

# Journal of the Senate

SECOND REGULAR SESSION

---

**SIXTY-EIGHTH DAY—WEDNESDAY, MAY 9, 2012**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“His word...is in my heart like a fire, a fire shut up in my bones. I am weary of holding it in; indeed I cannot.” (Jeremiah 20:9)

Gracious God, thank You for touching our hearts and minds with Your word of life and the guidance that it provides us this day. May we speak to others with graciousness and conviction that You have given to us that must be said. May our interactions with others be a life affirming stream of care and resolve that revives our thinking and touches our soul. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Dempsey announced photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 2154, regarding Barbara Hehmeyer, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 2155, regarding Carla Rhodes, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 2156, regarding Dr. Maureen E. Clancy-May, St. Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2157, regarding Negasi Tafere, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2158, regarding Seifu Gudeta, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2159, regarding Gedlu B. Metaferia, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2160, regarding Zewdu Tafere Tesema, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2161, regarding Melaku Mekonnen Assefa, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2162, regarding Asegdew Atananaw Wole, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2163, regarding Abere Newete, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2164, regarding the Most Reverend Dr. Carl Swerason, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2165, regarding Oriola Binuyo Goheen, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2166, regarding Kadar Hussein, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2167, regarding Tsehay Mengiste, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2168, regarding Allelegne Mulat Workineh, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2169, regarding Dr. Sueleman Akinola, which was adopted.

President Pro Tem Mayer assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Emerging Issues, Pensions and

Urban Affairs, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, to which was referred **HCS** for **HB 1731**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **REFERRALS**

President Pro Tem Mayer referred **HCS** for **HB 1731**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

Senator Schmitt assumed the Chair.

Senator Mayer requested unanimous consent of the Senate to allow members of the Highway Patrol Troop E to enter the Chamber with side arms.

On motion of Senator Dempsey, the Senate recessed until 11:15 a.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

### **REPORTS OF STANDING COMMITTEES**

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS** for **HB 1731**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1762**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 49**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 43**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

**HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### HOUSE BILLS ON THIRD READING

At the request of Senator Parson, **HB 1170**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Engler, **HB 1036**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HB 1150**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 1361** was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HB 1072**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1563**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HB 1337**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **HCS** for **HB 1722** was placed on the Informal Calendar.

Senator Crowell requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **HCS** for **HB 1731**, with **SCS**, for 3rd reading and final passage, which request was granted.

**HCS** for **HB 1731**, with **SCS**, entitled:

An Act to repeal sections 313.321 and 313.835, RSMo, and to enact in lieu thereof two new sections relating to the gaming moneys.

Was taken up by Senator Crowell.

**SCS** for **HCS** for **HB 1731**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1731

An Act to repeal sections 42.300, 161.215, and 313.835, RSMo, and to enact in lieu thereof five new sections relating to the use of gaming moneys, with an emergency clause.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 1731** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HB 1731**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1731

An Act to repeal sections 42.300, 161.215, and 313.835, RSMo, and to enact in lieu thereof four new sections relating to the use of gaming moneys, with an emergency clause.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1731** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1731, Page 14, Section 313.835, Line 15 of said page, by inserting immediately after said line the following:

**“Section 1. Notwithstanding the provisions of section 1.140, to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”; and**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1731, Page 14, Section 313.835, Line 15, by inserting after all of said line the following:

**“Section 1. The joint committee on education shall develop a comprehensive funding formula for Missouri public institutions of higher education by December 31, 2013. The General Assembly shall implement the funding formula beginning in fiscal year 2015.”; and**

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Lager offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1731, Page 1, Section 1, Line 6, by striking the word “the” and inserting in lieu thereof the following: “a”.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1731, Page 11, Section 161.216, Line 1, by inserting after all of said line the following:

**“4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing requirement that may be established for an individual child care provider.”; and**

Further amend said section, line 6, by inserting immediately after the word “system” the following: “**or “training quality assurance system”**”; and further amend line 10, by inserting after the word “system” the following: “**or “training quality assurance system”**”; and further amend line 14, by inserting after the first use of the word “system” the following: “**or “training quality assurance system”**”; and

Further renumber the remaining subsection accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1731**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **HCS** for **HB 1731**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Schaefer moved that the conferees on **SS** for **SCS** for **HCS** for **HB 2003** be allowed to exceed the differences in Sections 3.165; 3.180; 3.185; 3.190; 3.195; and 3.200, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HCS** for **HB 1106** and has taken up and passed **SS** for **HCS** for **HB 1106**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1188** and has taken up and passed **HB 1188**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **SCS** for **HCS** for **HB 2003** be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 566**.

With House Amendment Nos. 1 and 2.

### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 566, Page 1, Section 322.005, Lines 10-17, by deleting all of said lines and inserting in lieu there of the following:

**“(6) “Vaccinated against rabies”, in receipt of a primary rabies”;** and

Further amend said bill and section, Page 2, by deleting the number **“(7)”** and inserting in lieu thereof the number **“(6)”**; and

Further amend said bill, page and section, Lines 24-35, by deleting all of said lines and inserting in lieu thereof the following:

**“2. If there is a reasonable suspicion that a person may have been exposed to rabies from contact with a dog or cat, the owner of the dog or cat shall provide documentation that the animal has been vaccinated against rabies or the owner shall surrender the animal to the proper authorities, including but not limited to law enforcement, a public health official, or a licensed veterinarian. A licensed veterinarian shall determine the proper course of action for examining the dog or cat. If a licensed veterinarian deems it necessary for the immediate health of the injured person, the dog or cat may be euthanized.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 566, Page 1, Section 322.005, Line 5, by deleting all of said line and inserting in lieu thereof the following:

**“(3) ‘‘Harbor’’, to feed or shelter an animal at the same location for fourteen or more consecutive days;’’**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Pearce.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 578**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto thirteen new sections relating to property owned by the state.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, House Amendment No. 1 to House Amendment No. 8, House Amendment No. 8, as amended, House Amendment Nos. 9 and 10.

## HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said section and line the following:

**‘‘Section 13. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property in Farmington, St. Francois County, Missouri, described as follows:**

**TRACT A**

**(Property north of cemetery and south of Doubet Road)**

**Part of Lots 85 and 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:**

**From the southeast corner of said Lot 85; thence N82°17'32"W, along the southerly line of said Lot 85, 1134.20 feet; thence N8°01'10"E, 181.95 feet to the POINT OF BEGINNING for this description; thence N82°17'57"W, 537.96 feet to the easterly line of a 30 foot road; thence N7°08'47"E, 1166.91 feet; thence S81°30'19"E, 260.68 feet; thence N9°01'04"E, 206.03 feet to the northerly line of said Lot 94; thence S82°11'48"E, along the northerly line of said Lots 94 and 85, 291.47 feet; thence S8°01'10"W, 1368.72 feet to the point of beginning. Containing 16.00 acres.**



**EXCEPT all that part of right-of-way of DOUBET ROAD**

**TRACT B**

**Part of Lot 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:**

**From the southeast corner of Lot 85 of said U.S. Survey 2969; thence N82°17'32"W, along the southerly line of said Lot 85, 1134.20 feet; thence N8°01'10"E, 181.95 feet; thence N82°17'57"W, 537.96 feet to the easterly line of a 30 foot road; thence N7°08'47"E, 320.10 feet to the POINT OF BEGINNING for this description; thence N81°42'19"W, 330.73 feet to the westerly line of a tract of land described by deed of record in Book 1164, page 627, St. Francois County Recorder's Office; thence N7°02'28"E, along the easterly line of said tract, 218.13 feet to the southwesterly corner of a tract of land described by deed of record in Book 834, page 413, St. Francois County Recorder's Office; thence S82°21'13"E, along the southerly line of said tract, described in Book 834, page 413, 331.08 feet to the southeasterly corner thereof also being the easterly line of a 30 foot wide roadway; thence S7°08'47"W, along the easterly line of said roadway, 221.87 feet to the point of beginning. Containing 1.67 acres.**

**EXCEPT a roadway 30 foot wide off the east side of the above described tract identified as Pullan Road in plats of record.**

**TRACT C**

**Part of Lot 94 of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, more particularly described as follows:**

**From the southeast corner of Lot 85 of said U.S. Survey 2969; thence N82°17'32"W, along the southerly line of Lot 85 and the southerly line of Lot 94, 1669.38 feet to the POINT OF BEGINNING for this description; thence continuing N82°17'32"W, along the southerly line of said Lot 94, 329.75 feet to the southeasterly corner of a tract of land described by deed of record in Book 1164, page 627, St. Francois County Recorder's Office; thence N7°02'28"E, along the easterly line of said tract, 505.39 feet; thence S81°42'19"E, 330.73 feet to the easterly line of a 30 foot road; thence S7°08'47"W, along the easterly line of said road, 501.99 feet to the point of beginning. Containing 3.81 acres.**

**EXCEPT a roadway 30 foot wide off the east side of the above described tract identified as Pullan Road in plats of record.**

**The property hereby authorized to be conveyed by the governor shall be verified by a survey. Such survey shall be authorized by the division of facilities, management, design and construction of the office of administration pursuant to this section.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.”; and**

**Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.**

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 578, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“177.011. **1.** The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan. All property leased or rented for school purposes shall be wholly under the control of the school board during such time. No board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

**2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said section and line the following:

**“Section 13. If the state highways and transportation commission transfers, sells, or conveys the property contained in sections 1 through 12 of section A of this act within two years of August 28, 2012, it shall use a public auction method except for transfers, sales, or conveyances to an adjacent property owner, public institution, political subdivision, or utility.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting immediately after said line the following:

**“Section 13. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located at the Farmington Correctional Center in Farmington, St. Francois County, Missouri, described as follows:**

**INGRESS AND EGRESS EASEMENT**

**A strip of land 30 feet wide across part of Lot 70 and 71 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois County, Missouri, said 30 foot strip lying 15.00 feet each side of and adjacent to the following described centerline:**

**From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County**

Recorder's Office; thence S06°20'17"W, 216.36 feet; thence S57°50'37"E, 82.27 feet to the POINT OF BEGINNING for this centerline description; thence northeasterly, on a curve to the right having a radius of 246.00 feet, an arc length of 187.61 feet, (the chord of said curve being N61°05'42"E, 183.10 feet); thence N82°56'37"E, 29.02 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 87.32 feet, (the chord of said curve being S89°54'34"E, 87.09 feet); thence S82°45'45"E, 257.95 feet; thence easterly, on a curve to the right having a radius of 400.00 feet, an arc length of 91.45 feet, (the chord of said curve being S76°12'46"E, 91.25 feet); thence S69°39'46"E, 36.75 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 177.87 feet, (the chord of said curve being S49°16'50"E, 174.14 feet); thence S28°53'54"E, 29.12 feet; thence southerly, on a curve to the right having a radius of 150.00 feet, an arc length of 85.38 feet, (the chord of said curve being S12°35'32"E, 84.23 feet); thence S03°42'50"W, 143.95 feet; thence S82°45'45"E, 51.95 feet to the point of termination.

Except all that part of Lot 2 of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office, St. Francois County, Missouri.

Except all that part of Perrine Road right-of-way.

#### TRACT 1

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

BEGINNING at a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence northwesterly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 91.45 feet (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 257.95 feet; thence westerly on a curve to the left having a radius of 350.00 feet, an arc length of 87.32 feet (the chord of said curve being N89°54'34"W, 87.09 feet); thence S82°56'37"W, 29.02 feet; thence southwesterly on a curve to the left having a radius of 246.00 feet, an arc length of 187.61 feet (the chord of said curve being S61°05'42"W, 183.10 feet); thence N57°50'37"W, 82.27 feet; thence N06°20'17"E, 216.36 feet to the point of beginning. Containing 2.67 acres.

Subject to the northerly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 2

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence  $S82^{\circ}45'45''E$ , along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence  $S07^{\circ}05'05''W$ , along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof, and the POINT OF BEGINNING for this description; thence  $S82^{\circ}45'45''E$ , along the southerly boundary of said Habitat for Humanity Subdivision, 167.67 feet to the southeasterly corner thereof; thence  $S06^{\circ}25'52''W$ , 321.27 feet; thence  $N82^{\circ}45'45''W$ , 24.78 feet; thence  $N03^{\circ}42'50''E$ , 128.92 feet; thence northerly, on a curve to the left having a radius of 150.00 feet, an arc length of 85.38 feet (the chord of said curve being  $N12^{\circ}35'32''W$ , 84.23 feet); thence  $N28^{\circ}53'54''W$ , 29.12 feet; thence northwesterly on a curve to the left having a radius of 250.00 feet, an arc length of 128.08 feet (the chord of said curve being  $N43^{\circ}34'33''W$ , 126.69 feet); thence  $N31^{\circ}44'48''E$ , 10.73 feet to the point of beginning. Containing 0.44 acres.

Subject to the northeasterly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 3

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence  $S82^{\circ}45'45''E$ , along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence  $S07^{\circ}05'05''W$ , along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence  $S82^{\circ}45'45''E$ , along the southerly boundary of said Habitat for Humanity Subdivision, 167.67 feet to the southeasterly corner thereof; thence  $S06^{\circ}25'52''W$ , 321.27 feet; thence  $N82^{\circ}45'45''W$ , 24.78 feet to the POINT OF BEGINNING for this description; thence  $N82^{\circ}45'45''W$ , 160.55 feet; thence  $N17^{\circ}45'13''W$ , 148.11 feet; thence  $N40^{\circ}06'01''E$ , 190.20 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 91.64 feet (the chord of said curve being  $S39^{\circ}23'56''E$ , 91.12 feet); thence  $S28^{\circ}53'54''E$ , 29.12 feet; thence southerly, on a curve to the right having a radius of 150.00 feet, an arc length of 85.38 feet (the chord of said curve being  $S12^{\circ}35'32''E$ , 84.23 feet); thence  $S03^{\circ}42'50''W$ , 128.92 feet to the point of beginning. Containing 1.03 acres.

