OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF THE CARE AND TREATMENT OF WILLIAM MURPHY.	)	No. ED101652
	)	Appeal from the Circuit Court of Marion County
	)	Honorable David C. Mobley
	)	FILED: June 23, 2015

Appellant William Murphy ("Murphy") appeals from the judgment of the Probate Division of the Circuit Court of Marion County ("the probate court") committing Murphy to secure confinement in the custody of the Department of Mental Health as a sexually violent predator ("SVP") pursuant to Sections 632.480 through 632.513. Murphy pleaded guilty to first-degree sexual abuse in 1983 and was sentenced to prison. On April 16, 2013, prior to Murphy's scheduled release from prison, the State filed a petition to have Murphy committed as an SVP. On July 2, 2013, House Bill 215 ("HB 215") was signed into law amending the definition of a "sexually violent offense." Murphy filed a motion to dismiss the State's petition seeking to commit Murphy as an SVP arguing that first-degree sexual abuse was not a qualifying offense for purposes of commitment under Section 632.480 when the State filed its petition. The probate court denied Murphy's motion to dismiss. On June 27, 2013, pursuant to a stipulation, the probate court entered a judgment committing Murphy to the Department of Mental Health as an SVP.

On appeal, Murphy contends the probate court erred in denying his motion to dismiss the petition because first-degree sexual abuse was not a qualifying offense under Section 632.480(4) at the time the State filed its petition to have him committed. Murphy maintains that the subsequent amendment to the statute constitutionally could not be applied retroactively because the amendment was a substantive change in the law affecting his fundamental right to liberty.

AFFIRMED.

Division III holds: Because the legislature clearly intended that the amendments to the SVP statute apply retroactively, and because the retroactive application of the SVP statute is not unconstitutional, the probate court did not err in applying the amended statute to Murphy's case. Accordingly, we affirm the judgment of the probate court.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Erika R. Eliason

Attorney for Respondent: Chris Koster and Mary H. Moore

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.