

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 328,  
87, 100 & 55**  
90TH GENERAL ASSEMBLY

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Reported from the Committee on Civil and Criminal Jurisprudence, March 25, 1999, with recommendation that the Senate Committee Substitute do pass.

S0566.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 565.024, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo Supp. 1998, relating to the criminal code, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 565.024, 574.090 and 574.093, RSMo 1994, and section 252.043, RSMo Supp. 1998, are repealed and seven new sections enacted in lieu thereof, to be known as sections 252.043, 565.024, 570.223, 574.087, 574.090, 574.093 and 577.068, to read as follows:

252.043. The commission may suspend, revoke or deny a hunting permit or privilege for a maximum of five years when a person, while hunting, inflicts injury by firearm or other weapon to another person who is mistaken for game. No suspension, revocation or denial shall occur until an opportunity has been afforded for a hearing before the commission. Any person who is determined by the commission to have inflicted injury by firearm or other weapon shall be required to successfully complete a department-approved hunter safety course before his or her hunting permit or privilege shall be restored. The commission's proceeding shall be a contested case pursuant to chapter 536, RSMo, and any person aggrieved by a final decision shall be entitled to judicial review as provided in chapter 536, RSMo. [If there is a mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, in addition to the judicial review provided in chapter 536, RSMo, anytime after the commission's ruling, an aggrieved person is entitled to review by the circuit court in the county where the aggrieved

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

person resides. If the court finds a sufficient mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, the court may modify the commission's suspension or revocation of the aggrieved person's hunting privileges.]

565.024. 1. A person commits the crime of involuntary manslaughter **in the first degree** if he:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person.

2. Involuntary manslaughter **in the first degree** is a class C felony.

**3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.**

**4. Involuntary manslaughter in the second degree is a class D felony.**

570.223. 1. A person commits the crime of identity theft if he knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his use.

**2. Identity theft is punishable by up to six months in jail for the first offense; up to one year in jail for the second offense; and one to five years imprisonment for the third or subsequent offense.**

**3. In addition to the provisions of subsection 2 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:**

**(1) In clearing the credit history or credit rating of the victim; and**

**(2) In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.**

574.087. For the purposes of sections 574.090 and 574.093, the following terms mean:

**(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and**

**(2) "Sexual Orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness.**

574.090. 1. A person commits the crime of [ethnic] **criminal** intimidation in the first degree if, by reason of any motive relating to the **actual, presumed or perceived** race, color, religion [or], national origin, **sex, sexual orientation or disability** of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. [Ethnic] **Criminal** intimidation in the first degree is a class C felony.

574.093. 1. A person commits the crime of [ethnic] **criminal** intimidation in the second degree if, by reason of any motive relating to the **actual, presumed or perceived** race, color, religion [or], national origin, **sex, sexual orientation or disability** of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. [Ethnic] **Criminal** intimidation in the second degree is a class D felony.

**577.068. 1. A person commits the crime of leaving the scene of a shooting when, being in possession of a firearm or projectile weapon as defined in section 571.010, RSMo, such person discharges such firearm or projectile weapon and causes injury or death to another person and such person, knowing that he has caused such injury or death, leaves the place of the shooting without giving his name, address, and driver's license number, if applicable, to a law enforcement officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if he leaves the scene of a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise provides the information required by this section to a law enforcement officer within a reasonable time after the shooting.**

**2. All peace officers and reserve peace officers certified under the provisions of chapter 590, RSMo, shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation agents may enforce such provisions as to hunting related shootings. For the purpose of this section, a hunting related shooting shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.**

**3. Leaving the scene of a shooting is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section.**

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