

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 491, Page 21, Section 167.115, Line 22

2 of said page, by striking the word "and" and inserting in lieu
 3 thereof the word "or"; and further amend line 25, by striking the
 4 word "and" and inserting in lieu thereof the word "or"; and
 5 further amend line 28, by striking the word "and" and inserting
 6 in lieu thereof the word "or"; and

7 Further amend said bill and section, page 22, line 6 of said
 8 page, by striking the word "and" and inserting in lieu thereof
 9 the word "or"; and further amend line 20, by striking the word
 10 "and" and inserting in lieu thereof the word "or"; and

11 Further amend said bill, page 41, Section 195.010, Line 23
 12 of said page, by striking "(a)" and inserting in lieu thereof
 13 "a."; and further amend line 25, by striking "(b)" and inserting
 14 in lieu thereof "b."; and further amend line 28, by striking
 15 "(c)" and inserting in lieu thereof "c."; and

16 Further amend said bill and section, page 42, line 3 of said
 17 page, by striking "(d)" and inserting in lieu thereof "d."; and
 18 further amend line 5, by striking "(e)" and inserting in lieu
 19 thereof "e."; and further amend line 7, by striking "(f)" and
 20 inserting in lieu thereof "f."; and further amend line 16, by
 21 striking "(g)" and inserting in lieu thereof "g."; and further

1 amend line 18, by striking "(h)" and inserting in lieu thereof
2 "h."; and further amend line 20, by striking "(i)" and inserting
3 in lieu thereof "i."; and further amend line 21, by striking
4 "(j)" and inserting in lieu thereof "j."; and further amend line
5 22, by striking "(k)" and inserting in lieu thereof "k."; and
6 further amend line 26, by striking "(l)" and inserting in lieu
7 thereof "l."; and further amend line 28, by striking "(m)" and
8 inserting in lieu thereof "m."; and

9 Further amend said bill and section, page 43, line 2 of said
10 page, by striking "(n)" and inserting in lieu thereof "n."; and
11 further amend line 3, by striking "(o)" and inserting in lieu
12 thereof "o."; and

13 Further amend said bill, page 60, section 195.017, line 27
14 of said page, by unbolding the closed bracket "]" on said line;
15 and

16 Further amend said bill, page 270, section 556.101, line 1
17 of said page, by striking the opening "[" and closing "]"
18 brackets; and further amend said line, by striking the word
19 "five"; and

20 Further amend said bill, page 279, Section 558.004, Line 21
21 of said page, by inserting immediately after the word "unless" a
22 colon ":"; and

23 Further amend said bill, page 286, section 558.016, lines
24 14-17 of said page, by striking all of said lines and inserting
25 in lieu thereof the following: "found to be a persistent offender
26 or a dangerous offender and is found guilty of:

27 (1) A class B felony, to a term of imprisonment of not less
28 than ten years and not to exceed thirty years, or life
29 imprisonment;

1 (2) A level 1 class C felony, to a term of imprisonment of
2 not less than five years and not to exceed fifteen years;

3 (3) A level 2 class C felony, to a term of imprisonment of
4 not less than three years and not to exceed ten years; or

5 (4) A class D felony, to a term of imprisonment not to
6 exceed seven years.

7 8. For purposes of this section, the following terms mean:

8 (1) "Level 1 class C felony", a class C felony with an
9 authorized term of imprisonment of not less than three years and
10 not to exceed ten years; and

11 (2) "Level 2 class C felony", a class C felony with an
12 authorized term of imprisonment not to exceed seven years."; and

13 Further amend said bill, page 307, section 562.012, line 12
14 of said page, by striking the opening bracket "["; and further
15 amend line 16, by inserting immediately after "(2)" the
16 following: "Level 1"; and further amend lines 18-27, by striking
17 all of said lines and inserting in lieu thereof the following:

18 "(3) Level 2 class C felony if the offense attempted is a
19 level 1 class C felony.

20 (4) Class D felony if the offense attempted is a level 2
21 class C felony.

22 [(4)] (5) Class A misdemeanor if the offense attempted is a
23 class D felony.

24 [(5)] (6) Class [C] B misdemeanor if the offense attempted
25 is a class A misdemeanor [of any degree].

26 (7) Class C misdemeanor if the offense attempted is a class
27 B misdemeanor.

28 (8) Class D misdemeanor if the offense attempted is a class
29 C misdemeanor.

1 4. For purposes of this section, the following terms mean:

2 (1) "Level 1 class C felony", a class C felony with an
3 authorized term of imprisonment of not less than three years and
4 not to exceed ten years; and

5 (2) "Level 2 class C felony", a class C felony with an
6 authorized term of imprisonment not to exceed seven years."; and

7 Further amend said bill, page 309, section 562.014, line 22,
8 of said page, by striking the opening bracket "["; and further
9 amend line 26, by inserting immediately after "(2)" the
10 following: "Level 1"; and further amend line 27, by inserting
11 immediately after all of said line the following:

12 "(3) Level 2 class C felony if the object of the conspiracy
13 is a level 1 class C felony.

