

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 62
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 30, 2009, with recommendation that the Senate Committee Substitute do pass.

0468S.06C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 115.350, 174.700, 192.925, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 566.226, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 577.029, 578.025, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof eighty-two new sections relating to crime, with penalty provisions and an emergency

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

clause for certain sections.

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

Section A. Sections 43.500, 43.503, 43.506, 43.540, 82.300, 115.350,
 2 174.700, 192.925, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 217.670,
 3 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 409.5-508, 409.6-604,
 4 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090,
 5 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147,
 6 566.149, 566.226, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025,
 7 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 577.029,
 8 578.025, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027,
 9 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee
 10 substitute for house committee substitute for senate committee substitute for
 11 senate bills nos. 930 & 947, ninety-fourth general assembly, second regular
 12 session and section 302.060 as enacted by house committee substitute for senate
 13 committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third
 14 general assembly, first regular session, and section 577.023 as enacted by senate
 15 committee substitute for house committee substitute for house bill no. 1715
 16 merged with conference committee substitute for house committee substitute for
 17 senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general
 18 assembly, second regular session, and section 577.023 as enacted by senate
 19 committee substitute for house committee substitute for house bill no. 1715,
 20 ninety-fourth general assembly, second regular session, are repealed and eighty-
 21 two new sections enacted in lieu thereof, to be known as sections 43.500, 43.503,
 22 43.506, 43.540, 82.300, 173.754, 174.700, 192.925, 195.214, 195.217, 195.218,
 23 217.439, 217.450, 217.460, 217.665, 217.670, 273.033, 273.036, 302.060, 302.311,
 24 302.750, 303.024, 306.109, 311.325, 311.326, 409.5-508, 409.6-604, 479.260,
 25 488.5025, 488.5032, 544.665, 545.050, 550.040, 556.036, 561.021, 561.031,
 26 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.148, 566.149, 566.150,
 27 566.155, 566.226, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025,
 28 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.153, 575.260,
 29 577.023, 577.029, 578.022, 578.024, 578.025, 578.026, 578.030, 578.250, 578.255,
 30 578.260, 578.265, 589.400, 589.425, 590.701, 595.027, 650.052, 650.055, 650.470,
 31 and 1, to read as follows:

43.500. As used in sections 43.500 to 43.543, the following terms mean:

- 2 (1) "Administration of criminal justice", performance of any of the
 3 following activities: detection, apprehension, detention, pretrial release, post-trial

4 release, prosecution, adjudication, correctional supervision, or rehabilitation of
5 accused persons or criminal offenders. The administration of criminal justice
6 shall include criminal identification activities and the collection, storage, and
7 dissemination of criminal history information, including fingerprint searches,
8 photographs, and other [indicia of] **unique biometric** identification;

9 (2) "Central repository", the **division within the** Missouri state highway
10 patrol [criminal records and identification division] **responsible** for compiling
11 and disseminating complete and accurate criminal history records and for
12 compiling, maintaining, and disseminating criminal incident and arrest reports
13 and statistics;

14 (3) "Committee", criminal records and justice information advisory
15 committee;

16 (4) "**Comparable ordinance violation**", a violation of an ordinance
17 **having all the essential elements of a statutory felony or a class A**
18 **misdemeanor**;

19 (5) "Criminal history record information", information collected by
20 criminal justice agencies on individuals consisting of identifiable descriptions and
21 notations of arrests, detentions, indictments, informations, or other formal
22 criminal charges, and any disposition arising therefrom, sentencing, correctional
23 supervision, and release;

24 [(5)] (6) "Final disposition", the formal conclusion of a criminal
25 proceeding at whatever stage it occurs in the criminal justice system;

26 [(6)] (7) "Missouri charge code", a unique number assigned by the office
27 of state courts administrator to an offense for tracking and grouping
28 offenses. Beginning January 1, 2005, the complete charge code shall consist of
29 digits assigned by the office of state courts administrator, the two-digit national
30 crime information center modifiers and a single digit designating attempt,
31 accessory, or conspiracy. The only exception to the January 1, 2005, date shall
32 be the courts that are not using the statewide court automation case management
33 pursuant to section 476.055, RSMo; the effective date will be as soon thereafter
34 as economically feasible for all other courts;

35 [(7)] (8) "State offense cycle number", a unique number, supplied by or
36 approved by the Missouri state highway patrol, on the state criminal fingerprint
37 card. The offense cycle number, OCN, is used to link the identity of a person,
38 through [fingerprints] **unique biometric identification**, to one or many
39 offenses for which the person is arrested or charged. The OCN will be used to

40 track an offense incident from the date of arrest to the final disposition when the
41 offender exits from the criminal justice system[.];

42 **(9) "Unique biometric identification", automated methods of**
43 **recognizing and identifying an individual based on a physiological**
44 **characteristic. Biometric identification methods may include but are**
45 **not limited to facial recognition, fingerprints, palm prints, hand**
46 **geometry, iris recognition, and retinal scan.**

43.503. 1. For the purpose of maintaining complete and accurate criminal
2 history record information, all police officers of this state, the clerk of each court,
3 the department of corrections, the sheriff of each county, the chief law
4 enforcement official of a city not within a county and the prosecuting attorney of
5 each county or the circuit attorney of a city not within a county shall submit
6 certain criminal arrest, charge, and disposition information to the central
7 repository for filing without undue delay in the form and manner required by
8 sections 43.500 to 43.543.

9 2. All law enforcement agencies making misdemeanor and felony arrests
10 as determined by section 43.506 shall furnish without undue delay, to the central
11 repository, fingerprints, **photograph and any other unique biometric**
12 **identification collected**, charges, appropriate charge codes, and descriptions
13 of all persons who are arrested for such offenses on standard fingerprint forms
14 supplied or approved by the highway patrol or electronically in a format and
15 manner approved by the highway patrol **and in compliance with the**
16 **standards set by the Federal Bureau of Investigation in its Automated**
17 **Fingerprint Identification System or its successor program.** All such
18 agencies shall also notify the central repository of all decisions not to refer such
19 arrests for prosecution. An agency making such arrests may enter into
20 arrangements with other law enforcement agencies for the purpose of furnishing
21 without undue delay such fingerprints, **photograph and any other unique**
22 **biometric identification collected**, charges, appropriate charge codes, and
23 descriptions to the central repository upon its behalf.

24 3. In instances where an individual less than seventeen years of age and
25 not currently certified as an adult is taken into custody for an offense which
26 would be a felony if committed by an adult, the arresting officer shall take
27 fingerprints for the central repository. These fingerprints shall be taken on
28 fingerprint cards supplied by or approved by the highway patrol or transmitted
29 electronically in a format and manner approved by the highway patrol **and in**

30 **compliance with the standards set by the Federal Bureau of**
31 **Investigation in its Automated Fingerprint Identification System or its**
32 **successor program.** The fingerprint cards shall be so constructed that the
33 name of the juvenile should not be made available to the central repository. The
34 individual's name and the unique number associated with the fingerprints and
35 other pertinent information shall be provided to the court of jurisdiction by the
36 agency taking the juvenile into custody. The juvenile's fingerprints and other
37 information shall be forwarded to the central repository and the courts without
38 undue delay. The fingerprint information from the card shall be captured and
39 stored in the automated fingerprint identification system operated by the central
40 repository. In the event the fingerprints are found to match other tenprints or
41 unsolved latent prints, the central repository shall notify the submitting agency
42 who shall notify the court of jurisdiction as per local agreement. **Under section**
43 **211.031, RSMo, in instances where a juvenile over fifteen and one-half**
44 **years of age is alleged to have violated a state or municipal traffic**
45 **ordinance or regulation, which does not constitute a felony, and the**
46 **juvenile court does not have jurisdiction, the juvenile shall not be**
47 **fingerprinted unless certified as an adult.**

48 4. Upon certification of the individual as an adult, the certifying court
49 shall order a law enforcement agency to immediately fingerprint **and**
50 **photograph** the individual **and certification papers will be forwarded to**
51 **the appropriate law enforcement agency with the order for**
52 **fingerprinting.** The law enforcement agency shall submit such fingerprints,
53 **photograph and certification papers** to the central repository within fifteen
54 days and shall furnish the offense cycle number associated with the fingerprints
55 to the prosecuting attorney or the circuit attorney of a city not within a county
56 and to the clerk of the court ordering the subject fingerprinted. If the juvenile is
57 acquitted of the crime and is no longer certified as an adult, the prosecuting
58 attorney shall notify within fifteen days the central repository of the change of
59 status of the juvenile. Records of a child who has been fingerprinted and
60 photographed after being taken into custody shall be closed records as provided
61 under section 610.100, RSMo, if a petition has not been filed within thirty days
62 of the date that the child was taken into custody; and if a petition for the child
63 has not been filed within one year of the date the child was taken into custody,
64 any records relating to the child concerning the alleged offense may be expunged
65 under the procedures in sections 610.122 to 610.126, RSMo.

66 5. The prosecuting attorney of each county or the circuit attorney of a city
67 not within a county **or the municipal prosecuting attorney** shall notify the
68 central repository on standard forms supplied by the highway patrol or in a
69 manner approved by the highway patrol [of all charges filed, including all those
70 added subsequent to the filing of a criminal court case, and whether charges were
71 not filed in criminal cases for which the central repository has a record of an
72 arrest] **of his or her decision to not file a criminal charge on any charge**
73 **referred to such prosecuting attorney or circuit attorney for criminal**
74 **charges.** All records forwarded to the central repository **and the courts** by
75 prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall
76 include the state offense cycle number of the offense, the charge code for the
77 offense, and the originating agency identifier number of the reporting prosecutor,
78 using such numbers as assigned by the highway patrol.

79 6. The clerk of the courts of each county or city not within a county **or**
80 **municipal court clerk** shall furnish the central repository, on standard forms
81 supplied by the highway patrol or in a manner approved by the highway patrol,
82 **with a record of all charges filed, including all those added subsequent**
83 **to the filing of a criminal court case, amended charges, and** all final
84 dispositions of cases for which the central repository has a record of an arrest or
85 a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such
86 information shall include, for each charge:

87 (1) All judgments of not guilty, acquittals on the ground of mental disease
88 or defect excluding responsibility, judgments or pleas of guilty including the
89 sentence, if any, or probation, if any, pronounced by the court, nolle pros,
90 discharges, releases and dismissals in the trial court;

91 (2) Court orders filed with the clerk of the courts which reverse a reported
92 conviction or vacate or modify a sentence;

93 (3) Judgments terminating or revoking a sentence to probation,
94 supervision or conditional release and any resentencing after such revocation; and

95 (4) The offense cycle number of the offense, and the originating agency
96 identifier number of the sentencing court, using such numbers as assigned by the
97 highway patrol.

98 7. The clerk of the courts of each county or city not within a county shall
99 furnish, to the department of corrections or department of mental health, court
100 judgment and sentence documents and the state offense cycle number and the
101 charge code of the offense which resulted in the commitment or assignment of an

102 offender to the jurisdiction of the department of corrections or the department of
103 mental health if the person is committed pursuant to chapter 552, RSMo. This
104 information shall be reported to the department of corrections or the department
105 of mental health at the time of commitment or assignment. If the offender was
106 already in the custody of the department of corrections or the department of
107 mental health at the time of such subsequent conviction, the clerk shall furnish
108 notice of such subsequent conviction to the appropriate department by certified
109 mail, return receipt requested, or in a manner and format mutually agreed to,
110 within fifteen days of such disposition.

111 8. Information and fingerprints, [and other indicia] **photograph and**
112 **any other unique biometric identification collected**, forwarded to the
113 central repository, normally obtained from a person at the time of the arrest, may
114 be obtained at any time the subject is in the criminal justice system or committed
115 to the department of mental health. A law enforcement agency or the department
116 of corrections may fingerprint, **photograph and capture any other unique**
117 **biometric identification of** the person and obtain the necessary information
118 at any time the subject is in custody. If at the time of [disposition] **any court**
119 **appearance**, the defendant has not been fingerprinted **and photographed** for
120 an offense in which a fingerprint **and photograph** is required by statute to be
121 collected, maintained, or disseminated by the central repository, the court shall
122 order a law enforcement agency **or court marshal** to fingerprint **and**
123 **photograph** immediately the defendant. **The order for fingerprints shall**
124 **contain the offense, charge code, date of offense, and any other**
125 **information necessary to complete the fingerprint card.** The law
126 enforcement agency **or court marshal** shall submit such fingerprints,
127 **photograph and any other unique biometric identification collected**, to
128 the central repository without undue delay and within thirty days and shall
129 furnish the offense cycle number associated with the fingerprints to the
130 prosecuting attorney or the circuit attorney of a city not within a county and to
131 the court clerk of the court ordering the subject fingerprinted.

132 9. The department of corrections and the department of mental health
133 shall furnish the central repository with all information concerning the receipt,
134 escape, execution, death, release, pardon, parole, commutation of sentence,
135 granting of executive clemency, legal name change, or discharge of an individual
136 who has been sentenced to that department's custody for any offenses which are
137 mandated by law to be collected, maintained or disseminated by the central

138 repository. All records forwarded to the central repository by the department as
139 required by sections 43.500 to 43.543 shall include the offense cycle number of the
140 offense, and the originating agency identifier number of the department using
141 such numbers as assigned by the highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of
2 sections 43.500 to 43.543 include all felonies [and serious or aggravated]; **class**
3 **A misdemeanors; all violations for driving under the influence of drugs**
4 **or alcohol; any offense that can be enhanced to a class A misdemeanor**
5 **or higher for subsequent violations; and comparable ordinance**
6 **violations** consistent with the reporting standards established by the National
7 Crime Information Center, Federal Bureau of Investigation, for the Federal
8 Interstate Identification Index System[. In addition,]; **and** all cases arising
9 [pursuant to sections 566.010 to 566.141, RSMo, where the defendant pleads
10 guilty to an offense involving a child under seventeen years of age and the court
11 imposes a suspended imposition of sentence shall be reported] **under chapter**
12 **566, RSMo.** The following types of offenses shall not be considered reportable
13 for the purposes of sections 57.403, RSMo, 43.500 to 43.543, and 595.200 to
14 595.218, RSMo: [disturbing the peace, curfew violation, loitering, false fire
15 alarm, disorderly conduct,] nonspecific charges of suspicion or investigation, [and]
16 general traffic violations and all misdemeanor violations of the state wildlife
17 code. [All violations for driving under the influence of drugs or alcohol are
18 reportable.] All offenses considered reportable shall be reviewed annually and
19 noted in the Missouri charge code manual established in section 43.512. All
20 information collected pursuant to sections 43.500 to 43.543 shall be available only
21 as set forth in section 610.120, RSMo.

22 2. Law enforcement agencies, court clerks, prosecutors and custody
23 agencies may report required information by electronic medium either directly to
24 the central repository or indirectly to the central repository via other criminal
25 justice agency computer systems in the state with the approval of the highway
26 patrol, based upon standards established by the advisory committee.

27 3. In addition to the repository of fingerprint records for individual
28 offenders and applicants, the central repository of criminal history and
29 identification records for the state shall maintain a repository of latent prints,
30 palm prints and other [prints] **unique biometric identification** submitted to
31 the repository.

43.540. 1. As used in this section, the following terms mean:

2 (1) "Authorized state agency", a division of state government or an office
3 of state government designated by the statutes of Missouri to issue or renew a
4 license, permit, certification, or registration of authority to a qualified entity;

5 (2) "Care", the provision of care, treatment, education, training,
6 instruction, supervision, or recreation;

7 (3) "Missouri criminal record review", a review of criminal history records
8 and sex offender registration records pursuant to sections 589.400 to 589.425,
9 RSMo, maintained by the Missouri state highway patrol in the Missouri criminal
10 records repository;

11 (4) "National criminal record review", a review of the criminal history
12 records maintained by the Federal Bureau of Investigation;

13 (5) "Patient or resident", a person who by reason of age, illness, disease
14 or physical or mental infirmity receives or requires care or services furnished by
15 a provider, as defined in this section, or who resides or boards in, or is otherwise
16 kept, cared for, treated or accommodated in a facility as defined in section
17 198.006, RSMo, for a period exceeding twenty-four consecutive hours;

18 (6) "Provider", a person who:

19 (a) Has or may have unsupervised access to children, the elderly, or
20 persons with disabilities; and

21 (b) a. Is employed by or seeks employment with a qualified entity; or

22 b. Volunteers or seeks to volunteer with a qualified entity; or

23 c. Owns or operates a qualified entity;

24 (7) "Qualified entity", a person, business, or organization, whether public
25 or private, for profit, not for profit, or voluntary, that provides care, placement,
26 or educational services for children, the elderly, or persons with disabilities as
27 patients or residents, including a business or organization that licenses or
28 certifies others to provide care or placement services;

29 (8) "Youth services agency", any public or private agency, school, or
30 association which provides programs, care or treatment for or which exercises
31 supervision over minors.

32 2. A qualified entity may obtain a Missouri criminal record review of a
33 provider from the highway patrol by furnishing information on forms and in the
34 manner approved by the highway patrol. **The qualified entity shall register**
35 **with the highway patrol before submitting a request for screening**
36 **under this section and:**

37 (1) **Each such request shall be voluntary and conform to the**

38 requirements established in the National Child Protection Act of 1993,
39 as amended. As a part of the registration, the qualified entity shall
40 agree to comply with state and federal law and shall so indicate by
41 signing an agreement approved by the highway patrol. The highway
42 patrol may periodically audit qualified entities to ensure compliance
43 with federal law and this section;

44 (2) A qualified entity shall submit to the highway patrol a
45 request for screening an employee or volunteer or person applying to
46 be an employee or volunteer on a completed fingerprint card, with a
47 signed waiver allowing the release of state and national criminal
48 history record information to the qualified entity;

49 (3) Each such request shall be accompanied by a fee, which shall
50 approximate the actual cost of producing the record information, as
51 provided in section 43.530, plus the amount required by the Federal
52 Bureau of Investigation for the national criminal history check in
53 compliance with the National Child Protection Act of 1993, as amended;

54 (4) Any current or prospective employee or volunteer who is
55 subject to a request for screening shall indicate to the qualified entity
56 submitting the request the name and address of each qualified entity
57 that has submitted a previous request for screening regarding that
58 employee or volunteer;

59 (5) The highway patrol shall provide directly to the qualified
60 entity the state criminal history records that are not exempt from
61 disclosure under section 610.120, RSMo, or otherwise confidential
62 under law;

63 (6) The national criminal history data is available to qualified
64 entities to use only for the purpose of screening employees and
65 volunteers or persons applying to be an employee or volunteer with a
66 qualified entity. The highway patrol shall provide this national
67 criminal history record information directly to the qualified entity as
68 authorized by the written waiver required for submission of a request
69 to the highway patrol;

70 (7) The determination whether the criminal history record shows
71 that the employee or volunteer has been convicted of or is under
72 pending indictment for any crime that bears upon the fitness of the
73 employee or volunteer to have responsibility for the safety and well-
74 being of children, the elderly, or disabled persons shall solely be made

75 by the qualified entity. This section does not require the highway
76 patrol to make such a determination on behalf of any qualified entity;

77 (8) The qualified entity shall notify, in writing, the person of his
78 or her right to obtain a copy of any background screening report,
79 including the criminal history records, if any, contained in the report,
80 and of the person's right to challenge the accuracy and completeness
81 of any information contained in any such report and to obtain a
82 determination as to the validity of such challenge before a final
83 determination regarding the person is made by the qualified entity
84 reviewing the criminal history information. A qualified entity that is
85 required by law to apply screening criteria, including any right to
86 contest or request an exemption from disqualification, shall apply such
87 screening criteria to the state and national criminal history record
88 information received from the highway patrol for those persons subject
89 to the required screening;

90 (9) A qualified entity is not liable for damages for failing, in the
91 exercise of just ordinary care, to obtain the information under this
92 section with respect to an employee or volunteer. The state, any
93 political subdivision of the state, or any agency, officer, or employee of
94 the state or a political subdivision is liable for damages for providing
95 the information requested under this section only in accordance with
96 the terms of sections 537.600 and 537.610, RSMo.

97 3. [A qualified entity may request a Missouri criminal record review and
98 a national criminal record review of a provider through an authorized state
99 agency. No authorized state agency is required by this section to process
100 Missouri or national criminal record reviews for a qualified entity, however, if an
101 authorized state agency agrees to process Missouri and national criminal record
102 reviews for a qualified entity, the qualified entity shall provide to the authorized
103 state agency on forms and in a manner approved by the highway patrol the
104 following:

105 (1) Two sets of fingerprints of the provider if a national criminal record
106 review is requested;

107 (2) A statement signed by the provider which contains:

108 (a) The provider's name, address, and date of birth;

109 (b) Whether the provider has been convicted of or has pled guilty to a
110 crime which includes a suspended imposition of sentence;

111 (c) If the provider has been convicted of or has pled guilty to a crime, a
112 description of the crime, and the particulars of the conviction or plea;

113 (d) The authority of the qualified entity to check the provider's criminal
114 history;

115 (e) The right of the provider to review the report received by the qualified
116 entity; and

117 (f) The right of the provider to challenge the accuracy of the report. If the
118 challenge is to the accuracy of the criminal record review, the challenge shall be
119 made to the highway patrol.

120 4. The authorized state agency shall forward the required forms and fees
121 to the highway patrol. The results of the record review shall be forwarded to the
122 authorized state agency who will notify the qualified entity. The authorized state
123 agency may assess a fee to the qualified entity to cover the cost of handling the
124 criminal record review and may establish an account solely for the collection and
125 dissemination of fees associated with the criminal record reviews.

