

SECOND REGULAR SESSION

# SENATE BILL NO. 931

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 19, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5556S.011

## AN ACT

To repeal sections 217.362, 217.735, 558.019, 559.106, 559.115, and 566.125, RSMo, and to enact in lieu thereof nine new sections relating to sexual offenses against children, with an effective date.

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

Section A. Sections 217.362, 217.735, 558.019, 559.106, 559.115, and 566.125, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 217.362, 217.735, 558.019, 559.106, 559.115, 566.015, 566.125, 568.200, and 573.015, to read as follows:

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any

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

17 program services provided. Execution of the offender's term of incarceration shall  
18 be suspended pending completion of said program. Allocation of space in the  
19 program may be distributed by the department in proportion to drug arrest  
20 patterns in the state. If the court is advised that an offender is not eligible or  
21 that there is no space available, the court shall consider other authorized  
22 dispositions.

23 3. Upon successful completion of the program, the board of probation and  
24 parole shall advise the sentencing court of an offender's probationary release date  
25 thirty days prior to release. If the court determines that probation is not  
26 appropriate the court may order the execution of the offender's sentence.

27 4. If it is determined by the department that the offender has not  
28 successfully completed the program, or that the offender is not cooperatively  
29 participating in the program, the offender shall be removed from the program and  
30 the court shall be advised. Failure of an offender to complete the program shall  
31 cause the offender to serve the sentence prescribed by the court and void the right  
32 to be considered for probation on this sentence.

33 5. An offender's first incarceration in a department of corrections program  
34 pursuant to this section prior to release on probation shall not be considered a  
35 previous prison commitment for the purpose of determining a minimum prison  
36 term pursuant to the provisions of section 558.019, **unless the offender was**  
37 **committed as a result of being found guilty of an offense under chapter**  
38 **566, 568, or 573 when the offense was sexual in nature and against a**  
39 **victim who was less than seventeen years of age, in which case the**  
40 **incarceration shall be considered a prior prison commitment.**

217.735. 1. Notwithstanding any other provision of law to the contrary,  
2 the board shall supervise an offender for the duration of his or her natural life  
3 when the offender has been found guilty of an offense under:

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100,  
5 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act  
6 committed on or after August 28, 2006; or

7 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based  
8 on an act committed on or after January 1, 2017, against a victim who was less  
9 than fourteen years old and the offender is a prior sex offender as defined in  
10 subsection 2 of this section.

11 2. For the purpose of this section, a prior sex offender is a person who has  
12 previously pleaded guilty to or been found guilty of an offense contained in

13 chapter 566 or violating section 568.020 when the person had sexual intercourse  
14 or deviate sexual intercourse with the victim, or violating subdivision (2) of  
15 subsection 1 of section 568.045.

16 3. Subsection 1 of this section applies to offenders who have been granted  
17 probation, and to offenders who have been released on parole, conditional release,  
18 or upon serving their full sentence without early release. Supervision of an  
19 offender who was released after serving his or her full sentence will be considered  
20 as supervision on parole.

21 4. A mandatory condition of lifetime supervision of an offender under this  
22 section is that the offender be electronically monitored. Electronic monitoring  
23 shall be based on a global positioning system or other technology that identifies  
24 and records the offender's location at all times.

25 5. In appropriate cases as determined by a risk assessment, the board  
26 may terminate the supervision of an offender who is being supervised under this  
27 section when the offender is sixty-five years of age or older, **unless the offender**  
28 **has been found guilty of an offense listed under subdivision (2) of**  
29 **subsection 1 of this section or an offense under subdivision (1) of**  
30 **subsection 1 of this section against a victim who was less than**  
31 **seventeen years of age.**

32 6. In accordance with section 217.040, the board may adopt rules relating  
33 to supervision and electronic monitoring of offenders under this section.