Subject to the westerly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 4

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of

Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet to the POINT OF BEGINNING for this description; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 36.45 feet (the chord of said curve being S54°04'35"E, 36.42 feet); thence S40°06'01"W, 190.20 feet; thence N82°45'45"W, 100.00 feet; thence N19°19'50"E, 213.97 feet; thence easterly, on a curve to the right having a radius of 400.00 feet, an arc length of 44.27 feet (the chord of said curve being S72°50'00"E, 44.25 feet); thence S69°39'46"E, 36.75 feet; thence southeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being S63°57'29"E, 49.70 feet) to the point of beginning. Containing 0.61 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 5

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 44.27 feet (the chord of said curve being N72°50'00"W, 44.25 feet) to the POINT OF BEGINNING for this description; thence S19°19'50"W, 213.97 feet; thence N82°45'45"W, 128.00 feet; thence N07°14'15"E, 212.00 feet; thence S82°45'45"E, 125.75 feet; thence easterly on a curve to the right having a radius of 400.00 feet, an arc length of 47.18 feet (the chord of said curve being S79°23'00"E, 47.15 feet) to the point of beginning. Containing 0.73 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 6

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the

southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 91.45 feet (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 125.75 feet to the POINT OF BEGINNING for this description; thence S07°14'15"W, 212.00 feet; thence N82°45'45"W, 125.00 feet; thence N05°17'10"W, 214.89 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 39.49 feet (the chord of said curve being S85°59'40"E, 39.47 feet); thence N82°45'45"W, 132.20 feet to the point of beginning. Containing 0.72 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

#### TRACT 7

Part of Lot 70 of United States Survey Number 2969, Township 35 North, Range 5 East, in the City of Farmington, St. Francois, County, Missouri, more particularly described as follows:

From a stone marking the northwest corner of said Lot 70, also being the southwest corner of Crosswinds Plat 2 as per plat of record in Plat Book 15, page 163, St. Francois County Recorder's Office; thence S82°45'45"E, along the northerly line of said Lot 70, also being the southerly boundary of said Crosswinds Plat 2, 775.91 feet to the northwest corner of Habitat for Humanity Subdivision, as per plat of record in Plat Book 16, page 473, St. Francois County Recorder's Office; thence S07°05'05"W, along the westerly boundary of said Habitat for Humanity Subdivision, 150.00 feet to the southwesterly corner thereof; thence S31°44'48"W, 10.73 feet; thence westerly on a curve to the left having a radius of 250.00 feet, an arc length of 49.78 feet, (the chord of said curve being N63°57'29"W, 49.70 feet); thence N69°39'46"W, 36.75 feet; thence westerly on a curve to the left having a radius of 400.00 feet, an arc length of 91.45 feet, (the chord of said curve being N76°12'46"W, 91.25 feet); thence N82°45'45"W, 257.95 feet; thence westerly, on a curve to the left having a radius of 350.00 feet, an arc length of 39.49 feet, (the chord of said curve being N85°59'40"W, 39.47 feet) to the POINT OF BEGINNING for this description; thence S05°17'10"E, 214.89 feet; thence N82°45'45"W, 84.46 feet; thence N57°50'37"W, 204.13 feet; thence northeasterly, on a curve to the right having a radius of 246.00 feet, an arc length of 187.61 feet, (the chord of said curve being N61°05'42"E, 183.10 feet); thence N82°56'37"E, 29.02 feet; thence easterly, on a curve to the right having a radius of 350.00 feet, an arc length of 47.83 feet, (the chord of said curve being N86°51'30"E, 47.79 feet) to the point of beginning. Containing 0.80 acres.

Subject to the southerly 15 feet of a 30 foot wide Ingress and Egress Easement.

The property hereby authorized to be conveyed by the governor shall be verified by a survey. Such survey shall be authorized by the division of facilities, management, design and construction of the office of administration pursuant to this section.

2. The commissioner of administration shall set the terms and conditions for the conveyance as

**the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said section and line the following:

**“Section 13. 1. The department of transportation shall designate a sign at 1078 South Jefferson Street in Lebanon recognizing the “Independent Stave Company” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.**

**Section 14. 1. The department of transportation shall designate a sign at 111 West Broadway in Bolivar recognizing “Douglas, Haun, and Heidemann, P.C.” as a centennial business.**

**2. Costs associated with the erection and maintenance of such recognition shall be paid by private donations.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 578, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“227.505. The portion of highway 8 in St. Francois County from the intersection of Hunt Street east for a distance of one mile shall be designated the "Chief of Police Jerry E. Hicks Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said line the following:

**“Section 13. 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a perpetual street right of way in property owned by Missouri State University to the city of Springfield. The property to be conveyed is located at National Avenue and Monroe Street and is more particularly described as follows:**

**TRACT A**

**BEING A PART OF LOT 60 OF BIGGS AND GRAY’S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR’S LAND AS DESCRIBED IN BOOK 2339, PAGE 519 OF THE GREENE COUNTY RECORDER’S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**ALL OF THE NORTH 1.05 FEET OF THE EAST 15.78 FEET OF LOT 60, BIGGS AND GRAY'S ADDITION.**

**CONTAINING 17 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.**

**TRACT B**

**BEING A PART OF LOTS 54 AND 55 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2276, PAGE 383 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 54, AND BEING ON THE SOUTH RIGHT-OF-WAY LINE OF MONROE STREET; THENCE S88°54'15"E, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 174.58 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, AND THE EXISTING WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE S01°46'06"W, A DISTANCE OF 96.51 FEET; THENCE N04°37'20"W, A DISTANCE OF 48.84 FEET; THENCE NORTHWESTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 64°00'22", WITH A RADIUS OF 34.00 FEET, AN ARC DISTANCE OF 37.98 FEET; THENCE N68°37'42"W, A DISTANCE OF 12.98 FEET; THENCE NORTHWESTERLY, ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°33'47", WITH A RADIUS OF 204.00 FEET, AN ARC DISTANCE OF 51.85 FEET; THENCE N83°11'29"W, A DISTANCE OF 22.38 FEET; THENCE N88°54'15"W, A DISTANCE OF 61.71 FEET TO THE WEST LINE OF SAID LOT 54; THENCE N01°51'49"E, ALONG SAID WEST LINE, A DISTANCE OF 1.05 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 1,745 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.**

**TRACT C**

**BEING A PART OF LOTS 52 AND 53 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2066, PAGE 1451 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 53, AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF MONROE STREET; THENCE S88°54'15"E, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 113.19 FEET TO THE POINT OF BEGINNING; THENCE N85°24'56"E, A DISTANCE OF 37.53 FEET; THENCE N38°05'58"E, A DISTANCE OF 28.41 FEET; THENCE N01°48'27"E, A DISTANCE OF 60.76 FEET; THENCE N06°10'00"E, A DISTANCE OF 18.99 FEET TO THE NORTH LINE OF SAID LOT 52; THENCE S88°07'56"E, A DISTANCE OF 6.25 FEET TO THE EXISTING WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE S01°48'26"W, A DISTANCE OF 106.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 53, AND THE NORTH RIGHT-OF-WAY LINE OF EXISTING MONROE STREET; THENCE N88°54'15"W, ALONG THE SAID RIGHT-OF-WAY LINE, A DISTANCE OF 61.81 FEET TO THE POINT OF BEGINNING.**



**CONTAINING 1,131 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.**

**TRACT D**

**BEING A PART OF LOTS 50 AND 51 OF BIGGS AND GRAY'S ADDITION, BEING A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING A PART OF GRANTOR'S LAND AS DESCRIBED IN BOOK 2858, PAGE 1698 OF THE GREENE COUNTY RECORDER'S OFFICE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 51, AND BEING ON THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE; THENCE N88°07'56"W, ALONG THE SOUTH LINE OF SAID LOT 50, A DISTANCE OF 6.25 FEET; THENCE N06°10'00"E, A DISTANCE OF 82.23 FEET TO THE WEST RIGHT-OF-WAY NATIONAL AVENUE; THENCE S01°48'26"W, A DISTANCE OF 82.00 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 256 SQUARE FEET OF NEW PERPETUAL STREET RIGHT OF WAY.**

**2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required and the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 14. 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a perpetual street right of way in property owned by Missouri State University to the City of Springfield. The property is located at National Avenue and Grand Street and is more particularly described as follows:**

**A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 200.02 FEET; THENCE NORTH 10°09'58" EAST, A DISTANCE OF 101.26 FEET; THENCE NORTH 03°55'23" EAST, A DISTANCE OF 198.90 FEET; THENCE SOUTH 88°11'49" EAST, A DISTANCE OF 4.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE AS IT NOW EXISTS; THENCE SOUTH 01°49'53" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 520.78 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET; THENCE NORTH 88°54'53" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.61 FEET TO THE POINT OF BEGINNING.**

**ALSO COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07"**

EAST, A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE NORTH  $88^{\circ}54'53''$  WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 71.13 FEET; THENCE ON A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,215.58 FEET, AN ARC LENGTH OF 103.01 FEET, A CENTRAL ANGLE OF  $04^{\circ}51'19''$  AND A LONG CHORD OF 102.98 FEET WHICH BEARS NORTH  $84^{\circ}45'54''$  WEST FOR A POINT OF BEGINNING; THENCE CONTINUING ON A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,525.50 FEET, AN ARC LENGTH OF 93.30 FEET, A CENTRAL ANGLE OF  $03^{\circ}30'15''$  AND A LONG CHORD OF 93.29 FEET WHICH BEARS NORTH  $84^{\circ}24'43''$  WEST; THENCE SOUTH  $79^{\circ}53'22''$  WEST, A DISTANCE OF 76.10 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GRAND STREET; THENCE SOUTH  $88^{\circ}54'53''$  EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 12.10 FEET; THENCE NORTH  $87^{\circ}16'17''$  EAST, A DISTANCE OF 120.27 FEET; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,215.58 FEET, AN ARC LENGTH OF 35.55 FEET, A CENTRAL ANGLE OF  $01^{\circ}40'32''$  AND A LONG CHORD OF 35.55 FEET WHICH BEARS SOUTH  $88^{\circ}01'50''$  EAST TO THE POINT OF BEGINNING, CONTAINING 10,515 SQUARE FEET, (0.24 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

ALSO, A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH  $88^{\circ}54'53''$  WEST ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 525.86 FEET; THENCE SOUTH  $01^{\circ}05'07''$  WEST, A DISTANCE OF 29.94 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF GRAND STREET AS IT NOW EXISTS; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID GRAND STREET THE FOLLOWING FIVE (5) COURSES: SOUTH  $88^{\circ}53'44''$  EAST, A DISTANCE OF 195.52 FEET; THENCE SOUTH  $01^{\circ}44'15''$  WEST, A DISTANCE OF 7.99 FEET; THENCE SOUTH  $88^{\circ}54'53''$  EAST, A DISTANCE OF 70.00 FEET; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,139.58 FEET, AN ARC LENGTH OF 237.05, A CENTRAL ANGLE OF  $11^{\circ}55'06''$  AND A LONG CHORD OF 236.62 FEET WHICH BEARS SOUTH  $82^{\circ}56'51''$  EAST; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 28.47 FEET, A CENTRAL ANGLE OF  $54^{\circ}22'10''$  AND A LONG CHORD OF 27.41 FEET WHICH BEARS SOUTH  $49^{\circ}30'54''$  EAST TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE AS IT NOW EXISTS; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 13.85 FEET, A CENTRAL ANGLE OF  $26^{\circ}26'42''$  AND A LONG CHORD OF 13.72 FEET WHICH BEARS SOUTH  $10^{\circ}53'17''$  EAST; THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF NATIONAL AVENUE SOUTH  $01^{\circ}44'15''$  WEST, A DISTANCE OF 364.11 FEET; THENCE NORTH  $02^{\circ}04'10''$  WEST, A DISTANCE OF 243.50 FEET; THENCE NORTH  $01^{\circ}53'46''$  EAST, A DISTANCE OF 34.34 FEET; THENCE NORTH  $07^{\circ}33'58''$  WEST, A DISTANCE OF 43.48 FEET; THENCE NORTH  $44^{\circ}34'02''$  WEST, A DISTANCE OF 67.88

**FEET; THENCE NORTH 81°34'05" WEST, A DISTANCE OF 233.60 FEET; THENCE NORTH 71°13'31" WEST, A DISTANCE OF 69.94 FEET; THENCE ON A NON-TANGENT TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,490.50 FEET, AN ARC LENGTH OF 154.62 FEET, A CENTRAL ANGLE OF 05°56'37" AND A LONG CHORD OF 154.55 FEET WHICH BEARS NORTH 85°56'09" WEST; THENCE NORTH 01°05'32" EAST, A DISTANCE OF 0.51 FEET TO THE POINT OF BEGINNING, CONTAINING 16,700 SQUARE FEET, (0.38 Acres). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.**

**2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

**Section 15. 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a drainage easement over, on, and under property owned by Missouri State University located at National Avenue and Grand Street to the City of Springfield. The easement to be conveyed is more particularly described as follows:**

**A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 189.10 FEET FOR A POINT OF BEGINNING; THENCE NORTH 87°40'16" WEST, A DISTANCE OF 19.36 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 87°40'16" EAST, A DISTANCE OF 20.61 FEET; THENCE SOUTH 10°09'58" WEST, A DISTANCE OF 9.17 FEET; THENCE SOUTH 02°19'44" WEST, A DISTANCE OF 10.92 FEET TO THE POINT OF BEGINNING, CONTAINING 393 SQUARE FEET, (0.01 Acres). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.**

**ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE SOUTH 01°44'15" WEST ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 457.53 FEET FOR THE POINT OF BEGINNING, THENCE NORTH 88°06'14" WEST, A DISTANCE OF 15.25 FEET; THENCE NORTH 03°01'24" EAST, A DISTANCE OF 171.43 FEET; THENCE SOUTH 02°04'10" EAST, A DISTANCE OF 171.81 FEET TO THE POINT OF BEGINNING. ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF**

SAID SECTION 29, THENCE NORTH 88°54'53" WEST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 47.36 FEET; THENCE SOUTH 01°05'07" WEST, A DISTANCE OF 11 4.87 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 35°36'30" WEST, A DISTANCE OF 42.70 FEET; THENCE NORTH 67°27'15" WEST, A DISTANCE OF 27.08 FEET; THENCE NORTH 10°19'44" EAST, A DISTANCE OF 53.16 FEET; THENCE SOUTH 81°34'05" EAST, A DISTANCE OF 15.14 FEET; THENCE SOUTH 44°34'02" EAST, A DISTANCE OF 36.15 FEET TO THE POINT OF BEGINNING.

