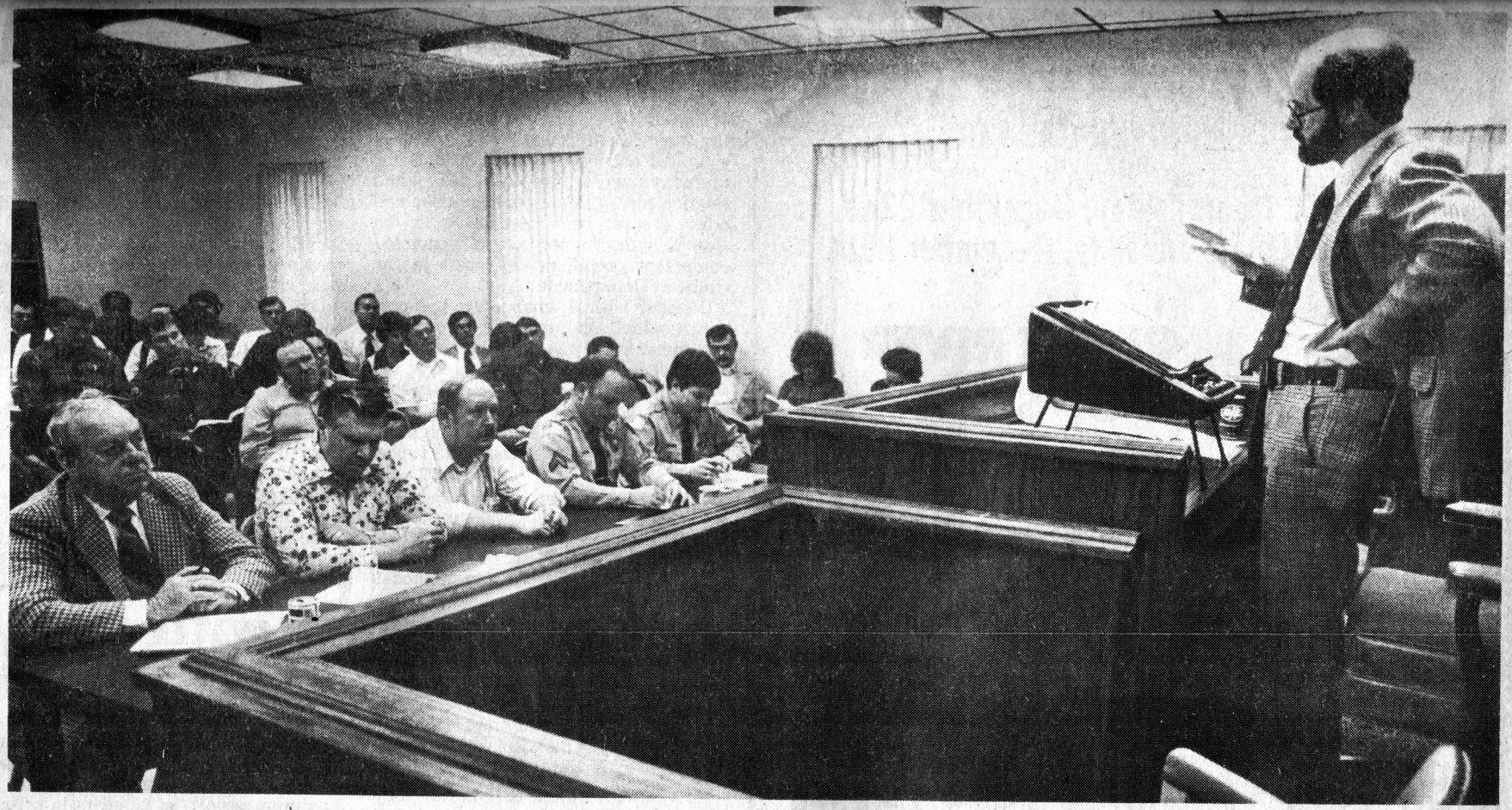

EXPLAINING THE DETAILS of the new state criminal code to go into effect Jan. 1, James Foley, prosecuting attorney in Macon County, instructs Northeast Missouri law officials on the changes in criminal law. (Staff photo by Mark Prout)

Lawmen benefit from new code

By MARY RHODES
Courier-Post Staff Writer

An area attorney says expanded penalties on some crimes and a new, easy-to-understand format will aide law agencies as the new state criminal code goes into effect Jan. 1.

James Foley, prosecuting attorney of Macon County, described the changes and possible benefits for nearly 70 lawmen who met here for a workshop Monday and Tuesday.

Foley, instructing the law officers on the details of the code, said basic criminal law will be unchanged, but many laws have been updated so the language is modern and understandable.

The new code, the first major revision in criminal law in Missouri since 1835, sets more uniform penalties for offenses to coincide with other states with modern codes. The code was adopted by the state legislature after 10 years of revising.

"There are still many crimes not covered in the code and yet many new crimes are now covered," Foley said. "For example, it is now a misdemeanor not to cooperate with an officer."

One of the major changes of the code is the addition of "shock probation." The new concept adds a detention period to suspended sentences with incarceration of up to 60 days in jail on a felony conviction preceding a probationary period. On a misdemeanor charge a person may be held up to 15 days.

"Before, many judges were hesitant about sending a 17-year-old, who was convicted on his first burglary charge, to the penitentiary for two years even though that was the minimum sentence. So frequently the judge, hating to send the young man to the penitentiary, would put him on probation," Foley said.

Foley said it was common for another 17-year-old convicted of a misdemeanor in magistrate court to suffer a worse fine than those convicted of felonies.

Under the new code, the offender can be sentenced up to 60 days in the country jail on burglary charges. Foley said judges will be more likely to hand down a sentence similar to this rather than letting the convicted go free on probation.

Other changes in criminal definitions include raising the amount of stolen goods from $50 to $150 to be called a felony. A person committing several

(See Lawmen. . .page 18)

Lawmen . . .

(Continued from page 1)

related thefts, each under $150, but totaling over $150, can have the value of each crime added up to make a felony charge against him.

An act will now be considered a burglary if a person enters a building unlawfully to commit a crime. Previously, a prosecuting attorney had to prove the building was broken into, and then, a felony must have been involved. Now, walking through an open door to commit even a misdemeanor is enough to warrant a burglary charge.

The fine on felonies has been increased from $1,000 to $5,000 under the code to keep up with inflation and the increased monetary value of goods, he said.

The theft of some items, such as credit cards, motor vehicles, firearms and narcotics, is considered a felony regardless of value under the new code. Narcotic and homicide law were not altered by the code because of recent revision by the legislature. Traffic laws and municipal ordinances are not affected by the code revision.

In the area of sexual crimes, the most significant change is lowering the age of the victim from 16 to 14 for statutory rape charges.

The code also wipes off old laws prohibiting married couples and two persons living together from engaging in "deviant sexual acts." It reduces the penalty from a felony to a misdemeanor for two persons of the same sex to consent to sexual activity.

Foley said most of the changes brought about from the code are sensible ones that are in response to modern times. Although new officers hired after Jan. 1 will be required to attend 120 hours of training, it will take some time for old law officers and court officials to learn the new law code.