558.019. 1. This section shall not be construed to affect the powers of the  
2 governor under Article IV, Section 7, of the Missouri Constitution. This statute  
3 shall not affect those provisions of section 565.020, section 566.125, or section  
4 571.015, which set minimum terms of sentences, or the provisions of section  
5 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall be applicable  
7 to all classes of felonies except those set forth in chapter 579, or in chapter 195  
8 prior to January 1, 2017, and those otherwise excluded in subsection 1 of this  
9 section. For the purposes of this section, "prison commitment" means and is the  
10 receipt by the department of corrections of an offender after sentencing. For  
11 purposes of this section, prior prison commitments to the department of  
12 corrections shall not include an offender's first incarceration prior to release on  
13 probation under section 217.362 or 559.115, **unless the offender was**  
14 **committed as a result of being found guilty of an offense under chapter**  
15 **566, 568, or 573 when the offense was sexual in nature and against a**

16 **victim who was less than seventeen years of age, in which case the**  
17 **incarceration shall be considered a prior prison commitment.** Other  
18 provisions of the law to the contrary notwithstanding, any offender who has been  
19 found guilty of a felony other than a dangerous felony as defined in section  
20 556.061 and is committed to the department of corrections shall be required to  
21 serve the following minimum prison terms:

22 (1) If the offender has one previous prison commitment to the department  
23 of corrections for a felony offense, the minimum prison term which the offender  
24 must serve shall be forty percent of his or her sentence or until the offender  
25 attains seventy years of age, and has served at least thirty percent of the  
26 sentence imposed, whichever occurs first;

27 (2) If the offender has two previous prison commitments to the  
28 department of corrections for felonies unrelated to the present offense, the  
29 minimum prison term which the offender must serve shall be fifty percent of his  
30 or her sentence or until the offender attains seventy years of age, and has served  
31 at least forty percent of the sentence imposed, whichever occurs first;

32 (3) If the offender has three or more previous prison commitments to the  
33 department of corrections for felonies unrelated to the present offense, the  
34 minimum prison term which the offender must serve shall be eighty percent of  
35 his or her sentence or until the offender attains seventy years of age, and has  
36 served at least forty percent of the sentence imposed, whichever occurs first.

37 3. Other provisions of the law to the contrary notwithstanding, any  
38 offender who has been found guilty of a dangerous felony as defined in section  
39 556.061 and is committed to the department of corrections shall be required to  
40 serve a minimum prison term of eighty-five percent of the sentence imposed by  
41 the court or until the offender attains seventy years of age, and has served at  
42 least forty percent of the sentence imposed, whichever occurs first.

43 4. For the purpose of determining the minimum prison term to be served,  
44 the following calculations shall apply:

45 (1) A sentence of life shall be calculated to be thirty years;

46 (2) Any sentence either alone or in the aggregate with other consecutive  
47 sentences for offenses committed at or near the same time which is over  
48 seventy-five years shall be calculated to be seventy-five years.

49 5. For purposes of this section, the term "minimum prison term" shall  
50 mean time required to be served by the offender before he or she is eligible for  
51 parole, conditional release or other early release by the department of corrections.

52           6. (1) A sentencing advisory commission is hereby created to consist of  
53 eleven members. One member shall be appointed by the speaker of the  
54 house. One member shall be appointed by the president pro tem of the  
55 senate. One member shall be the director of the department of corrections. Six  
56 members shall be appointed by and serve at the pleasure of the governor from  
57 among the following: the public defender commission; private citizens; a private  
58 member of the Missouri Bar; the board of probation and parole; and a  
59 prosecutor. Two members shall be appointed by the supreme court, one from a  
60 metropolitan area and one from a rural area. All members shall be appointed to  
61 a four-year term. All members of the sentencing commission appointed prior to  
62 August 28, 1994, shall continue to serve on the sentencing advisory commission  
63 at the pleasure of the governor.

64           (2) The commission shall study sentencing practices in the circuit courts  
65 throughout the state for the purpose of determining whether and to what extent  
66 disparities exist among the various circuit courts with respect to the length of  
67 sentences imposed and the use of probation for offenders convicted of the same  
68 or similar offenses and with similar criminal histories. The commission shall also  
69 study and examine whether and to what extent sentencing disparity among  
70 economic and social classes exists in relation to the sentence of death and if so,  
71 the reasons therefor, if sentences are comparable to other states, if the length of  
72 the sentence is appropriate, and the rate of rehabilitation based on sentence. It  
73 shall compile statistics, examine cases, draw conclusions, and perform other  
74 duties relevant to the research and investigation of disparities in death penalty  
75 sentencing among economic and social classes.