126 5. Any information received by an authorized state agency or a qualified
127 entity pursuant to the provisions of this section shall be used solely for internal
128 purposes in determining the suitability of a provider. The dissemination of
129 criminal history information from the Federal Bureau of Investigation beyond the
130 authorized state agency or related governmental entity is prohibited.] All
131 criminal record check information shall be confidential and any person who
132 discloses the information beyond the scope allowed is guilty of a class A
133 misdemeanor.

134 [6.] 4. The highway patrol shall make available or approve the necessary
135 forms, procedures, and agreements necessary to implement the provisions of this
136 section.

82.300. 1. Any city with a population of four hundred thousand or more
2 inhabitants which is located in more than one county may enact all needful
3 ordinances for preserving order, securing persons or property from violence,
4 danger and destruction, protecting public and private property and for promoting
5 the general interests and ensuring the good government of the city, and for the
6 protection, regulation and orderly government of parks, public grounds and other
7 public property of the city, both within and beyond the corporate limits of such
8 city; and to prescribe and impose, enforce and collect fines, forfeitures and
9 penalties for the breach of any provisions of such ordinances and to punish the
10 violation of such ordinances by fine or imprisonment, or by both fine and

11 imprisonment; but no fine shall exceed [five hundred] **one thousand** dollars nor
12 imprisonment exceed twelve months for any such offense, except as provided in
13 subsection 2 of this section.

14 2. Any city with a population of four hundred thousand or more
15 inhabitants which is located in more than one county which operates a publicly
16 owned treatment works in accordance with an approved pretreatment program
17 pursuant to the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644,
18 RSMo, may enact all necessary ordinances which require compliance by an
19 industrial user with any pretreatment standard or requirement. Such ordinances
20 may authorize injunctive relief or the imposition of a fine of at least one thousand
21 dollars but not more than five thousand dollars per violation for noncompliance
22 with such pretreatment standards or requirements. For any continuing violation,
23 each day of the violation shall be considered a separate offense.

24 3. Any city with a population of more than four hundred thousand
25 inhabitants may enact all needful ordinances to protect public and private
26 property from illegal and unauthorized dumping and littering, and to punish the
27 violation of such ordinances by a fine not to exceed one thousand dollars or by
28 imprisonment not to exceed twelve months for each offense, or by both such fine
29 and imprisonment.

30 4. Any city with a population of more than four hundred thousand
31 inhabitants may enact all needful ordinances to protect public and private
32 property from nuisance and property maintenance code violations, and to punish
33 the violation of such ordinances by a fine not to exceed one thousand dollars or
34 by imprisonment not to exceed twelve months for each offense, or by both such
35 fine and imprisonment.

**173.754. 1. It is unlawful for a person to knowingly use or
2 attempt to use, in connection with admission to any institution of
3 higher education or in connection with any business, employment,
4 occupation, profession, trade, or public office:**

5 **(1) A false or misleading degree from any institution of higher
6 education, regardless of whether that institution is located in Missouri
7 and regardless of whether the institution has been issued a certificate
8 of approval or temporary certificate of approval by the board; or**

9 **(2) A degree from any institution of higher education in a false
10 or misleading manner, regardless of whether that institution is located
11 in Missouri and regardless of whether the institution has been issued**

12 a certificate of approval or temporary certificate of approval by the
13 board.

14 2. For the purposes of this section, a degree is false or
15 misleading or is used in a false or misleading manner if it:

16 (1) States or suggests that the person named in the degree has
17 completed the requirements of an academic or professional program of
18 study in a particular field of endeavor beyond the secondary school
19 level and the person has not, in fact, completed the requirements of the
20 program of study;

21 (2) Is offered as his or her own by a person other than the person
22 who completed the requirements of the program of study; or

23 (3) Is awarded, bestowed, conferred, given, granted, conveyed,
24 or sold in violation of this chapter.

25 3. The penalty for a violation of this section shall be a class C
26 misdemeanor.

27 4. For purposes of this section, the term "board" shall mean the
28 coordinating board for higher education.

174.700. The board of regents or board of governors of any state college
2 or university may appoint and employ as many college or university police officers
3 as it may deem necessary to protect persons, property, and to preserve peace and
4 good order only in the public buildings, properties, grounds, and other facilities
5 and locations over which it has charge or control **and to respond to**
6 **emergencies or natural disasters outside of the boundaries of**
7 **university property and provide services if requested by the law**
8 **enforcement agency with jurisdiction.**

192.925. 1. To increase public awareness of the problem of elder abuse
2 and neglect **and financial exploitation of the elderly**, the department of
3 health and senior services shall implement an education and awareness
4 program. Such program shall have the goal of reducing the incidences of elder
5 abuse and neglect **and financial exploitation of the elderly**, and may focus
6 on:

7 (1) The education and awareness of mandatory reporters on their
8 responsibility to report elder abuse and neglect **and financial exploitation of**
9 **the elderly**;

10 (2) Targeted education and awareness for the public on the problem,
11 identification and reporting of elder abuse and neglect **and financial**

12 **exploitation of the elderly;**

13 (3) Publicizing the elder abuse and neglect hot line telephone number;

14 (4) Education and awareness for law enforcement agencies and
15 prosecutors on the problem and identification of elder abuse and neglect **and**
16 **financial exploitation of the elderly**, and the importance of prosecuting cases
17 pursuant to chapter 565, RSMo; and

18 (5) Publicizing the availability of background checks prior to hiring an
19 individual for caregiving purposes.

20 2. The department of social services and facilities licensed pursuant to
21 chapters 197 and 198, RSMo, shall cooperate fully with the department of health
22 and senior services in the distribution of information pursuant to this program.

195.214. 1. A person commits the offense of distribution of a controlled
2 substance near schools if, **regardless of knowledge of his or her proximity**
3 **to a school, college, or university**, such person violates section 195.211 by
4 unlawfully distributing or delivering any controlled substance to a person in or
5 on, or within two thousand feet of, the real property comprising a public or
6 private elementary or secondary school, public vocational school, or a public or
7 private community college, college or university or on any school bus.

8 2. Distribution of a controlled substance near schools is a class A felony
9 which term shall be served without probation or parole if the court finds the
10 defendant is a persistent drug offender.

195.217. 1. A person commits the offense of distribution of a controlled
2 substance near a park if, **regardless of knowledge of his or her proximity**
3 **to a park**, such person violates section 195.211 by unlawfully distributing or
4 delivering heroin, cocaine, LSD, amphetamine, or methamphetamine to a person
5 in or on, or within one thousand feet of, the real property comprising a public
6 park, state park, county park, or municipal park or a public or private park
7 designed for public recreational purposes, as park is defined in section 253.010,
8 RSMo.

9 2. Distribution of a controlled substance near a park is a class A felony.

195.218. 1. A person commits the offense of distribution of a controlled
2 substance near public housing or other governmental assisted housing if [he],
3 **regardless of knowledge of his or her proximity to public or other**
4 **governmental assisted housing, such person** violates section 195.211 by
5 unlawfully distributing or delivering any controlled substance to a person in or
6 on, or within one thousand feet of the real property comprising public housing or

7 other governmental assisted housing.

8 2. Distribution of a controlled substance near public housing or other
9 governmental assisted housing is a class A felony which term shall be served
10 without probation or parole if the court finds the defendant is a persistent drug
11 offender.

**217.439. Upon the victim's request, a photograph shall be taken
2 of the incarcerated individual prior to release from incarceration and
3 a copy of the photograph shall be provided to the crime victim.**

217.450. 1. Any person confined in a department correctional facility may
2 request a final disposition of any untried indictment, information or complaint
3 pending in this state on the basis of which a **law enforcement agency,**
4 **prosecuting attorney's office, or circuit attorney's office has delivered**
5 **a certified copy of a warrant and has requested that a detainer [has been]**
6 **be lodged against him [while so imprisoned] with the facility where the**
7 **offender is confined.** The request shall be in writing addressed to the court
8 in which the indictment, information or complaint is pending and to the
9 prosecuting attorney charged with the duty of prosecuting it, and shall set forth
10 the place of imprisonment.

11 2. **When the director receives a certified copy of a warrant and**
12 **a written request by the issuing agency to place a detainer, the director**
13 **shall lodge a detainer in favor of the requesting agency.** The director
14 shall promptly inform each offender in writing of the source and nature of any
15 untried indictment, information or complaint for which a detainer has been
16 lodged against him of which the director has knowledge, and of his right to make
17 a request for final disposition of such indictment, information or complaint on
18 which the detainer is based.

19 3. Failure of the director to [inform an offender, as required by this
20 section, within one year after a detainer has been filed at the facility shall entitle
21 him to a final dismissal of the indictment, information or complaint with
22 prejudice] **comply with this section shall not be the basis for dismissing**
23 **the indictment, information, or complaint unless the court also finds**
24 **that the offender has been denied his or her constitutional right to a**
25 **speedy trial.**

217.460. Within one hundred eighty days after the receipt of the request
2 and certificate, pursuant to sections 217.450 and 217.455, by the court and the
3 prosecuting attorney or within such additional necessary or reasonable time as

4 the court may grant, for good cause shown in open court, the offender or his
5 counsel being present, the indictment, information or complaint shall be brought
6 to trial. The parties may stipulate for a continuance or a continuance may be
7 granted if notice is given to the attorney of record with an opportunity for him to
8 be heard. If the indictment, information or complaint is not brought to trial
9 within the period **and if the court finds that the offender's constitutional**
10 **right to a speedy trial has been denied**, no court of this state shall have
11 jurisdiction of such indictment, information or complaint, nor shall the untried
12 indictment, information or complaint be of any further force or effect; and the
13 court shall issue an order dismissing the same with prejudice.

217.665. 1. Beginning August 28, 1996, the board of probation and parole
2 shall consist of seven members appointed by the governor by and with the advice
3 and consent of the senate.

4 2. Beginning August 28, 1996, members of the board shall be persons of
5 recognized integrity and honor, known to possess education and ability in decision
6 making through career experience and other qualifications for the successful
7 performance of their official duties. Not more than four members of the board
8 shall be of the same political party.

9 3. At the expiration of the term of each member and of each succeeding
10 member, the governor shall appoint a successor who shall hold office for a term
11 of six years and until his successor has been appointed and qualified. Members
12 may be appointed to succeed themselves.

13 4. Vacancies occurring in the office of any member shall be filled by
14 appointment by the governor for the unexpired term.

15 5. The governor shall designate one member of the board as chairman
16 **and one member as vice-chairman**. The chairman shall be the director of the
17 division and shall have charge of the division's operations, funds and
18 expenditures. **In the event of the chairman's removal, death, resignation,**
19 **or inability to serve, the vice-chairman shall act as chairman upon**
20 **written order of the governor or chairman**. [The chairman shall designate
21 by order of record another member to act as chairman in the event of absence or
22 sickness of the chairman, and during such time the member so appointed by the
23 chairman shall possess all powers of the chairman.]

24 6. Members of the board shall devote full time to the duties of their office
25 and before taking office shall subscribe to an oath or affirmation to support the
26 Constitution of the United States and the Constitution of the State of

27 Missouri. The oath shall be signed in the office of the secretary of state.

28 7. The annual compensation for each member of the board whose term
29 commenced before August 28, 1999, shall be forty-five thousand dollars plus any
30 salary adjustment, including prior salary adjustments, provided pursuant to
31 section 105.005, RSMo. Salaries for board members whose terms commence after
32 August 27, 1999, shall be set as provided in section 105.950, RSMo; provided,
33 however, that the compensation of a board member shall not be increased during
34 the member's term of office, except as provided in section 105.005, RSMo. In
35 addition to compensation provided by law, the members shall be entitled to
36 reimbursement for necessary travel and other expenses incurred pursuant to
37 section 33.090, RSMo.

38 8. Any person who served as a member of the board of probation and
39 parole prior to July 1, 2000, shall be made, constituted, appointed and employed
40 by the board of trustees of the state employees' retirement system as a special
41 consultant on the problems of retirement, aging and other state matters. As
42 compensation for such services, such consultant shall not be denied use of any
43 unused sick leave, or the ability to receive credit for unused sick leave pursuant
44 to chapter 104, RSMo, provided such sick leave was maintained by the board of
45 probation and parole in the regular course of business prior to July 1, 2000, but
46 only to the extent of such sick leave records are consistent with the rules
47 promulgated pursuant to section 36.350, RSMo. Nothing in this section shall
48 authorize the use of any other form of leave that may have been maintained by
49 the board prior to July 1, 2000.

 217.670. 1. The board shall adopt an official seal of which the courts shall
2 take official notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a
4 conditional release date or revocations of a parole or conditional release shall be
5 by a majority vote of the hearing panel members. The hearing panel shall consist
6 of one member of the board and two hearing officers appointed by the board. A
7 member of the board may remove the case from the jurisdiction of the hearing
8 panel and refer it to the full board for a decision. Within thirty days of entry of
9 the decision of the hearing panel to deny parole or to revoke a parole or
10 conditional release, the offender may appeal the decision of the hearing panel to
11 the board. The board shall consider the appeal within thirty days of receipt of
12 the appeal. The decision of the board shall be by majority vote of the board
13 members and shall be final.

14 3. The orders of the board shall not be reviewable except as to compliance
15 with the terms of sections 217.650 to 217.810 or any rules promulgated pursuant
16 to such section.

17 4. The board shall keep a record of its acts and shall notify each
18 correctional center of its decisions relating to persons who are or have been
19 confined in such correctional center.

20 5. Notwithstanding any other provision of law, any meeting, record, or
21 vote, of proceedings involving probation, parole, or pardon, may be a closed
22 meeting, closed record, or closed vote.

23 **6. Notwithstanding any other provision of law to the contrary,**
24 **when the appearance or presence of an offender before the board or a**
25 **hearing panel is required for the purpose of deciding whether to grant**
26 **conditional release or parole, extending the date of conditional release,**
27 **revoking parole or conditional release, or for any other purpose, such**
28 **appearance or presence may occur by means of a video conference at**
29 **the discretion of the board. Victims having a right to attend such**
30 **hearings may testify either at the site where the board is conducting**
31 **the video conference or at the institution where the offender is located.**

273.033. 1. In any action for damages or a criminal prosecution
2 **against any person for killing or injuring a dog, a showing by a**
3 **preponderance of the evidence that such person was in reasonable**
4 **apprehension of imminent harmful contact by the dog or was acting to**
5 **prevent such imminent harmful contact against another person by the**
6 **dog shall constitute an absolute defense to criminal prosecution or civil**
7 **liability for the killing or injuring of such animal.**

8 **2. If a person has, on at least two occasions, complained to the**
9 **county sheriff or to the appropriate animal control authority in his or**
10 **her jurisdiction that a dog, not on a leash, has trespassed on property**
11 **that such person owns, rents, or leases or on any property that**
12 **constitutes such person's residence, and when at least one of the prior**
13 **two complaints was motivated by reasonable apprehension for such**
14 **person's safety or the safety of another person or apprehension of**
15 **substantial damage to livestock or property, then any subsequent**
16 **trespass by such dog shall constitute prima facie evidence that such**
17 **person was in reasonable apprehension of imminent harmful**
18 **contact. The county sheriff or animal control authority to which any**
19 **complaint under this section is made shall notify the owner of the**

20 alleged trespassing dog of such complaint. Failure by a county sheriff
21 or animal control authority to notify a dog owner under this subsection
22 shall not invalidate or be construed in any way to limit any other
23 provision of this subsection.

24 3. The court shall award attorney's fees, court costs, and all
25 reasonable expenses incurred by the defendant in defense of any
26 criminal prosecution or in any civil action brought by a plaintiff if the
27 court finds that the defendant has an absolute defense as provided in
28 subsection 1 of this section.

29 4. This section shall not be construed to provide an absolute
30 defense to a person who is engaged in or attempting to engage in a
31 criminal activity at the time of the apprehension of imminent harmful
32 contact, or to a person for any damage or injury to any person or
33 property other than the dog itself that may result from actions taken
34 in an attempt to injure or kill such dog.

273.036. 1. The owner or possessor of any dog that bites, without
2 provocation, any person while such person is on public property, or
3 lawfully on private property, including the property of the owner or
4 possessor of the dog, is strictly liable for damages suffered by persons
5 bitten, regardless of the former viciousness of the dog or the owner's
6 or possessor's knowledge of such viciousness. Owners and possessors
7 of dogs shall also be strictly liable for any damage to property or
8 livestock proximately caused by their dogs. If it is determined that the
9 damaged party had fault in the incident, any damages owed by the
10 owner or possessor of the biting dog shall be reduced by the same
11 percentage that the damaged party's fault contributed to the
12 incident. The provisions of this section shall not apply to dogs killing
13 or maiming sheep or other domestic animals under section 273.020.

14 2. Any person who is held liable under the provisions of
15 subsection 1 of this section shall pay a fine not exceeding one thousand
16 dollars. The remedies provided by this section are in addition to and
17 cumulative with any other remedy provided by statute or common law.

302.060. 1. The director shall not issue any license and shall immediately
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such
9 suspension, or to any person whose license has been revoked, until the expiration
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, RSMo, until such judgment has been satisfied or the
19 financial responsibility of such person, as defined in section 303.120, RSMo, has
20 been established;

21 (8) To any person whose application shows that the person has been
22 convicted within one year prior to such application of violating the laws of this
23 state relating to failure to stop after an accident and to disclose the person's
24 identity or driving a motor vehicle without the owner's consent;

25 (9) To any person who has been convicted more than twice of violating
26 state law, or a county or municipal ordinance where the defendant was
27 represented by or waived the right to an attorney in writing, relating to driving
28 while intoxicated; except that, after the expiration of ten years from the date of
29 conviction of the last offense of violating such law or ordinance relating to driving
30 while intoxicated, a person who was so convicted may petition the circuit court
31 of the county in which such last conviction was rendered and the court shall
32 review the person's habits and conduct since such conviction. If the court finds
33 that the petitioner has not been convicted of any offense related to alcohol,
34 controlled substances or drugs during the preceding ten years and that the
35 petitioner's habits and conduct show such petitioner to no longer pose a threat to
36 the public safety of this state, the court may order the director to issue a license
37 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions
38 of sections 302.010 to 302.540. No person may obtain a license pursuant to the
39 provisions of this subdivision through court action more than one time;

40 (10) To any person who has been convicted twice within a five-year period
41 of violating state law, or a county or municipal ordinance where the defendant

42 was represented by or waived the right to an attorney in writing, of driving while
43 intoxicated, **or any other intoxication-related traffic offense as defined**
44 **in subdivision (3) of subsection 1 of section 577.023, RSMo**, or who has
45 been convicted of the crime of involuntary manslaughter while operating a motor
46 vehicle in an intoxicated condition. The director shall not issue a license to such
47 person for five years from the date such person was convicted **or pled guilty** for
48 involuntary manslaughter while operating a motor vehicle in an intoxicated
49 condition or for driving while intoxicated **or any other intoxication-related**
50 **traffic offense as defined in subdivision (3) of subsection 1 of section**
51 **577.023, RSMo**, for the second time[. Any person who has been denied a license
52 for two convictions of driving while intoxicated prior to July 27, 1989, shall have
53 the person's license issued, upon application, unless the two convictions occurred
54 within a five-year period, in which case, no license shall be issued to the person
55 for five years from the date of the second conviction];

56 (11) To any person who is otherwise disqualified pursuant to the
57 provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046,
58 RSMo;

59 (12) To any person who is under the age of eighteen years, if such person's
60 parents or legal guardians file a certified document with the department of
61 revenue stating that the director shall not issue such person a driver's
62 license. Each document filed by the person's parents or legal guardians shall be
63 made upon a form furnished by the director and shall include identifying
64 information of the person for whom the parents or legal guardians are denying
65 the driver's license. The document shall also contain identifying information of
66 the person's parents or legal guardians. The document shall be certified by the
67 parents or legal guardians to be true and correct. This provision shall not apply
68 to any person who is legally emancipated. The parents or legal guardians may
69 later file an additional document with the department of revenue which
70 reinstates the person's ability to receive a driver's license.

71 2. Any person whose license is reinstated under the provisions of
72 subdivisions (9) and (10) of subsection 1 of this section shall be required to file
73 proof with the director of revenue that any motor vehicle operated by the person
74 is equipped with a functioning, certified ignition interlock device as a required
75 condition of reinstatement. The ignition interlock device shall further be required
76 to be maintained on all motor vehicles operated by the person for a period of not
77 less than six months immediately following the date of reinstatement. If the

78 person fails to maintain such proof with the director, the license shall be
79 suspended for the remainder of the six-month period or until proof as required by
80 this section is filed with the director. Upon the completion of the six-month
81 period, the license shall be shown as reinstated, if the person is otherwise
82 eligible.

