

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 60
100TH GENERAL ASSEMBLY

Reported from the Committee on Small Business and Industry, March 28, 2019, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 60, adopted April 11, 2019.

Taken up for Perfection April 11, 2019. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0147S.03P

AN ACT

To repeal section 567.050, RSMo, and to enact in lieu thereof two new sections relating to victims of certain crimes, with penalty provisions.

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

Section A. Section 567.050, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 441.920 and 567.050, to read as follows:

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

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

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

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

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

(1) The applicant, tenant, or lessee allowed the person named in

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

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

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

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

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

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

15 2. The term "compelling" includes:

16 (1) The use of forcible compulsion;

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

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

21 3. **(1)** The offense of promoting prostitution in the first degree under
22 subdivision (1) **or (3)** of subsection 1 of this section is a class B felony.

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

28 **(3)** The offense of promoting prostitution in the first degree under
29 subdivision (2) of subsection 1 of this section is a felony punishable by a term of

30 imprisonment not less than ten years and not to exceed fifteen years.

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

35 **5. In addition to the court's authority to order a defendant to**
36 **make restitution for the damage or loss caused by his or her offense as**
37 **provided in section 559.105, the court shall enter a judgment of**
38 **restitution against the defendant convicted of violating subdivision (3)**
39 **of subsection 1 of this section and subdivision (2) of subsection 3 of this**
40 **section.**

✓

Bill

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