76           (3) The commission shall study alternative sentences, prison work  
77 programs, work release, home-based incarceration, probation and parole options,  
78 and any other programs and report the feasibility of these options in Missouri.

79           (4) The governor shall select a chairperson who shall call meetings of the  
80 commission as required or permitted pursuant to the purpose of the sentencing  
81 commission.

82           (5) The members of the commission shall not receive compensation for  
83 their duties on the commission, but shall be reimbursed for actual and necessary  
84 expenses incurred in the performance of these duties and for which they are not  
85 reimbursed by reason of their other paid positions.

86           (6) The circuit and associate circuit courts of this state, the office of the  
87 state courts administrator, the department of public safety, and the department

88 of corrections shall cooperate with the commission by providing information or  
89 access to information needed by the commission. The office of the state courts  
90 administrator will provide needed staffing resources.

91 7. Courts shall retain discretion to lower or exceed the sentence  
92 recommended by the commission as otherwise allowable by law, and to order  
93 restorative justice methods, when applicable.

94 8. If the imposition or execution of a sentence is suspended, the court may  
95 order any or all of the following restorative justice methods, or any other method  
96 that the court finds just or appropriate:

97 (1) Restitution to any victim or a statutorily created fund for costs  
98 incurred as a result of the offender's actions;

99 (2) Offender treatment programs;

100 (3) Mandatory community service;

101 (4) Work release programs in local facilities; and

102 (5) Community-based residential and nonresidential programs.

103 9. The provisions of this section shall apply only to offenses occurring on  
104 or after August 28, 2003.

105 10. Pursuant to subdivision (1) of subsection 8 of this section, the court  
106 may order the assessment and payment of a designated amount of restitution to  
107 a county law enforcement restitution fund established by the county commission  
108 pursuant to section 50.565. Such contribution shall not exceed three hundred  
109 dollars for any charged offense. Any restitution moneys deposited into the county  
110 law enforcement restitution fund pursuant to this section shall only be expended  
111 pursuant to the provisions of section 50.565.

112 11. A judge may order payment to a restitution fund only if such fund had  
113 been created by ordinance or resolution of a county of the state of Missouri prior  
114 to sentencing. A judge shall not have any direct supervisory authority or  
115 administrative control over any fund to which the judge is ordering a person to  
116 make payment.

117 12. A person who fails to make a payment to a county law enforcement  
118 restitution fund may not have his or her probation revoked solely for failing to  
119 make such payment unless the judge, after evidentiary hearing, makes a finding  
120 supported by a preponderance of the evidence that the person either willfully  
121 refused to make the payment or that the person willfully, intentionally, and  
122 purposefully failed to make sufficient bona fide efforts to acquire the resources  
123 to pay.

124 13. Nothing in this section shall be construed to allow the sentencing  
125 advisory commission to issue recommended sentences in specific cases pending  
126 in the courts of this state.

559.106. 1. Notwithstanding any statutory provision to the contrary,  
2 when a court grants probation to an offender who has been found guilty of an  
3 offense in:

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100,  
5 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act  
6 committed on or after August 28, 2006; or

7 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based  
8 on an act committed on or after January 1, 2017, against a victim who was less  
9 than fourteen years of age and the offender is a prior sex offender as defined in  
10 subsection 2 of this section;

11 the court shall order that the offender be supervised by the board of probation  
12 and parole for the duration of his or her natural life.

13 2. For the purpose of this section, a prior sex offender is a person who has  
14 previously been found guilty of an offense contained in chapter 566, or violating  
15 section 568.020, when the person had sexual intercourse or deviate sexual  
16 intercourse with the victim, or of violating subdivision (2) of subsection 1 of  
17 section 568.045.