[302.060. The director shall not issue any license and shall
2 immediately deny any driving privilege:

3 (1) To any person who is under the age of eighteen years,
4 if such person operates a motor vehicle in the transportation of
5 persons or property as classified in section 302.015;

6 (2) To any person who is under the age of sixteen years,
7 except as hereinafter provided;

8 (3) To any person whose license has been suspended, during
9 such suspension, or to any person whose license has been revoked,
10 until the expiration of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is
12 addicted to the use of narcotic drugs;

13 (5) To any person who has previously been adjudged to be
14 incapacitated and who at the time of application has not been
15 restored to partial capacity;

16 (6) To any person who, when required by this law to take
17 an examination, has failed to pass such examination;

18 (7) To any person who has an unsatisfied judgment against
19 such person, as defined in chapter 303, RSMo, until such judgment
20 has been satisfied or the financial responsibility of such person, as
21 defined in section 303.120, RSMo, has been established;

22 (8) To any person whose application shows that the person
23 has been convicted within one year prior to such application of
24 violating the laws of this state relating to failure to stop after an
25 accident and to disclose the person's identity or driving a motor
26 vehicle without the owner's consent;

27 (9) To any person who has been convicted more than twice
28 of violating state law, or a county or municipal ordinance where the
29 defendant was represented by or waived the right to an attorney in
30 writing, relating to driving while intoxicated; except that, after the
31 expiration of ten years from the date of conviction of the last

offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the

68 person's parents or legal guardians shall be made upon a form
69 furnished by the director and shall include identifying information
70 of the person for whom the parents or legal guardians are denying
71 the driver's license. The document shall also contain identifying
72 information of the person's parents or legal guardians. The
73 document shall be certified by the parents or legal guardians to be
74 true and correct. This provision shall not apply to any person who
75 is legally emancipated. The parents or legal guardians may later
76 file an additional document with the department of revenue which
77 reinstates the person's ability to receive a driver's license.]

302.311. In the event an application for a license is denied or withheld,
2 or in the event that a license is suspended or revoked by the director, the
3 applicant or licensee so aggrieved may appeal to the circuit court of the county
4 of his residence in the manner provided by chapter 536, RSMo, for the review of
5 administrative decisions at any time within thirty days after notice that a license
6 is denied or withheld or that a license is suspended or revoked. Upon such
7 appeal the cause shall be heard de novo and the circuit court may order the
8 director to grant such license, sustain the suspension or revocation by the
9 director, set aside or modify the same, or revoke such license. Appeals from the
10 judgment of the circuit court may be taken as in civil cases. [The prosecuting
11 attorney of the county where such appeal is taken, shall appear in behalf of the
12 director, and prosecute or defend, as the case may require.]

302.750. 1. If a person refuses, upon the request of a law enforcement
2 officer pursuant to section 302.745, to submit to any test allowed under that
3 section, then none shall be given and evidence of the refusal shall be admissible
4 in any proceeding to determine whether a person was operating a commercial
5 motor vehicle while under the influence of alcohol or controlled substances. In
6 this event, the officer shall make a sworn report to the director that he requested
7 a test pursuant to section 302.745 and that the person refused to submit to such
8 testing.

9 2. A person requested to submit to a test as provided by section 302.745
10 shall be warned by the law enforcement officer requesting the test that a refusal
11 to submit to the test will result in that person being immediately placed out of
12 service for a period of twenty-four hours and being disqualified from operating a
13 commercial motor vehicle for a period of not less than one year if for a first
14 refusal to submit to the test and for life if for a second or subsequent refusal to

15 submit to the test. The director may issue rules and regulations, in accordance
16 with guidelines established by the secretary, under which a disqualification for
17 life under this section may be reduced to a period of not less than ten years.

18 3. Upon receipt of the sworn report of a law enforcement officer submitted
19 under subsection 1 of this section, the director shall disqualify the driver from
20 operating a commercial motor vehicle.

21 4. If a person has been disqualified from operating a commercial motor
22 vehicle because of his refusal to submit to a chemical test, he may request a
23 hearing before a court of record in the county in which the request was
24 made. Upon his request, the clerk of the court shall notify the [prosecuting
25 attorney of the county] **director** and the [prosecutor] **director** shall appear at
26 the hearing on behalf of the officer. At the hearing the judge shall determine
27 only:

28 (1) Whether or not the law enforcement officer had reasonable grounds to
29 believe that the person was driving a commercial motor vehicle with any amount
30 of alcohol in his system;

31 (2) Whether or not the person refused to submit to the test.

32 5. If the judge determines any issues not to be in the affirmative, he shall
33 order the director to reinstate the privilege to operate a commercial motor vehicle.

34 6. Requests for review as herein provided shall go to the head of the
35 docket of the court wherein filed.

303.024. 1. Each insurer issuing motor vehicle liability policies in this
2 state, or an agent of the insurer, shall furnish an insurance identification card
3 to the named insured for each motor vehicle insured by a motor vehicle liability
4 policy that complies with the requirements of sections 303.010 to 303.050,
5 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

6 2. The insurance identification card shall include all of the following
7 information:

8 (1) The name and address of the insurer;

9 (2) The name of the named insured;

10 (3) The policy number;

11 (4) The effective dates of the policy, including month, day and year;

12 (5) A description of the insured motor vehicle, including year and make
13 or at least five digits of the vehicle identification number or the word "Fleet" if
14 the insurance policy covers five or more motor vehicles; and

15 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED

16 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed
17 on the card.

18 3. A new insurance identification card shall be issued when the insured
19 motor vehicle is changed, when an additional motor vehicle is insured, and when
20 a new policy number is assigned. A replacement insurance identification card
21 shall be issued at the request of the insured in the event of loss of the original
22 insurance identification card.

23 4. The director shall furnish each self-insurer, as provided for in section
24 303.220, an insurance identification card for each motor vehicle so insured. The
25 insurance identification card shall include all of the following information:

26 (1) Name of the self-insurer;

27 (2) The word "self-insured"; and

28 (3) The statement "THIS CARD MUST BE CARRIED IN THE
29 SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND"
30 prominently displayed on the card.

31 5. An insurance identification card shall be carried in the insured motor
32 vehicle at all times. The operator of an insured motor vehicle shall exhibit the
33 insurance identification card on the demand of any peace officer, commercial
34 vehicle enforcement officer or commercial vehicle inspector who lawfully stops
35 such operator or investigates an accident while that officer or inspector is
36 engaged in the performance of the officer's or inspector's duties. If the operator
37 fails to exhibit an insurance identification card, the officer or inspector shall issue
38 a citation to the operator for a violation of section 303.025. A motor vehicle
39 liability insurance policy, a motor vehicle liability insurance binder, or receipt
40 which contains the policy information required in subsection 2 of this section,
41 shall be satisfactory evidence of insurance in lieu of an insurance identification
42 card.

43 **6. Any person who knowingly or intentionally produces,**
44 **manufactures, sells, or otherwise distributes a fraudulent document**
45 **intended to serve as an insurance identification card is guilty of a class**
46 **A misdemeanor. Any person who knowingly or intentionally possesses**
47 **a fraudulent document intended to serve as an insurance identification**
48 **card is guilty of a class B misdemeanor.**

306.109. 1. No person shall possess or use beer bongs or other
2 drinking devices used to consume similar amounts of alcohol on the
3 rivers of this state. As used in this section, the term "beer bong"

4 includes any device that is intended and designed for the rapid
5 consumption or intake of an alcoholic beverage, including but not
6 limited to funnels, tubes, hoses, and modified containers with
7 additional vents.

8 2. No person shall possess or use any large volume alcohol
9 containers that hold more than one gallon of an alcoholic beverage on
10 the rivers of this state.

11 3. No person shall possess expanded polypropylene coolers on or
12 within fifty feet of any river of this state, except in developed
13 campgrounds, picnic areas, landings, roads and parking lots located
14 within fifty feet of such rivers. This subsection shall not apply to high
15 density bait containers used solely for such purpose.

16 4. Any person who violates the provisions of this section is guilty
17 of a class A misdemeanor.

18 5. The provisions of this section shall not apply to persons on the
19 Mississippi River, Missouri River, or Osage River.

311.325. 1. Any person under the age of twenty-one years, who purchases
2 or attempts to purchase, or has in his or her possession, any intoxicating liquor
3 as defined in section 311.020 or who is visibly **in an** intoxicated **condition** as
4 defined in section 577.001, RSMo, or has a detectable blood alcohol content of
5 more than two-hundredths of one percent or more by weight of alcohol in such
6 person's blood is guilty of a misdemeanor. For purposes of prosecution under this
7 section or any other provision of this chapter involving an alleged illegal sale or
8 transfer of intoxicating liquor to a person under twenty-one years of age, a
9 manufacturer-sealed container describing that there is intoxicating liquor therein
10 need not be opened or the contents therein tested to verify that there is
11 intoxicating liquor in such container. The alleged violator may allege that there
12 was not intoxicating liquor in such container, but the burden of proof of such
13 allegation is on such person, as it shall be presumed that such a sealed container
14 describing that there is intoxicating liquor therein contains intoxicating liquor.

15 2. For purposes of determining violations of any provision of this chapter,
16 or of any rule or regulation of the supervisor of alcohol and tobacco control, a
17 manufacturer-sealed container describing that there is intoxicating liquor therein
18 need not be opened or the contents therein tested to verify that there is
19 intoxicating liquor in such container. The alleged violator may allege that there
20 was not intoxicating liquor in such container, but the burden of proof of such

21 allegation is on such person, as it shall be presumed that such a sealed container
22 describing that there is intoxicating liquor therein contains intoxicating liquor.

23 3. Any person under the age of twenty-one years who purchases
24 or attempts to purchase, or has in his or her possession, any
25 intoxicating liquor, or who is visibly in an intoxicated condition as
26 defined in section 577.001, RSMo, shall be deemed to have given consent
27 to a chemical test or tests of the person's breath, blood, saliva, or urine
28 for the purpose of determining the alcohol or drug content of the
29 person's blood. The implied consent to submit to the chemical tests
30 listed in this subsection shall be limited to not more than two such tests
31 arising from the same arrest, incident, or charge. Chemical analysis of
32 the person's breath, blood, saliva, or urine shall be performed
33 according to methods approved by the state department of health and
34 senior services by licensed medical personnel or by a person possessing
35 a valid permit issued by the state department of health and senior
36 services for this purpose. The state department of health and senior
37 services shall approve satisfactory techniques, devices, equipment, or
38 methods to be considered valid and shall establish standards to
39 ascertain the qualifications and competence of individuals to conduct
40 analyses and to issue permits which shall be subject to termination or
41 revocation by the state department of health and senior services. The
42 person tested may have a physician, or a qualified technician, chemist,
43 registered nurse, or other qualified person at the choosing and expense
44 of the person to be tested, administer a test in addition to any
45 administered at the direction of a law enforcement officer. The failure
46 or inability to obtain an additional test by a person shall not preclude
47 the admission of evidence relating to the test taken at the direction of
48 a law enforcement officer. Upon the request of the person who is
49 tested, full information concerning the test shall be made available to
50 such person. Full information is limited to the following:

- 51 (1) The type of test administered and the procedures followed;
- 52 (2) The time of the collection of the blood or breath sample or
53 urine analyzed;
- 54 (3) The numerical results of the test indicating the alcohol
55 content of the blood and breath and urine;
- 56 (4) The type and status of any permit which was held by the
57 person who performed the test;

58 **(5) If the test was administered by means of a breath-testing**
59 **instrument, the date of performance of the most recent required**
60 **maintenance of such instrument.**

61 **Full information does not include manuals, schematics, or software of**
62 **the instrument used to test the person or any other material that is not**
63 **in the actual possession of the state. Additionally, full information does**
64 **not include information in the possession of the manufacturer of the**
65 **test instrument.**

66 4. The provisions of this section shall not apply to a student who:

67 (1) Is eighteen years of age or older;

68 (2) Is enrolled in an accredited college or university and is a student in
69 a culinary course;

70 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter,
71 wine, or other similar malt or fermented beverage as part of the required
72 curriculum; and

73 (4) Tastes a beverage under subdivision (3) of this subsection only for
74 instructional purposes during classes that are part of the curriculum of the
75 accredited college or university.

76 The beverage must at all times remain in the possession and control of an
77 authorized instructor of the college or university, who must be twenty-one years
78 of age or older. Nothing in this subsection may be construed to allow a student
79 under the age of twenty-one to receive any beer, ale, porter, wine, or other similar
80 malt or fermented beverage unless the beverage is delivered as part of the
81 student's required curriculum and the beverage is used only for instructional
82 purposes during classes conducted as part of the curriculum.

 311.326. After a period of not less than one year[, or upon] **after** reaching
2 the age of twenty-one[, whichever occurs first,] a person who has pleaded guilty
3 to or has been found guilty of violating section 311.325 for the first time, and who
4 since such conviction has not been convicted of any other alcohol-related offense,
5 may apply to the court in which he or she was sentenced for an order to expunge
6 all official records of his or her arrest, plea, trial and conviction. If the court
7 determines, upon review, that such person has not been convicted of any other
8 alcohol-related offense at the time of the application for expungement, and the
9 person has had no other alcohol-related enforcement contacts, as defined in
10 section 302.525, RSMo, the court shall enter an order of expungement. The effect
11 of such an order shall be to restore such person to the status he or she occupied

12 prior to such arrest, plea or conviction, as if such event had never happened. No
13 person as to whom such order has been entered shall be held thereafter under
14 any provision of any law to be guilty of perjury or otherwise giving a false
15 statement by reason of his or her failure to recite or acknowledge such arrest,
16 plea, trial, conviction or expungement in response to any inquiry made of him or
17 her for any purpose whatsoever. A person shall be entitled to only one
18 expungement pursuant to this section. Nothing contained in this section shall
19 prevent courts or other state officials from maintaining such records as are
20 necessary to ensure that an individual receives only one expungement pursuant
21 to this section.

409.5-508. (a) A person ~~[that] commits the crime of criminal~~
2 ~~securities fraud when such person~~ willfully violates section 409.5-501.

3 (b) A person commits a criminal securities violation when such
4 person willfully violates any other provision of this act, or a rule adopted
5 or order issued under this act, except Section 409.5-504 or the notice filing
6 requirements of section 409.3-302 or 409.4-405, or that willfully violates section
7 409.5-505 knowing the statement made to be false or misleading in a material
8 respect[, upon conviction, shall be fined not more than one million dollars or
9 imprisoned not more than ten years, or both].

10 (c) A person convicted of criminal securities fraud or any other
11 criminal securities violation shall be fined not more than one million
12 dollars or imprisoned not more than ten years, or both, and if the
13 violation was committed against an elderly or disabled person, then the
14 fine shall be not less than fifty thousand dollars. For purposes of this
15 section, the following terms mean:

16 (1) "Disabled person", a person with a physical or mental
17 impairment that substantially limits one or more of the major life
18 activities of such individual, a record of such impairment, or being
19 regarded as having such an impairment;

20 (2) "Elderly person", a person sixty years of age or older.

21 (d) An individual convicted of violating a rule or order under this act may
22 be fined, but may not be imprisoned, if the individual did not have knowledge of
23 the rule or order.

24 [(b)] (e) The attorney general or the proper prosecuting attorney with or
25 without a reference from the commissioner may institute criminal proceedings
26 under this act.

27 **[(c)] (f)** This act does not limit the power of this state to punish a person
28 for conduct that constitutes a crime under other laws of this state.

 409.6-604. (a) If the commissioner determines that a person has engaged,
2 is engaging, or is about to engage in an act, practice, or course of business
3 constituting a violation of this act or a rule adopted or order issued under this act
4 or that a person has materially aided, is materially aiding, or is about to
5 materially aid an act, practice, or course of business constituting a violation of
6 this act or a rule adopted or order issued under this act, the commissioner may:

7 (1) Issue an order directing the person to cease and desist from engaging
8 in the act, practice, or course of business or to take other action necessary or
9 appropriate to comply with this act;

10 (2) Issue an order denying, suspending, revoking, or conditioning the
11 exemptions for a broker-dealer under section 409.4-401(b)(1)(D) or (F) or an
12 investment adviser under section 409.4-403(b)(1)(C); or

13 (3) Issue an order under section 409.2-204.

14 (b) An order under subsection (a) is effective on the date of
15 issuance. Upon issuance of the order, the commissioner shall promptly serve each
16 person subject to the order with a copy of the order and a notice that the order
17 has been entered. The order must include a statement whether the commissioner
18 will seek a civil penalty or costs of the investigation, a statement of the reasons
19 for the order, and notice that, within fifteen days after receipt of a request in a
20 record from the person, the matter will be scheduled for a hearing. If a person
21 subject to the order does not request a hearing and none is ordered by the
22 commissioner within thirty days after the date of service of the order, the order
23 becomes final as to that person by operation of law. If a hearing is requested or
24 ordered, the commissioner, after notice of and opportunity for hearing to each
25 person subject to the order, may modify or vacate the order or extend it until final
26 determination.

27 (c) If a hearing is requested or ordered pursuant to subsection (b), a
28 hearing before the commissioner must be provided. A final order may not be
29 issued unless the commissioner makes findings of fact and conclusions of law in
30 a record in accordance with the provisions of chapter 536, RSMo, and procedural
31 rules promulgated by the commissioner. The final order may make final, vacate,
32 or modify the order issued under subsection (a).

33 (d) In a final order under subsection (c), the commissioner may;

34 **(1)** Impose a civil penalty up to one thousand dollars for a single violation

35 or up to ten thousand dollars for more than one violation;

36 **(2) Order a person subject to the order to pay restitution for any**
37 **loss, including the amount of any actual damages that may have been**
38 **caused by the conduct and interest at the rate of eight percent per year**
39 **from the date of the violation causing the loss or disgorge any profits**
40 **arising from the violation;**

41 **(3) In addition to any civil penalty otherwise provided by law,**
42 **impose an additional civil penalty not to exceed five thousand dollars**
43 **for each such violation if the commissioner finds that a person subject**
44 **to the order has violated any provision of this act and that such**
45 **violation was committed against an elderly or disabled person. For**
46 **purposes of this section, the following terms mean:**

47 **(A) "Disabled person", a person with a physical or mental**
48 **impairment that substantially limits one or more of the major life**
49 **activities of such individual, a record of such impairment, or being**
50 **regarded as having such an impairment;**

51 **(B) "Elderly person", a person sixty years of age or older.**

52 (e) In a final order, the commissioner may charge the actual cost of an
53 investigation or proceeding for a violation of this act or a rule adopted or order
54 issued under this act. These funds may be paid into the investor education and
55 protection fund.

56 (f) If a petition for judicial review of a final order is not filed in accordance
57 with section 409.6-609, the commissioner may file a certified copy of the final
58 order with the clerk of a court of competent jurisdiction. The order so filed has
59 the same effect as a judgment of the court and may be recorded, enforced, or
60 satisfied in the same manner as a judgment of the court.

61 (g) If a person does not comply with an order under this section, the
62 commissioner may petition a court of competent jurisdiction to enforce the
63 order. The court may not require the commissioner to post a bond in an action
64 or proceeding under this section. If the court finds, after service and opportunity
65 for hearing, that the person was not in compliance with the order, the court may
66 adjudge the person in civil contempt of the order. The court may impose a
67 further civil penalty against the person for contempt in an amount not less than
68 five thousand dollars but not greater than one hundred thousand dollars for each
69 violation and may grant any other relief the court determines is just and proper
70 in the circumstances.

71 (h) The commissioner is authorized to issue administrative consent orders
72 in the settlement of any proceeding in the public interest under this act.

479.260. 1. Municipalities by ordinance may provide for fees in an
2 amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each
3 municipal ordinance violation case filed before a municipal judge, and in the
4 event a defendant pleads guilty or is found guilty, the judge may assess costs
5 against the defendant except in those cases where the defendant is found by the
6 judge to be indigent and unable to pay the costs. **In the event the case is
7 dismissed before the defendant pleads guilty or is found guilty, the
8 municipal judge may assess municipal court costs as determined by
9 section 488.012, RSMo, against the defendant if the defendant consents
10 to paying the costs except in those cases where the defendant is found
11 by the judge to be indigent and unable to pay the costs.** The fees
12 authorized in this subsection are in addition to service charges, witness fees and
13 jail costs that may otherwise be authorized to be assessed, but are in lieu of other
14 court costs. The fees provided by this subsection shall be collected by the
15 municipal division clerk in municipalities electing or required to have violations
16 of municipal ordinances tried before a municipal judge pursuant to section
17 479.020, or to employ judicial personnel pursuant to section 479.060, and
18 disbursed as provided in subsection 1 of section 479.080. Any other court costs
19 required in connection with such cases shall be collected and disbursed as
20 provided in sections 488.010 to 488.020, RSMo; provided that, each municipal
21 court may establish a judicial education fund in an account under the control of
22 the municipal court to retain one dollar of the fees collected on each case and to
23 use the fund only to pay for:

24 (1) The continuing education and certification required of the municipal
25 judges by law or supreme court rule; and

26 (2) Judicial education and training for the court administrator and clerks
27 of the municipal court.

28 Provided further, that no municipal court shall retain more than one thousand
29 five hundred dollars in the fund for each judge, administrator or clerk of the
30 municipal court. Any excess funds shall be transmitted quarterly to the general
31 revenue fund of the county or municipal treasury.

32 2. In municipal ordinance violation cases which are filed in the associate
33 circuit division of the circuit court, fees shall be assessed in each case in an
34 amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a

35 defendant pleads guilty or is found guilty, the judge shall assess costs against the
36 defendant except in those cases where the defendant is found by the judge to be
37 indigent and unable to pay the costs. In the event a defendant is acquitted or the
38 case is dismissed, the judge shall not assess costs against the municipality. The
39 costs authorized in this subsection are in addition to service charges, witness fees
40 and jail costs that may otherwise be authorized to be assessed, but are in lieu of
41 other court costs. The costs provided by this subsection shall be collected by the
42 municipal division clerk in municipalities electing or required to have violations
43 of municipal ordinances tried before a municipal judge pursuant to section
44 479.020, or to employ judicial personnel pursuant to section 479.060, and
45 disbursed as provided in subsection 2 of section 479.080. Any other court costs
46 required in connection with such cases shall be collected and disbursed as
47 provided in sections 488.010 to 488.020, RSMo.

