

SECOND REGULAR SESSION

HOUSE BILL NO. 2291

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

5807H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.015 and 571.017, RSMo, and to enact in lieu thereof two new sections relating to the crime of armed criminal action, with penalty provisions.

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

Section A. Sections 571.015 and 571.017, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 571.015 and 571.017, to read as follows:

571.015. 1. [Except as provided in subsection 4 of this section,] Any person who commits any felony **or misdemeanor** under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the crime of armed criminal action and, upon [conviction] **a finding of guilt or a plea of guilty or nolo contendere**, shall be punished by imprisonment by the department of corrections and human resources for a term of not less than [three] **twenty** years. The punishment imposed pursuant to this subsection shall be in addition **and consecutive** to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person [convicted] **who is found guilty or pleads guilty or nolo contendere** under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of [three] **twenty** calendar years.

2. Any person [convicted] **who is found guilty or pleads guilty or nolo contendere** of a second offense of armed criminal action shall be punished by imprisonment by the department of corrections and human resources for a term of not less than [five] **thirty** years. The punishment imposed pursuant to this subsection shall be in addition **and consecutive** to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person [convicted] **who is found guilty**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **or pleads guilty or nolo contendere** under this subsection shall be eligible for parole, probation,
19 conditional release or suspended imposition or execution of sentence for a period of [five] **thirty**
20 calendar years.

21 3. Any person [convicted] **who is found guilty or pleads guilty or nolo contendere** of
22 a third or subsequent offense of armed criminal action shall be punished by imprisonment by the
23 department of corrections and human resources for a term of not less than [ten years] **life**. The
24 punishment imposed pursuant to this subsection shall be in addition **and consecutive** to any
25 punishment provided by law for the crime committed by, with, or through the use, assistance,
26 or aid of a dangerous instrument or deadly weapon. No person [convicted] **who is found guilty**
27 **or pleads guilty or nolo contendere** under this subsection shall be eligible for parole, probation,
28 conditional release or suspended imposition or execution of sentence [for a period of ten calendar
29 years].

30 [4. The provisions of this section shall not apply to the felonies defined in sections
31 564.590, 564.610, 564.620, 564.630, and 564.640.]

571.017. Nothing contained in any other provision of law[, except as provided in
2 subsection 4 of section 571.015,] shall prevent imposition of sentences for both armed criminal
3 action and the crime committed by, with, or through the use, assistance, or aid of a dangerous
4 instrument or deadly weapon.

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