18 3. When probation for the duration of the offender's natural life has been  
19 ordered, a mandatory condition of such probation is that the offender be  
20 electronically monitored. Electronic monitoring shall be based on a global  
21 positioning system or other technology that identifies and records the offender's  
22 location at all times.

23 4. In appropriate cases as determined by a risk assessment, the court may  
24 terminate the probation of an offender who is being supervised under this section  
25 when the offender is sixty-five years of age or older, **unless the offender has**  
26 **been found guilty of an offense listed under subdivision (2) of**  
27 **subsection 1 of this section or an offense under subdivision (1) of**  
28 **subsection 1 of this section against a victim who was less than**  
29 **seventeen years of age.**

559.115. 1. Neither probation nor parole shall be granted by the circuit  
2 court between the time the transcript on appeal from the offender's conviction has  
3 been filed in appellate court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit

5 court only upon its own motion and not that of the state or the offender shall  
6 have the power to grant probation to an offender anytime up to one hundred  
7 twenty days after such offender has been delivered to the department of  
8 corrections but not thereafter. The court may request information and a  
9 recommendation from the department concerning the offender and such offender's  
10 behavior during the period of incarceration. Except as provided in this section,  
11 the court may place the offender on probation in a program created pursuant to  
12 section 217.777, or may place the offender on probation with any other conditions  
13 authorized by law.

14           3. The court may recommend placement of an offender in a department  
15 of corrections one hundred twenty-day program under this subsection or order  
16 such placement under subsection 4 of section 559.036. Upon the recommendation  
17 or order of the court, the department of corrections shall assess each offender to  
18 determine the appropriate one hundred twenty-day program in which to place the  
19 offender, which may include placement in the shock incarceration program or  
20 institutional treatment program. When the court recommends and receives  
21 placement of an offender in a department of corrections one hundred twenty-day  
22 program, the offender shall be released on probation if the department of  
23 corrections determines that the offender has successfully completed the program  
24 except as follows. Upon successful completion of a program under this subsection,  
25 the board of probation and parole shall advise the sentencing court of an  
26 offender's probationary release date thirty days prior to release. The court shall  
27 follow the recommendation of the department unless the court determines that  
28 probation is not appropriate. If the court determines that probation is not  
29 appropriate, the court may order the execution of the offender's sentence only  
30 after conducting a hearing on the matter within ninety to one hundred twenty  
31 days from the date the offender was delivered to the department of corrections.  
32 If the department determines the offender has not successfully completed a one  
33 hundred twenty-day program under this subsection, the offender shall be removed  
34 from the program and the court shall be advised of the removal. The department  
35 shall report on the offender's participation in the program and may provide  
36 recommendations for terms and conditions of an offender's probation. The court  
37 shall then have the power to grant probation or order the execution of the  
38 offender's sentence.

39           4. If the court is advised that an offender is not eligible for placement in  
40 a one hundred twenty-day program under subsection 3 of this section, the court



41 shall consider other authorized dispositions. If the department of corrections one  
42 hundred twenty-day program under subsection 3 of this section is full, the court  
43 may place the offender in a private program approved by the department of  
44 corrections or the court, the expenses of such program to be paid by the offender,  
45 or in an available program offered by another organization. If the offender is  
46 convicted of a class C, class D, or class E nonviolent felony, the court may order  
47 probation while awaiting appointment to treatment.

48         5. Except when the offender has been found to be a predatory sexual  
49 offender pursuant to section 566.125, the court shall request the department of  
50 corrections to conduct a sexual offender assessment if the defendant has been  
51 found guilty of sexual abuse when classified as a class B felony. Upon completion  
52 of the assessment, the department shall provide to the court a report on the  
53 offender and may provide recommendations for terms and conditions of an  
54 offender's probation. The assessment shall not be considered a one hundred  
55 twenty-day program as provided under subsection 3 of this section. The process  
56 for granting probation to an offender who has completed the assessment shall be  
57 as provided under subsections 2 and 6 of this section.