48 3. A municipality, when filing cases before an associate circuit judge, shall
49 not be required to pay fees.

50 4. No fees for a judge, city attorney or prosecutor shall be assessed as
51 costs in a municipal ordinance violation case.

52 5. In municipal ordinance violation cases, when there is an application for
53 a trial de novo, there shall be an additional fee in an amount to be set pursuant
54 to sections 488.010 to 488.020, RSMo, which shall be assessed in the same
55 manner as provided in subsection 2 of this section.

56 6. Municipalities by ordinance may provide for a schedule of costs to be
57 paid in connection with pleas of guilty which are processed in a traffic violations
58 bureau. If a municipality files its municipal ordinance violation cases before a
59 municipal judge, such costs shall not exceed the court costs authorized by
60 subsection 1 of this section. If a municipality files its municipal ordinance
61 violations cases in the associate circuit division of the circuit court, such costs
62 shall not exceed the court costs authorized by subsection 2 of this section.

488.5025. 1. In addition to any other assessment authorized by law, a
2 court may assess a fee of twenty-five dollars on each person who pays a
3 court-ordered judgment, penalty, fine, sanction, or court costs on a time-payment
4 basis, including restitution and juvenile monetary assessments. A time-payment
5 basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full,
6 within thirty days of the date the court imposed the judgment, penalty fine,
7 sanction, or court cost. Imposition of the time-payment fee shall be in addition
8 to any other enforcement provisions authorized by law.

9 2. Ten dollars of the time-payment fee collected pursuant to this section
10 shall be payable to the clerk of the court of the county, **or clerk of the court**
11 **of the municipality**, from which such fee was collected, or to such person as is
12 designated by local circuit court rule as treasurer of said fund, and said fund
13 shall be applied and expended under the direction and order of the court en banc
14 of any such county to be utilized by the court **where such fine is collected** to
15 improve, maintain, and enhance the ability to collect and manage moneys
16 assessed or received by the courts, to improve case processing, enhance court
17 security, preservation of the record, or to improve the administration of
18 justice. Eight dollars of the time-payment fee shall be deposited in the statewide
19 court automation fund pursuant to section 476.055, RSMo. Seven dollars of the
20 time-payment fee shall be paid to the director of revenue, to be deposited to the
21 general revenue fund.

488.5032. In the event a criminal case is dismissed in a circuit
2 **court in this state before the defendant pleads guilty or is found guilty,**
3 **the circuit judge may assess costs as determined by section 488.012,**
4 **RSMo, against any defendant if the defendant consents to paying the**
5 **costs except in those cases where the defendant is found by the judge**
6 **to be indigent and unable to pay the costs.**

 544.665. 1. In addition to the forfeiture of any security which was given
2 or pledged for a person's release, any person who, having been released [pursuant
3 to sections 544.040 to 544.665, or] upon a recognizance or bond pursuant to any
4 other provisions of law **while pending preliminary hearing, trial,**
5 **sentencing, appeal, probation or parole revocation, or any other stage**
6 **of a criminal matter against him or her, [willfully] knowingly** fails to
7 appear before any court or judicial officer as required shall be guilty of [an
8 offense and punished as follows:] **the crime of failure to appear.**

9 **[(1)] 2. Failure to appear is:**

10 **(1) A class D felony** if [arrested for or charged with] **the criminal**
11 **matter for which the person was released included** a felony[, by a fine of
12 not more than five thousand dollars or imprisoned for not more than five years];

13 **(2) A class A misdemeanor** if [arrested for or charged with] **the**
14 **criminal matter for which the person was released includes** a
15 misdemeanor[, by a fine of not more than one thousand dollars or confinement in
16 the county jail for not more than one year] **or misdemeanors but no felony**
17 **or felonies;**

18 (3) **An infraction** if [arrested for or charged with] **the criminal matter**
19 **for which the person was released includes only** an infraction[, by a fine
20 of not more than five hundred dollars] **or infractions**;

21 (4) **An infraction** if [arrested for] **the criminal matter for which the**
22 **person was released includes only** the violation of a municipal ordinance, [by
23 a fine not to exceed five hundred dollars;] provided that the sentence imposed
24 shall not exceed the maximum fine [or maximum period of imprisonment] which
25 could be imposed for the [offense] **municipal ordinance** for which the accused
26 was arrested.

27 [2.] **3.** Nothing in sections 544.040 to 544.665 shall prevent the exercise
28 by any court of its power to punish for contempt.

 545.050. [1.] No indictment for any trespass against the person or
2 property of another, not amounting to a felony, except for petit larceny, and no
3 indictment for the disturbance of the peace of a person, or for libel or slander,
4 shall be preferred unless the name of a prosecutor is affixed thereto, thus: "A B,
5 prosecutor", except where the same is preferred upon the information and
6 testimony of one or more grand jurors, or of some public officer in the necessary
7 discharge of his **or her** duty.

8 [2. If the defendant be acquitted or the prosecution fails, judgment shall
9 be entered against such prosecutor for the costs.]

 550.040. In all capital cases, and those in which imprisonment in the
2 penitentiary is the sole punishment for the offense, if the defendant is acquitted,
3 the costs shall be paid by the state; and in all other trials on indictments or
4 information, if the defendant is acquitted, the costs shall be paid by the county
5 in which the indictment was found or information filed[, except when the
6 prosecutor shall be adjudged to pay them or it shall be otherwise provided by
7 law].

 556.036. 1. A prosecution for murder, forcible rape, attempted forcible
2 rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be
3 commenced at any time.

4 2. Except as otherwise provided in this section, prosecutions for other
5 offenses must be commenced within the following periods of limitation:

6 (1) For any felony, three years, **except as provided in subdivision (4)**
7 **of this subsection**;

8 (2) For any misdemeanor, one year;

9 (3) For any infraction, six months;

10 **(4) For any violation of section 569.040, RSMo, when classified as**
11 **a class B felony, or any violation of section 569.050 or 569.055, RSMo,**
12 **five years.**

13 3. If the period prescribed in subsection 2 of this section has expired, a
14 prosecution may nevertheless be commenced for:

15 (1) Any offense a material element of which is either fraud or a breach of
16 fiduciary obligation within one year after discovery of the offense by an aggrieved
17 party or by a person who has a legal duty to represent an aggrieved party and
18 who is himself or herself not a party to the offense, but in no case shall this
19 provision extend the period of limitation by more than three years. As used in
20 this subdivision, the term "person who has a legal duty to represent an aggrieved
21 party" shall mean the attorney general or the prosecuting or circuit attorney
22 having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses
23 committed pursuant to sections 407.511 to 407.556, RSMo; and

24 (2) Any offense based upon misconduct in office by a public officer or
25 employee at any time when the defendant is in public office or employment or
26 within two years thereafter, but in no case shall this provision extend the period
27 of limitation by more than three years; and

28 (3) Any offense based upon an intentional and willful fraudulent claim of
29 child support arrearage to a public servant in the performance of his or her duties
30 within one year after discovery of the offense, but in no case shall this provision
31 extend the period of limitation by more than three years.

32 4. An offense is committed either when every element occurs, or, if a
33 legislative purpose to prohibit a continuing course of conduct plainly appears, at
34 the time when the course of conduct or the defendant's complicity therein is
35 terminated. Time starts to run on the day after the offense is committed.

36 5. A prosecution is commenced for a misdemeanor or infraction when the
37 information is filed and for a felony when the complaint or indictment is filed.

38 6. The period of limitation does not run:

39 (1) During any time when the accused is absent from the state, but in no
40 case shall this provision extend the period of limitation otherwise applicable by
41 more than three years; or

42 (2) During any time when the accused is concealing himself from justice
43 either within or without this state; or

44 (3) During any time when a prosecution against the accused for the
45 offense is pending in this state; or

46 (4) During any time when the accused is found to lack mental fitness to
47 proceed pursuant to section 552.020, RSMo.

561.021. 1. A person holding any public office, elective or appointive,
2 under the government of this state or any agency or political subdivision thereof,
3 who is convicted of a crime shall, upon sentencing, forfeit such office if:

4 (1) He is convicted under the laws of this state of a felony or under the
5 laws of another jurisdiction of a crime which, if committed within this state,
6 would be a felony, or he pleads guilty or nolo contendere of such a crime; or

7 (2) He is convicted of or pleads guilty or nolo contendere to a crime
8 involving misconduct in office, or dishonesty; or

9 (3) The constitution or a statute other than the code so provides.

10 2. [Except as provided in subsection 3 of this section,] A person who
11 pleads guilty or nolo contendere or is convicted under the laws of this state of a
12 felony or under the laws of another jurisdiction of a crime which, if committed
13 within this state, would be a felony, shall be ineligible to **qualify as a**
14 **candidate for or** hold any public office, elective or appointive, under the
15 government of this state or any agency or political subdivision thereof[, until the
16 completion of his sentence or period of probation].

17 [3. A person who pleads guilty or nolo contendere or is convicted under
18 the laws of this state or under the laws of another jurisdiction of a felony
19 connected with the exercise of the right of suffrage shall be forever disqualified
20 from holding any public office, elective or appointive, under the government of
21 this state or any agency or political subdivision thereof.]

561.031. 1. In the following proceedings, the provisions of section 544.250,
2 544.270, 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions
3 of supreme court rules 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01,
4 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 to the contrary
5 notwithstanding, when the physical appearance in person in court is required of
6 any person held in a place of custody or confinement, such personal appearance
7 may be made by means of two-way audio-visual communication, including but not
8 limited to, closed circuit television or computerized video conferencing; provided
9 that such audio-visual communication facilities provide two-way audio-visual
10 communication between the court and the place of custody or confinement [and
11 that a full record of such proceedings be made by split-screen imaging and
12 recording of the proceedings in the courtroom and the place of confinement or
13 custody in addition to such other record as may be required]:

14 (1) First appearance before an associate circuit judge on a criminal
15 complaint;

16 (2) Waiver of preliminary hearing;

17 (3) Arraignment on an information or indictment where a plea of not
18 guilty is entered;

19 (4) Arraignment on an information or indictment where a plea of guilty
20 is entered upon waiver of any right such person might have to be physically
21 present;

22 (5) Any pretrial or posttrial criminal proceeding not allowing the
23 cross-examination of witnesses;

24 (6) Sentencing after conviction at trial upon waiver of any right such
25 person might have to be physically present;

26 (7) Sentencing after entry of a plea of guilty; and

27 (8) Any civil proceeding other than trial by jury.

28 2. This section shall not prohibit other appearances via closed circuit
29 television upon waiver of any right such person held in custody or confinement
30 might have to be physically present.

31 3. Nothing contained in this section shall be construed as establishing a
32 right for any person held in custody to appear on television or as requiring that
33 any governmental entity or place of custody or confinement provide a two-way
34 audio-visual communication system.

565.063. 1. As used in this section, the following terms mean:

2 (1) "Domestic assault offense":

3 (a) The commission of the crime of domestic assault in the first degree
4 [pursuant to section 565.072] or domestic assault in the second degree [pursuant
5 to section 565.073]; or

6 (b) The commission of the crime of assault in the first degree [pursuant
7 to the provisions of section 565.050] or assault in the second degree [pursuant to
8 the provisions of section 565.060,] if the victim of the assault was a family or
9 household member;

10 (c) **The commission of a crime in another state, or any federal,**
11 **tribal, or military offense which, if committed in this state, would be a**
12 **violation of any offense listed in paragraph (a) or (b) of this**
13 **subdivision;**

14 (2) "Family" or "household member", spouses, former spouses, adults
15 related by blood or marriage, adults who are presently residing together or have

16 resided together in the past and adults who have a child in common regardless
17 of whether they have been married or have resided together at any time;

18 (3) "Persistent domestic violence offender", a person who has pleaded
19 guilty to or has been found guilty of two or more domestic assault offenses, where
20 such two or more offenses occurred within ten years of the occurrence of the
21 domestic assault offense for which the person is charged; and

22 (4) "Prior domestic violence offender", a person who has pleaded guilty to
23 or has been found guilty of one domestic assault offense, where such prior offense
24 occurred within five years of the occurrence of the domestic assault offense for
25 which the person is charged.

26 2. No court shall suspend the imposition of sentence as to a prior or
27 persistent domestic violence offender pursuant to this section nor sentence such
28 person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to
29 the contrary notwithstanding, nor shall such person be eligible for parole or
30 probation until such person has served a minimum of six months' imprisonment.

31 3. The court shall find the defendant to be a prior domestic violence
32 offender or persistent domestic violence offender, if:

33 (1) The indictment or information, original or amended, or the information
34 in lieu of an indictment pleads all essential facts warranting a finding that the
35 defendant is a prior domestic violence offender or persistent domestic violence
36 offender; and

37 (2) Evidence is introduced that establishes sufficient facts pleaded to
38 warrant a finding beyond a reasonable doubt the defendant is a prior domestic
39 violence offender or persistent domestic violence offender; and

40 (3) The court makes findings of fact that warrant a finding beyond a
41 reasonable doubt by the court that the defendant is a prior domestic violence
42 offender or persistent domestic violence offender.

43 4. In a jury trial, such facts shall be pleaded, established and found prior
44 to submission to the jury outside of its hearing.

45 5. In a trial without a jury or upon a plea of guilty, the court may defer
46 the proof in findings of such facts to a later time, but prior to sentencing.

47 6. The defendant shall be accorded full rights of confrontation and
48 cross-examination, with the opportunity to present evidence, at such hearings.

49 7. The defendant may waive proof of the facts alleged.

50 8. Nothing in this section shall prevent the use of presentence
51 investigations or commitments.

52 9. At the sentencing hearing both the state and the defendant shall be
53 permitted to present additional information bearing on the issue of sentence.

54 10. The pleas or findings of guilty shall be prior to the date of commission
55 of the present offense.

56 11. The court shall not instruct the jury as to the range of punishment or
57 allow the jury, upon a finding of guilty, to assess and declare the punishment as
58 part of its verdict in cases of prior domestic violence offenders or persistent
59 domestic violence offenders.

60 12. Evidence of prior convictions shall be heard and determined by the
61 trial court out of the hearing of the jury prior to the submission of the case to the
62 jury, and shall include but not be limited to evidence of convictions received by
63 a search of the records of the Missouri uniform law enforcement system
64 maintained by the Missouri state highway patrol. After hearing the evidence, the
65 court shall enter its findings thereon.

66 13. Evidence of similar criminal convictions of domestic violence pursuant
67 to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the
68 offense at issue, shall be admissible for the purposes of showing a past history of
69 domestic violence.

70 14. Any person who has pleaded guilty to or been found guilty of a
71 violation of section 565.072 shall be sentenced to the authorized term of
72 imprisonment for a class A felony if the court finds the offender is a prior
73 domestic violence offender. The offender shall be sentenced to the authorized
74 term of imprisonment for a class A felony which term shall be served without
75 probation or parole if the court finds the offender is a persistent domestic violence
76 offender or the prior domestic violence offender inflicts serious physical injury on
77 the victim.

78 15. Any person who has pleaded guilty to or been found guilty of a
79 violation of section 565.073 shall be sentenced:

80 (a) To the authorized term of imprisonment for a class B felony if the
81 court finds the offender is a prior domestic violence offender; or

82 (b) To the authorized term of imprisonment for a class A felony if the
83 court finds the offender is a persistent domestic violence offender.

565.081. 1. A person commits the crime of assault of a law enforcement
2 officer, **corrections officer**, emergency personnel, or probation and parole
3 officer in the first degree if such person attempts to kill or knowingly causes or
4 attempts to cause serious physical injury to a law enforcement officer [or],

5 **corrections officer**, emergency personnel, or **probation and parole officer**.

6 2. As used in this section, "emergency personnel" means any paid or
7 volunteer firefighter, emergency room or trauma center personnel, or emergency
8 medical technician as defined in subdivisions (15), (16), [and] (17), **and (18)** of
9 section 190.100, RSMo.

10 3. **As used in this section the term "corrections officer" includes**
11 **any jailer or corrections officer of the state or any political subdivision**
12 **of the state.**

13 4. Assault of a law enforcement officer, **corrections officer**, emergency
14 personnel, or probation and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement
2 officer, **corrections officer**, emergency personnel, or probation and parole
3 officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law
5 enforcement officer, **corrections officer**, emergency personnel, or probation and
6 parole officer by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law
8 enforcement officer, **corrections officer**, emergency personnel, highway worker
9 in a construction zone or work zone, or probation and parole officer by means
10 other than a deadly weapon or dangerous instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement officer,
12 **corrections officer**, emergency personnel, or probation and parole officer; or

13 (4) While in an intoxicated condition or under the influence of controlled
14 substances or drugs, operates a motor vehicle or vessel in this state and when so
15 operating, acts with criminal negligence to cause physical injury to a law
16 enforcement officer, **corrections officer**, emergency personnel, or probation and
17 parole officer;

18 (5) Acts with criminal negligence to cause physical injury to a law
19 enforcement officer, **corrections officer**, emergency personnel, or probation and
20 parole officer by means of a deadly weapon or dangerous instrument;

21 (6) Purposely or recklessly places a law enforcement officer, **corrections**
22 **officer**, emergency personnel, or probation and parole officer in apprehension of
23 immediate serious physical injury; or

24 (7) Acts with criminal negligence to create a substantial risk of death or
25 serious physical injury to a law enforcement officer, **corrections officer**,
26 emergency personnel, or probation and parole officer.

27 2. As used in this section, "emergency personnel" means any paid or
28 volunteer firefighter, emergency room or trauma center personnel, or emergency
29 medical technician as defined in subdivisions (15), (16), [and] (17), **and (18)** of
30 section 190.100, RSMo.

31 3. **As used in this section the term "corrections officer" includes**
32 **any jailer or corrections officer of the state or any political subdivision**
33 **of the state.**

34 4. Assault of a law enforcement officer, **corrections officer**, emergency
35 personnel, or probation and parole officer in the second degree is a class B felony
36 unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
37 section in which case it is a class C felony.

565.083. 1. A person commits the crime of assault of a law enforcement
2 officer, **corrections officer**, emergency personnel, or probation and parole
3 officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement
5 officer, **corrections officer**, emergency personnel, or probation and parole
6 officer;

7 (2) Such person purposely places a law enforcement officer, **corrections**
8 **officer**, emergency personnel, or probation and parole officer in apprehension of
9 immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact
11 with a law enforcement officer, **corrections officer**, emergency personnel, or
12 probation and parole officer without the consent of the law enforcement officer
13 **[or], corrections officer**, emergency personnel, **or probation and parole**
14 **officer.**

15 2. As used in this section, "emergency personnel" means any paid or
16 volunteer firefighter, emergency room or trauma center personnel, or emergency
17 medical technician as defined in subdivisions (15), (16), [and] (17), **and (18)** of
18 section 190.100, RSMo.

19 3. **As used in this section the term "corrections officer" includes**
20 **any jailer or corrections officer of the state or any political subdivision**
21 **of the state.**

22 4. Assault of a law enforcement officer, **corrections officer**, emergency
23 personnel, or probation and parole officer in the third degree is a class A
24 misdemeanor.

565.084. 1. A person commits the crime of tampering with a judicial

2 officer if, with the purpose to harass, intimidate or influence a judicial officer in
3 the performance of such officer's official duties, **[he] such person:**

4 (1) Threatens or causes harm to such judicial officer or members of such
5 judicial officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer
7 or members of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon
9 such judicial officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such
11 judicial officer or such judicial officer's family, including stalking pursuant to
12 section 565.225.

13 2. A judicial officer for purposes of this section shall be a judge, arbitrator,
14 special master, **juvenile officer, deputy juvenile officer, prosecutor,**
15 **assistant prosecutor,** juvenile court commissioner, state probation or parole
16 officer, or referee.

17 3. A judicial officer's family for purposes of this section shall be:

18 (1) **[His] Such officer's** spouse; or

19 (2) **[His] Such officer** or **[his] such officer's** spouse's ancestor or
20 descendant by blood or adoption; or

21 (3) **[His] Such officer's** stepchild, while the marriage creating that
22 relationship exists.

23 4. Tampering with a judicial officer is a class C felony.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has
2 pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of
4 subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,
5 endangering the welfare of a child in the first degree; subsection 2 of section
6 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo,
7 promoting a sexual performance by a child; section 573.023, RSMo, sexual
8 exploitation of a minor; section 573.025, RSMo, promoting child pornography in
9 the first degree; section 573.035, RSMo, promoting child pornography in the
10 second degree; section 573.037, RSMo, possession of child pornography, or section
11 573.040, RSMo, furnishing pornographic material to minors; or **[for an]**

12 (2) **Any** offense in any other state or foreign country, or under federal,
13 tribal, or military jurisdiction which, if committed in this state, would be a
14 violation listed in this section;

15 shall not reside within one thousand feet of any public school as defined in
16 section 160.011, RSMo, or any private school giving instruction in a grade or
17 grades not higher than the twelfth grade, or child-care facility as defined in
18 section 210.201, RSMo, which is in existence at the time the individual begins to
19 reside at the location.

20 2. If such person has already established a residence and a public school,
21 a private school, or child-care facility is subsequently built or placed within one
22 thousand feet of such person's residence, then such person shall, within one week
23 of the opening of such public school, private school, or child-care facility, notify
24 the county sheriff where such public school, private school, or child-care facility
25 is located that he or she is now residing within one thousand feet of such public
26 school, private school, or child-care facility and shall provide verifiable proof to
27 the sheriff that he or she resided there prior to the opening of such public school,
28 private school, or child-care facility.

