever laws and statutes need to be updated or we encounter new issues that need to be addressed, such as sending text messages while driving. House Bill 62 prohibits motorists 21 years of age or younger from sending text messages while driving in an effort to reduce the number of accidents caused by inattention. There are too many provisions in HB 62 to list them all, and many of the changes in law or statute are minor, but I want to highlight several important parts of the crime bill this week, especially those that impact rural residents, farmers and ranchers.

For example, HB 62 strengthens the laws regarding sexual offenders. Offenders are now banned from being physically present or loitering within 500 feet of any child younger than 18. Certain sexual offenders also are prohibited from being within 500 feet of a public park with playground equipment or a swimming pool and are prohibited from serving as an athletic coach, manager or trainer for any sports team that has a member younger than 17.

HB 62 also strengthens state laws regarding intoxicated-related traffic offenses and prohibits the sale or use of alcoholic beverage vaporizers. These vaporizers are apparently being used by some young people to get drunk quickly, but the use of these devices can have tragic consequences.

As I mentioned, a lot of the provisions in HB 62 directly impact rural residents and folks employed in agriculture. For example, the bill changes the definition of livestock in regard to stealing. Right now it's a Class C felony to steal a horse, mule, ass, cattle, swine, sheep or goat. The bill adds calves, ratite birds (such as emu and ostrich), farm-raised fish, llamas,

alpaca, buffalo, elk and rabbits to the list of livestock under protection. The law also makes it a Class C felony to steal captive wildlife (such as pheasant or quail) that are held under permit issued by the conservation commission.

Crime bills often update existing laws and statutes but also address new issues such as text messaging while driving. That's the case with a provision of HB 62 that deals with livestock sales. The new law allows a law enforcement officer to inspect the records of any livestock sales or market licensee to determine the origin and destination of the livestock. If the officer finds something amiss, he can place a 24-hour hold order on the livestock. This provision is the result of a couple of high profile cases in Missouri, including one in Howard County. The Missouri attorney general's office alleged in 2006 that M.J.L. Cattle Co. of New Franklin promised healthy, high-quality cattle to farmers in Missouri, Iowa, Kansas and Nebraska but instead provided cattle that were skinnier, sick or of different breeds.

If you live in a rural area you have probably seen dogs occasionally running loose. HB 62 offers some protection for people who feel threatened by a loose dog, giving that person an absolute defense against civil liability or prosecution for killing or injuring a dog if that person believed he or she was in danger of harm. Plus, the owner of a dog that bites another person without provocation when that person is on public property or lawfully on private property will be liable for damages. The dog's owner also is liable for damages to property or livestock caused by the dog.

Finally, House Bill 62 requires the Department of Health and Senior Services to implement an education and awareness program dealing with financial exploitation of the elderly. Not many things make me as mad as someone trying to take advantage of an older person or swindling that older person out of their hard-earned savings. If our elderly citizens can be armed with information against these types of financial scams we might be able to prevent some of the heartbreaking stories we hear every year.

If you have any questions or comments about this or any other issue, give my Capitol office a call at (573) 751-7852, send me an email at wes.shoemyer@senate.mo.gov, or drop a line to Room 434, State Capitol, 201 West Capitol Ave., Jefferson City, MO 65101.