58         6. Unless the offender is being granted probation pursuant to successful  
59 completion of a one hundred twenty-day program the circuit court shall notify the  
60 state in writing when the court intends to grant probation to the offender  
61 pursuant to the provisions of this section. The state may, in writing, request a  
62 hearing within ten days of receipt of the court's notification that the court intends  
63 to grant probation. Upon the state's request for a hearing, the court shall grant  
64 a hearing as soon as reasonably possible. If the state does not respond to the  
65 court's notice in writing within ten days, the court may proceed upon its own  
66 motion to grant probation.

67         7. An offender's first incarceration under this section prior to release on  
68 probation shall not be considered a previous prison commitment for the purpose  
69 of determining a minimum prison term under the provisions of section 558.019,  
70 **unless the offender was committed as a result of being found guilty of**  
71 **an offense under chapter 566, 568, or 573 when the offense was sexual**  
72 **in nature and against a victim who was less than seventeen years of**  
73 **age, in which case the incarceration shall be considered a prior prison**  
74 **commitment.**

75         8. Notwithstanding any other provision of law, probation may not be  
76 granted pursuant to this section to offenders who have been convicted of murder

77 in the second degree pursuant to section 565.021; forcible rape pursuant to  
 78 section 566.030 as it existed prior to August 28, 2013; rape in the first degree  
 79 under section 566.030; forcible sodomy pursuant to section 566.060 as it existed  
 80 prior to August 28, 2013; sodomy in the first degree under section 566.060;  
 81 [statutory rape in the first degree pursuant to section 566.032; statutory sodomy  
 82 in the first degree pursuant to section 566.062; child molestation in the first  
 83 degree pursuant to section 566.067 when classified as a class A felony;] abuse of  
 84 a child pursuant to section 568.060 when classified as a class A felony; **any**  
 85 **offense under chapter 566, 568, or 573 when the offense was sexual in**  
 86 **nature and against a victim who was less than seventeen years of age;**  
 87 or an offender who has been found to be a predatory sexual offender pursuant to  
 88 section 566.125; or any offense in which there exists a statutory prohibition  
 89 against either probation or parole.

**566.015. No person found guilty of an offense under this chapter**  
 2 **or an attempt to commit an offense under this chapter, when the**  
 3 **offense was against a victim less than seventeen years of age, shall be**  
 4 **granted a suspended imposition of sentence or suspended execution of**  
 5 **sentence.**

566.125. 1. The court shall sentence a person to an extended term of  
 2 imprisonment if it finds the defendant is a persistent sexual offender and has  
 3 been found guilty of attempting to commit or committing the following offenses:

- 4 (1) Statutory rape in the first degree or statutory sodomy in the first  
 5 degree;
- 6 (2) Rape in the first degree or sodomy in the first degree;
- 7 (3) Forcible rape;
- 8 (4) Forcible sodomy;
- 9 (5) Rape;
- 10 (6) Sodomy.

11 2. A "persistent sexual offender" is one who has previously been found  
 12 guilty of attempting to commit or committing:

- 13 (1) Any of the offenses listed in subsection 1 of this section;
- 14 (2) **Any other offense of chapter 566, 568, or 573 when the offense**  
 15 **was sexual in nature and against a victim who was less than seventeen**  
 16 **years of age;** or [one who has previously been found guilty of]
- 17 (3) An offense in any other jurisdiction which would constitute any of the  
 18 offenses listed in **this** subsection [1 of this section].

19           3. The term of imprisonment for one found to be a persistent sexual  
20 offender shall be imprisonment for life without eligibility for probation or  
21 parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned  
22 under this subsection, and "imprisonment for life" shall mean imprisonment for  
23 the duration of the person's natural life.

24           4. The court shall sentence a person to an extended term of imprisonment  
25 as provided for in this section if it finds the defendant is a predatory sexual  
26 offender and has been found guilty of committing or attempting to commit any of  
27 the offenses listed in subsection 1 of this section or committing child molestation  
28 in the first or second degree or sexual abuse when classified as a class B felony.