29 3. [For purposes of this section, "resides" means sleeps in a residence,
30 which may include more than one location and may be mobile or transitory.

31 **4.] Regardless of the person's knowledge of his or her residence's**
32 **proximity to a public school, private school, or child-care facility,**
33 violation of the provisions of subsection 1 of this section is a class D felony except
34 that the second or any subsequent violation is a class B felony. Violation of the
35 provisions of subsection 2 of this section is a class A misdemeanor except that the
36 second or subsequent violation is a class D felony.

566.148. 1. Any person who has pleaded guilty or nolo
2 **contendere to, or been convicted of, or been found guilty of:**

3 **(1) Violating any of the provisions of this chapter or the**
4 **provisions of subsection 2 of section 568.020, RSMo, incest; section**
5 **568.045, RSMo, endangering the welfare of a child in the first degree;**
6 **subsection 2 of section 568.080, RSMo, use of a child in a sexual**
7 **performance; section 568.090, RSMo, promoting a sexual performance**
8 **by a child; section 573.023, RSMo, sexual exploitation of a minor;**
9 **section 573.025, RSMo, promoting child pornography in the first degree;**
10 **section 573.035, RSMo, promoting child pornography in the second**
11 **degree; section 573.037, RSMo, possession of child pornography, or**
12 **section 573.040, RSMo, furnishing pornographic material to minors; or**

13 **(2) Any offense in any other state or foreign country, or under**
14 **federal, tribal, or military jurisdiction which, if committed in this state,**

15 **would be a violation listed in this section;**
16 **shall not knowingly be physically present in or loiter within five**
17 **hundred feet of or to approach, contact, or communicate with any child**
18 **under eighteen years of age in any child care facility building, on the**
19 **real property comprising any child care facility when persons under**
20 **the age of eighteen are present in the building, on the grounds, or in**
21 **the conveyance, unless the offender is a parent, legal guardian, or**
22 **custodian of a student present in the building or on the grounds.**

23 **2. For purposes of this section, "child care facility" shall have the**
24 **same meaning as such term is defined in section 210.201, RSMo.**

25 **3. Any person who violates the provisions of this section is guilty**
26 **of a class A misdemeanor.**

566.149. 1. Any person who has pleaded guilty or nolo contendere to, or
2 been convicted of, or been found guilty of:

3 **(1)** Violating any of the provisions of this chapter or the provisions of
4 subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,
5 endangering the welfare of a child in the first degree; subsection 2 of section
6 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo,
7 promoting a sexual performance by a child; section 573.023, RSMo, sexual
8 exploitation of a minor; section 573.025, RSMo, promoting child pornography; or
9 section 573.040, RSMo, furnishing pornographic material to minors; or [for an]

10 **(2)** Any offense in any other state or foreign country, or under tribal,
11 federal, or military jurisdiction which, if committed in this state, would be a
12 violation listed in this section;

13 shall not be present in or loiter within five hundred feet of any school building,
14 on real property comprising any school, or in any conveyance owned, leased, or
15 contracted by a school to transport students to or from school or a school-related
16 activity when persons under the age of eighteen are present in the building, on
17 the grounds, or in the conveyance, unless the offender is a parent, legal guardian,
18 or custodian of a student present in the building and has met the conditions set
19 forth in subsection 2 of this section.

20 **2.** No parent, legal guardian, or custodian who has pleaded guilty or nolo
21 contendere to, or been convicted of, or been found guilty of violating any of the
22 offenses listed in subsection 1 of this section shall be present in any school
23 building, on real property comprising any school, or in any conveyance owned,
24 leased, or contracted by a school to transport students to or from school or a

25 school-related activity when persons under the age of eighteen are present in the
26 building, on the grounds or in the conveyance unless the parent, legal guardian,
27 or custodian has permission to be present from the superintendent or school
28 board or in the case of a private school from the principal. In the case of a public
29 school, if permission is granted, the superintendent or school board president
30 must inform the principal of the school where the sex offender will be
31 present. Permission may be granted by the superintendent, school board, or in
32 the case of a private school from the principal for more than one event at a time,
33 such as a series of events, however, the parent, legal guardian, or custodian must
34 obtain permission for any other event he or she wishes to attend for which he or
35 she has not yet had permission granted.

36 **3. Regardless of the person's knowledge of his or her proximity**
37 **to school property or a school-related activity,** violation of the provisions
38 of this section shall be a class A misdemeanor.

566.150. 1. Any person who has pleaded guilty to, or been
2 **convicted of, or been found guilty of:**

3 **(1) Violating any of the provisions of this chapter, or of an**
4 **offense in any state, foreign country, tribal or federal or military**
5 **jurisdiction which, if committed in this state, would be a violation**
6 **listed in this subsection, or the provisions of subsection 2 of section**
7 **568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare**
8 **of a child in the first degree; subsection 2 of section 568.080, RSMo, use**
9 **of a child in a sexual performance; section 568.090, RSMo, promoting a**
10 **sexual performance by a child; section 573.023, RSMo, sexual**
11 **exploitation of a minor; section 573.025, RSMo, promoting child**
12 **pornography; or section 573.040, RSMo, furnishing pornographic**
13 **material to minors; or**

14 **(2) Any offense in any other state or foreign country, or under**
15 **federal, tribal, or military jurisdiction which, if committed in this state,**
16 **would be a violation listed in this section;**
17 **shall not knowingly be present in or loiter within five hundred feet of**
18 **any real property comprising any public park with playground**
19 **equipment or public swimming pool.**

20 **2. The first violation of the provisions of this section shall be a**
21 **class D felony.**

22 **3. A second or subsequent violation of this section shall be a**

23 class C felony.

566.155. 1. Any person who has pleaded guilty to, or been
2 convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter, or of an
4 offense in any state, foreign country, tribal or federal or military
5 jurisdiction which, if committed in this state, would be a violation
6 listed in this subsection, or the provisions of subsection 2 of section
7 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare
8 of a child in the first degree; subsection 2 of section 568.080, RSMo, use
9 of a child in a sexual performance; section 568.090, RSMo, promoting a
10 sexual performance by a child; section 573.023, RSMo, sexual
11 exploitation of a minor; section 573.025, RSMo, promoting child
12 pornography; or section 573.040, RSMo, furnishing pornographic
13 material to minors; or

14 (2) Any offense in any other state or foreign country, or under
15 federal, tribal, or military jurisdiction which, if committed in this state,
16 would be a violation listed in this section;
17 shall not serve as an athletic coach, manager, or athletic trainer for any
18 sports team in which a child less than seventeen years of age is a
19 member.

20 2. The first violation of the provisions of this section shall be a
21 class D felony.

22 3. A second or subsequent violation of this section shall be a
23 class C felony.

566.226. 1. After August 28, 2007, any information contained in any court
2 record, whether written or published on the Internet, that could be used to
3 identify or locate any victim of sexual assault, domestic assault, stalking, or
4 forcible rape shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary
6 address, telephone number, Social Security number or physical characteristics.

7 2. If the court determines that a person or entity who is requesting
8 identifying information of a victim has a legitimate interest in obtaining such
9 information, the court may allow access to the information, but only if the court
10 determines that disclosure to the person or entity would not compromise the
11 welfare or safety of such victim.

12 3. Notwithstanding the provisions of subsection 1 of this section,
13 the judge presiding over a sexual assault, domestic assault, stalking, or

14 forcible rape case shall have the discretion to publicly disclose
15 identifying information regarding the defendant which could be used
16 to identify or locate the victim of the crime. The victim may provide
17 a statement to the court regarding whether he or she desires such
18 information to remain closed. When making the decision to disclose
19 such information, the judge shall consider the welfare and safety of the
20 victim and any statement to the court received by the victim regarding
21 the disclosure.

568.045. 1. A person commits the crime of endangering the welfare of a
2 child in the first degree if:

3 (1) The person knowingly acts in a manner that creates a substantial risk
4 to the life, body, or health of a child less than seventeen years old; or

5 (2) The person knowingly engages in sexual conduct with a person under
6 the age of seventeen years over whom the person is a parent, guardian, or
7 otherwise charged with the care and custody;

8 (3) The person knowingly encourages, aids or causes a child less than
9 seventeen years of age to engage in any conduct which violates the provisions of
10 chapter 195, RSMo;

11 (4) Such person enlists the aid, either through payment or coercion, of a
12 person less than seventeen years of age to unlawfully manufacture, compound,
13 produce, prepare, sell, transport, test or analyze amphetamine or
14 methamphetamine or any of their analogues, or to obtain any material used to
15 manufacture, compound, produce, prepare, test or analyze amphetamine or
16 methamphetamine or any of their analogues; or

17 (5) Such person, in the presence of a person less than seventeen years of
18 age or in a residence where a person less than seventeen years of age resides,
19 unlawfully manufactures, or attempts to manufacture compounds, **possesses**,
20 produces, prepares, sells, transports, tests or analyzes amphetamine or
21 methamphetamine or any of their analogues.

22 2. Endangering the welfare of a child in the first degree is a class C felony
23 unless the offense is committed as part of a ritual or ceremony, or except on a
24 second or subsequent offense, in which case the crime is a class B felony.

25 **3. This section shall be known as "Hope's Law".**

570.030. 1. A person commits the crime of stealing if he or she
2 appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution
5 pursuant to this section on the issue of the requisite knowledge or belief of the
6 alleged stealer:

7 (1) That he or she failed or refused to pay for property or services of a
8 hotel, restaurant, inn or boardinghouse;

9 (2) That he or she gave in payment for property or services of a hotel,
10 restaurant, inn or boardinghouse a check or negotiable paper on which payment
11 was refused;

12 (3) That he or she left the hotel, restaurant, inn or boardinghouse with
13 the intent to not pay for property or services;

14 (4) That he or she surreptitiously removed or attempted to remove his or
15 her baggage from a hotel, inn or boardinghouse;

16 (5) That he or she, with intent to cheat or defraud a retailer, possesses,
17 uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales
18 receipt, price tag, or universal price code label, or possesses with intent to cheat
19 or defraud, the device that manufactures fraudulent receipts or universal price
20 code labels.

21 3. Notwithstanding any other provision of law, any offense in which the
22 value of property or services is an element is a class C felony if:

23 (1) The value of the property or services appropriated is five hundred
24 dollars or more but less than twenty-five thousand dollars; or

25 (2) The actor physically takes the property appropriated from the person
26 of the victim; or

27 (3) The property appropriated consists of:

28 (a) Any motor vehicle, watercraft or aircraft; or

29 (b) Any will or unrecorded deed affecting real property; or

30 (c) Any credit card or letter of credit; or

31 (d) Any firearms; or

32 (e) **Any explosive weapon as defined in section 571.010, RSMo; or**

33 (f) A United States national flag designed, intended and used for display
34 on buildings or stationary flagstaffs in the open; or

35 [(f)] (g) Any original copy of an act, bill or resolution, introduced or acted
36 upon by the legislature of the state of Missouri; or

37 [(g)] (h) Any pleading, notice, judgment or any other record or entry of
38 any court of this state, any other state or of the United States; or

39 [(h)] (i) Any book of registration or list of voters required by chapter 115,

40 RSMo; or

41 [(i)] **(j)** Any animal [of the species of horse, mule, ass, cattle, swine,
42 sheep, or goat] **considered livestock as that term is defined in section**
43 **144.010, RSMo;** or

44 [(j)] **(k)** Live fish raised for commercial sale with a value of seventy-five
45 dollars; or

46 **(l) Captive wildlife held under permit issued by the conservation**
47 **commission; or**

48 [(k)] **(m)** Any controlled substance as defined by section 195.010, RSMo;
49 or

50 [(l)] **(n)** Anhydrous ammonia;

51 [(m)] **(o)** Ammonium nitrate; or

52 [(n)] **(p)** Any document of historical significance which has fair market
53 value of five hundred dollars or more.

54 4. If an actor appropriates any material with a value less than five
55 hundred dollars in violation of this section with the intent to use such material
56 to manufacture, compound, produce, prepare, test or analyze amphetamine or
57 methamphetamine or any of their analogues, then such violation is a class C
58 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any
59 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
60 B felony. The theft of any amount of anhydrous ammonia by appropriation of a
61 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or
62 field applicator is a class A felony.

63 5. The theft of any item of property or services pursuant to subsection 3
64 of this section which exceeds five hundred dollars may be considered a separate
65 felony and may be charged in separate counts.

66 6. Any person with a prior conviction of [paragraph (i)] **paragraphs (j)**
67 **or (l)** of subdivision (3) of subsection 3 of this section and who violates the
68 provisions of [paragraph (i)] **paragraphs (j) or (l)** of subdivision (3) of
69 subsection 3 of this section when the value of the animal or animals stolen
70 exceeds three thousand dollars is guilty of a class B felony.

71 7. Any offense in which the value of property or services is an element is
72 a class B felony if the value of the property or services equals or exceeds
73 twenty-five thousand dollars.

74 8. Any violation of this section for which no other penalty is specified in
75 this section is a class A misdemeanor.

570.040. 1. Every person who has previously pled guilty **to** or been found
2 guilty [on two separate occasions] of [a] **two** stealing-related [offense] **offenses**
3 **committed on two separate occasions** where such offenses occurred within
4 ten years of the date of occurrence of the present offense [and where the person
5 received a sentence of ten days or more on such previous offense] and who
6 subsequently pleads guilty or is found guilty of a stealing-related offense is guilty
7 of a class D felony, unless the subsequent plea or guilty verdict is pursuant to
8 paragraph (a) of subdivision (3) of subsection 3 of section 570.030, in which case
9 the person shall be guilty of a class B felony, and shall be punished accordingly.

10 2. As used in this section, the term "stealing-related offense" shall include
11 federal and state violations of criminal statutes against stealing, **robbery**, or
12 buying or receiving stolen property and shall also include municipal ordinances
13 against same if the defendant was either represented by counsel or knowingly
14 waived counsel in writing and the judge accepting the plea or making the findings
15 was a licensed attorney at the time of the court proceedings.

16 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the
17 court, out of the hearing of the jury, prior to the submission of the case to the
18 jury, and the court shall determine the existence of the prior guilty pleas or
19 findings of guilt.

570.080. 1. A person commits the crime of receiving stolen property if for
2 the purpose of depriving the owner of a lawful interest therein, he or she receives,
3 retains or disposes of property of another knowing that it has been stolen, or
4 believing that it has been stolen.

5 2. Evidence of the following is admissible in any criminal prosecution
6 pursuant to this section to prove the requisite knowledge or belief of the alleged
7 receiver:

8 (1) That he or she was found in possession or control of other property
9 stolen on separate occasions from two or more persons;

10 (2) That he or she received other stolen property in another transaction
11 within the year preceding the transaction charged;

12 (3) That he or she acquired the stolen property for a consideration which
13 he or she knew was far below its reasonable value;

14 (4) That he or she obtained control over stolen property knowing the
15 property to have been stolen or under such circumstances as would reasonably
16 induce a person to believe the property was stolen.

17 3. Receiving stolen property is a class A misdemeanor unless the property

18 involved has a value of five hundred dollars or more, or the person receiving the
19 property is a dealer in goods of the type in question, **or the property involved**
20 **is a firearm or explosive weapon as those terms are defined in section**
21 **571.010, RSMo**, in which cases receiving stolen property is a class C felony.

573.020. 1. A person commits the crime of promoting obscenity in the
2 first degree if[, knowing its content and character]:

3 (1) He or she wholesale promotes or possesses with the purpose to
4 wholesale promote any obscene material; or

5 (2) He or she wholesale promotes for minors or possesses with the purpose
6 to wholesale promote for minors any material pornographic for minors; or

7 (3) He or she promotes, wholesale promotes or possesses with the purpose
8 to wholesale promote for minors material that is pornographic for minors via
9 computer, Internet or computer network if the person made the matter available
10 to a specific individual known by the defendant to be a minor.

11 2. Promoting obscenity in the first degree is a class D felony.

573.023. 1. A person commits the crime of sexual exploitation of a minor
2 if[, knowing of its content and character,] such person **knowingly or recklessly**
3 photographs, films, videotapes, produces or otherwise creates obscene material
4 with a minor or child pornography.

5 2. Sexual exploitation of a minor is a class B felony unless the minor is
6 a child, in which case it is a class A felony.

573.025. 1. A person commits the crime of promoting child pornography
2 in the first degree if[, knowing of its content and character,] such person
3 possesses with the intent to promote or promotes child pornography of a child less
4 than fourteen years of age or obscene material portraying what appears to be a
5 child less than fourteen years of age.

6 2. Promoting child pornography in the first degree is a class B felony
7 unless the person knowingly promotes such material to a minor, in which case it
8 is a class A felony. No person who pleads guilty to or is found guilty of, or is
9 convicted of, promoting child pornography in the first degree shall be eligible for
10 probation, parole, or conditional release for a period of three calendar years.

11 3. Nothing in this section shall be construed to require a provider of
12 electronic communication services or remote computing services to monitor any
13 user, subscriber or customer of the provider, or the content of any communication
14 of any user, subscriber or customer of the provider.

573.030. 1. A person commits the crime of promoting pornography for

2 minors or obscenity in the second degree if[, knowing its content or character,]
3 he or she:

4 (1) Promotes or possesses with the purpose to promote any obscene
5 material for pecuniary gain; or

6 (2) Produces, presents, directs or participates in any obscene performance
7 for pecuniary gain; or

8 (3) Promotes or possesses with the purpose to promote any material
9 pornographic for minors for pecuniary gain; or

10 (4) Produces, presents, directs or participates in any performance
11 pornographic for minors for pecuniary gain; or

12 (5) Promotes, possesses with the purpose to promote, produces, presents,
13 directs or participates in any performance that is pornographic for minors via
14 computer, electronic transfer, Internet or computer network if the person made
15 the matter available to a specific individual known by the defendant to be a
16 minor.

17 2. Promoting pornography for minors or obscenity in the second degree is
18 a class A misdemeanor unless the person has pleaded guilty to or has been found
19 guilty of an offense pursuant to this section committed at a different time, in
20 which case it is a class D felony.

573.035. 1. A person commits the crime of promoting child pornography
2 in the second degree if [knowing of its content and character] such person
3 possesses with the intent to promote or promotes child pornography of a minor
4 under the age of eighteen or obscene material portraying what appears to be a
5 minor under the age of eighteen.

6 2. Promoting child pornography in the second degree is a class C felony
7 unless the person knowingly promotes such material to a minor, in which case it
8 is a class B felony. No person who is found guilty of, pleads guilty to, or is
9 convicted of promoting child pornography in the second degree shall be eligible
10 for probation.

573.037. 1. A person commits the crime of possession of child
2 pornography if[, knowing of its content and character,] such person **knowingly**
3 **or recklessly** possesses any child pornography of a minor under the age of
4 eighteen or obscene material portraying what appears to be a minor under the
5 age of eighteen.

6 2. Possession of child pornography is a class C felony unless the person
7 possesses more than twenty still images of child pornography, possesses one

8 motion picture, film, videotape, videotape production, or other moving image of
9 child pornography, or has pleaded guilty to or has been found guilty of an offense
10 under this section, in which case it is a class B felony.

573.040. 1. A person commits the crime of furnishing pornographic
2 material to minors if[, knowing its content and character,] he or she:

3 (1) Furnishes any material pornographic for minors, knowing that the
4 person to whom it is furnished is a minor or acting in reckless disregard of the
5 likelihood that such person is a minor; or

6 (2) Produces, presents, directs or participates in any performance
7 pornographic for minors that is furnished to a minor knowing that any person
8 viewing such performance is a minor or acting in reckless disregard of the
9 likelihood that a minor is viewing the performance; or

10 (3) Furnishes, produces, presents, directs, participates in any performance
11 or otherwise makes available material that is pornographic for minors via
12 computer, electronic transfer, Internet or computer network if the person made
13 the matter available to a specific individual known by the defendant to be a
14 minor.

15 2. It is not an affirmative defense to a prosecution for a violation of this
16 section that the person being furnished the pornographic material is a peace
17 officer masquerading as a minor.

18 3. Furnishing pornographic material to minors or attempting to furnish
19 pornographic material to minors is a class A misdemeanor unless the person has
20 pleaded guilty to or has been found guilty of an offense committed at a different
21 time pursuant to this chapter, chapter 566 or chapter 568, RSMo, in which case
22 it is a class D felony.

573.060. 1. A person commits the crime of public display of explicit sexual
2 material if he knowingly **or recklessly**:

3 (1) Displays publicly explicit sexual material; or

4 (2) Fails to take prompt action to remove such a display from property in
5 his possession after learning of its existence.

6 2. Public display of explicit sexual material is a class A misdemeanor
7 unless the person has pleaded guilty to or has been found guilty of an offense
8 under this section committed at a different time, in which case it is a class D
9 felony.

10 3. For purposes of this section, each day there is a violation of this section
11 shall constitute a separate offense.

573.065. 1. A person commits the crime of coercing acceptance of obscene
2 material if[, knowing its content and character]:

3 (1) He requires acceptance of obscene material as a condition to any sale,
4 allocation, consignment or delivery of any other material; or

5 (2) He denies any franchise or imposes any penalty, financial or otherwise,
6 by reason of the failure or refusal of any person to accept any material obscene
7 or pornographic for minors.

8 2. Coercing acceptance of obscene material is a class D felony.