ALSO A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 22 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, THENCE NORTH 88°54'53" WEST ALONG THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 241.90 FEET; THENCE SOUTH 01°05'07" WEST, A DISTANCE OF 67.85 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 25°16'58" EAST, A DISTANCE OF 55.15 FEET; THENCE SOUTH 64°43'02" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 25°16'58" WEST, A DISTANCE OF 65.16 FEET; THENCE SOUTH 81°34'05" EAST, A DISTANCE OF 18.03 FEET TO THE POINT OF BEGINNING, CONTAINING 4,125 SQUARE FEET (0.09 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 16. 1. The board of governors of Missouri State University is hereby authorized and empowered to sell, transfer, grant, and convey a sanitary sewer easement over, on, and under property owned by Missouri State University located at National Avenue and Grand Street to the City of Springfield. The easement to be conveyed is more particularly described as follows:

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 22 WEST, THENCE NORTH 88°54'53" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 50.22 FEET; THENCE NORTH 01°05'07" EAST, A DISTANCE OF 30.00 FEET; THENCE NORTH 47°19'44" EAST, A DISTANCE OF 32.05 FEET; THENCE NORTH 02°19'44" EAST, A DISTANCE OF 98.23 FEET FOR A POINT OF BEGINNING; THENCE NORTH 25°37'05" WEST, A DISTANCE OF 32.30 FEET; THENCE NORTH 05°29'44" EAST, A DISTANCE OF 120.31 FEET; THENCE SOUTH 88°11 '49" EAST, A DISTANCE OF 14.96 FEET; THENCE SOUTH 10°09'58" WEST, A DISTANCE OF 47.46 FEET; THENCE SOUTH 02°19'44" WEST, A DISTANCE OF 101.79 FEET TO THE POINT OF BEGINNING, CONTAINING 1,788 SQUARE FEET, (0.04 ACRES). ALL LYING IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

2. The parties shall negotiate and set the terms and conditions for the conveyance. Such terms and

**conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve the form of the instrument of conveyance.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 578 Page 1, Line 20, by inserting after all of said line the following

“Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; [and]

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months; **and**

**(5) No finding of blight under this chapter shall be used to meet the conditions for blight under any other statute of this state.**

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the

governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.”; and”; and

Further amend said amendment, Page 1, Line 20, by inserting after all of said line the following:

“Further amend said bill, Page 13, Section 12, Line 18, by inserting after all of said line the following”:

**“Section 13. Whenever the fiscal body of one (1) or more eligible entities, acting individually or jointly, adopts an ordinance or a resolution in favor of the establishment of an airport authority under this chapter, there is established an airport authority. The authority has jurisdiction over a district with boundaries conterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority must have a name including the words “airport authority.”“;** and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 578, Page 1, Section A, Line 2, by inserting immediately after said Line the following:

“8.010. 1. The governor, attorney general, [and] lieutenant governor, **speaker of the house of representatives; and the president pro tempore of the senate shall** constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. [The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex officio members of the board but shall not have the power to vote.] The board shall constitute a body corporate and politic. The board has general supervision and charge of the public property of the state at the seat of government and other duties imposed on it by law.

2. The commissioner of administration shall provide staff support to the board.”; and

Further amend said Substitute, Page 13, Section 12, Line 18, by inserting immediately after said Line

the following:

**“Section 13. The rotunda on the third floor of the state capitol building and all furniture, equipment and supplies therein, are reserved for the exclusive use of the members and officers of the legislature. This space, together with the furniture, equipment and supplies therein, are in the direct charge and control of the house accounts committee and the senate accounts committee. No use of any of said quarters other than by the legislature, its members, or its officers shall be made except with the written consent of the legislature and upon the order of the accounts committee of both the house and the senate.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said section and line the following:

**“Section 13. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release all interest of the state of Missouri in an easement located near the Chouteau State Owned Office Building, in the City of St. Louis, described as follows:**

**Ingress/Egress Easement Vacation**

**Book 1696M, Page 2270**

**A tract of land being part of Lots 2 and 4 of Chouteau-Compton Subdivision No. 3, a subdivision according to the plat thereof as recorded in Plat Book 12242003, Page 132 of the City of St. Louis Records, being more particularly described as follows:**

**Beginning at the southeastern corner of above said Lot 4, said point also being the southwestern corner of Lot 2, said point also being located on the northern right-of-way line of Chouteau Avenue, 80 feet wide; thence along said right-of-way line, North 75 degrees 00 minutes 00 seconds West, 25.32 feet to the western line of an Ingress/Egress Easement as established by instrument recorded in Book 1696M, Page 2270; thence departing last said right-of-way line along said western line the following courses and distances: North 15 degrees 32 minutes 58 seconds East, 78.61 feet to a point on a non-tangent curve to the right having a radius of 75.51 feet; along said curve with an arc length of 47.00 feet, and a chord which bears North 44 degrees 16 minutes 16 seconds East, 46.24 feet; North 59 degrees 59 minutes 10 seconds East, 53.47 feet to a point on a non-tangent curve to the left having a radius of 81.83 feet; thence along said curve with an arc length of 57.03 feet, and a chord which bears North 36 degrees 21 minutes 43 seconds East, 55.88 feet to a point of tangency and North 16 degrees 23 minutes 52 seconds East, 21.30 feet to the northern line of above said Lot 4; thence along said north line South 75 degrees 00 minutes 00 seconds East, 12.52 feet to the northeastern corner of above said Lot 4, said point also being the northwestern corner of above said Lot 2; thence along the northern line of said Lot 2, South 75 degrees 00 minutes 00 seconds East, 11.21 feet to the northeastern corner of above said Ingress/Egress Easement; thence along the eastern line of said Ingress/Egress Easement the following courses and distances: South 14 degrees 42 minutes 17 seconds West, 25.31 feet to a point on a non-tangent curve to the right having a radius of 80.19 feet; along said curve with an arc length of 66.36 feet, and a chord which bears South 36 degrees 23 minutes 48 seconds West, 64.48 feet; South 60 degrees 06**

minutes 17 seconds West, 45.35 feet to a point on a non-tangent curve to the left having a radius of 63.36 feet; along said curve with an arc length of 42.86 feet, and a chord which bears South 34 degrees 36 minutes 23 seconds West, 42.05 feet to a point of tangency and South 15 degrees 13 minutes 43 seconds West, 73.14 feet to the northern right-of-way line of above said Chouteau Avenue; thence along said northern right-of-way line, North 75 degrees 00 minutes 00 seconds West, 10.53 feet to the Point of Beginning and containing 7,348 square feet or 0.168 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc on March 15, 2012.

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.**

Section B. Because immediate action is necessary to convey the property located near the Chouteau State Owned Office Building, the enactment of section 13 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and the enactment of section 13 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 578, Page 13, Section 12, Line 18, by inserting after all of said section and line the following:

**“Section 13. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in a tract of land located in the City of St. Louis, to The Special Administrative Board of the Transitional School District of The City of St. Louis (d/b/a The Board of Education of the City of St. Louis) described as follows:**

**Lots 10, 11, 12, and 13 in Block 3 of Evans Place, a subdivision in Block 3730 of the City of St. Louis, Missouri.**

**2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but need not be limited to, the number of appraisals required, and the time, place, and terms of the conveyance.**

**3. The attorney general shall approve as to form the instrument of conveyance.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly. Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 699**.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 2 to House Amendment No. 5, House Amendment No. 5, as amended, and House Amendment No. 6.



HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 6, Section 217.703, Line 98, by deleting the number “4” on said line and inserting in lieu thereof the number “5”; and

Further amend said bill, page, and section, Line 99, by deleting the number “6” on said line and inserting in lieu thereof the number “7”; and

Further amend said bill, Page 8, Section 221.105, Line 29, by deleting the first occurrence of the number “7” on said line and inserting in lieu thereof the number “6”; and

Further amend said bill, Page 10, Section 559.036, Line 23, by deleting the phrase “**subsection 3 of**” on said line; and

Further amend said bill, Page 12, Section 559.036, Line 66, by deleting the phrase “**subsection 2 of**” on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 1, In the Title, Lines 3-4, by deleting the phrase “under the supervision of the department of corrections”; and

Further amend said bill, Page 9, Section 221.105, Line 42, by inserting after all of said section and line, the following:

“491.075. 1. A statement made by a child under the age of fourteen, **or a vulnerable person**, relating to an offense under chapter 565, 566, 568 or 573, performed [with or on a child] by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child **or vulnerable person** testifies at the proceedings; or

(b) The child **or vulnerable person** is unavailable as a witness; or

(c) The child **or vulnerable person** is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child **or vulnerable person** unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of fourteen, **or a vulnerable person**, who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child **or vulnerable person** is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused’s counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused’s counsel with

a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

**5. For the purposes of this section, “vulnerable person” shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of fourteen years of age.”; and**

Further amend said bill, Page 15, Section 559.115, Line 82, by inserting after all of said section and line, the following:

“565.072. 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

565.073. 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.

568.060. 1. [A person commits the crime of abuse of a child if such person:

(1) Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old; or

(2) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

2. As used in this section "prohibited sexual act" means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3. Abuse of a child is a class C felony, unless:

(1) In the course thereof the person inflicts serious emotional injury on the child, or the offense is committed as part of a ritual or ceremony in which case the crime is a class B felony; or

(2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the provisions of this section, in which case the crime is a class A felony.

4. As used in this section, the word "fetishism" means a condition in which erotic feelings are excited by an object or body part whose presence is psychologically necessary for sexual stimulation or gratification] **As used in this section, the following terms shall mean:**

**(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;**

**(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;**

(3) “Mental injury”, an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) “Neglect”, the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) “Physical injury”, physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(7) “Serious physical injury”, a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.

5. The offense of abuse or neglect of a child is a class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence.

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation

of a minor as defined under section 573.023.

**7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.**

**8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.**

**9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 699 Page 3, Line 15, by inserting after all of said line the following:

“Further amend said bill, Page 3, Section 217.147, Line 76, by inserting after all of said section, the following:

**“217.243. Any inmate who receives on-site medical examination or treatment from the correctional center’s medical personnel shall be assessed a charge of one dollar fifty cents per visit for such medical examination or treatment.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 9, Section 221.105, Line 42, by after all of said section and line inserting the following:

“544.455. 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restriction on the travel, association, or place of abode of the person during the period of release;

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof **by a defendant or a third party; however, under article I, section 20 of the Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any surety who is in compliance with general laws regulating such profession;**

(4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;

(5) [Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;

(6)] Place the person on house arrest with electronic monitoring, except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, then the judge shall not order that the person be placed on house arrest with electronic monitoring;

[(7)] (6) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with

offenses specifically identified therein. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 3, Section 217.147, Line 76, by inserting immediately after said section and line, the following:

**“217.694. 1. Notwithstanding any other provision of law, any offender incarcerated in a correctional facility serving a sentence of life without parole for a minimum of fifty years or more and who is sixty years of age or older and has no prior felony convictions of a violent nature shall receive a parole hearing upon serving fifteen years or more of his or her sentence.**

**2. During the parole hearing required under subsection 1 of this section, the board of probation and parole shall determine whether there is a reasonable probability that the offender will live and remain at liberty without violation of law upon release, and therefore is eligible for release based upon a finding that the offender meets the following criteria:**

**(1) A record of good conduct while incarcerated;**

**(2) Has demonstrated self-rehabilitation efforts while incarcerated;**

**(3) Has a workable parole plan;**

**(4) Availability of community and family support;**

**(5) Is subject to a minimum of five years of supervision by the board of probation and parole upon release;**

**(6) Has an institutional risk factor score of one; and**

**(7) Is not a convicted sex offender.**

**3. If the board does not grant parole to an offender who qualifies for a parole hearing under this section, the offender shall be eligible for a reconsideration parole hearing every three years until a presumptive release date is established.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 1, Line 27, by inserting after all of said line the following:

“Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

**“208.182. 1. [The division of family services shall establish pilot projects in St. Louis City and in any county with a population of six hundred thousand or more, which shall provide for a system of electronic transfer of benefits to public assistance recipients. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of his account.] The department of social services shall seek a waiver from the federal government to mandate the use of photo identification**

**for continued eligibility in the food stamp program administered in Missouri. Upon one year after approval by the federal government, the department shall issue a photo identification card to each eligible household member who is sixteen years of age or older. Upon request, a household member, or the household's authorized representative, shall present the photo identification card at issuance points, retail food stores, or meal services when exchanging benefits for eligible food.**

2. The disclosure of any information provided to a financial institution, business or vendor by the [division of family services] **department** pursuant to this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. [Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4.] The [division of family services] **department** shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017 and chapter 536. **The rules shall ensure compliance with federal law, taking into account individuals and households with special needs as well as ensuring that all appropriate household members or authorized representatives are able to access benefits from the account as necessary.**

[5.] **4.** The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, [aid to families with dependent children (AFDC)] **temporary assistance for needy families (TANF)**, women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including Medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

**“208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department to meet at least one of the following conditions:**

**(1) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health;**

**(2) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;**



**(3) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse;**

**(4) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole;**

**(5) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant;  
or**

**(6) It has been more than four years since the conviction for a drug related felony.**

**2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.**

**3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section, including specifying criteria for determining active participation in and completion of a substance abuse treatment program.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 699, Page 1, Section A, Line 4, by inserting after all of said line the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

**2. Except as provided in subsections 5, 6, and 7 of this section,** the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) [Any photographs of the offender] **A current photograph of the individual, which shall be taken by the registering official;**

(6) [A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7)] The nature and dates of all offenses qualifying the offender to register;

[(8)] (7) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

[(9)] (8) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

[(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the webpage and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender; **and**

**(10) The status of the offender's term of incarceration, probation, or parole.**

**5. Notwithstanding the requirement to register under the provisions of sections 589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110 are exempt from the public notification requirements of this section if:**

**(1) There is no other offense for which the offender is required to register;**

**(2) The offender is not a repeat offender as a result of multiple adjudications for the offenses listed in this subsection; and**

**(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.**

**6. Witnesses afforded federal protection who are required to register under the provisions of sections 589.400 to 589.425 shall be excluded from the website under 18 U.S.C. Section 3521 et seq., while under active federal protection.**

**7. Juveniles required to register under section 589.400 shall be excluded from the website.”; and**

Further amend said bill, Page 15, Section 559.115, Line 82, by inserting after all of said line the following:

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

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection **6, 8, or 10** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the

welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

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

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

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

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

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

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

2. Any person to whom sections 589.400 to 589.425 apply shall, within [three] **five business** days of [conviction] **adjudication**, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile described in subdivision (6) of subsection 1 of this section, within five business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, he or she shall register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county

of residence shall register with the chief law enforcement official of such county or city not within a county within [three] **five business days**. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

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

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration **in the state of Missouri, or if not in Missouri, pardoned in another state, territory, the District of Columbia, or foreign country and the pardon explicitly states that the person is relieved of his or her duty to register as a sexual offender;**

(3) The registrant is **exempt or is** no longer required to register [and his or her name shall be removed from the registry] under the provisions of subsection 6, **8, or 10** this section; or

(4) The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal [or exemption] of such person from the registry **under subsection 7, 9, or 10 of this section or section 589.401.**

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

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

**6. Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

(1) **Felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child; or**

(2) **Nonsexual child abuse that was committed under section 568.060; or**

(3) **Kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child,**

**shall be exempt from registering as a sexual offender; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

7. Any person currently on the sexual offender registry **or who otherwise would be required to register** for [being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child] **any offense listed in subsection 6 of this section** shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register

under sections 589.400 to 589.425.