29           5. For purposes of this section, a "predatory sexual offender" is a person  
30 who:

31           (1) Has previously been found guilty of committing or attempting to  
32 commit any of the offenses listed in subsection 1 of this section, or committing  
33 [child molestation in the first or second degree, or] sexual abuse when classified  
34 as a class B felony, **or committing any other offense of chapter 566, 568,**  
35 **or 573 when the offense was sexual in nature and against a victim who**  
36 **was less than seventeen years of age; or**

37           (2) Has previously committed an act which would constitute an offense  
38 listed in subsection 4 of this section, whether or not the act resulted in a  
39 conviction; or

40           (3) Has committed an act or acts against more than one victim which  
41 would constitute an offense or offenses listed in subsection 4 of this section,  
42 whether or not the defendant was charged with an additional offense or offenses  
43 as a result of such act or acts.

44           6. A person found to be a predatory sexual offender shall be imprisoned  
45 for life with eligibility for parole, however subsection 4 of section 558.019 shall  
46 not apply to persons found to be predatory sexual offenders for the purposes of  
47 determining the minimum prison term or the length of sentence as defined or  
48 used in such subsection. Notwithstanding any other provision of law, in no event  
49 shall a person found to be a predatory sexual offender receive a final discharge  
50 from parole.

51           7. Notwithstanding any other provision of law, the court shall set the  
52 minimum time required to be served before a predatory sexual offender is eligible  
53 for parole, conditional release or other early release by the department of  
54 corrections. The minimum time to be served by a person found to be a predatory

55 sexual offender who:

56 (1) Has previously been found guilty of committing or attempting to  
57 commit any of the offenses listed in subsection 1 of this section and is found  
58 guilty of committing or attempting to commit any of the offenses listed in  
59 subsection 1 of this section shall be any number of years but not less than thirty  
60 years;

61 (2) Has previously been found guilty of [child molestation in the first or  
62 second degree] **committing any offense of chapter 566, 568, or 573, except**  
63 **an offense listed in subsection 1 of this section, when the offense was**  
64 **sexual in nature and against a victim who was less than seventeen**  
65 **years of age**, or sexual abuse when classified as a class B felony and is found  
66 guilty of attempting to commit or committing any of the offenses listed in  
67 subsection 1 of this section shall be any number of years but not less than fifteen  
68 years;

69 (3) Has previously been found guilty of committing or attempting to  
70 commit any of the offenses listed in [subsection 1] **subdivision (1) of**  
71 **subsection 5** of this section[, or committing child molestation in the first or  
72 second degree, or sexual abuse when classified as a class B felony] shall be any  
73 number of years but not less than fifteen years;

74 (4) Has previously been found guilty of [child molestation in the first  
75 degree or second degree] **any offense of chapter 566, 568, or 573, except an**  
76 **offense listed in subsection 1 of this section, when the offense was**  
77 **sexual in nature and against a victim who was less than seventeen**  
78 **years of age**, or sexual abuse when classified as a class B felony, and is found  
79 guilty of [child molestation in the first or second degree, or sexual abuse when  
80 classified as a class B felony] **an offense listed in this subdivision** shall be  
81 any number of years but not less than fifteen years;

82 (5) Is found to be a predatory sexual offender pursuant to subdivision (2)  
83 or (3) of subsection 5 of this section shall be any number of years within the  
84 range to which the person could have been sentenced pursuant to the applicable  
85 law if the person was not found to be a predatory sexual offender.

86 8. Notwithstanding any provision of law to the contrary, the department  
87 of corrections, or any division thereof, may not furlough an individual found to be  
88 and sentenced as a persistent sexual offender or a predatory sexual offender.

**568.200. No person found guilty of an offense under this chapter**  
2 **or an attempt to commit an offense under this chapter, when the**

3 **offense was sexual in nature and against a victim less than seventeen**  
4 **years of age, shall be granted a suspended imposition of sentence or**  
5 **suspended execution of sentence.**

573.015. **No person found guilty of an offense under this chapter**  
2 **or an attempt to commit an offense under this chapter, when the**  
3 **offense was against a victim less than seventeen years of age, shall be**  
4 **granted a suspended imposition of sentence or suspended execution of**  
5 **sentence.**

Section B. This act shall become effective January 1, 2017.

Unofficial ✓

Bill

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