

# Journal of the Senate

SECOND REGULAR SESSION

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**FORTY-SEVENTH DAY—MONDAY, APRIL 7, 2014**

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The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Gratitude is the most fruitful way of deepening your consciousness that you are not an “accident” but a divine choice.” (Henri Nouwen)

Almighty God, we are filled with gratitude for all You do. We thank You for our safe travel to continue our work. We are thankful for the needed rain; for many parts of our state are still in need. We are thankful for our staff who serve us and our constituents and their various needs. We are thankful for loved ones and the gift of their love. And, we are thankful for all the gifts You continue to provide us. 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 for Thursday, April 3, 2014 was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

Absent—Senators—None

Absent with leave—Senator Nieves—1

Vacancies—2

## RESOLUTIONS

Senator Curls offered Senate Resolution No. 1739, regarding Reverend Dr. Otis Moss, Jr., Cleveland,

Ohio, which was adopted.

Senator Curls offered Senate Resolution No. 1740, regarding Reverend Emanuel Cleaver, II, Kansas City, which was adopted.

Senator Sifton offered Senate Resolution No. 1741, regarding Dan Lamping, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1742, regarding Joan Wright, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1743, regarding Jacqui Schilling, Webster Groves, which was adopted.

Senator Sifton offered Senate Resolution No. 1744, regarding Jennifer Walker, Barnhart, which was adopted.

Senator Sifton offered Senate Resolution No. 1745, regarding Amber Dressel, St. Louis, which was adopted.

Senator Curls offered Senate Resolution No. 1746, regarding George W. Norman, Jr., which was adopted.

Senator Sifton offered Senate Resolution No. 1747, regarding William John Michael Franklin, which was adopted.

Senator Wasson offered Senate Resolution No. 1748, regarding Mrs. Lori Rosander and the 2013-2014 Kindergarten Class at Ozark East Elementary School, which was adopted.

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO.1749

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2014 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-seventh General Assembly, hereby grant the 2014 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 22, 2014 from 2:00 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1749** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 1749** was adopted.

Senator Schmitt, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO.1750

Whereas, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the lives of Show-Me State cultural icons who for many years lived and worked in this great state; and

Whereas, Tony La Russa will be inducted into the National Baseball Hall of Fame in Cooperstown, New York, on July 27, 2014, after having managed 5,097 Major League Baseball games; winning the third-most regular season games of all time with 2,728; and earning 70 postseason victories and three World Series trophies; and

Whereas, born in Tampa, Florida, on October 4, 1944, Tony La Russa graduated from Jefferson High School, earned a degree in industrial management from the University of South Florida and a Juris Doctorate from Florida State University, and is a member of the Florida State Bar; and

Whereas, Tony La Russa signed with the Kansas City Athletics following high school graduation and officially retired as an active player in 1977; and

Whereas, one of only five lawyer/managers in baseball history, Tony La Russa began his big league managerial career with the Chicago White Sox in 1979 and won his first division title in 1983; and

Whereas, Tony La Russa moved to the Oakland A's in 1986 and won two league titles and his first World Series in 1989; and

Whereas, Tony La Russa remained with the Cardinals franchise for 16 years and won the most games in franchise's storied history with 1,408 while also winning two World Series titles; and

Whereas, Tony La Russa retired from Cardinals baseball on October 31, 2011, and in 2012 was only the second retired manager in baseball history to coach an MLB All-Star team; and

Whereas, cofounder of the Animal Rescue Foundation, Tony La Russa has developed and maintained an excellent reputation for his additional efforts with animal rescue, children, and education issues and with community-minded organizations; and

Whereas, the ARF saves the lives of countless animals when their time has run out in public shelters through the use of adoption, emergency veterinary assistance, a national resource center, and dog training and other services and works diligently to ensure animals are not put to death; and

Whereas, Tony La Russa is justifiably proud also to be known as the beloved husband of Elaine, the loving father of two daughters, and the wonderful companion for a menagerie of dogs and cats:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-seventh General Assembly, join to applaud the well-deserved selection of Tony La Russa for induction into the National Baseball Hall of Fame in 2014 and to convey to him this legislative body's most heartfelt best wishes for continued success in life for many more years to come; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Tony LaRussa of Alamo, California.