**8. Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

- (1) Sexual misconduct in the second degree under section 566.093; or**
- (2) Sexual misconduct in the third degree under section 566.095; or**
- (3) Promoting obscenity in the first degree under section 573.020; or**
- (4) Promoting obscenity in the second degree under section 573.030; or**
- (5) Furnishing pornographic materials to minors under section 573.040; or**
- (6) Public display of explicit sexual material under section 573.060; or**
- (7) Coercing acceptance of obscene material under section 573.065,**

**shall be exempt from registering as a sexual offender; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

[7.] **9.** Any person currently on the sexual offender registry **or who otherwise would be required to register** for [having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] **any offense listed in subsection 8 of this section shall be removed from the registry; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

[8.] **10.** Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] **11.** (1) The court may grant such relief under subsection [7 or 8] **9 or 10** of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not

a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

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

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

[11.] **13.** Any person whose name is removed or **who is** exempted from the sexual offender registry under subsection [7 or 8] **6, 7, 8, 9, or 10** of this section shall [no longer] **not** be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**14. Individuals that are not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal sex offender registry legislation shall only be required to register for their original offense if the person is currently incarcerated or under supervision of the Missouri department of corrections for a sexual offense.**

**589.401. 1.** Any person on the sexual offender registry may file a petition in the division of the circuit court in the county in which the offense requiring registration was adjudicated to have his or her name and information removed from the sexual offender registry; except that, any person having multiple offenses requiring registration under sections 589.400 to 589.425 shall not be eligible for removal from the registry until all applicable time requirements under subsections 2 and 3 of this section for all such offenses have elapsed. If the offense requiring registration was adjudicated in another state, the District of Columbia, a foreign country, or a territory, tribal, or military jurisdiction such person may file a petition in the division of the circuit court in the county in which such person resides.

**2.** A person who is required to register under the provisions of sections 589.400 to 589.425 for any of the following offenses or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if twenty years has not elapsed since the date the person was required to register:

**(1) Kidnapping when a sexual offense under chapter 566 was committed during the kidnapping**

or when the kidnapping was committed for the purpose of committing a sexual offense under chapter 566 and when the victim was less than eighteen years of age and excluding kidnapping by a parent or guardian under section 565.110;

(2) Child kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under section 565.115;

(3) Forcible rape under section 566.030;

(4) Forcible sodomy under section 566.060;

(5) Sexual trafficking of a child under section 566.212;

(6) Sexual trafficking of a child under the age of twelve, under section 566.213; or

(7) Child molestation in the first degree when it is a class A felony under section 566.067.

3. A person who is required to register under the provisions of sections 589.400 to 589.425 for any offense other than those listed in subsection 2 of this section or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if ten years has not elapsed since the date the person was required to register.

4. (1) Any person convicted in any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction shall not be eligible for removal from the registry unless such person:

(a) In addition to meeting the twenty-year time requirement under subsection 2 of this section, is a resident of this state for one year immediately preceding the filing of the petition; or

(b) In addition to meeting the ten-year time requirement under subsection 3 of this section, is a resident of this state for one year immediately preceding the filing of the petition.

(2) Any person otherwise exempt from registration under other applicable provisions of state law shall not be required to petition for removal from the registry under subsection 2 or 3 of this section.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;

(f) Address;

(g) Place of employment, school, or volunteer status;

(2) The offense that required the petitioner to register;

(3) The date the petitioner pled to, was convicted of, or was adjudicated for the offense;

(4) The date the petitioner was required to register;

**(5) The date the petitioner actually registered;**

**(6) The case number and court, including county, that entered the original order for the adjudicated sex offense;**

**(7) The petitioner's fingerprints on an applicant fingerprint card;**

**(8) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and**

**(9) That the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.**

**6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.**

**7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.**

**8. The prosecuting attorney in the circuit court in which the petition is filed shall be given notice, by the person seeking removal, of the petition and an opportunity to present evidence in opposition to the facts alleged in the petition. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.**

**9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner, including but not limited to criminal history records under section 43.530, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.**

**10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.**

**11. Except as otherwise provided under subsection 12 of this section, the court shall enter an order directing the removal of the petitioner's name and information from the sexual offender registry and from any corresponding state or local law enforcement registry or website unless it finds that the petitioner in this state or any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction:**

**(1) Has been adjudicated of or has charges pending for failure to register;**

**(2) Has been adjudicated of any additional offense which would require registration as a sexual offender and which occurred after the date such person initially registered as a sexual offender;**

**(3) Has charges pending for any offense which would require registration as a sexual offender;**

**(4) Has not successfully completed any required periods of supervised release, probation, or parole; and**

**(5) Has not successfully completed all appropriate sexual offender treatment, including any court-ordered treatment and any treatment ordered by the department of corrections.**

**12. For any person who has been convicted of a crime listed in subsection 2 of this section, the**



court may enter an order directing the removal of the petitioner's name and information from the sexual offender registry and from corresponding state or local law enforcement registry or website upon the filing of a petition for removal and submission of the petitioner's completed risk assessment evaluation conducted by a licensed mental health professional unless it finds that subdivisions (1) to (5) of subsection 11 apply to the petitioner in this state or any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction.

13. In order to prove the facts required by subdivisions (1), (2), and (3) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol and the Federal Bureau of Investigation.

14. Except as provided in subsection 14 of this section, if it is found that the petition is denied, a successive petition requesting such relief may be filed under this section one year after the date of such denial unless such denial is based on a subsequent conviction of a sex offense or failure to register, in which case no successive petition shall be filed.

15. If it is found that the petition is denied solely on the basis of the fact that the petitioner has pending charges and those charges are subsequently dismissed or the petitioner is subsequently acquitted of such pending charges, the petitioner may file a new petition under this section at any time after the dismissal or acquittal of such pending charges.

16. If the court finds that the petitioner is entitled to have his or her name and information removed from the sexual offender registry, the court shall enter judgment directing the respondents to remove the petitioner's name and information from all law enforcement sexual offender registries and public websites within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.

17. Any person subject to judgment requiring his or her name or information to be removed from the sexual offender registry shall not be required to register or report under sections 589.400 to 589.425 unless such person is required to register and report for an offense that was committed after the judgment of removal was entered.

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] website on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. Except as provided by subsections 5, 6, and 7 of this section, the registered sexual offender search [shall] may make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. Only the information listed in this subsection [shall] may be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) [Any photographs of the offender] **A current photograph of the individual, which shall be taken by the registering official;**

(6) [A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7)] The nature and dates of all offenses qualifying the offender to register;

[(8)] **(7)** The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

[(9)] **(8)** Compliance status of the offender with the provisions of sections 589.400 to 589.425; [and]

[(10)] **(9)** Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the webpage and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender; **and**

**(10) The status of the offender's term of incarceration, probation, or parole.**

4. The chief law enforcement officer of any county or city not within a county may [publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county] **give notice to any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, any child care facility licensed under chapter 210, or any child care facility defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, that a sex offender is residing, working, or attending school within a five mile radius of such school or child care facility. Such notice shall only include the sex offender information described in subsection 3 of this section.**

**5. Notwithstanding the requirement to register under the provisions of sections 589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110 are exempt from the public notification requirements of this section if:**

**(1) There is no other offense for which the offender is required to register;**

**(2) The offender is not a repeat offender as defined in section 589.404; and**

**(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.**

**6. Witnesses afforded federal protection who are required to register under the provisions of sections 589.400 to 589.425 shall be excluded from the website under 18 U.S.C. Section 3521 et seq., while under active federal protection.**

**7. Juveniles required to register under section 589.400 shall be excluded from the website.**

589.403. **1.** Any person [to whom subsection 1 of section 589.400 applies] **who is required to register**

**under sections 589.400 to 589.425** who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, **private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health** where such person was confined shall:

**(1) If the person plans to reside in Missouri**, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration **notification at least seven days** prior to release and forward the offender's registration, within three business days **of release, to the Missouri state highway patrol and** to the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole or release[. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; **or**

**(2) If the person does not reside or plan to reside in Missouri**, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration within three business days of release to the Missouri state highway patrol and chief law enforcement official within the county that the correctional facility or mental health institution is located.

**2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within five business days as directed, such refusal or failure shall constitute an offense of failure to register under section 589.425.**

589.405. **1.** Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall [obtain the address where the person expects to reside upon discharge, parole or release and shall] **make it a condition of probation that the offender** report, within [three] **five** business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release.] **of adjudication, to complete the initial registration. If such offender is not placed on probation, the court shall:**

**(1) If the offender resides in Missouri**, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county in which the offender resides;

**(2) If the offender does not reside in Missouri**, the court shall:

**(a) Order the offender to proceed directly to the chief law enforcement official in the county where the adjudication was heard to register as outlined in sections 589.400 to 589.425; and**

**(b) Complete the initial notification of duty to register form approved by the state judicial records**

**committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county where the offender was adjudicated.**

**2. If the offender refuses to complete and sign the registration information as outlined in subdivision (1) of subsection 1 of this section or if the offender resides outside of Missouri and fails to directly report to the chief law enforcement official as outlined in subdivision (2) of subsection 1 of this section, such refusal or failure shall constitute an offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form **shall consist of a statement in writing, including the signature of the offender and** shall include, but is not limited to the following:

(1) [A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;] **The full name of the individual to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

**(2) The date of birth of the individual to include any alias dates of birth used;**

**(3) The address of the individual's residence or, if the individual is homeless, the names and addresses of habitual locales frequented during the day and night to include any temporary homeless shelter or other temporary residence;**

**(4) The name and fixed address of the individual's employers, to include any place where the individual serves as a volunteer or unpaid intern. If the individual's place of employment is not fixed, the places where the individual works with whatever definiteness is possible under the circumstances shall be required, such as information about normal travel routes or the general areas in which the individual works;**

**(5) The name and address of any institutions of higher education that the individual attends;**

**(6) The Social Security number of the individual including any alias Social Security numbers used;**

**(7) The telephone numbers of the individual including all landline and cellular telephone numbers used;**

**(8) The license plate number, registration number, vehicle identification number, and vehicle description, including the year, make, model, color, and habitual location of each vehicle owned or operated by the individual for personal or work use;**

**(9) Any online identifiers as defined in section 43.651 which are used by the individual for personal**

**purposes;**

**(10) The crime for which the individual is registering including whether the person was sentenced as a persistent or predatory offender under section 558.018;**

**(11) The date, place, a brief description of the crime including the date and place of the adjudication regarding such crime;**

**(12) The age and gender of the victim and the offender at the time of the offense;**

**(13) If the offender was required to successfully complete appropriate sexual offender treatment, including any court-ordered treatment or any treatment ordered by the department of corrections, the date that the offender successfully completed such treatment, or a statement, that as of the date of registration, the offender has not yet successfully completed the required sexual offender treatment or has failed to successfully complete the required sexual offender treatment;**

**(14) The status of the individual's parole, probation, or supervised release, if applicable;**

**(15) Passport and immigration numbers to include expiration dates; and**

**(16) The physical description of the sex offender to include the physical appearance or characteristics, and identifying marks such as scars, marks, or tattoos.**

**2. The following shall be included with the form:**

**[(2)] (1) The fingerprints, palm prints, and a photograph of the person; [and]**

**(2) A current photograph of the individual to be taken by the registering official; and**

**(3) A DNA sample from the individual, if a sample has not already been obtained.**

**[2.] 3. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:**

**(1) A photocopy of a valid driver's license or nondriver's identification card; and**

**(2) A document verifying proof of the offender's residency[; and**

**(3) A photocopy of the vehicle registration for each of the offender's vehicles].**

**4. The Missouri state highway patrol shall maintain all required registration information in digitized form.**

**5. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.**

**6. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and if any inaccuracies are found provide proof of the information in question. The registering law enforcement official shall, within three business days of receipt of proof from the offender regarding the inaccuracy, correct the inaccuracy on its law enforcement registry and on its public website, if any, and shall notify the Missouri state highway patrol of the change in information. The Missouri state highway patrol shall, within three business days of notification by the registering law enforcement official, correct the inaccuracy on its law enforcement registry and on its public website.**

**7. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425, and a statement to such effect shall be included on the form that the individual is required to sign at each registration.**

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the Missouri state highway patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system, and other entities as provided by law, upon inquiry.