575.150. 1. A person commits the crime of resisting or interfering with
2 arrest, detention, or stop if, knowing that a law enforcement officer is making an
3 arrest, or attempting to lawfully detain or stop an individual or vehicle, or the
4 person reasonably should know that a law enforcement officer is making an arrest
5 or attempting to lawfully detain or lawfully stop an individual or vehicle, for the
6 purpose of preventing the officer from effecting the arrest, stop or detention, the
7 person:

8 (1) Resists the arrest, stop or detention of such person by using or
9 threatening the use of violence or physical force or by fleeing from such officer;
10 or

11 (2) Interferes with the arrest, stop or detention of another person by using
12 or threatening the use of violence, physical force or physical interference.

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants [and to];

15 (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance
16 violation; **and**

17 (3) **Arrests for warrants issued by a court or a probation and**
18 **parole officer.**

19 3. A person is presumed to be fleeing a vehicle stop if that person
20 continues to operate a motor vehicle after that person has seen or should have
21 seen clearly visible emergency lights or has heard or should have heard an
22 audible signal emanating from the law enforcement vehicle pursuing that person.

23 4. It is no defense to a prosecution pursuant to subsection 1 of this section
24 that the law enforcement officer was acting unlawfully in making the
25 arrest. However, nothing in this section shall be construed to bar civil suits for
26 unlawful arrest.

27 5. Resisting or interfering with an arrest **is a class D felony for an**
28 **arrest for a [felony is a class D felony]:**

29 **(1) Felony;**

30 **(2) Warrant issued for failure to appear on a felony case; or**

31 **(3) Warrant issued for a probation violation on a felony case.**

32 Resisting an arrest, detention or stop by fleeing in such a manner that the person
33 fleeing creates a substantial risk of serious physical injury or death to any person
34 is a class D felony; otherwise, resisting or interfering with an arrest, detention
35 or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a
36 class A misdemeanor.

**575.153. 1. A person commits the crime of disarming a peace
2 officer, as defined in section 590.100, RSMo, or a correctional officer if
3 such person intentionally:**

4 **(1) Removes a firearm or other deadly weapon from the person
5 of a peace officer or correctional officer while such officer is acting
6 within the scope of his or her official duties; or**

7 **(2) Deprives a peace officer or correctional officer of such
8 officer's use of a firearm or deadly weapon while the officer is acting
9 within the scope of his or her official duties.**

10 **2. The provisions of this section shall not apply when:**

11 **(1) The defendant does not know or could not reasonably have
12 known that the person he or she disarmed was a peace officer or
13 correctional officer; or**

14 **(2) The peace officer or correctional officer was engaged in an
15 incident involving felonious conduct by the peace officer or
16 correctional officer at the time the defendant disarmed such officer.**

17 **3. Disarming a peace officer or correctional officer is a class C
18 felony.**

**575.260. 1. A person commits the crime of tampering with a judicial
2 proceeding if, with purpose to influence the official action of a judge, juror, special
3 master, referee [or], arbitrator, state prosecuting or circuit attorney, or
4 attorney general in a judicial proceeding, he or she:**

5 **(1) Threatens or causes harm to any person or property; or**

6 **(2) Engages in conduct reasonably calculated to harass or alarm such
7 official or juror; or**

8 **(3) Offers, confers or agrees to confer any benefit, direct or indirect, upon
9 such official or juror.**

10 **2. Tampering with a judicial proceeding is a class C felony.**

1 [577.023. 1. For purposes of this section, unless the context
2 clearly indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three
5 or more intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or
7 more intoxication-related traffic offense and, in addition, any of the
8 following: involuntary manslaughter under subdivision (2) or (3) of
9 subsection 1 of section 565.024, RSMo; murder in the second degree
10 under section 565.021, RSMo, where the underlying felony is an
11 intoxication-related traffic offense; or assault in the second degree
12 under subdivision (4) of subsection 1 of section 565.060, RSMo; or
13 assault of a law enforcement officer in the second degree under
14 subdivision (4) of subsection 1 of section 565.082, RSMo;

15 (2) A "chronic offender" is:

16 (a) A person who has pleaded guilty to or has been found
17 guilty of four or more intoxication-related traffic offenses; or

18 (b) A person who has pleaded guilty to or has been found
19 guilty of, on two or more separate occasions, any combination of the
20 following: involuntary manslaughter under subdivision (2) or (3)
21 of subsection 1 of section 565.024, RSMo; murder in the second
22 degree under section 565.021, RSMo, where the underlying felony
23 is an intoxication-related traffic offense; assault in the second
24 degree under subdivision (4) of subsection 1 of section 565.060,
25 RSMo; or assault of a law enforcement officer in the second degree
26 under subdivision (4) of subsection 1 of section 565.082, RSMo; or

27 (c) A person who has pleaded guilty to or has been found
28 guilty of two or more intoxication-related traffic offenses and, in
29 addition, any of the following: involuntary manslaughter under
30 subdivision (2) or (3) of subsection 1 of section 565.024, RSMo;
31 murder in the second degree under section 565.021, RSMo, where
32 the underlying felony is an intoxication-related traffic offense;
33 assault in the second degree under subdivision (4) of subsection 1
34 of section 565.060, RSMo; or assault of a law enforcement officer in
35 the second degree under subdivision (4) of subsection 1 of section
36 565.082, RSMo;

37 (3) An "intoxication-related traffic offense" is driving while
38 intoxicated, driving with excessive blood alcohol content,
39 involuntary manslaughter pursuant to subdivision (2) or (3) of
40 subsection 1 of section 565.024, RSMo, murder in the second degree
41 under section 565.021, RSMo, where the underlying felony is an
42 intoxication-related traffic offense, assault in the second degree
43 pursuant to subdivision (4) of subsection 1 of section 565.060,
44 RSMo, assault of a law enforcement officer in the second degree
45 pursuant to subdivision (4) of subsection 1 of section 565.082,
46 RSMo, or driving under the influence of alcohol or drugs in
47 violation of state law or a county or municipal ordinance, where the
48 defendant was represented by or waived the right to an attorney in
49 writing;

50 (4) A "persistent offender" is one of the following:

51 (a) A person who has pleaded guilty to or has been found
52 guilty of two or more intoxication-related traffic offenses;

53 (b) A person who has pleaded guilty to or has been found
54 guilty of involuntary manslaughter pursuant to subdivision (2) or
55 (3) of subsection 1 of section 565.024, RSMo, assault in the second
56 degree pursuant to subdivision (4) of subsection 1 of section
57 565.060, RSMo, assault of a law enforcement officer in the second
58 degree pursuant to subdivision (4) of subsection 1 of section
59 565.082, RSMo; and

60 (5) A "prior offender" is a person who has pleaded guilty to
61 or has been found guilty of one intoxication-related traffic offense,
62 where such prior offense occurred within five years of the
63 occurrence of the intoxication-related traffic offense for which the
64 person is charged.

65 2. Any person who pleads guilty to or is found guilty of a
66 violation of section 577.010 or 577.012 who is alleged and proved
67 to be a prior offender shall be guilty of a class A misdemeanor.

68 3. Any person who pleads guilty to or is found guilty of a
69 violation of section 577.010 or 577.012 who is alleged and proved
70 to be a persistent offender shall be guilty of a class D felony.

71 4. Any person who pleads guilty to or is found guilty of a
72 violation of section 577.010 or section 577.012 who is alleged and

73 proved to be an aggravated offender shall be guilty of a class C
74 felony.

75 5. Any person who pleads guilty to or is found guilty of a
76 violation of section 577.010 or section 577.012 who is alleged and
77 proved to be a chronic offender shall be guilty of a class B felony.

78 6. No state, county, or municipal court shall suspend the
79 imposition of sentence as to a prior offender, persistent offender,
80 aggravated offender, or chronic offender under this section nor
81 sentence such person to pay a fine in lieu of a term of
82 imprisonment, section 557.011, RSMo, to the contrary
83 notwithstanding. No prior offender shall be eligible for parole or
84 probation until he or she has served a minimum of five days
85 imprisonment, unless as a condition of such parole or probation
86 such person performs at least thirty days of community service
87 under the supervision of the court in those jurisdictions which have
88 a recognized program for community service. No persistent
89 offender shall be eligible for parole or probation until he or she has
90 served a minimum of ten days imprisonment, unless as a condition
91 of such parole or probation such person performs at least sixty days
92 of community service under the supervision of the court. No
93 aggravated offender shall be eligible for parole or probation until
94 he or she has served a minimum of sixty days imprisonment. No
95 chronic offender shall be eligible for parole or probation until he or
96 she has served a minimum of two years imprisonment.

97 7. The state, county, or municipal court shall find the
98 defendant to be a prior offender, persistent offender, aggravated
99 offender, or chronic offender if:

100 (1) The indictment or information, original or amended, or
101 the information in lieu of an indictment pleads all essential facts
102 warranting a finding that the defendant is a prior offender or
103 persistent offender; and

104 (2) Evidence is introduced that establishes sufficient facts
105 pleaded to warrant a finding beyond a reasonable doubt the
106 defendant is a prior offender, persistent offender, aggravated
107 offender, or chronic offender; and

108 (3) The court makes findings of fact that warrant a finding

109 beyond a reasonable doubt by the court that the defendant is a
110 prior offender, persistent offender, aggravated offender, or chronic
111 offender.

112 8. In a jury trial, the facts shall be pleaded, established and
113 found prior to submission to the jury outside of its hearing.

114 9. In a trial without a jury or upon a plea of guilty, the
115 court may defer the proof in findings of such facts to a later time,
116 but prior to sentencing.

117 10. The defendant shall be accorded full rights of
118 confrontation and cross-examination, with the opportunity to
119 present evidence, at such hearings.

120 11. The defendant may waive proof of the facts alleged.

121 12. Nothing in this section shall prevent the use of
122 presentence investigations or commitments.

123 13. At the sentencing hearing both the state, county, or
124 municipality and the defendant shall be permitted to present
125 additional information bearing on the issue of sentence.

126 14. The pleas or findings of guilt shall be prior to the date
127 of commission of the present offense.

128 15. The court shall not instruct the jury as to the range of
129 punishment or allow the jury, upon a finding of guilt, to assess and
130 declare the punishment as part of its verdict in cases of prior
131 offenders, persistent offenders, aggravated offenders, or chronic
132 offenders.

133 16. Evidence of a prior conviction, plea of guilty, or finding
134 of guilt in an intoxication-related traffic offense shall be heard and
135 determined by the trial court out of the hearing of the jury prior to
136 the submission of the case to the jury, and shall include but not be
137 limited to evidence of convictions received by a search of the
138 records of the Missouri uniform law enforcement system
139 maintained by the Missouri state highway patrol. After hearing
140 the evidence, the court shall enter its findings thereon. A plea of
141 guilty or a finding of guilt followed by incarceration, a fine, a
142 suspended imposition of sentence, suspended execution of sentence,
143 probation or parole or any combination thereof in any
144 intoxication-related traffic offense in a state, county, or municipal

145 court, or any combination thereof, shall be treated as a prior plea
146 of guilty or finding of guilt for purposes of this section.]

577.023. 1. For purposes of this section, unless the context clearly
2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more
5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more
7 intoxication-related traffic offense and, in addition, any of the following:
8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section
9 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where
10 the underlying felony is an intoxication-related traffic offense; or assault in the
11 second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or
12 assault of a law enforcement officer in the second degree under subdivision (4) of
13 subsection 1 of section 565.082, RSMo;

14 (2) A "chronic offender" is:

15 (a) A person who has pleaded guilty to or has been found guilty of four or
16 more intoxication-related traffic offenses; or

17 (b) A person who has pleaded guilty to or has been found guilty of, on two
18 or more separate occasions, any combination of the following: involuntary
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024,
20 RSMo; murder in the second degree under section 565.021, RSMo, where the
21 underlying felony is an intoxication-related traffic offense; assault in the second
22 degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault
23 of a law enforcement officer in the second degree under subdivision (4) of
24 subsection 1 of section 565.082, RSMo; or

25 (c) A person who has pleaded guilty to or has been found guilty of two or
26 more intoxication-related traffic offenses and, in addition, any of the following:
27 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section
28 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where
29 the underlying felony is an intoxication-related traffic offense; assault in the
30 second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or
31 assault of a law enforcement officer in the second degree under subdivision (4) of
32 subsection 1 of section 565.082, RSMo;

33 (3) **"Continuous alcohol monitoring", automatically testing breath,**
34 **blood, or transdermal alcohol concentration levels and tampering**

35 attempts at least once every hour, regardless of the location of the
36 person who is being monitored, and regularly transmitting the
37 data. Continuous alcohol monitoring shall be considered an electronic
38 monitoring service under subsection 3 of section 217.690, RSMo;

39 (4) An "intoxication-related traffic offense" is driving while intoxicated,
40 driving with excessive blood alcohol content, involuntary manslaughter pursuant
41 to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the
42 second degree under section 565.021, RSMo, where the underlying felony is an
43 intoxication-related traffic offense, assault in the second degree pursuant to
44 subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law
45 enforcement officer in the second degree pursuant to subdivision (4) of subsection
46 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in
47 violation of state law or a county or municipal ordinance[, where the defendant
48 was represented by or waived the right to an attorney in writing];

49 [(4)] (5) A "persistent offender" is one of the following:

50 (a) A person who has pleaded guilty to or has been found guilty of two or
51 more intoxication-related traffic offenses;

52 (b) A person who has pleaded guilty to or has been found guilty of
53 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of
54 section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)
55 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in
56 the second degree pursuant to subdivision (4) of subsection 1 of section 565.082,
57 RSMo; and

58 [(5)] (6) A "prior offender" is a person who has pleaded guilty to or has
59 been found guilty of one intoxication-related traffic offense, where such prior
60 offense occurred within five years of the occurrence of the intoxication-related
61 traffic offense for which the person is charged.

62 2. Any person who pleads guilty to or is found guilty of a violation of
63 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall
64 be guilty of a class A misdemeanor.

65 3. Any person who pleads guilty to or is found guilty of a violation of
66 section 577.010 or 577.012 who is alleged and proved to be a persistent offender
67 shall be guilty of a class D felony.

68 4. Any person who pleads guilty to or is found guilty of a violation of
69 section 577.010 or section 577.012 who is alleged and proved to be an aggravated
70 offender shall be guilty of a class C felony.

71 5. Any person who pleads guilty to or is found guilty of a violation of
72 section 577.010 or section 577.012 who is alleged and proved to be a chronic
73 offender shall be guilty of a class B felony.

74 6. No state, county, or municipal court shall suspend the imposition of
75 sentence as to a prior offender, persistent offender, aggravated offender, or
76 chronic offender under this section nor sentence such person to pay a fine in lieu
77 of a term of imprisonment, section 557.011, RSMo, to the contrary
78 notwithstanding. No prior offender shall be eligible for parole or probation until
79 he or she has served a minimum of five days imprisonment, unless as a condition
80 of such parole or probation such person performs at least thirty days of
81 community service under the supervision of the court in those jurisdictions which
82 have a recognized program for community service. No persistent offender shall
83 be eligible for parole or probation until he or she has served a minimum of ten
84 days imprisonment, unless as a condition of such parole or probation such person
85 performs at least sixty days of community service under the supervision of the
86 court. No aggravated offender shall be eligible for parole or probation until he
87 or she has served a minimum of sixty days imprisonment. No chronic offender
88 shall be eligible for parole or probation until he or she has served a minimum of
89 two years imprisonment. **In addition to any other terms or conditions of**
90 **probation, the court shall consider, as a condition of probation for any**
91 **person who pleads guilty to or is found guilty of an intoxication-related**
92 **traffic offense, requiring the offender to abstain from consuming or**
93 **using alcohol or any products containing alcohol as demonstrated by**
94 **continuous alcohol monitoring or by verifiable breath alcohol testing**
95 **performed a minimum of four times per day as scheduled by the court**
96 **for such duration as determined by the court, but not less than ninety**
97 **days. The court may, in addition to imposing any other fine, costs, or**
98 **assessments provided by law, require the offender to bear any costs**
99 **associated with continuous alcohol monitoring or verifiable breath**
100 **alcohol testing.**

101 7. The state, county, or municipal court shall find the defendant to be a
102 prior offender, persistent offender, aggravated offender, or chronic offender if:

103 (1) The indictment or information, original or amended, or the information
104 in lieu of an indictment pleads all essential facts warranting a finding that the
105 defendant is a prior offender or persistent offender; and

106 (2) Evidence is introduced that establishes sufficient facts pleaded to

107 warrant a finding beyond a reasonable doubt the defendant is a prior offender,
108 persistent offender, aggravated offender, or chronic offender; and

109 (3) The court makes findings of fact that warrant a finding beyond a
110 reasonable doubt by the court that the defendant is a prior offender, persistent
111 offender, aggravated offender, or chronic offender.

112 8. In a jury trial, the facts shall be pleaded, established and found prior
113 to submission to the jury outside of its hearing.

114 9. In a trial without a jury or upon a plea of guilty, the court may defer
115 the proof in findings of such facts to a later time, but prior to sentencing.

116 10. The defendant shall be accorded full rights of confrontation and
117 cross-examination, with the opportunity to present evidence, at such hearings.

118 11. The defendant may waive proof of the facts alleged.

119 12. Nothing in this section shall prevent the use of presentence
120 investigations or commitments.

121 13. At the sentencing hearing both the state, county, or municipality and
122 the defendant shall be permitted to present additional information bearing on the
123 issue of sentence.

124 14. The pleas or findings of guilt shall be prior to the date of commission
125 of the present offense.

126 15. The court shall not instruct the jury as to the range of punishment or
127 allow the jury, upon a finding of guilt, to assess and declare the punishment as
128 part of its verdict in cases of prior offenders, persistent offenders, aggravated
129 offenders, or chronic offenders.

130 16. Evidence of a prior **conviction**, plea of guilty, or finding of guilt in
131 an intoxication-related traffic offense shall be heard and determined by the trial
132 court out of the hearing of the jury prior to the submission of the case to the jury,
133 and shall include but not be limited to evidence of convictions received by a
134 search of the records of the Missouri uniform law enforcement system maintained
135 by the Missouri state highway patrol. After hearing the evidence, the court shall
136 enter its findings thereon. A plea of guilty or a finding of guilt followed by
137 incarceration, **a fine**, a suspended imposition of sentence, suspended execution
138 of sentence, probation or parole or any combination thereof in any
139 intoxication-related traffic offense in a state, county or municipal court or any
140 combination thereof, shall be treated as a prior plea of guilty or finding of guilt
141 for purposes of this section.

577.029. A licensed physician, registered nurse, or trained

2 medical technician, acting at the request and direction of the law
3 enforcement officer, shall withdraw blood for the purpose of
4 determining the alcohol content of the blood, unless such medical
5 personnel, in his or her good faith medical judgment, believes such
6 procedure would endanger the life or health of the person in
7 custody. Blood may be withdrawn only by such medical personnel, but
8 such restriction shall not apply to the taking of a breath test, a saliva
9 specimen, or a urine specimen. In withdrawing blood for the purpose
10 of determining the alcohol content thereof, only a previously unused
11 and sterile needle and sterile vessel shall be utilized and the
12 withdrawal shall otherwise be in strict accord with accepted medical
13 practices. Upon the request of the person who is tested, full
14 information concerning the test taken at the direction of the law
15 enforcement officer shall be made available to him or her.

578.022. Any dog that is owned, or the service of which is
2 employed, by a law enforcement agency and that bites another animal
3 or human in the course of their official duties is exempt from the
4 provisions of sections 273.033 and 273.036, RSMo, and section 578.024.

578.024. 1. If a dog that has previously bitten a person or a
2 domestic animal without provocation bites any person on a subsequent
3 occasion, the owner or possessor is guilty of a class B misdemeanor
4 unless such attack:

5 (1) Results in serious injury to any person, in which case, the
6 owner or possessor is guilty of a class A misdemeanor; or

7 (2) Results in serious injury to any person and any previous
8 attack also resulted in serious injury to any person, in which case, the
9 owner or possessor is guilty of a class D felony; or

10 (3) Results in the death of any person, in which case, the owner
11 or possessor shall be guilty of a class C felony.

12 2. In addition to the penalty included in subsection 1 of this
13 section, if any dog that has previously bitten a person or a domestic
14 animal without provocation bites any person on a subsequent occasion
15 or if a dog that has not previously bitten a person attacks and causes
16 serious injury to or the death of any human, the dog shall be seized
17 immediately by an animal control authority or by the county
18 sheriff. The dog shall be impounded and held for ten business days
19 after the owner or possessor is given written notification and

20 thereafter destroyed.

21 3. The owner or possessor of the dog that has been impounded
22 may file a written appeal to the circuit court to contest the
23 impoundment and destruction of such dog. The owner or possessor
24 shall provide notice of the filing of the appeal to the animal control
25 authority or county sheriff who seized the dog. If the owner or
26 possessor files such an appeal and provides proper notice, the dog shall
27 remain impounded and shall not be destroyed while such appeal is
28 pending and until the court issues an order for the destruction of the
29 dog. The court shall hold a disposition hearing within thirty days of
30 the filing of the appeal to determine whether such dog shall be
31 humanely destroyed. The court may order the owner or possessor of
32 the dog to pay the costs associated with the animal's keeping and care
33 during the pending appeal.