14 ~~[(3)]~~ (4)"; and

15 Further amend said bill and section, page 310, lines 1-10 of
16 said page, by striking all of said lines and inserting in lieu
17 thereof the following:

18 "level 2 class C felony.

19 ~~[(4)]~~ (5) Class A misdemeanor if the object of the
20 conspiracy is a class D felony.

21 ~~[(5)]~~ (6) Class ~~[C]~~ B misdemeanor if the object of the
22 conspiracy is a class A misdemeanor [of any degree or an
23 infraction].

24 (7) Class C misdemeanor if the object of the conspiracy is
25 a class B misdemeanor.

26 (8) Class D misdemeanor if the object of the conspiracy is
27 a class C misdemeanor.

28 9. For purposes of this section, the following terms mean:

29 (1) "Level 1 class C felony", a class C felony with an

1 authorized term of imprisonment of not less than three years and
2 not to exceed ten years; and

3 (2) "Level 2 class C felony", a class C felony with an
4 authorized term of imprisonment not to exceed seven years."; and

5 Further amend said bill, page 315, section 565.010, line 12
6 of said page, by inserting immediately after the word "of" a
7 colon ":"; and

8 Further amend said bill, page 330, section 565.079, lines 6-
9 17 of said page, by striking all of said lines and inserting in
10 lieu thereof the following: "been found to be a prior assault
11 offender and is found guilty of:

12 (1) A class B felony, to a term of imprisonment of not less
13 than ten years and not to exceed thirty years, or life
14 imprisonment;

15 (2) A level 1 class C felony, to a term of imprisonment of
16 not less than five years and not to exceed fifteen years; or

17 (3) A level 2 class C felony, to a term of imprisonment of
18 not less than three years and not to exceed ten years.

19 14. The court shall sentence a person, who has been found
20 to be a persistent assault offender and is found guilty of:

21 (1) A class B felony or a level 1 class C felony, to a term
22 of imprisonment of not less than ten years and not to exceed
23 thirty years, or life imprisonment; or

24 (2) A level 2 class C felony, to a term of imprisonment of
25 not less than five years and not to exceed fifteen years.

26 15. For purposes of this section, the following terms mean:

27 (1) "Level 1 class C felony", a class C felony with an
28 authorized term of imprisonment of not less than three years and
29 not to exceed ten years; and

1 (2) "Level 2 class C felony", a class C felony with an
2 authorized term of imprisonment not to exceed seven years." and

3 Further amend said bill, page 377, section 566.209, by
4 striking all of said section from the bill; and

5 Further amend said bill, page 439, section 570.135, lines 7-
6 9 of said page, by striking all of said lines and inserting in
7 lieu thereof the following: "or 2 of this section is guilty of]

8 2. The offense of fraudulent procurement of a credit or
9 debit device is a class A misdemeanor."; and

10 Further amend said bill, page 488, section 573.205, line 21
11 of said page, by inserting after all of said line the following:

12 "[568.110.] 573.215. 1. [Any] A person commits the offense
13 of failure to report child pornography if he or she being a film
14 and photographic print processor, computer provider, installer or
15 repair person, or any internet service provider who has knowledge
16 of or observes, within the scope of the person's professional
17 capacity or employment, any film, photograph, videotape,
18 negative, slide, or computer-generated image or picture depicting
19 a child under [the age of] eighteen years of age engaged in an
20 act of sexual conduct [shall] fails to report such instance to
21 [the] any law enforcement agency [having jurisdiction over the
22 case] immediately or as soon as practically possible.

23 2. The offense of failure to [make such report shall be]
24 report child pornography is a class B misdemeanor.

25 3. Nothing in this section shall be construed to require a
26 provider of electronic communication services or remote computing
27 services to monitor any user, subscriber or customer of the
28 provider, or the content of any communication of any user,
29 subscriber or customer of the provider."; and

1 Further amend said bill, page 493, section 574.005, line 5
2 of said page, by striking "1."; and

3 Further amend said bill, page 526, section 577.014, line 21
4 of said line, by striking "twenty hundredths" and inserting in
5 lieu thereof the following: "twenty-hundredths"; and further
6 amend line 25, by striking "twenty hundredths" and inserting in
7 lieu thereof the following: "twenty-hundredths"; and

8 Further amend said bill, page 566, section 577.078, line 7
9 of said page, by inserting after all of said line the following:

10 "577.080. 1. A person commits the [crime] offense of
11 abandoning a [motor] vehicle, vessel, or trailer if he or she
12 knowingly abandons any motor vehicle, vessel, or trailer on:

13 (1) The right-of-way of any public road or state highway
14 [or];

15 (2) On or in any of the waters in this state [or];

16 (3) On the banks of any stream[, or];

17 (4) On any land or water owned, operated or leased by the
18 state, any board, department, agency or commission thereof, or
19 any political subdivision thereof [or];

20 (5) On any land or water owned, operated or leased by the
21 federal government; or

22 (6) On any private real property owned by another without
23 his or her consent.