**2. Upon receipt of each completed offender registration form, the Missouri state highway patrol shall review the information contained in the form to determine whether, according to the form, the offender will be working, including as a volunteer or unpaid intern, or attending any school, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis, or residing on a temporary basis for fourteen or more consecutive days in a county or city not within a county other than the county of registration. If so, the patrol shall, within three business days of receipt of the registration form, notify the other jurisdictions where the offender will be working, attending school, or temporarily residing of that information.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not later than [three] **five** business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status,] appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] **if there is a change to any of the following information:**

- (1) Name;
- (2) Residence;
- (3) Employment;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

**2. Any person required to register under sections 589.400 to 589.425 shall, within five business days after a change, notify the chief law enforcement officer of the county or city not within a county of any changes to the following information:**

- (1) Vehicle information;
- (2) Temporary residence information; or
- (3) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications.

**3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described in subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.**

**4. The Missouri state highway patrol shall review any changes received from registering officials**

**under subsection 3 of this section to determine whether the offender will now be working, including as a volunteer or unpaid intern, or attending any school, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis, or residing on a temporary basis for fourteen or more consecutive days in a county or city not within a county other than the county of registration. If so, the patrol shall, within three business days of receipt of the changes, notify the other jurisdictions where the offender will be working, attending school, or temporarily residing of that information.**

[2.] **5.** If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state, **or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, **or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state **or foreign country, or federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the responsible official in the new state, **or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the chief law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

4.] **6.** In addition to the requirements of subsections 1 [and], 2, **and 5** of this section, [all registrants] **any person required to register under the provisions of sections 589.400 to 589.425 for any offense other than those listed in subsection 2 of section 589.401, or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**, shall report [semiannually] **annually** in person in the month of their birth [and six months thereafter] to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407[. All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency] **and six months thereafter shall report by mail on a form to be provided by the Missouri state highway patrol to update any change in information or to indicate that there has been no change. Such form shall**

require the signature of the offender.

**7. In addition to the requirements of subsections 1, 2, and 5 of this section, any person required to register under the provisions of sections 589.400 to 589.425 for any offenses listed in subsection 2 of section 589.401, or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made under section 589.407. In addition, such offenders shall report by mail ninety days after each in-person report on a form to be provided by the Missouri state highway patrol to update any change in information or to indicate that there has been no change. Such form shall require the signature of the offender.**

[5.] **8.** In addition to the requirements of subsections 1 [and], 2, and 5 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend **any school [or training], whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education** on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

[6. If a person, who is required to register as a sexual offender under sections 589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.]

**9. Whenever any person reports under the provisions of this section in person and in the month of their birth, the registering law enforcement official shall take a current photograph of the offender.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Parson moved that the conference committee report on **HCS for SB 568**, as amended, be taken up for adoption, which motion prevailed.

Senator Parson moved that the conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senator Goodman—1

Absent—Senators—None



Absent with leave—Senators—None

Vacancies—None

On motion of Senator Parson, **CCS** for **HCS** for **SB 568**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 568

An Act to repeal sections 94.700, 301.140, 301.147, 301.190, 301.193, 302.341, 302.700, 304.022, 304.180, 304.190, 306.127, and 306.532, RSMo, and to enact in lieu thereof thirteen new sections relating to transportation, with penalty provisions, an emergency clause for a certain section, an effective date for a certain section, and contingent effective dates for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators

Goodman Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Parson	Pearce	Richard	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Goodman Nieves Purgason Ridgeway—4

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 498**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 467**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1073** and **HCS** for **HB 1477**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Kraus moved that the Senate refuse to concur in **HA 1** and **HA 2** to **SCS** for **SB 715** and request the House to recede from its position and take up and pass **SCS** for **SB 715**, which motion prevailed.

Senator Schmitt assumed the Chair.

Senator Dixon moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 470**, as amended, and request the House to recede from its position and take up and pass **SS** for **SCS** for **SB 470**, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1402**, with **SCS**, entitled:

An Act to repeal sections 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof fifteen new sections relating to road use.

Was called from the Informal Calendar and taken up by Stouffer.

**SCS** for **HCS** for **HB 1402**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1402**

An Act to repeal sections 21.795, 70.441, 301.559, 302.341, 302.700, 304.120, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof twenty-one new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HB 1402** be adopted.

Senator Stouffer offered **SS** for **SCS** for **HCS** for **HB 1402**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1402

An Act to repeal sections 21.795, 70.441, 142.932, 144.030, 226.500, 260.392, 301.010, 301.032, 301.069, 301.218, 301.260, 301.280, 301.559, 301.560, 301.562, 301.567, 301.570, 302.010, 302.060, 302.130, 302.309, 302.341, 302.530, 302.700, 303.200, 304.120, 304.190, 306.127, 307.365, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.063, 390.116, 390.201, 390.280, 544.046, and 643.320, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **HCS** for **HB 1402** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, Page 36, Section 226.541, Line 20 of said page, by striking “aces” and inserting in lieu thereof the following: “**faces**”; and

Further amend said bill and section, Page 38, Lines 13 and 14 of said page, by striking said lines and inserting in lieu thereof the following: “**reset agreement program or digital upgrade regulations described in this section.**”.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, Page 100, Section 301.580, Line 20 of said page, by inserting after all of said line the following:

“301.600. 1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660.

2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. The notice of lien is perfected as of the time of its creation if the delivery of such notice to the director of revenue is completed within thirty days thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

3. Notwithstanding the provisions of section 301.620, on a refinance **by a different lender** of a **prior** loan secured by a motor vehicle or trailer a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

4. To perfect a subordinate lien, the notice of lien must be accompanied by the documents required to be delivered to the director pursuant to subdivision (3) of section 301.620.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as “subject to future advances” on the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state;

(2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee.

7. By rules and regulations, the director of revenue shall establish a security procedure for the purpose

of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.”; and

Further amend said bill, Page 153, Section 306.127, Line 10 of said page, by inserting after all of said line the following:

“306.400. 1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and watercraft shall have the same meanings given them in section 306.010, and the term outboard motor shall include outboard motors governed by section 306.530.

2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430.

3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor, motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of each notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien.

4. Notwithstanding the provisions of section 306.410, on a refinance **by a different lender** of a **prior** loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue.

5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as “subject to future advances” in the second lienholder’s portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder.

6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section.

7. The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**, which was read:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, Pages 178-179, Section 537.292, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Dempsey offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1402, Page 67, Section 301.260, Line 27 of said page, by inserting immediately after the word “plate” a comma “,”; and further amend said line, by inserting immediately after the word “or” a comma “,”.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Stouffer, **HCS** for **HB 1402**, with **SCS** and **SS** for **SCS**, as amended, was placed on the Informal Calendar.

Senator Kehoe assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 595**, entitled:

An Act to repeal sections 162.961 and 162.962, RSMo, and to enact in lieu thereof four new sections relating to due process hearing panel members, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 628**, entitled:

An Act to repeal sections 32.056, 56.807, 67.2010, 195.222, 195.223, 211.031, 211.093, 211.177, 211.444, 400.9-311, 452.402, 453.030, 453.050, 453.065, 453.080, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.026, 488.426, 488.2250, 488.5026, 488.5320, 508.050, 513.430, 513.440, 523.010, 537.345, 537.346, 537.528, 542.301, 558.019, 559.100, 559.105, 566.083, 569.100, and 570.120, RSMo, and to enact in lieu thereof forty-six new sections relating to the judiciary, with penalty provisions.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 2 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, 7, 8, 9, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, and House Amendment No. 13.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Bill No. 628, Page 38, Section 488.5375, Line 10, by inserting after all of said section and line, the following:

“491.075. 1. A statement made by a child under the age of fourteen, **or a vulnerable person**, relating to an offense under chapter 565, 566, 568 or 573, performed [with or on a child] by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child **or vulnerable person** testifies at the proceedings; or

(b) The child **or vulnerable person** is unavailable as a witness; or

(c) The child **or vulnerable person** is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child **or vulnerable person** unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of fourteen, **or a vulnerable person**, who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child **or vulnerable person** is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the accused's counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

**5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of fourteen years of age."**; and

Further amend said bill, Page 57, Section 559.105, Line 28, by inserting after all of said section and line, the following:

"565.072. 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

565.073. 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or



(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, **including any child who is a member of the family or household**, or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members.”; and

Further amend said bill and page, Section 566.083, Line 23, by inserting after all of said section and line, the following:

“568.060. 1. [A person commits the crime of abuse of a child if such person:

(1) Knowingly inflicts cruel and inhuman punishment upon a child less than seventeen years old; or

(2) Photographs or films a child less than eighteen years old engaging in a prohibited sexual act or in the simulation of such an act or who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act for the purpose of photographing or filming the act.

2. As used in this section “prohibited sexual act” means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism,

masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3. Abuse of a child is a class C felony, unless:

(1) In the course thereof the person inflicts serious emotional injury on the child, or the offense is committed as part of a ritual or ceremony in which case the crime is a class B felony; or

(2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the provisions of this section, in which case the crime is a class A felony.

4. As used in this section, the word “fetishism” means a condition in which erotic feelings are excited by an object or body part whose presence is psychologically necessary for sexual stimulation or gratification] **As used in this section, the following terms shall mean:**

(1) **“Abuse”, the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;**

(2) **“Abusive head trauma”, a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;**

(3) **“Mental injury”, an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;**

(4) **“Neglect”, the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;**

(5) **“Physical injury”, physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;**

(6) **“Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;**

(7) **“Serious physical injury”, a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.**

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) **To suffer physical or mental injury as a result of abuse or neglect; or**

(2) **To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.**

**3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.**

**4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.**

**5. The offense of abuse or neglect of a child is a class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence.**

**6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:**

**(1) The injury is a serious emotional injury or a serious physical injury;**

**(2) The child is less than fourteen years of age; and**

**(3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.**

**7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.**

**8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.**

**9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Bill No. 628, Page 41, Section 513.440, Line 7, by inserting after all of said section and line the following:

“513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall [be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body and to the department of public safety. A copy of such audit shall be provided to the state auditor’s office. This audit shall be paid for out of the proceeds of such federal forfeitures] **file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by January thirty-first for the previous calendar year with the department of public safety and the state auditor’s office. The report for the calendar year shall include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or**

**assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand.** The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section.

2. Intentional or knowing failure to comply with the [audit] **reporting** requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 628 Page 6, Line 19, by deleting all of said line and inserting in lieu thereof the following:

**“as may be required by law.**

453.010. 1. Any person desiring to adopt another person as his or her child shall petition the juvenile division of the circuit court of the county in which:

(1) The person seeking to adopt resides;

(2) The child sought to be adopted was born;

(3) The child [is located at the time of] **has resided for at least ninety days prior to** the filing of the **adoption** petition; or

(4) Either birth person resides.

2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of subsection 1 of this section.

3. If the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to the provision of chapter 211, any person desiring to adopt such person as his or her child shall petition the juvenile division of the circuit court which has jurisdiction over the child for permission to adopt such person as his or her child. Upon receipt of a motion from the petitioner and consent of the receiving court, the juvenile division of the circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile division of a circuit court within any of the alternative venues set forth in subsection 1 of this section.

4. If the petitioner has a spouse living and competent to join in the petition, such spouse may join therein, and in such case the adoption shall be by them jointly. If such a spouse does not join the petition the court in its discretion may, after a hearing, order such joinder, and if such order is not complied with may dismiss the petition.

5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the placement of a child for adoption when an approved family is available, regardless of the approved family’s residence or domicile. The court shall expedite the placement of a child for adoption pursuant to subsection 3 of this section.

6. A licensed child-placing agency may file a petition for transfer of custody if a birth parent consents in writing by power of attorney for placement of a minor child, a consent to adoption, or any other document

which evidences a desire to place the child with the licensed child-placing agency for the purposes of transfer of custody of the child to the licensed child-placing agency. The written consent obtained from the birth parent shall strictly comply with section 453.030.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Bill No. 628 Page 1, Line 1, by inserting after all of said line the following:

“11, Section 195.223, Line 95, by inserting after all of said section and line the following:

“210.135. 1. Any person, official, or institution complying with the provisions of sections 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

**3. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:**

- (1) The hotline worker or workers who took any reports related to such case;**
- (2) The division case worker or workers assigned to the investigation of such report; and**
- (3) The circuit manager assigned to the county where the report was investigated.**

**Any preliminary evaluation shall be completed no later than three days after the child’s death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child’s death.**

210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

**4. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.**

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[5.] 6. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child

within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. **Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger.** If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. **No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:**

**(1) (a) No person is present in the home at the time of the home visit; and**

**(b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;**

**(2) The alleged perpetrator will be alerted regarding the attempted visit; or**

**(3) The family has a history of domestic violence or fleeing the community.**

**If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to reach such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to investigating the report is or feels threatened or in danger of physical harm.** If the abuse is alleged to have occurred in a school or child-care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child-care facility shall have the same meaning as such term is defined in section 210.201.

[6.] **7.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[7.] **8.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence

against any other household or family member; and other pertinent data.

[8.] **9.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[9.] **10.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[10.] **11.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[11.] **12.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[12.] **13.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[13.] **14.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is



required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[14.] **15.** Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[15.] **16.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[16.] **17.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[17.] **18.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made. If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[18.] **19.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services [pursuant to subdivision (d)] **under paragraph (d) of subdivision (1)** of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall

not be entered into the registry.