34 4. Notwithstanding any provision of sections 273.033 and 273.036,
35 RSMo, section 578.022 and this section to the contrary, if a dog attacks
36 or bites a person who is engaged in or attempting to engage in a
37 criminal activity at the time of the attack, the owner or possessor is not
38 guilty of any crime specified under this section or section 273.036,
39 RSMo, and is not civilly liable under this section or section 273.036,
40 RSMo, nor shall such dog be destroyed as provided in subsection 2 of
41 this section, nor shall such person engaged in or attempting to engage
42 in a criminal activity at the time of the attack be entitled to the
43 defenses set forth in section 273.033, RSMo. For purposes of this
44 section "criminal activity" shall not include the act of trespass upon
45 private property under section 569.150, RSMo, as long as the trespasser
46 does not otherwise engage in, attempt to engage in, or have intent to
47 engage in other criminal activity nor shall it include any trespass upon
48 private property by a person under the age of twelve under section
49 569.140, RSMo.

578.025. 1. Any person who:

2 (1) Owns, possesses, keeps, or trains any dog, with the intent that such
3 dog shall be engaged in an exhibition of fighting with another dog;

4 (2) For amusement or gain, causes any dog to fight with another dog, or
5 causes any dogs to injure each other; or

6 (3) Permits any act as described in subdivision (1) or (2) of this subsection
7 to be done on any premises under his charge or control, or aids or abets any such

8 act is guilty of a class D felony.

9 2. Any person who is knowingly present, as a spectator, at any place,
10 building, or structure where preparations are being made for an exhibition of the
11 fighting of dogs, with the intent to be present at such preparations, or is
12 knowingly present at such exhibition or at any other fighting or injuring as
13 described in subdivision (2) of subsection 1 of this section, with the intent to be
14 present at such exhibition, fighting, or injuring is guilty of a class A misdemeanor
15 **for a first offense and a class D felony for a second or subsequent**
16 **offense.**

17 3. Nothing in this section shall be construed to prohibit:

18 (1) The use of dogs in the management of livestock by the owner of such
19 livestock or his employees or agents or other persons in lawful custody of such
20 livestock;

21 (2) The use of dogs in hunting; or

22 (3) The training of dogs or the use of equipment in the training of dogs for
23 any purpose not prohibited by law.

578.026. 1. A person performing a lawful seizure of any dog that
2 **is the subject of a violation of section 578.025, whether under the**
3 **authority of a warrant or not, shall:**

4 (1) **Be given a disposition hearing within thirty days of the filing**
5 **of the request for the purpose of granting immediate disposition of the**
6 **dogs impounded;**

7 (2) **Place impounded dogs in the care or custody of a**
8 **veterinarian, the appropriate animal control authority, or an animal**
9 **shelter. If no appropriate veterinarian, animal control authority, or**
10 **animal shelter is available, the dog shall not be impounded unless it is**
11 **diseased or disabled beyond recovery for any useful purpose;**

12 (3) **Humanely kill any dog impounded if it is determined by a**
13 **licensed veterinarian that the dog is diseased or disabled beyond**
14 **recovery for any useful purpose;**

15 (4) **Not be liable for any necessary damage to property if the dog**
16 **has been lawfully seized.**

17 2. **The owner or custodian or any person claiming an interest in**
18 **any dog that has been impounded because of being the subject of a**
19 **violation of section 578.025 may prevent disposition of the dog by**
20 **posting bond or security in an amount sufficient to provide for the**

21 **dog's care and keeping for at least thirty days, inclusive of the date on**
22 **which the animal was taken into custody. Notwithstanding the fact**
23 **that bond may be posted pursuant to this subsection, the authority**
24 **having custody of the animal may humanely dispose of the dog at the**
25 **end of the time for which expenses are covered by the bond or security,**
26 **unless there is a court order prohibiting such disposition. Such order**
27 **shall provide for a bond or other security in the amount necessary to**
28 **protect the authority having custody of the dog from any cost of the**
29 **care, keeping or disposal of the dog. The authority taking custody of**
30 **a dog shall give notice of the provisions of this section by posting a**
31 **copy of this section at the place where the dog was taken into custody**
32 **or by delivering it to a person residing on the property.**

33 **3. The owner or custodian of any dog humanely killed pursuant**
34 **to this section shall not be entitled to recover any damages related to,**
35 **nor the actual value of, the dog if the dog was found by a licensed**
36 **veterinarian to be diseased or disabled, or if the owner or custodian**
37 **failed to post bond or security for the care, keeping and disposition of**
38 **the dog after being notified of impoundment.**

578.030. 1. The provisions of section 43.200, RSMo, notwithstanding, any
2 member of the state highway patrol or other law enforcement officer may apply
3 for and serve a search warrant, and shall have the power of search and seizure
4 in order to enforce the provisions of sections 578.025 to 578.050.

5 2. Any member of the state highway patrol or other law enforcement
6 officer making an arrest under section 578.025 shall lawfully take possession of
7 all dogs or other animals and all paraphernalia, implements, or other property
8 or things used or employed, or about to be employed, in the violation of any of the
9 provisions of section 578.025. Such officer, after taking possession of such dogs,
10 animals, paraphernalia, implements or other property or things, shall file with
11 the court before whom the complaint is made against any person so arrested an
12 affidavit stating therein the name of the person charged in such complaint, a
13 description of the property so taken and the time and place of the taking thereof
14 together with the name of the person from whom the same was taken and the
15 name of the person who claims to own such property, if known, and that the
16 affiant has reason to believe and does believe, stating the ground of such belief,
17 that the property so taken was used or employed, or was about to be used or
18 employed, in such violation of section 578.025. [He shall thereupon deliver the

19 property so taken to the court, which shall, by order in writing, place the same
20 in the custody of an officer or other proper person named and designated in such
21 order, to be kept by him until the conviction or final discharge of such person
22 complained against, and shall send a copy of such order without delay to the
23 prosecuting attorney of the county. The officer or person so named and
24 designated in such order shall immediately thereupon assume the custody of such
25 property and shall retain the same, subject to the order of the court before which
26 such person so complained against may be required to appear for trial. Upon the
27 conviction of the person so charged, all property so seized shall be adjudged by
28 the court to be forfeited and shall thereupon be destroyed or otherwise disposed
29 of as the court may order. In the event of the acquittal or final discharge without
30 conviction of the person so charged, such court shall, on demand, direct the
31 delivery of such property so held in custody to the owner thereof.]

578.250. No person shall intentionally smell or inhale the fumes of any
2 solvent, particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite,**
3 **ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues**
4 or induce any other person to do so, for the purpose of causing a condition of, or
5 inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement,
6 irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or
7 nervous system, or for the purpose of, in any manner, changing, distorting, or
8 disturbing the audio, visual, or mental processes; except that this section shall
9 not apply to the inhalation of any anesthesia for medical or dental purposes.

578.255. 1. **As used in this section "alcohol beverage vaporizer"**
2 **means any device which, by means of heat, a vibrating element, or any**
3 **method, is capable of producing a breathable mixture containing one**
4 **or more alcoholic beverages to be dispensed for inhalation into the**
5 **lungs via the nose or mouth or both.**

6 2. No person shall intentionally or willfully induce the symptoms of
7 intoxication, elation, euphoria, dizziness, excitement, irrational behavior,
8 exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system,
9 distortion of audio, visual or mental processes by the use **or abuse** of any
10 [solvent, particularly toluol.] **of the following substances:**

- 11 (1) **Solvents, particularly toluol;**
- 12 (2) **Ethyl alcohol;**
- 13 (3) **Amyl nitrite and its iso-analogues;**
- 14 (4) **Butyl nitrite and its iso-analogues;**

- 15 **(5) Cyclohexyl nitrite and its iso-analogues;**
- 16 **(6) Ethyl nitrite and its iso-analogues;**
- 17 **(7) Pentyl nitrite and its iso-analogues; and**
- 18 **(8) Propyl nitrite and its iso-analogues.**

19 **3. This section shall not apply to substances that have been**
20 **approved by the United States Food and Drug Administration as**
21 **therapeutic drug products or are contained in approved over-the-**
22 **counter drug products or administered lawfully pursuant to the order**
23 **of an authorized medical practitioner.**

24 **[2.] 4. No person shall intentionally possess any solvent, particularly**
25 **toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl**
26 **nitrite, and propyl nitrite and their iso-analogues** for the purpose of using
27 it in the manner prohibited by section 578.250 and this section.

28 **5. No person shall possess or use an alcoholic beverage**
29 **vaporizer.**

30 **6. Nothing in this section shall be construed to prohibit the legal**
31 **consumption of intoxicating liquor, as defined by section 311.020,**
32 **RSMo, or nonintoxicating beer, as defined by section 312.010, RSMo.**

 578.260. 1. No person shall intentionally possess or buy any solvent,
2 particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl**
3 **nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues** for the
4 purpose of inducing or aiding any other person to violate the provisions of
5 sections 578.250 and 578.255.

6 2. Any person who violates any provision of sections 578.250 to 578.260
7 is guilty of a class B misdemeanor **for the first violation and a class D**
8 **felony for any subsequent violations.**

 578.265. 1. No person shall knowingly and intentionally sell or otherwise
2 transfer possession of any solvent, particularly toluol, **amyl nitrite, butyl**
3 **nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl**
4 **nitrite and their iso-analogues** to any person for the purpose of causing a
5 condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness,
6 excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling
7 of senses or nervous system, or for the purpose of, in any manner, changing,
8 distorting, or disturbing the audio, visual, or mental processes.

9 2. No person who owns or operates any business which receives over fifty
10 percent of its gross annual income from the sale of alcoholic beverages or beer

11 shall sell or offer for sale toluol, **amyl nitrite, butyl nitrite, cyclohexyl**
12 **nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-**
13 **analogues**, or any toxic glue.

14 **3. No person who owns or operates any business which operates**
15 **as a venue for live entertainment performance or receives over fifty**
16 **percent of its gross annual income from the sale of recorded video**
17 **entertainment shall sell or offer for sale toluol, amyl nitrite, butyl**
18 **nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or**
19 **their iso-analogues.**

20 **4.** Any person who violates the provisions of subsection 1 or 2 of this
21 section is guilty of a class C felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted
3 of, been found guilty of, or pled guilty or nolo contendere to committing,
4 attempting to commit, or conspiring to commit a felony offense of chapter 566,
5 RSMo, including sexual trafficking of a child and sexual trafficking of a child
6 under the age of twelve, or any offense of chapter 566, RSMo, where the victim
7 is a minor; or

8 (2) Any person who, since July 1, 1979, has been or is hereafter convicted
9 of, been found guilty of, or pled guilty or nolo contendere to committing,
10 attempting to commit, or conspiring to commit one or more of the following
11 offenses: kidnapping when the victim was a child and the defendant was not a
12 parent or guardian of the child; abuse of a child under section 568.060, RSMo,
13 when such abuse is sexual in nature; felonious restraint when the victim was a
14 child and the defendant is not a parent or guardian of the child; sexual contact
15 or sexual intercourse with a resident of a nursing home, under section 565.200,
16 RSMo; endangering the welfare of a child under section 568.045, RSMo, when the
17 endangerment is sexual in nature; genital mutilation of a female child, under
18 section 568.065, RSMo; promoting prostitution in the first degree; promoting
19 prostitution in the second degree; promoting prostitution in the third degree;
20 sexual exploitation of a minor; promoting child pornography in the first degree;
21 promoting child pornography in the second degree; possession of child
22 pornography; furnishing pornographic material to minors; public display of
23 explicit sexual material; coercing acceptance of obscene material; promoting
24 obscenity in the first degree; promoting pornography for minors or obscenity in
25 the second degree; incest; use of a child in a sexual performance; or promoting

26 sexual performance by a child; [and committed or attempted to commit the
27 offense against a victim who is a minor, defined for the purposes of sections
28 589.400 to 589.425 as a person under eighteen years of age;] or

29 (3) Any person who, since July 1, 1979, has been committed to the
30 department of mental health as a criminal sexual psychopath; or

31 (4) Any person who, since July 1, 1979, has been found not guilty as a
32 result of mental disease or defect of any offense listed in subdivision (1) or (2) of
33 this subsection; or

34 (5) Any juvenile certified as an adult and transferred to a court of general
35 jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or
36 nolo contendere to committing, attempting to commit, or conspiring to commit a
37 felony under chapter 566, RSMo, which is equal to or more severe than
38 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any
39 attempt or conspiracy to commit such offense;

40 (6) Any juvenile fourteen years of age or older at the time of the offense
41 who has been adjudicated for an offense which is equal to or more severe than
42 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any
43 attempt or conspiracy to commit such offense;

44 (7) Any person who is a resident of this state who has, since July 1, 1979,
45 or is hereafter convicted of, been found guilty of, or pled guilty to or nolo
46 contendere in any other state, or foreign country, or under federal, tribal, or
47 military jurisdiction to committing, attempting to commit, or conspiring to commit
48 an offense which, if committed in this state, would be a violation of chapter 566,
49 RSMo, **included under subdivision (1) of this subsection but not**
50 **excluded by subdivision (9) of this subsection**, or a felony violation of any
51 offense listed in subdivision (2) of this subsection or has been or is required to
52 register in another state or has been or is required to register under tribal,
53 federal, or military law; or

54 (8) Any person who has been or is required to register in another state or
55 has been or is required to register under tribal, federal, or military law and who
56 works or attends an educational institution, whether public or private in nature,
57 including any secondary school, trade school, professional school, or institution
58 of higher education on a full-time or on a part-time basis or has a temporary
59 residence in Missouri. "Part-time" in this subdivision means for more than seven
60 days in any twelve-month period.

61 **(9) Notwithstanding the provisions of subdivision (1) of this**

62 subsection to the contrary, any person who has been or is hereafter
63 convicted of, been guilty of, or pleads guilty or nolo contendere to
64 committing, attempting to commit, or conspiring to commit a violation
65 of sections 566.068, 566.090, 566.093, or 566.095, RSMo, if such offense is
66 a misdemeanor and the person was nineteen years of age or younger
67 and the victim was thirteen years of age or older at the time of the
68 offense, shall not be required to register. Upon receiving written
69 documentation proving that the misdemeanor offense qualifies under
70 this subdivision, any person required to register prior to August 28,
71 2009, for such offenses shall have his or her name and information
72 removed from the registry by the highway patrol and appropriate local
73 law enforcement agency. However, any person subject to this
74 subdivision shall remain on the sexual offender registry for any other
75 offense for which he or she is required to register under sections
76 589.400 to 589.425.

77 2. Any person to whom sections 589.400 to 589.425 apply shall, within
78 three days of conviction, release from incarceration, or placement upon probation,
79 register with the chief law enforcement official of the county or city not within a
80 county in which such person resides unless such person has already registered
81 in that county for the same offense. Any person to whom sections 589.400 to
82 589.425 apply if not currently registered in their county of residence shall
83 register with the chief law enforcement official of such county or city not within
84 a county within three days. The chief law enforcement official shall forward a
85 copy of the registration form required by section 589.407 to a city, town, village,
86 or campus law enforcement agency located within the county of the chief law
87 enforcement official, if so requested. Such request may ask the chief law
88 enforcement official to forward copies of all registration forms filed with such
89 official. The chief law enforcement official may forward a copy of such
90 registration form to any city, town, village, or campus law enforcement agency,
91 if so requested.

92 3. The registration requirements of sections 589.400 through 589.425 are
93 lifetime registration requirements unless:

- 94 (1) All offenses requiring registration are reversed, vacated or set aside;
95 (2) The registrant is pardoned of the offenses requiring registration;
96 (3) The registrant is no longer required to register and his or her name
97 shall be removed from the registry under the provisions of subsection 6 of this

98 section; or

99 (4) The registrant may petition the court for removal from the registry
100 under subsection 7 or 8 of this section and the court orders the removal of such
101 person from the registry.

102 4. For processing an initial sex offender registration the chief law
103 enforcement officer of the county or city not within a county may charge the
104 offender registering a fee of up to ten dollars.

105 5. For processing any change in registration required pursuant to section
106 589.414 the chief law enforcement official of the county or city not within a county
107 may charge the person changing their registration a fee of five dollars for each
108 change made after the initial registration.

109 6. Any person currently on the sexual offender registry for being convicted
110 of, found guilty of, or pleading guilty or nolo contendere to committing,
111 attempting to commit, or conspiring to commit, felonious restraint when the
112 victim was a child and he or she was the parent or guardian of the child,
113 nonsexual child abuse that was committed under section 568.060, RSMo, or
114 kidnapping when the victim was a child and he or she was the parent or guardian
115 of the child shall be removed from the registry. However, such person shall
116 remain on the sexual offender registry for any other offense for which he or she
117 is required to register under sections 589.400 to 589.425.

118 7. Any person currently on the sexual offender registry for having been
119 convicted of, found guilty of, or having pleaded guilty or nolo contendere to
120 committing, attempting to commit, or conspiring to commit promoting prostitution
121 in the second degree, promoting prostitution in the third degree, public display
122 of explicit sexual material, statutory rape in the second degree, and no physical
123 force or threat of physical force was used in the commission of the crime may file
124 a petition in the civil division of the circuit court in the county in which the
125 offender was convicted or found guilty of or pled guilty or nolo contendere to
126 committing, attempting to commit, or conspiring to commit the offense or offenses
127 for the removal of his or her name from the sexual offender registry after ten
128 years have passed from the date he or she was required to register.

129 8. Effective August 28, 2006, any person on the sexual offender registry
130 for having been convicted of, found guilty of, or having pled guilty or nolo
131 contendere to an offense included under subsection 1 of this section may file a
132 petition after two years have passed from the date the offender was convicted or
133 found guilty of or pled guilty or nolo contendere to the offense or offenses in the

134 civil division of the circuit court in the county in which the offender was convicted
135 or found guilty of or pled guilty or nolo contendere to the offense or offenses for
136 removal of his or her name from the registry if such person was nineteen years
137 of age or younger and the victim was thirteen years of age or older at the time of
138 the offense and no physical force or threat of physical force was used in the
139 commission of the offense.

140 9. (1) The court may grant such relief under subsection 7 or 8 of this
141 section if such person demonstrates to the court that he or she has complied with
142 the provisions of this section and is not a current or potential threat to public
143 safety. The prosecuting attorney in the circuit court in which the petition is filed
144 must be given notice, by the person seeking removal from the registry, of the
145 petition to present evidence in opposition to the requested relief or may otherwise
146 demonstrate the reasons why the petition should be denied. Failure of the person
147 seeking removal from the registry to notify the prosecuting attorney of the
148 petition shall result in an automatic denial of such person's petition. If the
149 prosecuting attorney is notified of the petition he or she shall make reasonable
150 efforts to notify the victim of the crime for which the person was required to
151 register of the petition and the dates and times of any hearings or other
152 proceedings in connection with that petition.

153 (2) If the petition is denied, such person shall wait at least twelve months
154 before petitioning the court again. If the court finds that the petitioner is entitled
155 to relief, which removes such person's name from the registry, a certified copy of
156 the written findings or order shall be forwarded by the court to the chief law
157 enforcement official having jurisdiction over the offender and to the Missouri
158 state highway patrol in order to have such person's name removed from the
159 registry.

160 10. Any nonresident worker or nonresident student shall register for the
161 duration of such person's employment or attendance at any school of higher
162 education and is not entitled to relief under the provisions of subsection 9 of this
163 section. Any registered offender from another state who has a temporary
164 residence in this state and resides more than seven days in a twelve-month period
165 shall register for the duration of such person's temporary residency and is not
166 entitled to the provisions of subsection 9 of this section.

167 11. Any person whose name is removed from the sexual offender registry
168 under **subdivision (9) of subsection 1**, subsection 7, or 8 of this section shall
169 no longer be required to fulfill the registration requirements of sections 589.400

170 to 589.425, unless such person is required to register for committing another
171 offense after being removed from the registry.

589.425. 1. A person commits the crime of failing to register as a sex
2 offender when the person is required to register under sections 589.400 to 589.425
3 and fails to comply with any requirement of sections 589.400 to 589.425. Failing
4 to register as a sex offender is a class D felony unless the person is required to
5 register based on having committed an offense in chapter 566, RSMo, which was
6 an unclassified felony, a class A or B felony, or a felony involving a child under
7 the age of fourteen, in which case it is a class C felony.

8 2. A person commits the crime of failing to register as a sex offender as
9 a second offense by failing to comply with any requirement of sections 589.400 to
10 589.425 and he or she has previously pled guilty to or has previously been found
11 guilty of failing to register as a sex offender. Failing to register as a sex offender
12 as a second offense is a class D felony unless the person is required to register
13 based on having committed an offense in chapter 566, RSMo, **or an offense in**
14 **any other state or foreign country, or under federal, tribal, or military**
15 **jurisdiction, which if committed in this state would be an offense under**
16 **chapter 566, RSMo**, which was an unclassified felony, a class A or B felony, or
17 a felony involving a child under the age of fourteen, in which case it is a class C
18 felony.

19 3. **(1)** A person commits the crime of failing to register as a sex offender
20 as a third offense by failing to meet the requirements of sections 589.400 to
21 589.425 and he or she has, on two or more occasions, previously pled guilty to or
22 has previously been found guilty of failing to register as a sex offender. Failing
23 to register as a sex offender as a third offense is a felony which shall be punished
24 by a term of imprisonment of not less than ten years and not more than thirty
25 years.

26 **[(1)] (2)** No court may suspend the imposition or execution of sentence
27 of a person who pleads guilty to or is found guilty of failing to register as a sex
28 offender as a third offense. No court may sentence such person to pay a fine in
29 lieu of a term of imprisonment.

