

# SENATE BILL NO. 1789

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

7468S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 558.016, RSMo, and to enact in lieu thereof one new section relating to extended sentences for prior criminal conduct.

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

Section A. Section 558.016, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 558.016,  
3 to read as follows:

558.016. 1. The court may sentence a person who has  
2 been found guilty of an offense to a term of imprisonment as  
3 authorized by section 558.011 or to a term of imprisonment  
4 authorized by a statute governing the offense if it finds  
5 the defendant is a prior offender or a persistent  
6 misdemeanor offender. The court [may] **shall** sentence a  
7 person to an extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a  
9 dangerous offender, and the person is sentenced under  
10 subsection 7 of this section;

11 (2) The statute under which the person was found  
12 guilty contains a sentencing enhancement provision that is  
13 based on a prior finding of guilt or a finding of prior  
14 criminal conduct and the person is sentenced according to  
15 the statute; or

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

16           (3) A more specific sentencing enhancement provision  
17 applies that is based on a prior finding of guilt or a  
18 finding of prior criminal conduct.

19           2. A "prior offender" is one who has been found guilty  
20 of one felony.

21           3. A "persistent offender" is one who has been found  
22 guilty of two or more felonies committed at different times,  
23 or one who has been previously found guilty of a dangerous  
24 felony as defined in subdivision (19) of section 556.061.

25           4. A "dangerous offender" is one who:

26           (1) Is being sentenced for a felony during the  
27 commission of which he knowingly murdered or endangered or  
28 threatened the life of another person or knowingly inflicted  
29 or attempted or threatened to inflict serious physical  
30 injury on another person; and

31           (2) Has been found guilty of a class A or B felony or  
32 a dangerous felony.

33           5. A "persistent misdemeanor offender" is one who has  
34 been found guilty of two or more offenses, committed at  
35 different times that are classified as A or B misdemeanors  
36 under the laws of this state.

37           6. The findings of guilt shall be prior to the date of  
38 commission of the present offense.

39           7. The court shall sentence a person, who has been  
40 found to be a persistent offender or a dangerous offender,  
41 and is found guilty of a class B, C, D, or E felony to the  
42 authorized term of imprisonment for the offense that is one  
43 class higher than the offense for which the person is found  
44 guilty.

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