[19.] **20.** The children’s division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

[20.] **21.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.”; and

Further amend said bill, Page”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 628, Page 18, Section 452.402, Line 33, by inserting after all of said line the following:

**“452.413. 1. As used in this section, the following terms shall mean:**

(1) **“Deploying parent”, a parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;**

(2) **“Deployment”, military service in compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof to report for combat operations, contingency operations, peacekeeping operations, temporary duty (TDY), a remote tour of duty, or other service for which the deploying parent is required to report unaccompanied by any family member. Military service includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause;**

(3) **“Military parent”, the legal parent of a child less than eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction, and who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;**

(4) **“Nondeploying parent”, a parent or guardian not subject to military deployment.**

**2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends.**

**3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.**

**4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.**

**(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent.**

**(3) Any court order modifying a previously ordered custody or visitation due to deployment shall specify that the deployment is the basis for the order and shall be entered by the court as a temporary order.**

**(4) Any such custody or visitation order shall further require the nondeploying parent to provide the court and the deploying parent with a thirty day advance written notice of any change of address and any change of telephone number. However, if a valid domestic violence court order from this or another jurisdiction is in effect that requires that the address or contact information of the parent who is not deployed be kept confidential, the notification shall be made to the court only, and a copy of the order shall be included in the notification.**

**(5) Upon motion of a deploying parent, upon reasonable advance notice and for good cause shown, the court shall hold an expedited hearing in any custody or visitation matters instituted under this section when the military duties of the deploying parent have a material effect on his or her ability or anticipated ability to appear in person at a regularly scheduled hearing.**

**5. (1) A temporary modification of such an order automatically ends no later than thirty days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated.**

**(2) Nothing in this section shall limit the power of the court to conduct an expedited or emergency hearing regarding custody or visitation upon return of the deploying parent, and the court shall do so within ten days of the filing of a motion alleging an immediate danger or irreparable harm to the child.**

**(3) The nondeploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the nondeploying parent for hearing within thirty days of the filing of the motion and this shall take precedence on the court's docket.**

**6. (1) Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child.**

**(2) Such delegated visitation time or access does not create an entitlement or standing to assert separate rights to parent time or access for any person other than a parent, and shall terminate by operation of law upon the end of the deployment, as set forth in this section.**

**(3) Such delegated visitation time shall not exceed the visitation time granted to the deploying parent under the existing order; except that, the court may take into consideration the travel time necessary to transport the child for such delegated visitation time.**

**(4) In addition, there is a rebuttable presumption that a deployed parent's visitation rights shall not be delegated to a family member who has a history of perpetrating domestic violence against a spouse, child, or a domestic living partner, or to a family member with an individual in the family member's household who has a history of perpetrating domestic violence against a spouse, child, or a domestic living partner.**

**(5) The person or persons to whom delegated visitation time has been granted shall have full legal standing to enforce such rights.**

**7. Upon motion of a deploying parent and upon reasonable advance notice and for good cause shown, the court shall permit such parent to present testimony and evidence by affidavit or electronic means in support, custody, and visitation matters instituted under this section when the military duties of such parent have a material effect on his or her ability to appear in person at a regularly scheduled hearing. Electronic means includes communication by telephone, video conference, or the internet.**

**8. Any order entered under this section shall require that the nondeploying parent shall:**

**(1) Make the child or children reasonably available to the deploying parent when the deploying parent has leave;**

**(2) Facilitate opportunities for telephonic and electronic mail contact between the deploying parent and the child or children during deployment; and**

**(3) Provide timely information regarding the deploying parent's leave schedule to the nondeploying parent.**

**9. (1) If there is no existing order establishing the terms of custody and visitation and it appears that deployment is imminent, upon the filing of initial pleadings and motion by either parent, the court shall expedite a temporary hearing to establish temporary custody or visitation to ensure the deploying parent has access to the child, to ensure disclosure of information, to grant other rights and duties set forth in this section, and to provide other appropriate relief.**

**(2) Any initial pleading filed to establish custody or visitation for a child of a deploying parent shall be so identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.**

**10. (1) Since military necessity may preclude court adjudication before deployment, the parties shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support. Each party shall provide information to each other in an effort to facilitate agreement on custody and visitation.**

**(2) A deploying parent shall provide a copy of his or her orders to the nondeploying parent promptly and without delay prior to deployment. Notification shall be made within ten days' of receipt of deployment orders. If less than ten days notice is received by the deploying parent, notice shall be given immediately upon receipt of military orders. If all or part of the orders are classified or restricted as to release, the deploying parent shall provide, under the terms of this subdivision, all such nonclassified or nonrestricted information to the nondeploying parent.**

**11. In an action brought under this chapter, whenever the court declines to grant or extend a stay of proceedings under the Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522, and**

decides to proceed in the absence of the deployed parent, the court shall appoint at the request of the deployed parent or on its own motion a guardian ad litem to represent the minor child's interests.

12. Service of process on a nondeploying parent whose whereabouts are unknown may be accomplished by certified mail, return receipt requested, to the nondeploying parent's last known address based on an affidavit of the deploying parent.

13. In determining whether a parent has failed to exercise visitation rights, the court shall not count any time periods during which the parent did not exercise visitation due to the material effect of such parent's military duties on visitation time.

14. Once an order for custody has been entered in Missouri, any absence of a child from this state during deployment shall be denominated a temporary absence for the purposes of application of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). For the duration of the deployment, Missouri shall retain exclusive jurisdiction under the UCCJEA and deployment shall not be used as a basis to assert inconvenience of the forum under the UCCJEA.

15. In making determinations under this section, the court may award attorney's fees and costs based on the court's consideration of:

(1) The failure of either party to reasonably accommodate the other party in custody or visitation matters related to a military parent's service;

(2) Unreasonable delay caused by either party in resolving custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 628, Pages 44-45, Section 537.351, Lines 1-38, by deleting all of said lines and inserting in lieu thereof the following:

**“537.351. 1. Except as provided in subsection 2 of this section, a possessor of real property, including an owner, lessee, or other occupant, or an agent of such owner, lessee, or other occupant, owes no duty of care to a trespasser except to refrain from harming the trespasser by an intentional, willful, or wanton act. A possessor of real property may use justifiable force to repel a criminal trespasser as provided by section 563.074.**

**2. A possessor of real property may be subject to liability for physical injury or death to a trespasser in the following situations:**

**(1) If the trespasser is a child who is harmed by a dangerous artificial condition on the land; and**

**(a) The possessor knew or should have known that children were likely to trespass at the location of the condition;**

**(b) The condition is one which the possessor knew or reasonably should have known involved an**

**unreasonable risk of death or serious physical injury to such children;**

**(c) The injured child because of the child’s youth did not discover the condition or realize the risk involved in the intermeddling with the condition or in coming within the area made dangerous by the condition;**

**(d) The utility to the possessor of maintaining the condition and the burden of eliminating the danger were slight as compared with the risk to the child involved; and**

**(e) The possessor failed to exercise reasonable care to eliminate the danger or otherwise protect the injured child; or**

**(2) The possessor knew or should have known that trespassers consistently intrude upon a limited area of the possessor’s land where the trespasser was harmed, the harm resulted from a dangerous artificial condition on the land; and**

**(a) The possessor created or maintained the artificial condition that caused the injury;**

**(b) The possessor knew that the condition was likely to cause death or serious bodily harm to trespassers;**

**(c) The possessor knew or should have known that the condition was of such a nature that trespassers would not discover it; and**

**(d) The possessor failed to exercise reasonable care to warn trespassers of the condition and the risk involved; or**

**(3) If the possessor knew of the trespasser’s presence on the land and failed to exercise ordinary care as to active operations carried out on the land.**

**3. This section does not create or increase the liability of any possessor of real property and does not affect any immunities from or defenses to liability established under state law or available under common law to which a possessor of real property may be entitled under circumstances not covered by this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 628, Page 16, Section 211.444, Line 20, by inserting after all of said section the following:

“386.510. With respect to commission orders or decisions issued on and after July 1, 2011, within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, the applicant may file a notice of appeal with the commission, which shall also be served on the parties to the commission proceeding in accordance with section 386.515, and which **the commission** shall [also be filed with] **forward to** the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the commission has its principal office for the purpose of having the reasonableness or lawfulness of the original order or decision or the order or decision on rehearing inquired into or determined. Except with respect to a stay or suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be introduced in the appellate court but the cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. The notice of appeal shall include the

appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals. The commission and each party to the action or proceeding before the commission shall have the right to intervene and participate fully in the review proceedings. Upon the submission of the case to the court of appeals, the court of appeals shall render its opinion either affirming or setting aside, in whole or in part, the order or decision of the commission under review. In case the order or decision is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order or render a new decision based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action. No court in this state, except the supreme court or the court of appeals, shall have jurisdiction or authority to review, reverse, correct or annul any order or decision of the commission or to suspend or delay the executing or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties. The appellate courts of this state shall always be deemed open for the trial of suits brought to review the orders and decisions of the commission as provided in the public service commission law and the same shall where necessary be tried and determined as suits in equity.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 628, Page 5, Section 56.807, Line 60, by inserting after all of said section and line, the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands

or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section[; however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from the sale of recovered evidence]. **The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year**, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars[, other than regular budget allocations or land sale proceeds,] **in any calendar year** shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 628, Page 3, Section 32.056, Line 19, by inserting after all of said line the following:

“50.1130. 1. **Notwithstanding the provisions of section 50.1150 to the contrary**, a death benefit of ten thousand dollars **and, in the case of an active member who dies after December 31, 2002, and before becoming vested, an amount equal to the amount of the member's accumulated contributions standing to his or her credit in the fund** shall be paid to the designated beneficiary of every active member upon his or her death or, if the member fails to designate a beneficiary, then to the member's surviving spouse or, if there is no spouse, then in equal shares to the member's surviving children. If there is neither a surviving spouse or surviving children, then the benefit shall be paid to the active member's estate.

2. If the member executes a beneficiary designation form and lists more than one beneficiary but fails



to list the percentage of benefit that each beneficiary should receive, then the benefit shall be divided equally among the named beneficiaries.

50.1140. 1. Upon termination of employment, any member with less than eight years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment, but may receive any refund of contributions to which the member is entitled pursuant to subsection 3 of this section **or subsection 1 of section 50.1130.**

2. A member who terminates employment with at least eight years of creditable service shall be entitled to an annuity from the fund, determined in accordance with the formula described in section 50.1060. The member may elect to defer the receipt of his or her annuity, until the member's attainment of age sixty-two, or the member may elect to begin receiving his or her annuity on the first day of any month following the later of the date of termination of employment or age fifty-five. If the member begins receiving an annuity before age sixty-two and termination of employment occurs on or after age fifty-five, the annuity shall be reduced by four-tenths of one percent for each month the commencement date of the annuity precedes age sixty-two, and an additional three-tenths of one percent for each month the commencement date of the annuity precedes age sixty.

3. In the event a member ceases to be a member other than by death before the date the member becomes vested in the system, the member shall be paid, upon his or her written application filed with the board, the member's accumulated contributions standing to his or her credit in the members' deposit fund.

4. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee, completing a total of eight years of uninterrupted creditable service, and purchasing the forfeited service by paying into the fund the forfeited amount previously refunded to the participant or credited to the participant's county plus interest equal to the current prime rate plus two percent.""; and

Further amend said bill, Page 6, Section 67.2010, Line 16, by inserting after all of said line the following:

"104.603. 1. Effective with transfers of service between the Missouri department of transportation and highway patrol employees' retirement system and the Missouri state employees' retirement system that occur on or after September 1, 2011, upon a reciprocal transfer of creditable or credited service pursuant to section 104.602 or subsection 8 of section 104.1021, the sending system from which the service is transferred shall pay the receiving system to which the service is transferred the present value of the accrued benefit as determined pursuant to subsection 2 of this section.

2. For purposes of this section, the present value of the accrued benefit shall be determined using the actuarial assumptions of the sending system used in that system's last regular valuation assuming active member status and using the unit credit actuarial cost method. However, in no event shall the payment amount be less than the sum of the member's accumulated contributions and interest plus any purchased service payments from the member held on deposit by the sending system. If the member had received a refund of accumulated contributions from the sending system and forfeited service credit with that system, the member would need to reestablish that service with the sending system by again becoming an active member of a system covered by this chapter and satisfying requirements otherwise stipulated for reestablishing service credit. **However, in the event the member had previously transferred service from the receiving system to the sending system which was not subject to an asset transfer under this section, then that service will be excluded from the computation of the accrued benefit. In the event**

**any prior payments by a sending system under this section included an amount for previously transferred service that was not subject to this section, the receiving system shall return to the sending system the present value amount attributable to such service, including interest as determined and agreed to by both systems.**

3. The service transfer shall not be deemed completed until the sending system makes payment to the receiving system as prescribed in this section. Payments shall be made within ninety days of the date that a completed transfer request is submitted by a member.

4. When the transfer payment includes an amount identified as corresponding to a member's accumulated contributions, the accumulated contributions portion shall be identified, and further, the accumulated contributions balance as of the preceding July first shall be identified and the receiving system shall be responsible for crediting interest according to the terms of the receiving plan.

5. The systems shall coordinate their plan administration for reciprocal transfers to give full effect to the transfer including the transfer and acceptance of corresponding division of benefit orders.