30 **[(2)] (3)** A person sentenced under this subsection shall not be eligible
31 for conditional release or parole until he or she has served at least two years of
32 imprisonment.

33 **[(3)] (4)** Upon release, an offender who has committed failing to register
34 as a sex offender as a third offense shall be electronically monitored as a

35 mandatory condition of supervision. Electronic monitoring may be based on a
36 global positioning system or any other technology which identifies and records the
37 offender's location at all times.

590.701. 1. As used in this section, the following terms shall
2 mean:

3 (1) "Custodial interrogation", the questioning of a person under
4 arrest, who is no longer at the scene of the crime, by a member of a law
5 enforcement agency along with the answers and other statements of the
6 person questioned. "Custodial interrogation" shall not include:

7 (a) A situation in which a person voluntarily agrees to meet with
8 a member of a law enforcement agency;

9 (b) A detention by a law enforcement agency that has not risen
10 to the level of an arrest;

11 (c) Questioning that is routinely asked during the processing of
12 the arrest of the suspect;

13 (d) Questioning pursuant to an alcohol influence report;

14 (e) Questioning during the transportation of a suspect;

15 (2) "Recorded" and "recording", any form of audiotape, videotape,
16 motion picture, or digital recording.

17 2. All custodial interrogations of persons suspected of
18 committing or attempting to commit murder in the first degree, murder
19 in the second degree, assault in the first degree, assault of a law
20 enforcement officer in the first degree, domestic assault in the first
21 degree, elder abuse in the first degree, robbery in the first degree,
22 arson in the first degree, forcible rape, forcible sodomy, kidnapping,
23 statutory rape in the first degree, statutory sodomy in the first degree,
24 child abuse, or child kidnapping shall be recorded when feasible.

25 3. Law enforcement agencies may record an interrogation in any
26 circumstance with or without the knowledge or consent of a suspect,
27 but they shall not be required to record an interrogation under
28 subsection 2 of this section:

29 (1) If the suspect requests that the interrogation not be recorded;

30 (2) If the interrogation occurs outside the state of Missouri;

31 (3) If exigent public safety circumstances prevent recording;

32 (4) To the extent the suspect makes spontaneous statements;

33 (5) If the recording equipment fails; or

34 (6) If recording equipment is not available at the location where

35 the interrogation takes place.

36 4. Each law enforcement agency shall adopt a written policy to
37 record custodial interrogations of persons suspected of committing or
38 attempting to commit the felony crimes described in subsection 2 of
39 this section.

40 5. If a law enforcement agency fails to comply with the
41 provisions of this section, the governor may withhold any state funds
42 appropriated to the noncompliant law enforcement agency if the
43 governor finds that the agency did not act in good faith in attempting
44 to comply with the provisions of this section.

45 6. Nothing in this section shall be construed as a ground to
46 exclude evidence, and a violation of this section shall not have impact
47 other than that provided for in subsection 5 of this section. Compliance
48 or noncompliance with this section shall not be admitted as evidence,
49 argued, referenced, considered or questioned during a criminal trial.

50 7. Nothing contained in this section shall be construed to
51 authorize, create, or imply a private cause of action.

595.027. 1. Upon request by the [division] **department** for verification
2 of injuries of victims, medical providers shall submit the information requested
3 by the [division] **department** within twenty working days of the request at no
4 cost to the fund.

5 2. For purposes of this section, "medical providers" means physicians,
6 dentists, clinical psychologists, optometrists, podiatrists, registered nurses,
7 physician's assistants, chiropractors, physical therapists, hospitals, ambulatory
8 surgical centers, and nursing homes.

9 3. Failure to submit the information as required by this section shall be
10 an infraction.

650.052. 1. The state's DNA profiling system shall:

2 (1) Assist federal, state and local criminal justice and law enforcement
3 agencies in the identification, detection or exclusion of individuals who are
4 subjects of the investigation or prosecution of criminal offenses in which biological
5 evidence is recovered or obtained; and

6 (2) If personally identifiable information is removed, support development
7 of forensic validation studies, forensic protocols, and the establishment and
8 maintenance of a population statistics database for federal, state, or local crime
9 laboratories of law enforcement agencies; and

10 (3) Assist in the recovery or identification of human remains from mass
11 disasters, or for other humanitarian purposes, including identification of missing
12 persons.

13 2. The Missouri state highway patrol shall act as the central repository
14 for the DNA profiling system and shall collaborate with the Federal Bureau of
15 Investigation and other criminal justice agencies relating to the state's
16 participation in CODIS and the National DNA Index System or in any DNA
17 database.

18 3. The Missouri state highway patrol may promulgate rules and
19 regulations to implement the provisions of sections 650.050 to 650.100 in
20 accordance with Federal Bureau of Investigation recommendations for the form
21 and manner of collection of blood or other scientifically accepted biological
22 samples and other procedures for the operation of sections 650.050 to 650.100. No
23 rule or portion of a rule promulgated pursuant to the authority of this section
24 shall become effective unless it has been promulgated pursuant to the provisions
25 of section 536.024, RSMo.

26 4. The Missouri state highway patrol shall provide the necessary
27 components for collection of the [convicted] offender's biological samples. For
28 qualified offenders as defined by section 650.055 who are under custody and
29 control of the department of corrections, the DNA sample collection shall be
30 performed by the department of corrections and the division of probation and
31 parole, or their authorized designee or contracted third party. For qualified
32 offenders as defined by section 650.055 who are under custody and control of a
33 county jail, the DNA sample collections shall be performed by the county jail or
34 its authorized designee or contracted third party. For qualified offenders as
35 defined by section 650.055 who are under the custody and control of companies
36 contracted by the county or court to perform supervision and/or treatment of the
37 offender, the sheriff's department of the county assigned to the offender shall
38 perform the DNA sample collection. The specimens shall thereafter be forwarded
39 to the Missouri state highway patrol crime laboratory. Any DNA profiling
40 analysis or collection of DNA samples by the state or any county performed
41 pursuant to sections 650.050 to 650.100 shall be subject to appropriations.

42 5. The state's participating forensic DNA laboratories shall meet quality
43 assurance standards specified by the Missouri state highway patrol crime
44 laboratory and the Federal Bureau of Investigation to ensure quality DNA
45 identification records submitted to the central repository.

46 6. The state's participating forensic DNA laboratories may provide the
47 system for identification purposes to criminal justice, law enforcement officials
48 and prosecutors in the preparation and utilization of DNA evidence for
49 presentation in court and provide expert testimony in court on DNA evidentiary
50 issues.

51 7. The department of public safety shall have the authority to promulgate
52 rules and regulations to carry out the provisions of sections 650.050 to
53 650.100. Any rule or portion of a rule, as that term is defined in section 536.010,
54 RSMo, that is created under the authority delegated in this section shall become
55 effective only if it complies with and is subject to all of the provisions of chapter
56 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
57 536, RSMo, are nonseverable and if any of the powers vested with the general
58 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
59 or to disapprove and annul a rule are subsequently held unconstitutional, then
60 the grant of rulemaking authority and any rule proposed or adopted after August
61 28, 2004, shall be invalid and void.

 650.055. 1. Every individual, in a Missouri circuit court, who pleads
2 guilty to, or is found guilty of a felony or any offense under chapter 566, RSMo,
3 **or who is seventeen years of age or older and who is arrested for**
4 **burglary in the first degree under section 569.160, RSMo, or burglary**
5 **in the second degree under section 569.170, RSMo, or a felony offense**
6 **under chapter 565 or 566 or 568, RSMo,** or has been determined [beyond a
7 reasonable doubt] to be a sexually violent predator pursuant to sections 632.480
8 to 632.513, RSMo, shall have a blood or scientifically accepted biological sample
9 collected for purposes of DNA profiling analysis:

10 (1) **Upon booking at a county jail or detention facility; or**

11 (2) Upon entering or before release from the department of corrections
12 reception and diagnostic centers; or

13 [(2)] (3) Upon entering or before release from a county jail or detention
14 facility, state correctional facility, or any other detention facility or institution,
15 whether operated by private, local, or state agency, or any mental health facility
16 if committed as a sexually violent predator pursuant to sections 632.480 to
17 632.513, RSMo; or

18 [(3)] (4) When the state accepts a person from another state under any
19 interstate compact, or under any other reciprocal agreement with any county,
20 state, or federal agency, or any other provision of law, whether or not the person

21 is confined or released, the acceptance is conditional on the person providing a
22 DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo
23 contendere to an offense in any other jurisdiction which would be considered a
24 qualifying offense as defined in this section if committed in this state, or if the
25 person was convicted of, pleaded guilty to, or pleaded nolo contendere to any
26 equivalent offense in any other jurisdiction; or

27 ~~[(4)]~~ (5) If such individual is under the jurisdiction of the department of
28 corrections. Such jurisdiction includes persons currently incarcerated, persons
29 on probation, as defined in section 217.650, RSMo, and on parole, as also defined
30 in section 217.650, RSMo.

31 2. The Missouri state highway patrol and department of corrections shall
32 be responsible for ensuring adherence to the law. Any person required to provide
33 a DNA sample pursuant to this section shall be required to provide such sample,
34 without the right of refusal, at a collection site designated by the Missouri state
35 highway patrol and the department of corrections. Authorized personnel
36 collecting or assisting in the collection of samples shall not be liable in any civil
37 or criminal action when the act is performed in a reasonable manner. Such force
38 may be used as necessary to the effectual carrying out and application of such
39 processes and operations. The enforcement of these provisions by the authorities
40 in charge of state correctional institutions and others having custody or
41 jurisdiction over those who have been **arrested for**, convicted of, pleaded guilty
42 to, or pleaded nolo contendere to felony offenses which shall not be set aside or
43 reversed is hereby made mandatory. The board of probation or parole shall
44 recommend that an individual who refuses to provide a DNA sample have his or
45 her probation or parole revoked. In the event that a person's DNA sample is not
46 adequate for any reason, the person shall provide another sample for analysis.

47 3. The procedure and rules for the collection, analysis, storage,
48 expungement, use of DNA database records and privacy concerns shall not
49 conflict with procedures and rules applicable to the Missouri DNA profiling
50 system and the Federal Bureau of Investigation's DNA databank system.

51 4. Unauthorized uses or dissemination of individually identifiable DNA
52 information in a database for purposes other than criminal justice or law
53 enforcement is a class A misdemeanor.

54 5. Implementation of sections 650.050 to 650.100 shall be subject to future
55 appropriations to keep Missouri's DNA system compatible with the Federal
56 Bureau of Investigation's DNA databank system.

57 6. All DNA records and biological materials retained in the DNA profiling
58 system are considered closed records pursuant to chapter 610, RSMo. All records
59 containing any information held or maintained by any person or by any agency,
60 department, or political subdivision of the state concerning an individual's DNA
61 profile shall be strictly confidential and shall not be disclosed, except to:

62 (1) Peace officers, as defined in section 590.010, RSMo, and other
63 employees of law enforcement agencies who need to obtain such records to
64 perform their public duties;

65 (2) The attorney general or any assistant attorneys general acting on his
66 or her behalf, as defined in chapter 27, RSMo;

67 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56,
68 RSMo, and their employees who need to obtain such records to perform their
69 public duties; or

70 (4) Associate circuit judges, circuit judges, judges of the courts of appeals,
71 supreme court judges, and their employees who need to obtain such records to
72 perform their public duties.

73 7. Any person who obtains records pursuant to the provisions of this
74 section shall use such records only for investigative and prosecutorial purposes,
75 including but not limited to use at any criminal trial, hearing, or proceeding; or
76 for law enforcement identification purposes, including identification of human
77 remains. Such records shall be considered strictly confidential and shall only be
78 released as authorized by this section.

79 8. **Within ninety days of warrant refusal, the arresting agency**
80 **shall notify the Missouri state highway patrol crime laboratory which**
81 **shall expunge all DNA records taken at the arrest for which the**
82 **warrant was refused in the database pertaining to the person and**
83 **destroy the DNA sample of the person, unless the Missouri state**
84 **highway patrol determines that the person is otherwise obligated to**
85 **submit a DNA sample.** An individual may request expungement of his or her
86 DNA sample and DNA profile through the court issuing the reversal or dismissal.
87 A certified copy of the court order establishing that such conviction has been
88 reversed or guilty plea or plea of nolo contendere has been set aside shall be sent
89 to the Missouri state highway patrol crime laboratory. Upon receipt of the court
90 order, the laboratory will determine that the requesting individual has no other
91 qualifying offense as a result of any separate plea or conviction prior to
92 expungement.

93 (1) A person whose DNA record or DNA profile has been included in the
94 state DNA database in accordance with this section, section 488.5050, RSMo, and
95 sections 650.050, 650.052, and 650.100 may request expungement on the grounds
96 that the conviction has been reversed, or the guilty plea or plea of nolo contendere
97 on which the authority for including that person's DNA record or DNA profile was
98 based has been set aside.

99 (2) Upon receipt of a written request for expungement, a certified copy of
100 the final court order reversing the conviction or setting aside the plea and any
101 other information necessary to ascertain the validity of the request, the Missouri
102 state highway patrol crime laboratory shall expunge all DNA records and
103 identifiable information in the database pertaining to the person and destroy the
104 DNA sample of the person, unless the Missouri state highway patrol determines
105 that the person is otherwise obligated to submit a DNA sample. Within thirty
106 days after the receipt of the court order, the Missouri state highway patrol shall
107 notify the individual that it has expunged his or her DNA sample and DNA
108 profile, or the basis for its determination that the person is otherwise obligated
109 to submit a DNA sample.

110 (3) The Missouri state highway patrol is not required to destroy any item
111 of physical evidence obtained from a DNA sample if evidence relating to another
112 person would thereby be destroyed.

113 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match
114 derived from the database shall not be excluded or suppressed from evidence, nor
115 shall any conviction be invalidated or reversed or plea set aside due to the failure
116 to expunge or a delay in expunging DNA records.

650.470. 1. There is hereby created in the state treasury the
2 **"Reverend Nathaniel Cole Memorial Pursuit Reduction Grant", which**
3 **shall consist of all moneys duly authorized and appropriated by the**
4 **general assembly, all moneys received from federal funds, gifts,**
5 **bequests, donations, and any other moneys so designated, and all**
6 **interest earned on and income generated from moneys in the fund. The**
7 **state treasurer shall be the custodian of the fund and shall approve**
8 **disbursements from the fund in accordance with sections 30.170 and**
9 **30.180, RSMo. Moneys in the fund shall be used solely to provide grants**
10 **in the amount of a fifty percent match to urban police departments**
11 **which purchase real-time tagging and tracking pursuit management**
12 **systems.**

13 2. Notwithstanding the provisions of section 33.080, RSMo, to the
14 contrary, any moneys remaining in the fund at the end of the biennium
15 shall not revert to the credit of the general revenue fund.

16 3. The state treasurer shall invest moneys in the fund in the
17 same manner as other funds are invested.

18 4. Only urban police departments which have a pursuit policy in
19 place that is consistent with the state laws governing police pursuits
20 shall be eligible for such grants. The director of the department of
21 public safety shall determine an applicant's eligibility according to the
22 requirements of this subsection and shall disqualify from consideration
23 any urban police department that is not in compliance with state laws
24 governing police pursuit.

25 5. Applications for matching grants shall be filed with the
26 department of public safety on forms prescribed and furnished by the
27 director of the department of public safety. The applications shall
28 include the number of pursuits engaged in by the applicant department
29 per year for each of the five years preceding the application.

30 6. The director shall approve all applications which are not
31 disqualified under the provisions of subsection 4 of this section. If
32 funding is not sufficient to award grants to all eligible applicants who
33 were not disqualified by the director of the department of public safety
34 then the director shall determine which applicants shall be awarded
35 grants on the basis of need. Need shall be determined by the average
36 number of pursuits engaged in by a department over the five years
37 preceding application with grants being awarded first to those
38 applicants with the highest average number of pursuits per year. The
39 director shall continue to award grants based on need until funds dip
40 below the dollar amount needed to provide a fifty percent match to the
41 next applicant.

42 7. The director of the department of public safety shall
43 administer the provisions of this section and may adopt all rules and
44 regulations necessary to administer the provisions of this section. Any
45 rule or portion of a rule, as that term is defined in section 536.010,
46 RSMo, that is created under the authority delegated in this section
47 shall become effective only if it complies with and is subject to all of
48 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
49 RSMo. The provisions of this section are nonseverable and if any of the

50 powers vested with the general assembly under chapter 536, RSMo, to
51 review, to delay the effective date, or to disapprove and annul a rule
52 are subsequently held unconstitutional, then the grant of rulemaking
53 authority and any rule proposed or adopted after August 28, 2009, shall
54 be invalid and void.

55 8. As used in this section the following terms shall mean:

56 (1) "Real-time tagging and tracking pursuit management system",
57 any system which deploys a projectile that attaches to a fleeing vehicle
58 during police pursuit and can be monitored in real-time using GPS
59 technology;

60 (2) "Urban police department", any police department, sheriffs'
61 department, or law enforcement agency which is located in a
62 metropolitan area in this state with a population of at least four
63 hundred thousand inhabitants.

Section 1. The revisor of statutes shall change all references in
2 statute from "criminal records and identification division" or "criminal
3 records division" to "central repository".

[115.350. No person shall qualify as a candidate for elective
2 public office in the state of Missouri who has been convicted of or
3 found guilty of or pled guilty to a felony under the laws of this
4 state.]

[229.110. 1. Every person owning a hedge fence situated
2 along or near the right-of-way of any public road shall between the
3 first days of May and August of each year cut the same down to a
4 height of not more than five feet, and any owner of such fence
5 failing to comply with this section shall forfeit and pay to the
6 capital school fund of the county wherein such fence is situated not
7 less than fifty nor more than five hundred dollars, to be recovered
8 in a civil action in the name of the county upon the relation of the
9 prosecuting attorney, and any judgment of forfeiture obtained shall
10 be a lien upon the real estate of the owner of such fence upon
11 which same is situated, and a special execution shall issue against
12 said real estate and no exemption shall be allowed.

13 2. Any prosecuting attorney who shall fail or refuse to
14 institute suit as herein provided within thirty days after being
15 notified by any road overseer, county or state highway engineer,

16 that any hedge fence has not been cut down to the height herein
17 required within the time required, shall be removed from office by
18 the governor and some other person appointed to fill the vacancy
19 thus created. The cutting of any such fence after the time herein
20 required shall not be a defense to the action herein provided for.]

2 [550.050. 1. Every person who shall institute any
3 prosecution to recover a fine, penalty or forfeiture shall be
4 adjudged to pay all costs if the defendant is acquitted although he
5 may not be entitled to any part of the same.

6 2. When such prosecutions are commenced by a public
7 officer whose duty it is to institute the same, and the defendant is
8 acquitted, the county shall pay the costs; if he is convicted, and
9 unable to pay the costs, the county shall pay all the costs, except
such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be
3 discharged by the officer taking his examination, the costs shall be
4 paid by the prosecutor or person on whose oath the prosecution was
5 instituted, and the officer taking such examination shall enter
6 judgment against such person for the same, and issue execution
7 therefor immediately; and in no such case shall the state or county
pay the costs.]

2 [550.080. If, upon the trial of any indictment or
3 information, the defendant shall be acquitted or discharged, and
4 the prosecutor or prosecuting witness shall be liable to pay the
5 costs according to law, judgment shall be rendered against such
6 prosecutor for the costs in the case, and in no such case shall the
same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any
3 associate circuit judge, at the instance of the injured party, for the
4 disturbance of the peace of a person, or for libel or slander, or for
5 any trespass against the person or property of another, not
6 amounting to a felony, except for petit larceny, the name of such
7 injured party shall be entered by the associate circuit judge on his
8 record as a prosecutor; and if the defendant shall be discharged or
9 acquitted, such prosecutor shall be adjudged to pay the costs not
otherwise adjudged; and in every other case of acquittal, if the

10 associate circuit judge or jury trying the case shall state in the
11 finding that the prosecution was malicious or without probable
12 cause, the associate circuit judge shall enter judgment for costs
13 against the prosecution or party at whose instance the information
14 was filed, and shall issue execution therefor; but in no case shall
15 the prosecuting attorney be liable for costs. In other cases of
16 discharge or acquittal the costs shall be paid by the county, except
17 when the prosecution is commenced by complaint and the
18 prosecuting attorney declines to file information thereon, in which
19 case the proceedings shall be dismissed at the cost of the party
20 filing the complaint.]

[577.029. A licensed physician, registered nurse, or trained
2 medical technician at the place of his employment, acting at the
3 request and direction of the law enforcement officer, shall withdraw
4 blood for the purpose of determining the alcohol content of the
5 blood, unless such medical personnel, in his good faith medical
6 judgment, believes such procedure would endanger the life or
7 health of the person in custody. Blood may be withdrawn only by
8 such medical personnel, but such restriction shall not apply to the
9 taking of a breath test, a saliva specimen, or a urine specimen. In
10 withdrawing blood for the purpose of determining the alcohol
11 content thereof, only a previously unused and sterile needle and
12 sterile vessel shall be utilized and the withdrawal shall otherwise
13 be in strict accord with accepted medical practices. Upon the
14 request of the person who is tested, full information concerning the
15 test taken at the direction of the law enforcement officer shall be
16 made available to him.]

Section B. Because immediate action is necessary to ensure for the safe
2 operation of motor vehicles on Missouri's highways, the repeal and reenactment
3 of sections 577.023 and 577.029 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and the
6 repeal and reenactment of sections 577.023 and 577.029 of this act shall be in full
7 force and effect upon its passage and approval.