Senator Walsh offered Senate Resolution No. 1751, regarding Marcia Pfeiffer, Ph.D., St. Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 1752, regarding Loyd L. Mitchell, Summersville, which was adopted.

Senator Cunningham offered Senate Resolution No. 1753, regarding Jennifer Moore Davidson, which was adopted.

Senator Cunningham offered Senate Resolution No. 1754, regarding Mariah Gregg, Thayer, which was adopted.

Senator Brown offered Senate Resolution No. 1755, regarding Jared Horman, Camdenton, which was adopted.

Senator Richard offered Senate Resolution No. 1756, regarding the 2013-2014 Class 3 State Champions Neosho High School Wrestling Team, which was adopted.

Senator Romine offered Senate Resolution No. 1757, regarding Kathy L. Anders, which was adopted.

Senator Romine offered Senate Resolution No. 1758, regarding Lisa Welker, which was adopted.

Senator Romine offered Senate Resolution No. 1759, regarding Michelle Isermann, which was adopted.

Senator Romine offered Senate Resolution No. 1760, regarding Rebecca A. Voyles, DeSoto, which was adopted.

Senator Romine offered Senate Resolution No. 1761, regarding Dorothy Young, which was adopted.

Senator Romine offered Senate Resolution No. 1762, regarding Mary Porter, which was adopted.

Senator Romine offered Senate Resolution No. 1763, regarding Gale Landers, which was adopted.

Senator Romine offered Senate Resolution No. 1764, regarding Sherry Stehr, which was adopted.

Senator Romine offered Senate Resolution No. 1765, regarding Linda Herndon, which was adopted.

Senator Romine offered Senate Resolution No. 1766, regarding Diana Honold, which was adopted.

Senator Romine offered Senate Resolution No. 1767, regarding The Doe Run Company, which was adopted.

Senator Lager offered Senate Resolution No. 1768, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Lewis, Graham, which was adopted.

Senator Lager offered Senate Resolution No. 1769, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Campbell, Laredo, which was adopted.

### **CONCURRENT RESOLUTIONS**

**SCR 39**, introduced by Senator Parson, with **SCS**, entitled:

Relating to authorization for the issuance of bonds for certain state and university projects.

Was taken up for 3rd reading and final passage.

**SCS** for **SCR 39**, entitled:

Relating to authorization for the issuance of bonds for certain state and university projects.

Was taken up.

Senator Parson moved that **SCS** for **SCR 39** be adopted.

Senator Parson offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Concurrent Resolution No. 39, as it appears on Page 738 of the Senate Journal for Thursday, April 3, 2014, Line 35 of said journal page, by striking the following: “flooring, and lighting upgrades for Violette Hall” and inserting in lieu thereof the following: “electrical systems, and fire alarm upgrades for Baldwin Hall”; further amend line 41, by striking “\$1,700,00” and inserting in lieu thereof the following: “\$1,700,000”.

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

Senator Parson moved that **SCS** for **SCR 39**, as amended, be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Parson, **SCR 39**, as amended by the **SCS**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Lager	LeVota	Libla	Munzlinger	Nasheed	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Sifton	Silvey
Wallingford	Walsh—26						

NAYS—Senators

Emery	Kraus	Lamping	Schmitt—4
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Absent—Senators—None

Absent with leave—Senators

Nieves	Wasson—2
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Vacancies—2

The President declared the concurrent resolution passed.

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

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

Senator Richard moved that motion lay on the table, 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 taken up and passed **HCS** for **HB 1439**, entitled:

An Act to repeal sections 1.320, 21.750, 84.340, 571.030, 571.080, 571.101, 571.107, 571.111, 571.117, 590.010, and 590.205, RSMo, and to enact in lieu thereof twenty-four new sections relating to firearms, with penalty provisions, a contingent effective date for a certain section and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1237**, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HBs 1235** and **1214**, entitled:

An Act to repeal sections 301.010 and 304.180, RSMo, and to enact in lieu thereof two new sections relating to vehicles hauling livestock and agricultural products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REFERRALS

President Pro Tem Dempsey referred **SB 812** to the Committee on Governmental Accountability and Fiscal Oversight.

