



# THE MISSOURI BAR

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**DATE:** February 3, 2009  
**TO:** Senator Jason Crowell  
**FROM:** The Missouri Bar  
**RE:** Senate Joint Resolution 3

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Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

Senate Joint Resolution 3 would allow retrospective application of laws requiring sexual offenders to register with law enforcement. The Executive Committee recognizes the importance of maintaining a current sex offender registry to protect the public. At the same time, there is a concern about creating an exception to the current constitutional prohibition against *ex post facto* laws.

Terrence Messonnier, of the bar's Criminal Law Legislative Review Subcommittee submitted the following comment:

"While I believe that the current interpretation of the current constitutional language is probably broader than is necessary or appropriate, I do not believe that the proposed language is the right solution. Today, the exception is for one category of offenders and one type of legislation. Five years from now, there will be new legislative ideas and other categories of offenders and a new exception will be proposed until the [list of] exceptions is much longer than the actual clause."

Because of the above concerns, the Executive Committee voted to oppose Senate Joint Resolution 3. Thank you for considering the bar's position.