6. The member or survivor obtaining a reciprocal transfer of service covered by this section shall satisfy all requirements under section 104.602 or subsection 8 of section 104.1021 to obtain a transfer of credited or creditable service and shall satisfy the requirements under section 104.1091 with the receiving system to reestablish forfeited service previously accrued at either system.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 628, Page 3, Section 32.056, Line 19, by inserting after all of said line the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 5, 6, and 7 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address,

city, county, state, and zip code;

(5) [Any photographs of the offender] **A current photograph of the individual, which shall be taken by the registering official;**

(6) [A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7)] The nature and dates of all offenses qualifying the offender to register;

[(8)] (7) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

[(9)] (8) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

[(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the webpage and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender; **and**

**(10) The status of the offender's term of incarceration, probation, or parole.**

**5. Notwithstanding the requirement to register under the provisions of sections 589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110 are exempt from the public notification requirements of this section if:**

**(1) There is no other offense for which the offender is required to register;**

**(2) The offender is not a repeat offender as a result of multiple adjudications for the offenses listed in this subsection; and**

**(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.**

**6. Witnesses afforded federal protection who are required to register under the provisions of sections 589.400 to 589.425 shall be excluded from the website under 18 U.S.C. Section 3521 et seq., while under active federal protection.**

**7. Juveniles required to register under section 589.400 shall be excluded from the website.”; and**

Further amend said bill, Page 60, Section 570.120, Line 78, by inserting after all of said line the following:

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

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] **exempt** from registering under subsection **6, 8, or 10** of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more

of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

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

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

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

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

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

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

2. Any person to whom sections 589.400 to 589.425 apply shall, within [three] **five business** days of [conviction] **adjudication**, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile described in subdivision (6) of subsection 1 of this section, within five business days of adjudication or release from**

**commitment to the division of youth services, the department of mental health, or other placement, he or she shall register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within [three] **five business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

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

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration **in the state of Missouri, or if not in Missouri, pardoned in another state, territory, the District of Columbia, or foreign country and the pardon explicitly states that the person is relieved of his or her duty to register as a sexual offender;**

(3) The registrant is **exempt or is** no longer required to register [and his or her name shall be removed from the registry] under the provisions of subsection 6, **8, or 10** this section; or

(4) The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal [or exemption] of such person from the registry **under subsection 7, 9, or 10 of this section or section 589.401.**

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

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

6. **Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

(1) **Felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child; or**

(2) **Nonsexual child abuse that was committed under section 568.060; or**

(3) **Kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child,**

**shall be exempt from registering as a sexual offender; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

7. Any person currently on the sexual offender registry **or who otherwise would be required to register** for [being convicted of, found guilty of, or pleading guilty or nolo contendere to committing,

attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child] **any offense listed in subsection 6 of this section** shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

**8. Any person who has been convicted of, found guilty of, or pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit:**

- (1) Sexual misconduct in the second degree under section 566.093; or**
- (2) Sexual misconduct in the third degree under section 566.095; or**
- (3) Promoting obscenity in the first degree under section 573.020; or**
- (4) Promoting obscenity in the second degree under section 573.030; or**
- (5) Furnishing pornographic materials to minors under section 573.040; or**
- (6) Public display of explicit sexual material under section 573.060; or**
- (7) Coercing acceptance of obscene material under section 573.065,**

**shall be exempt from registering as a sexual offender; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

[7.] **9.** Any person currently on the sexual offender registry **or who otherwise would be required to register** for [having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] **any offense listed in subsection 8 of this section shall be removed from the registry; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

[8.] **10.** Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section

566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] **11.** (1) The court may grant such relief under subsection [7 or 8] **9 or 10** of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

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

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

[11.] **13.** Any person whose name is removed or **who is** exempted from the sexual offender registry under subsection [7 or 8] **6, 7, 8, 9, or 10** of this section shall [no longer] **not** be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**14. Individuals that are not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal sex offender registry legislation shall only be required to register for their original offense if the person is currently incarcerated or under supervision of the Missouri department of corrections for a sexual offense.**

**589.401. 1.** Any person on the sexual offender registry may file a petition in the division of the circuit court in the county in which the offense requiring registration was adjudicated to have his or her name and information removed from the sexual offender registry; except that, any person having multiple offenses requiring registration under sections 589.400 to 589.425 shall not be eligible for removal from the registry until all applicable time requirements under subsections 2 and 3 of this section for all such offenses have elapsed. If the offense requiring registration was adjudicated in another state, the District of Columbia, a foreign country, or a territory, tribal, or military jurisdiction such person may file a petition in the division of the circuit court in the county in which such person resides.

**2.** A person who is required to register under the provisions of sections 589.400 to 589.425 for any

of the following offenses or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if twenty years has not elapsed since the date the person was required to register:

(1) Kidnapping when a sexual offense under chapter 566 was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under chapter 566 and when the victim was less than eighteen years of age and excluding kidnapping by a parent or guardian under section 565.110;

(2) Child kidnapping when a sexual offense was committed during the kidnapping or when the kidnapping was committed for the purpose of committing a sexual offense under section 565.115;

(3) Forcible rape under section 566.030;

(4) Forcible sodomy under section 566.060;

(5) Sexual trafficking of a child under section 566.212;

(6) Sexual trafficking of a child under the age of twelve, under section 566.213; or

(7) Child molestation in the first degree when it is a class A felony under section 566.067.

3. A person who is required to register under the provisions of sections 589.400 to 589.425 for any offense other than those listed in subsection 2 of this section or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall have their petition for removal dismissed without prejudice if ten years has not elapsed since the date the person was required to register.

4. (1) Any person convicted in any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction shall not be eligible for removal from the registry unless such person:

(a) In addition to meeting the twenty-year time requirement under subsection 2 of this section, is a resident of this state for one year immediately preceding the filing of the petition; or

(b) In addition to meeting the ten-year time requirement under subsection 3 of this section, is a resident of this state for one year immediately preceding the filing of the petition.

(2) Any person otherwise exempt from registration under other applicable provisions of state law shall not be required to petition for removal from the registry under subsection 2 or 3 of this section.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Date of birth;

(e) Last four digits of the Social Security number;



**(f) Address;**

**(g) Place of employment, school, or volunteer status;**

**(2) The offense that required the petitioner to register;**

**(3) The date the petitioner pled to, was convicted of, or was adjudicated for the offense;**

**(4) The date the petitioner was required to register;**

**(5) The date the petitioner actually registered;**

**(6) The case number and court, including county, that entered the original order for the adjudicated sex offense;**

**(7) The petitioner's fingerprints on an applicant fingerprint card;**

**(8) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and**

**(9) That the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.**

**6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.**

**7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.**

**8. The prosecuting attorney in the circuit court in which the petition is filed shall be given notice, by the person seeking removal, of the petition and an opportunity to present evidence in opposition to the facts alleged in the petition. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.**

**9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner, including but not limited to criminal history records under section 43.530, mental health records, juvenile records, and records of the department of corrections and/or probation and parole.**

**10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.**

**11. Except as otherwise provided under subsection 12 of this section, the court shall enter an order directing the removal of the petitioner's name and information from the sexual offender registry and from any corresponding state or local law enforcement registry or website unless it finds that the petitioner in this state or any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction:**

**(1) Has been adjudicated of or has charges pending for failure to register;**

**(2) Has been adjudicated of any additional offense which would require registration as a sexual offender and which occurred after the date such person initially registered as a sexual offender;**

**(3) Has charges pending for any offense which would require registration as a sexual offender;**

**(4) Has not successfully completed any required periods of supervised release, probation, or parole; and**

**(5) Has not successfully completed all appropriate sexual offender treatment, including any court-ordered treatment and any treatment ordered by the department of corrections.**

**12. For any person who has been convicted of a crime listed in subsection 2 of this section, the court may enter an order directing the removal of the petitioner's name and information from the sexual offender registry and from corresponding state or local law enforcement registry or website upon the filing of a petition for removal and submission of the petitioner's completed risk assessment evaluation conducted by a licensed mental health professional unless it finds that subdivisions (1) to (5) of subsection 11 apply to the petitioner in this state or any other state, territory, or the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction.**

**13. In order to prove the facts required by subdivisions (1), (2), and (3) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol and the Federal Bureau of Investigation.**

**14. Except as provided in subsection 14 of this section, if it is found that the petition is denied, a successive petition requesting such relief may be filed under this section one year after the date of such denial unless such denial is based on a subsequent conviction of a sex offense or failure to register, in which case no successive petition shall be filed.**

**15. If it is found that the petition is denied solely on the basis of the fact that the petitioner has pending charges and those charges are subsequently dismissed or the petitioner is subsequently acquitted of such pending charges, the petitioner may file a new petition under this section at any time after the dismissal or acquittal of such pending charges.**

**16. If the court finds that the petitioner is entitled to have his or her name and information removed from the sexual offender registry, the court shall enter judgment directing the respondents to remove the petitioner's name and information from all law enforcement sexual offender registries and public websites within three business days of receiving the judgment. A copy of the judgment shall be provided to the respondents named in the petition.**

**17. Any person subject to judgment requiring his or her name or information to be removed from the sexual offender registry shall not be required to register or report under sections 589.400 to 589.425 unless such person is required to register and report for an offense that was committed after the judgment of removal was entered.**

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

**2. Except as provided by subsections 5, 6, and 7 of this section,** the registered sexual offender search [shall] **may** make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this

website].

3. Only the information listed in this subsection [shall] **may** be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) [Any photographs of the offender] **A current photograph of the individual, which shall be taken by the registering official;**

(6) [A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7)] The nature and dates of all offenses qualifying the offender to register;

[(8)] (7) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

[(9)] (8) Compliance status of the offender with the provisions of sections 589.400 to 589.425; [and]

[(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the webpage and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender; **and**

**(10) The status of the offender's term of incarceration, probation, or parole.**

4. The chief law enforcement officer of any county or city not within a county may [publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county] **give notice to any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, any child care facility licensed under chapter 210, or any child care facility defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, that a sex offender is residing, working, or attending school within a five mile radius of such school or child care facility. Such notice shall only include the sex offender information described in subsection 3 of this section.**

5. **Notwithstanding the requirement to register under the provisions of sections 589.400 to 589.425, offenders committing felonious restraint of a nonsexual nature when the victim was under the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the victim was under the age of eighteen under section 565.110 are exempt from the public notification requirements of this section if:**

**(1) There is no other offense for which the offender is required to register;**

**(2) The offender is not a repeat offender as defined in section 589.404; and**

**(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual conduct occurred during the offense.**

**6. Witnesses afforded federal protection who are required to register under the provisions of sections 589.400 to 589.425 shall be excluded from the website under 18 U.S.C. Section 3521 et seq., while under active federal protection.**

**7. Juveniles required to register under section 589.400 shall be excluded from the website.**

589.403. **1.** Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425** who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, **private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health** where such person was confined shall:

**(1) If the person plans to reside in Missouri,** be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration **notification at least seven days** prior to release and forward the offender's registration, within three business days **of release, to the Missouri state highway patrol and** to the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole or release[. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; **or**

**(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration within three business days of release to the Missouri state highway patrol and chief law enforcement official within the county that the correctional facility or mental health institution is located.**

**2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within five business days as directed, such refusal or failure shall constitute an offense of failure to register under section 589.425.**

589.405. **1.** Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation,** the court shall [obtain the address where the person expects to reside upon discharge, parole or release and shall] **make it a condition of probation that the offender** report, within [three] **five** business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release.] **of adjudication, to complete the initial registration. If such offender is not placed on probation, the court shall:**

**(1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county in which the offender resides;**

**(2) If the offender does not reside in Missouri, the court shall:**

**(a) Order the offender to proceed directly to the chief law enforcement official in the county where the adjudication was heard to register as outlined in sections 589.400 to 589.425; and**

**(b) Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county where the offender was adjudicated.**

**2. If the offender refuses to complete and sign the registration information as outlined in subdivision (1) of subsection 1 of this section or if the offender resides outside of Missouri and fails to directly report to the chief law enforcement official as outlined in subdivision (2) of subsection 1 of this section, such refusal or failure shall constitute an offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form **shall consist of a statement in writing, including the signature of the offender and** shall include, but is not limited to the following:

(1) [A statement in writing signed by the person, giving the name, address, Social Security number and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 558.018, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;] **The full name of the individual to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used, regardless of the context in which they are used;**

**(2) The date of birth of the individual to include any alias dates of birth used;**

**(3) The address of the individual's residence or, if the individual is homeless, the names and addresses of habitual locales frequented during the day and night to include any temporary homeless shelter or other temporary residence;**

**(4) The name and fixed address of the individual's employers, to include any place where the individual serves as a volunteer or unpaid intern. If the individual's place of employment is not fixed, the places where the individual works with whatever definiteness is possible under the circumstances shall be required, such as information about normal travel routes or the general areas in which the individual works;**

- (5) **The name and address of any institutions of higher education that the individual attends;**
- (6) **The Social Security number of the individual including any alias Social Security numbers used;**
- (7) **The telephone numbers of the individual including all landline and cellular telephone numbers used;**
- (8) **The license plate number, registration number, vehicle identification number, and vehicle description, including the year, make, model, color, and habitual location of each vehicle owned or operated by the individual for personal or work use;**
- (9) **Any online identifiers as defined in section 43.651 which are used by the individual for personal purposes;**
- (10) **The crime for which the individual is registering including whether the person was sentenced as a persistent or predatory offender under section 558.018;**
- (11) **The date, place, a brief description of the crime including the date and place of the adjudication regarding such crime;**
- (12) **The age and gender of the victim and the offender at the time of the offense;**
- (13) **If the offender was required to successfully complete appropriate sexual offender treatment, including any court-ordered treatment or any treatment ordered by the department of corrections, the date that the offender successfully completed such treatment, or a statement, that as of the date of registration, the offender has not yet successfully completed the required sexual offender treatment or has failed to successfully complete the required sexual offender treatment;**
- (14) **The status of the individual's parole, probation, or supervised release, if applicable;**
- (15) **Passport and immigration numbers to include expiration dates; and**
- (16) **The physical description of the sex offender to include the physical appearance or characteristics, and identifying marks such as scars, marks, or tattoos.**

**2. The following shall be included with the form:**

[2] (1) The fingerprints, palm prints, and a photograph of the person; [and]

(2) **A current photograph of the individual to be taken by the registering official; and**

(3) A DNA sample **from the individual**, if a sample has not already been obtained.

[2.] **3.** The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card; **and**

(2) A document verifying proof of the offender's residency[; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles].

**4. The Missouri state highway patrol shall maintain all required registration information in digitized form.**

**5. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the**

offender is either registered or required to register.

**6. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and if any inaccuracies are found provide proof of the information in question. The registering law enforcement official shall, within three business days of receipt of proof from the offender regarding the inaccuracy, correct the inaccuracy on its law enforcement registry and on its public website, if any, and shall notify the Missouri state highway patrol of the change in information. The Missouri state highway patrol shall, within three business days of notification by the registering law enforcement official, correct the inaccuracy on its law enforcement registry and on its public website.**

**7. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425, and a statement to such effect shall be included on the form that the individual is required to sign at each registration.**

589.410. 1. The chief law enforcement official shall forward the completed offender registration form to the Missouri state highway patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system, and other entities as provided by law, upon inquiry.

**2. Upon receipt of each completed offender registration form, the Missouri state highway patrol shall review the information contained in the form to determine whether, according to the form, the offender will be working, including as a volunteer or unpaid intern, or attending any school, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis, or residing on a temporary basis for fourteen or more consecutive days in a county or city not within a county other than the county of registration. If so, the patrol shall, within three business days of receipt of the registration form, notify the other jurisdictions where the offender will be working, attending school, or temporarily residing of that information.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not later than [three] five business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status,] appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] **if there is a change to any of the following information:**

- (1) Name;
- (2) Residence;
- (3) Employment;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

**2. Any person required to register under sections 589.400 to 589.425 shall, within five business days after a change, notify the chief law enforcement officer of the county or city not within a county of any changes to the following information:**

(1) **Vehicle information;**

(2) **Temporary residence information; or**

(3) **Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications.**

3. **The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described in subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.**

4. **The Missouri state highway patrol shall review any changes received from registering officials under subsection 3 of this section to determine whether the offender will now be working, including as a volunteer or unpaid intern, or attending any school, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis, or residing on a temporary basis for fourteen or more consecutive days in a county or city not within a county other than the county of registration. If so, the patrol shall, within three business days of receipt of the changes, notify the other jurisdictions where the offender will be working, attending school, or temporarily residing of that information.**

[2.] 5. **If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.**

[3. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall report in person to the chief law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender under the definitions found in section 558.018;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.