### SENATE BILLS FOR PERFECTION

Senator Justus moved that **SB 491**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Justus offered **SS** for **SCS** for **SB 491**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 491

An Act to repeal sections 160.261, 167.115, 167.171, 168.071, 195.005, 195.010, 195.015, 195.017, 195.025, 195.030, 195.040, 195.050, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 198.070, 210.117, 210.1012, 211.038, 217.010, 217.360, 217.364, 217.703, 217.735, 217.785, 221.025, 221.111, 260.211, 302.020, 302.309, 302.321, 302.540, 302.541, 302.700, 302.780, 303.025, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 311.325, 556.011, 556.016, 556.021, 556.022, 556.026, 556.037, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.041, 558.046, 559.036, 559.100, 559.106, 559.115, 559.600, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 564.011, 564.016, 565.002, 565.004, 565.021, 565.024, 565.025, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.350, 566.010, 566.013, 566.020, 566.023, 566.030, 566.032, 566.060, 566.062, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.153, 566.155, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.070, 567.080, 567.085, 567.087, 567.110, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.070, 568.080, 568.090, 568.100, 568.120, 569.010, 569.020, 569.025, 569.030, 569.035, 569.060, 569.065, 569.067, 569.070, 569.072, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.145, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.080, 570.085, 570.087, 570.103, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.155, 570.160, 570.170, 570.180, 570.190, 570.217, 570.219, 570.220, 570.222, 570.223, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.380, 572.020, 572.120, 573.010, 573.013, 573.020, 573.025, 573.030, 573.035, 573.040, 573.050, 573.052, 573.060, 573.065, 573.100, 573.500,

573.509, 573.528, 573.531, 574.020, 574.030, 574.075, 574.085, 574.115, 575.021, 575.145, 575.153, 575.280, 575.350, 575.353, 576.050, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.076, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.150, 578.154, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.392, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.430, 578.433, 578.450, 578.500, 578.501, 578.502, 578.503, 578.510, 578.570, 589.015, 589.400, 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 577.041 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, and to enact in lieu thereof three hundred ninety-three new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date.

Senator Justus moved that **SS** for **SCS** for **SB 491** be adopted.

Senator Justus offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 491, Page 21, Section 167.115, Line 22 of said page, by striking the word “and” and inserting in lieu thereof the word “**or**”; and further amend line 25, by striking the word “and” and inserting in lieu thereof the word “**or**”; and further amend line 28, by striking the word “and” and inserting in lieu thereof the word “**or**”; and

Further amend said bill and section, page 22, line 6 of said page, by striking the word “and” and inserting in lieu thereof the word “**or**”; and further amend line 20, by striking the word “and” and inserting in lieu thereof the word “**or**”; and

Further amend said bill, page 41, Section 195.010, Line 23 of said page, by striking “(a)” and inserting in lieu thereof “**a.**”; and further amend line 25, by striking “(b)” and inserting in lieu thereof “**b.**”; and further amend line 28, by striking “(c)” and inserting in lieu thereof “**c.**”; and

Further amend said bill and section, page 42, line 3 of said page, by striking “(d)” and inserting in lieu thereof “**d.**”; and further amend line 5, by striking “(e)” and inserting in lieu thereof “**e.**”; and further amend line 7, by striking “(f)” and inserting in lieu thereof “**f.**”; and further amend line 16, by striking “(g)” and inserting in lieu thereof “**g.**”; and further amend line 18, by striking “(h)” and inserting in lieu thereof “**h.**”; and further amend line 20, by striking “(i)” and inserting in lieu thereof “**i.**”; and further amend line 21, by striking “(j)” and inserting in lieu thereof “**j.**”; and further amend line 22, by striking “(k)” and inserting in lieu thereof “**k.**”; and further amend line 26, by striking “(l)” and inserting in lieu thereof “**l.**”; and further amend line 28, by striking “(m)” and inserting in lieu thereof “**m.**”; and

