

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 37
100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Offered April 25, 2019.

Senate Substitute adopted April 25, 2019.

Taken up for Perfection April 25, 2019. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0223S.04P

AN ACT

To repeal sections 565.021 and 567.050, RSMo, and to enact in lieu thereof three new sections relating to certain crimes against the person, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 565.021 and 567.050, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 441.920, 565.021,
3 and 567.050, to read as follows:

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

3 (1) "Domestic violence", as such term is defined in section
4 455.010;

5 (2) "Sexual assault", as such term is defined in section 455.010;

6 (3) "Stalking", as such term is defined in section 455.010.

7 2. No applicant, tenant, or lessee shall be denied tenancy, be
8 evicted from the premises, or found to be in violation of a lease
9 agreement on the basis of or as a direct result of the fact that the
10 applicant, tenant, or lessee is, has been, or is in imminent danger of
11 becoming a victim of domestic violence, sexual assault, or stalking if
12 the applicant, tenant, or lessee otherwise qualifies for tenancy or
13 occupancy in the premises. The provisions of this subsection shall not
14 apply if:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **(1) The applicant, tenant, or lessee allowed the person named in**
16 **any documentation listed in subsection 4 of this section into the**
17 **premises; or**

18 **(2) The landlord or property owner reasonably believes that a**
19 **person named in any documentation listed in subsection 4 of this**
20 **section poses a threat to the safety of the other occupants or the**
21 **property.**

22 **3. In any action brought by a landlord against a tenant under**
23 **this chapter, chapter 534, or chapter 535, a tenant shall have an**
24 **affirmative defense and not be liable for rent for the period after which**
25 **the tenant vacates the premises owned by the landlord if, by a**
26 **preponderance of the evidence, the court finds that the tenant was a**
27 **victim or was in imminent danger of becoming a victim of domestic**
28 **violence, sexual assault, or stalking and the tenant notified the**
29 **landlord and has provided any requested documentation under**
30 **subsection 4 of this section.**

31 **4. An applicant, tenant, or lessee shall qualify for the protections**
32 **under this section if he or she provides a statement of such domestic**
33 **violence, sexual assault, or stalking to his or her landlord or the**
34 **property owner. If the landlord or property owner requests, the**
35 **applicant, tenant, or lessee shall provide documentation of the domestic**
36 **violence, sexual assault, or stalking, which may be in any of the**
37 **following forms:**

38 **(1) A document signed by an employee of a victim service**
39 **provider, or a health care professional or mental health professional**
40 **from whom the victim has sought assistance relating to domestic**
41 **violence, sexual assault, stalking, or the effects of abuse stating that,**
42 **under penalty of perjury, the individual believes in the occurrence of**
43 **the incident of domestic violence, sexual assault, or stalking that is the**
44 **ground for protection, and that the incident meets the applicable**
45 **definition of domestic violence, sexual assault, or stalking. Such**
46 **document shall be signed by the victim; or**

47 **(2) A record of a federal, state, or local law enforcement agency,**
48 **including a police report, a court, or an administrative agency**
49 **pertaining to the alleged incident of domestic violence, sexual assault,**
50 **or stalking.**

51 **5. The submission of false information by an applicant, tenant,**

52 or lessee under this section may be a basis for a denial of tenancy,
53 eviction, or a violation of a lease agreement.

54 **6. Any landlord or property owner may impose a reasonable**
55 **termination fee on a tenant or lessee who desires to terminate a lease**
56 **before the expiration date of such lease under the provisions of this**
57 **section.**

58 **7. The provisions of this section shall only apply to residential**
59 **properties.**

565.021. 1. A person commits the offense of murder in the second degree
2 if he or she:

3 (1) Knowingly causes the death of another person or, with the purpose of
4 causing serious physical injury to another person, causes the death of another
5 person; [or]

6 (2) Commits or attempts to commit any felony, and, in the perpetration
7 or the attempted perpetration of such felony or in the flight from the perpetration
8 or attempted perpetration of such felony, another person is killed as a result of
9 the perpetration or attempted perpetration of such felony or immediate flight
10 from the perpetration of such felony or attempted perpetration of such felony; **or**

11 **(3) Knowingly manufactures, delivers, or distributes a Schedule**
12 **I or II controlled substance, as described in section 195.017 and**
13 **regulations promulgated by the department of health and senior**
14 **services and excluding marijuana for medical use as authorized by**
15 **article XVI of the Missouri Constitution, in violation of chapters 195 or**
16 **579, and such controlled substance thereafter is the proximate cause of**
17 **the death of another person who uses or consumes such controlled**
18 **substance. It shall not be a defense that the defendant did not directly**
19 **deliver or distribute the controlled substance to the decedent.**

20 2. The offense of murder in the second degree is a class A felony, and the
21 punishment for second degree murder shall be in addition to the punishment for
22 commission of a related felony or attempted felony, other than murder or
23 manslaughter.

24 3. Notwithstanding section 556.046 and section 565.029, in any charge of
25 murder in the second degree, the jury shall be instructed on, or, in a jury-waived
26 trial, the judge shall consider, any and all of the subdivisions in subsection 1 of
27 this section which are supported by the evidence and requested by one of the
28 parties or the court.

567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; [or]

(2) Promotes prostitution of a person less than sixteen years of age; or

(3) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another. As used in this subdivision, the term "interactive computer service" shall mean: any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

2. The term "compelling" includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. **(1)** The offense of promoting prostitution in the first degree [under] pursuant to subdivision (1) or **(3)** of subsection 1 of this section is a class B felony.

(2) The offense of promoting prostitution in the first degree pursuant to subdivision **(3)** of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation pursuant to section 566.209.

(3) The offense of promoting prostitution in the first degree [under] pursuant to subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.

4. A person injured by the acts committed in violation of subdivision **(3)** of subsection 1 of this section or subdivision **(2)** of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys' fees for such injury.

5. In addition to the court's authority to order a defendant to

37 **make restitution for the damage or loss caused by his or her offense as**
38 **provided in section 559.105, the court shall enter a judgment of**
39 **restitution against the defendant convicted of violating subdivision (3)**
40 **of subsection 1 of this section and subdivision (2) of subsection 3 of this**
41 **section.**

✓

Unofficial

Bill

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