24 2. For purposes of this section, the last owner of record
25 of a [motor] vehicle, vessel, or trailer found abandoned and not
26 shown to be transferred pursuant to sections 301.196 and 301.197
27 shall be deemed prima facie [to have been the owner] evidence of
28 ownership of such [motor] vehicle, vessel, or trailer at the time

1 it was abandoned and [to have been] the person who abandoned the
2 [motor] vehicle, vessel, or trailer or caused or procured its
3 abandonment. The registered owner of the abandoned [motor]
4 vehicle, vessel, or trailer shall not be subject to the penalties
5 provided by this section if the [motor] vehicle, vessel, or
6 trailer was in the care, custody, or control of another person at
7 the time of the violation. In such instance, the owner shall
8 submit such evidence in an affidavit permitted by the court
9 setting forth the name, address, and other pertinent information
10 of the person who leased, rented, or otherwise had care, custody,
11 or control of the [motor] vehicle, vessel, or trailer at the time
12 of the alleged violation. The affidavit submitted pursuant to
13 this subsection shall be admissible in a court proceeding
14 adjudicating the alleged violation and shall raise a rebuttable
15 presumption that the person identified in the affidavit was in
16 actual control of the [motor] vehicle, vessel, or trailer. In
17 such case, the court has the authority to terminate the
18 prosecution of the summons issued to the owner and issue a
19 summons to the person identified in the affidavit as the
20 operator. If the [motor] vehicle, vessel, or trailer is alleged
21 to have been stolen, the owner of the [motor] vehicle, vessel, or
22 trailer shall submit proof that a police report was filed in a
23 timely manner indicating that the vehicle or vessel was stolen at
24 the time of the alleged violation.

25 3. The offense of abandoning a [motor] vehicle, vessel, or
26 trailer is a class A misdemeanor.

27 4. Any person convicted pursuant to this section shall be
28 civilly liable for all reasonable towing, storage, and
29 administrative costs associated with the abandonment of the

1 [motor] vehicle, vessel, or trailer. Any reasonable towing,
2 storage, and administrative costs in excess of the value of the
3 abandoned [motor] vehicle, vessel, or trailer that exist at the
4 time the [motor vehicle or vessel] property is transferred
5 pursuant to section 304.156 shall remain the liability of the
6 person convicted pursuant to this section so long as the towing
7 company, as defined in chapter 304, provided the title owner and
8 lienholders, as ascertained by the department of revenue records,
9 a notice within the time frame and in the form as described in
10 subsection 1 of section 304.156."; and

11 Further amend said bill, page 593, section 579.015, lines
12 13-14 of said page, by striking "a person found guilty of the
13 offense shall be sentenced to pay a fine of" and inserting in
14 lieu thereof the following: "the offense is punishable by a fine
15 of"; and

16 Further amend said bill, page 635, section 579.170, lines 4-
17 16 of said page, by striking all of said lines and inserting in
18 lieu thereof the following: "shall sentence a person, who has
19 been found to be a prior drug offender and is found guilty of:

20 (1) A level 1 class C felony, to a term of imprisonment of
21 not less than five years and not to exceed fifteen years;

22 (2) A level 2 class C felony, to a term of imprisonment of
23 not less than three years and not to exceed ten years; or

24 (3) A class D felony, to a term of imprisonment not to
25 exceed seven years.

26 5. The court shall sentence a person, who has been found to
27 be a persistent drug offender and is found guilty of:

28 (1) A class B felony, or a level 1 class C felony, to a
29 term of imprisonment of not less than ten years and not to exceed

1 thirty years, or life imprisonment;

2 (2) A level 2 class C felony, to a term of imprisonment of
3 not less than five years and not to exceed fifteen years; or

4 (3) A class D felony, to a term of imprisonment of not less
5 than three years and not to exceed ten years.

6 6. For purposes of this section, the following terms mean:

7 (1) "Level 1 class C felony", a class C felony with an
8 authorized term of imprisonment of not less than three years and
9 not to exceed ten years; and

10 (2) "Level 2 class C felony", a class C felony with an
11 authorized term of imprisonment not to exceed seven years."; and

12 Further amend the title and enacting clause accordingly.

13