Further amend said bill and section, page 43, line 2 of said page, by striking “(n)” and inserting in lieu thereof “**n.**”; and further amend line 3, by striking “(o)” and inserting in lieu thereof “**o.**”; and

Further amend said bill, page 60, section 195.017, line 27 of said page, by unbolding the closed bracket “]” on said line; and

Further amend said bill, page 270, section 557.016, line 1 of said page, by striking the opening “[” and closing “]” brackets; and further amend said line, by striking the word “five”; and

Further amend said bill, page 279, Section 558.004, Line 21 of said page, by inserting immediately after the word “unless” a colon “:”; and

Further amend said bill, page 286, section 558.016, lines 14-17 of said page, by striking all of said lines and inserting in lieu thereof the following: “**found to be a persistent offender or a dangerous offender and is found guilty of:**

**(1) A class B felony, to a term of imprisonment of not less than ten years and not to exceed thirty years, or life imprisonment;**

**(2) A level 1 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years;**

**(3) A level 2 class C felony, to a term of imprisonment of not less than three years and not to exceed ten years; or**

**(4) A class D felony, to a term of imprisonment not to exceed seven years.**

**8. For purposes of this section, the following terms mean:**

**(1) “Level 1 class C felony”, a class C felony with an authorized term of imprisonment of not less than three years and not to exceed ten years; and**

**(2) “Level 2 class C felony”, a class C felony with an authorized term of imprisonment not to exceed seven years.”; and**

Further amend said bill, page 307, section 562.012, line 12 of said page, by striking the opening bracket “[”]; and further amend line 16, by inserting immediately after “(2)” the following: “**Level 1**”; and further amend lines 18-27, by striking all of said lines and inserting in lieu thereof the following:

**“(3) Level 2 class C felony if the offense attempted is a level 1 class C felony.**

**(4) Class D felony if the offense attempted is a level 2 class C felony.**

[4)] (5) Class A misdemeanor if the offense attempted is a class D felony.

[5)] (6) Class [C] B misdemeanor if the offense attempted is a **class A** misdemeanor [of any degree].

(7) **Class C misdemeanor if the offense attempted is a class B misdemeanor.**

(8) **Class D misdemeanor if the offense attempted is a class C misdemeanor.**

**4. For purposes of this section, the following terms mean:**

(1) **“Level 1 class C felony”, a class C felony with an authorized term of imprisonment of not less than three years and not to exceed ten years; and**

(2) **“Level 2 class C felony”, a class C felony with an authorized term of imprisonment not to exceed seven years.”; and**

Further amend said bill, page 309, section 562.014, line 22, of said page, by striking the opening bracket “[”]; and further amend line 26, by inserting immediately after “(2)” the following: **“Level 1”**; and further amend line 27, by inserting immediately after all of said line the following:

**“(3) Level 2 class C felony if the object of the conspiracy is a level 1 class C felony.**

[3)] (4)”]; and

Further amend said bill and section, page 310, lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“level 2 class C felony.**

[4)] (5) Class A misdemeanor if the object of the conspiracy is a class D felony.

[5)] (6) Class [C] B misdemeanor if the object of the conspiracy is a **class A** misdemeanor [of any degree or an infraction].

(7) **Class C misdemeanor if the object of the conspiracy is a class B misdemeanor.**

(8) **Class D misdemeanor if the object of the conspiracy is a class C misdemeanor.**

**9. For purposes of this section, the following terms mean:**

(1) **“Level 1 class C felony”, a class C felony with an authorized term of imprisonment of not less than three years and not to exceed ten years; and**

(2) **“Level 2 class C felony”, a class C felony with an authorized term of imprisonment not to exceed seven years.”; and**

Further amend said bill, page 315, section 565.010, line 12 of said page, by inserting immediately after the word “of” a colon “:”; and

Further amend said bill, page 330, section 565.079, lines 6-17 of said page, by striking all of said lines and inserting in lieu thereof the following: **“been found to be a prior assault offender and is found guilty of:**

(1) **A class B felony, to a term of imprisonment of not less than ten years and not to exceed thirty years, or life imprisonment;**

**(2) A level 1 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years; or**

**(3) A level 2 class C felony, to a term of imprisonment of not less than three years and not to exceed ten years.**

**14. The court shall sentence a person, who has been found to be a persistent assault offender and is found guilty of:**