4.] **6.** In addition to the requirements of subsections 1 [and], 2, and 5 of this section, [all registrants] **any person required to register under the provisions of sections 589.400 to 589.425 for any offense other than those listed in subsection 2 of section 589.401, or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**, shall report [semiannually] **annually** in person in the month of their birth [and six months thereafter] to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407[. All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency] **and six months thereafter shall report by mail on a form to be provided by the Missouri state highway patrol to update any change in information or to indicate that there has been no change. Such form shall require the signature of the offender.**

**7.** In addition to the requirements of subsections 1, 2, and 5 of this section, any person required to register under the provisions of sections 589.400 to 589.425 for any offenses listed in subsection 2 of section 589.401, or their equivalent in any other state, territory, or the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made under section 589.407. In addition, such offenders shall report by mail ninety days after each in-person report on a form to be provided by the Missouri state highway patrol to update any change in information or to indicate that there has been no change. Such form shall require the signature of the offender.

[5.] **8.** In addition to the requirements of subsections 1 [and], 2, and 5 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend **any school [or training], whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education** on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

[6. If a person, who is required to register as a sexual offender under sections 589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.]

**9. Whenever any person reports under the provisions of this section in person and in the month of their birth, the registering law enforcement official shall take a current photograph of the offender.;"** and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 628, Page 41, Section 513.430, Line 87, by inserting after all of said line the following:

**"513.432. 1. This section shall be known and may be cited as the "Senior's Retirement Protection Act".**

**2. Notwithstanding any other provision of law to the contrary, any person age sixty-two years of age or older, together with his or her spouse if applicable, owning a home which is such person's**

**primary residence shall have exempt from attachment or execution the home's value up to one hundred twenty-five thousand dollars. If more than one home owner claims an exemption under this section, the exemption allowed in the aggregate shall not exceed the total exemption allowed under this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 628, Page 51, Section 542.301, Line 176, by after all of said line and section inserting the following:

“544.455. 1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

- (1) Place the person in the custody of a designated person or organization agreeing to supervise him;
- (2) Place restriction on the travel, association, or place of abode of the person during the period of release;
- (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof **by a defendant or a third party; however, under article I, section 20 of the Missouri Constitution, the court shall accept in lieu of a cash only bond a guarantee from any surety who is in compliance with general laws regulating such profession;**
- (4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs;
- (5) [Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof;
- (6)] Place the person on house arrest with electronic monitoring, except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, then the judge shall not order that the person be placed on house arrest with electronic monitoring;
- [(7)] **(6)** Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly.

5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 **of this section** shall apply.

6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge.

9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (5) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Bill No. 628 Page 5, Line 5, by inserting after all of said line the following:

“Further amend said bill, Page 6, Section 67.2010, Line 16, by inserting after all of said section and line the following:

“135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last

decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; [and]

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

- (a) The state of Missouri over the previous twelve months; or
- (b) The county or city not within a county over the previous twelve months; **and**

**(5) No finding of blight under this chapter shall be used to meet the conditions for blight under any other statute of this state.**

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a “county of declining population” is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.”; and

Further amend said bill, Page 58, Section 570.120, Line 21, by inserting after all of said section and line

the following:

**“Section 1. Whenever the fiscal body of one (1) or more eligible entities, acting individually or jointly, adopts an ordinance or a resolution in favor of the establishment of an airport authority under this chapter, there is established an airport authority. The authority has jurisdiction over a district with boundaries conterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority must have a name including the words “airport authority.”“; and”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 628, Page 5, Section 67.136, Line 8, by after all of said line inserting the following:

“67.1305. 1. As used in this section, the term “city” shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303, the governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city or county) impose a sales tax at a rate of ..... (insert rate of percent) percent for economic development purposes?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the “Local Option Economic Development Sales Tax Trust Fund”.

5. The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;

(b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;

(c) Training programs to prepare workers for advanced technologies and high skill jobs;

(d) Legal and accounting expenses directly associated with the economic development planning and preparation process;

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. (1) Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(2) The economic development tax board established by a city shall consist of **at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section, and the members are** to be appointed as follows:

(a) One member **of a five member board, or two members of a nine member board**, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member **or members** shall be appointed in any manner agreed upon by the affected districts;

(b) Three members **of a five member board, or five members of a nine member board**, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;

(c) One member **of a five member board, or two members of a nine member board**, shall be appointed by the governing body of the county in which the city is located.

(3) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, **except that when a nine member board is designated, seven of the members initially appointed shall be designated to serve for terms of two years**, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the

original appointments.

**(4) If an economic development tax board established by a city is already in existence on August 28, 2012, any increase in the number of members of the board shall be designated in an order or ordinance. The four board members added to the board shall be appointed to a term with an expiration coinciding with the expiration of the terms of the three board member positions that were originally appointed to terms of two years. Thereafter, the additional members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments.**

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the economic development sales tax imposed under this section when imposed within a special taxing district, including but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the board shall submit to the joint committee on economic development a report, not exceeding one page in length, which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;



(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year;

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

- (a) Infrastructure improvements;
- (b) Land and or buildings;
- (c) Machinery and equipment;
- (d) Job training investments;
- (e) Direct business incentives;
- (f) Marketing;
- (g) Administration and legal expenses; and
- (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city or county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for economic development purposes?

YES

NO

If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. Whenever the governing body of any city or county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city or county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

20. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 628, Page 36, Section 488.2250, Line 16, by deleting the words, “**and sixty cents**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

**RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 2170, regarding Bill Rohde, Kirksville, which was adopted.

Senator Purgason offered Senate Resolution No. 2171, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert John Miller, Sykesville, Maryland, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Purgason introduced to the Senate, the Physician of the Day, Dr. David Barbe, Mountain Grove.

On motion of Senator Dempsey, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTY-NINTH DAY—THURSDAY, MAY 10, 2012

---

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 1245	HCS for HB 1049
HCS for HB 1526	HCS for HB 1639
HCS for HB 1803	HCS for HB 1988
HB 1455-Gatschenberger, et al	HCS for HB 1854
HCS for HB 1710	HCS for HB 1900

## THIRD READING OF SENATE BILLS

SS#3 for SCS for SB 710-Engler

## SENATE BILLS FOR PERFECTION

SB 809-Lamping, with SCS	SB 765-Schaefer
SB 745-Lembke	SB 860-Nieves, with SCS

HOUSE BILLS ON THIRD READING

HB 1051-Allen, et al, with SCS (Lager) (In Fiscal Oversight)	HCS for HB 1640, with SCS (Stouffer) (In Fiscal Oversight)
HB 1403-Schatz, et al (Dempsey) (In Fiscal Oversight)	HCS for HB 1498, with SCS (Schmitt) (In Fiscal Oversight)
HB 1318-Riddle, et al (Kehoe) (In Fiscal Oversight)	HCS for HJR 41 (Green) (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham	SCS for SB 842-Lamping
------------------------------------	------------------------

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 589-Kraus, with SCS (pending)
SB 439-Mayer, with SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SB 596-Brown, with SCS
SB 442-Stouffer, with SCS	SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)
SB 449-Rupp	SB 623-Cunningham, with SCS
SB 451-Cunningham, with SCS	SB 645-Schaefer
SB 454-Pearce, with SA 1 (pending)	SB 650-Ridgeway, with SS & SA 2 (pending)
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 652-Lager
SB 465-Schaaf	SB 656-Lager and Dixon, with SCS
SB 474-Kraus, with SCS & SA 1 (pending)	SB 657-Rupp, with SCS (pending)
SB 475-Lamping	SB 659-Dempsey and Rupp
SB 479-Crowell	SB 661-Schmitt, with SCS (pending)
SB 490-Munzlinger, with SCS	SB 666-Keaveny, with SCS & SS for SCS (pending)
SB 491-Munzlinger, with SCS	SB 675-Crowell, with SCS (pending)
SB 516-Schaaf, with SCS (pending)	SB 676-Nieves, with SCA 1 (pending)
SB 547-Purgason	SB 693-Crowell
SB 548-Purgason, with SCS	SB 695-Parson
SB 549-Lembke	SB 706-Cunningham, with SCS
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 717-Stouffer
SB 577-Goodman and Rupp, with SCS	SB 743-Brown
SB 584-Richard and Kehoe, with SCS	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SBs 588 & 585-Schmitt, with SCS (pending)	SB 795-Callahan, et al, with SCS

SB 807-Dempsey  
 SB 816-Kraus, with SCS  
 SBs 817 & 774-Parson, with SCS  
 SB 818-Parson, with SCS  
 SB 834-Mayer and Parson, with SCS  
 SB 843-Lamping, with SCS & SS for SCS  
 (pending)  
 SB 865-Pearce, with SCS  
 SB 903-Lamping  
 SB 905-Mayer

SB 906-Kraus, with SCS  
 SB 909-Cunningham, et al  
 SJR 25-Crowell  
 SJR 29-Lamping, with SS & SA 1 (pending)  
 SJR 30-Lamping  
 SJR 39-Cunningham  
 SJR 45-Nieves  
 SJR 47-Rupp, with SCS  
 SJR 50-Curls

#### HOUSE BILLS ON THIRD READING

HB 1036-Dugger, with SCS (Engler)  
 HCS for HB 1072, with SCS (Brown)  
 HCS for HB 1094, with SCS & SA 1  
 (pending) (Munzlinger)  
 HB 1104-Schoeller and Smith (150),  
 with SCS (Engler)  
 HCS for HB 1123 (Brown)  
 HCS for HB 1140, with SCS (Cunningham)  
 HCS for HB 1150, with SCS (Brown)  
 HB 1170-Franz, with SCS (Parson)  
 HCS for HB 1174, with SCS, SS for SCS,  
 SA 1, SSA 1 for SA 1 & SA 2 to SSA 1  
 for SA 1 (pending) (Pearce)  
 HB 1192-Koenig, et al (Cunningham)  
 HCS for HB 1193, with SCS, SS for SCS,  
 SA 1, SSA 1 for SA 1 & SA 3 to SSA 1  
 for SA 1 (pending) (Engler)

HCS#2 for HB 1317, with SCS (Schaefer)  
 SCS for HB 1331-Jones (117), et al  
 (Kehoe) (In Fiscal Oversight)  
 HB 1337-Stream, with SCS (Brown)  
 HCS for HB 1361 (Lager)  
 HCS for HB 1402, with SCS & SS for SCS  
 (pending) (Stouffer)  
 HCS for HB 1563, with SCS (Wasson)  
 HCS for HB 1623, with SCS, SS#2 for SCS  
 & SA 12 (pending) (Schmitt)  
 HCS for HB 1644 (Purgason)  
 HCS for HB 1722 (Pearce)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 455-Pearce, with HCS, as amended  
 SCS for SB 566-Brown, with HA 1 & HA 2  
 SB 578-Parson, with HCS, as amended  
 SCS for SB 591-Parson, with HCS, as amended  
 SS for SCS for SB 595-Kraus, with HCS

SB 628-Schaefer, with HCS, as amended  
 SS for SCS for SB 699-Goodman, with HA 1,  
 HA 2, HA 3, as amended, HA 4, HA 5,  
 as amended & HA 6  
 SCS for SB 773-Parson, with HA 2 & HA 3

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 564-Brown, with HA 1, HA 2, as amended, HA 3, HA 4, HA 6 & HA 8	HCS for HB 2005, with SS for SCS (Schaefer)
SB 568-Parson, with HCS, as amended (Senate adopted CCR and passed CCS)	HCS for HB 2006, with SS for SCS, as amended (Schaefer)
SCS for SB 569-Kraus, with HCS, as amended	HCS for HB 2007, with SS for SCS (Schaefer)
SB 611-Lembke, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7 & HA 8	HCS for HB 2008, with SS for SCS (Schaefer)
SS for SCS for SB 719-Kehoe, with HA 1, HA 2, HA 3, as amended, HA 4, HA 5 & HA 6	HCS for HB 2009, with SS for SCS (Schaefer)
HB 1073 & HCS for HB 1477-Sater, with SS for SCS, as amended (Munzlinger)	HCS for HB 2010, with SS for SCS (Schaefer)
HCS for HB 2002, with SS for SCS (Schaefer)	HCS for HB 2011, with SS for SCS, as amended (Schaefer)
HCS for HB 2003, with SS for SCS (Schaefer)	HCS for HB 2012, with SS for SCS (Schaefer)
HCS for HB 2004, with SS for SCS (Schaefer)	HCS for HB 2013, with SS for SCS (Schaefer)

Requests to Recede or Grant Conference

SS for SCS for SB 467-Munzlinger, with HCS, as amended (Senate requests House recede or grant conference)	SCS for SB 715-Kraus, with HA 1 & HA 2 (Senate requests House recede and pass the bill)
SS for SCS for SB 470-Dixon, with HCS, as amended (Senate requests House recede and pass the bill)	SB 736-Engler, with HA 1 (Senate requests House recede or grant conference)
SCS for SB 498-Munzlinger and Justus, with HCS, as amended (Senate requests House recede or grant conference)	HB 1135-Smith (150), et al, with SCS, as amended (Dixon) (House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 20-Rupp

SCR 21-Pearce, et al

SR 1762-Schmitt  
HCR 12-Davis, et al (Brown)  
HCR 22-Walton Gray, et al  
    (Chappelle-Nadal)  
HCR 25-Allen, et al (Dixon)

HCR 31-Schieffer, et al (Rupp)  
HCR 42-Rowland, et al  
HCR 43-Franklin (Purgason)  
HCR 46-Franklin, et al (Purgason)  
HCR 49-Fallert, et al (Engler)

✓