**(1) A class B felony or a level 1 class C felony, to a term of imprisonment of not less than ten years and not to exceed thirty years, or life imprisonment; or**

**(2) A level 2 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years.**

**15. For purposes of this section, the following terms mean:**

**(1) “Level 1 class C felony”, a class C felony with an authorized term of imprisonment of not less than three years and not to exceed ten years; and**

**(2) “Level 2 class C felony”, a class C felony with an authorized term of imprisonment not to exceed seven years.” and**

Further amend said bill, page 377, section 566.209, by striking all of said section from the bill; and

Further amend said bill, page 439, section 570.135, lines 7-9 of said page, by striking all of said lines and inserting in lieu thereof the following: “or 2 of this section is guilty of]

**2. The offense of fraudulent procurement of a credit or debit device is a class A misdemeanor.”; and**

Further amend said bill, page 488, section 573.205, line 21 of said page, by inserting after all of said line the following:

“[568.110.] **573.215. 1. [Any] A person commits the offense of failure to report child pornography if he or she being a** film and photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child under [the age of] eighteen years **of age** engaged in an act of sexual conduct [shall] **fails to** report such instance to [the] **any** law enforcement agency [having jurisdiction over the case] immediately or as soon as practically possible.

**2. The offense of failure to [make such report shall be] report child pornography is a class B misdemeanor.**

**3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider.”; and**

Further amend said bill, page 493, section 574.005, line 5 of said page, by striking “1.”; and

Further amend said bill, page 526, section 577.014, line 21 of said line, by striking “twenty hundredths” and inserting in lieu thereof the following: “**twenty-hundredths**”; and further amend line 25, by striking

“twenty hundredths” and inserting in lieu thereof the following: “**twenty-hundredths**”; and

Further amend said bill, page 566, section 577.078, line 7 of said page, by inserting after all of said line the following:

“577.080. 1. A person commits the [crime] **offense** of abandoning a [motor] vehicle, vessel, or trailer if he **or she knowingly** abandons any motor vehicle, vessel, or trailer on:

(1) The right-of-way of any public road or state highway [or];

(2) On or in any of the waters in this state [or];

(3) On the banks of any stream[, or];

(4) On any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof [or];

(5) On any land or water owned, operated or leased by the federal government; or

(6) On any private real property owned by another without his **or her** consent.

2. For purposes of this section, the last owner of record of a [motor] vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197 shall be deemed prima facie [to have been the owner] **evidence of ownership** of such [motor] vehicle, vessel, or trailer at the time it was abandoned and [to have been] the person who abandoned the [motor] vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned [motor] vehicle, vessel, or trailer shall not be subject to the penalties provided by this section if the [motor] vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the [motor] vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the [motor] vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the [motor] vehicle, vessel, or trailer is alleged to have been stolen, the owner of the [motor] vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.

3. **The offense of** abandoning a [motor] vehicle, vessel, or trailer is a class A misdemeanor.

4. Any person convicted pursuant to this section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the [motor] vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned [motor] vehicle, vessel, or trailer that exist at the time the [motor vehicle or vessel] **property** is transferred pursuant to section 304.156 shall remain the liability of the person convicted pursuant to this section so long as the towing company, as defined in chapter 304, provided the title owner and lienholders, as ascertained by the department of revenue records, a notice within the time frame and in the form as described in subsection 1 of section 304.156.”; and

Further amend said bill, page 593, section 579.015, lines 13-14 of said page, by striking “a person found guilty of the offense shall be sentenced to pay a fine of” and inserting in lieu thereof the following: “**the offense is punishable by a fine of**”; and

Further amend said bill, page 635, section 579.170, lines 4-16 of said page, by striking all of said lines and inserting in lieu thereof the following: “**shall sentence a person, who has been found to be a prior drug offender and is found guilty of:**

(1) **A level 1 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years;**

(2) **A level 2 class C felony, to a term of imprisonment of not less than three years and not to exceed ten years; or**

(3) **A class D felony, to a term of imprisonment not to exceed seven years.**

**5. The court shall sentence a person, who has been found to be a persistent drug offender and is found guilty of:**

(1) **A class B felony, or a level 1 class C felony, to a term of imprisonment of not less than ten years and not to exceed thirty years, or life imprisonment;**

(2) **A level 2 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years; or**

(3) **A class D felony, to a term of imprisonment of not less than three years and not to exceed ten years.**

**6. For purposes of this section, the following terms mean:**

(1) **“Level 1 class C felony”, a class C felony with an authorized term of imprisonment of not less than three years and not to exceed ten years; and**

(2) **“Level 2 class C felony”, a class C felony with an authorized term of imprisonment not to exceed seven years.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Justus offered **SA 2:**

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 491, Page 160, Section 217.735, Line 2 of said page, by inserting immediately after the word “Section” the following: “**566.068, 566.069,**”; and

Further amend said bill, page 262, section 556.061, line 22 of said page, by inserting immediately after the word “the” as it appear the first time on said line the following: “**first or**”; and

Further amend said bill, page 354, section 566.023, lines 3-4 of said page, by striking all of said lines and inserting in lieu thereof the following: “566.064, [566.068, and 566.090] **and 566.071**, that the defendant was married”; and

Further amend said bill, page 359, section 566.067, line 1 of said page, by striking the opening “[“ and closing ”]” brackets; and further amend said line, by striking the word “twelve”; and further amend line 19, by striking the word “such” and inserting in lieu thereof the following: “, **if the victim is a child less than twelve years of age, the**”; and

Further amend said bill and page, section 566.068, lines 26-27, by striking all of said lines and inserting in lieu thereof the following: “**(2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact**”; and

Further amend said bill, page 360, section 566.071, lines 19-21 of said page, by striking all of said lines and inserting in lieu thereof the following: “**molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact.**”; and further amend line 23, by striking the letter “C” and inserting in lieu thereof: “**D**”; and

Further amend said bill, page 364, section 566.101, lines 1-4 of said page, by striking all of said lines and inserting in lieu thereof the following: “person to sexual contact without that person's consent.”; and

Further amend said bill, page 636, section 589.015, line 24 of said page, by striking the following: “or third” and inserting in lieu thereof the following: “**third, or fourth**”; and

Further amend said bill, page 652, section 632.480, line 17 of said page, by striking the words “**or second**”.

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

Senator Justus moved that **SS** for **SCS** for **SB 491**, as amended, be adopted, which motion prevailed.

Senator Kraus assumed the Chair.

On motion of Senator Justus, **SS** for **SCS** for **SB 491**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 850**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 850**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 850

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the establishment of a supplemental nutrition assistance pilot program.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 850** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 850**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 850

An Act to repeal section 262.900, RSMo, and to enact in lieu thereof three new sections relating to agricultural products.

Senator Munzlinger moved that **SS** for **SCS** for **SB 850** be adopted.

At the request of Senator Munzlinger, **SB 850**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Dempsey assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Parson, Chairman of the Committee on Small Business, Insurance and Industry, Senator Richard submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 1173**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **INTRODUCTIONS OF GUESTS**

Senator Schaaf introduced to the Senate, representatives of Missouri Western State University, St. Joseph.

On motion of Senator Richard, the Senate adjourned under the rules.

### **SENATE CALENDAR**

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**FORTY-EIGHTH DAY—TUESDAY, APRIL 8, 2014**

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### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HB 1897-Kolkmeier	HCS for HB 1745
HB 1968-Gosen	HB 1775-Colona and Hodges
HCS for HB 2040	HCS for HB 1302
HB 1380-Peters and Ellington	HCS for HB 1326
HCS for HB 1605	HB 1617-Rehder, et al
HB 2028-Peters, et al	HCS for HB 1439
HB 1670-Dunn, et al	HCS for HB 1237
HB 1744-Walton Gray, et al	HCS for HBs 1235 & 1214

#### **THIRD READING OF SENATE BILLS**

SS for SCS for SB 666-Schmitt (In Fiscal Oversight)	SCS for SB 729-Romine SCS for SB 785-Kehoe
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SB 812-Parson (In Fiscal Oversight)  
SB 818-Kehoe

SCS for SB 854-Wasson

SENATE BILLS FOR PERFECTION

- |                                     |  |
|-------------------------------------|--|
| 1. SB 892-Kraus, with SCS           | 26. SB 866-Wasson and Cunningham       |
| 2. SB 809-Wasson, with SCS          | 27. SB 824-Dixon, with SCS             |
| 3. SB 706-Cunningham, with SCS      | 28. SB 724-Parson                      |
| 4. SB 500-Keaveny                   | 29. SB 550-Sater, with SCS             |
| 5. SB 695-Keaveny                   | 30. SB 819-Wallingford, with SCS       |
| 6. SJR 26-Lager                     | 31. SBs 836 & 800-Munzlinger, with SCS |
| 7. SB 890-Kehoe                     | 32. SB 842-Parson                      |
| 8. SB 754-Sater and Justus          | 33. SB 860-Cunningham                  |
| 9. SB 617-Rupp and Parson, with SCS | 34. SB 891-Kehoe                       |
| 10. SB 755-Wallingford              | 35. SB 762-Schaefer, with SCS          |
| 11. SB 769-Pearce, with SCS         | 36. SB 875-Sater, with SCS             |
| 12. SB 830-Parson                   | 37. SB 671-Sater                       |
| 13. SB 841-Wasson, with SCS         | 38. SB 634-Parson, with SCS            |
| 14. SB 919-Justus                   | 39. SB 642-Romine, with SCS            |
| 15. SBs 787 & 804-Justus, with SCS  | 40. SB 848-LeVota, with SCS            |
| 16. SB 795-Lager                    | 41. SB 566-Sifton                      |
| 17. SB 887-Schaefer                 | 42. SB 992-Dempsey                     |
| 18. SB 538-Keaveny and Holsman      | 43. SB 966-Lager                       |
| 19. SB 786-Schmitt                  | 44. SB 852-Schmitt, with SCS           |
| 20. SBs 638 & 647-Romine, with SCS  | 45. SB 704-Lager, with SCS             |
| 21. SB 578-Kraus                    | 46. SB 758-Justus                      |
| 22. SB 655-Kraus                    | 47. SB 873-Brown, with SCS             |
| 23. SB 659-Wallingford, with SCS    | 48. SB 844-Dixon                       |
| 24. SB 717-Brown                    | 49. SB 641-Emery                       |
| 25. SB 794-Chappelle-Nadal          | 50. SB 869-Schmitt                     |

HOUSE BILLS ON THIRD READING

HB 1173-Burlison, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 490-Lager and Kehoe, with SCS

SB 501-Keaveny

SB 518-Sater, with SCS, SA 2 & SA 1 to  
SA 2 (pending)  
SB 519-Sater, with SS & SA 1 (pending)  
SS for SB 543-Munzlinger  
SB 553-Emery, with SCS (pending)  
SB 555-Nasheed, with SS & SA 1 (pending)  
SB 573-Munzlinger, with SCS  
SB 575-Dixon  
SB 589-Brown, with SCS, SA 2 & SA 1 to  
SA 2 (pending)  
SB 599-Kraus, with SCS & SA 2 (pending)  
SB 644-LeVota  
SB 663-Munzlinger, with SCS  
SB 692-Wasson, with SA 1 (pending)  
SB 712-Walsh, with SCS & SS for SCS  
(pending)

SB 734-Cunningham  
SB 739-Romine, with SCS, SS for SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 774-Dempsey, with SCS  
SB 790-Dixon, with SA 3 & point of order  
(pending)  
SB 814-Brown  
SB 846-Richard  
SB 850-Munzlinger and Holsman, with SCS  
& SS for SCS (pending)  
SJR 25-Lager  
SJR 34-Emery  
SJR 42-Schmitt, with SS (pending)

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

**In Conference**

HB 2014-Stream, with SCS (Schaefer)

**RESOLUTIONS**

**Reported from Committee**

SCR 34-LeVota  
HCR 5-English, et al (Walsh)

HCR 11-Walton Gray, et al (Walsh)  
HCS for HCR 20

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