

SECOND REGULAR SESSION

SENATE BILL NO. 491

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS JUSTUS AND DIXON.

Pre-filed December 1, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4153S.02I

AN ACT

To repeal sections 32.057, 50.535, 57.100, 105.478, 115.631, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 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, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.321, 302.500, 302.540, 302.541, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420,

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

407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 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, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 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, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180,

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570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015,
571.017, 571.020, 571.030, 571.037, 571.045, 571.050, 571.060, 571.063,
571.067, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093, 571.095,
571.101, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.126,
571.150, 571.500, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060,
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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,
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578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028,
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578.392, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418,
578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450,
578.500, 578.502, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570,
578.614, 589.425, 610.125, 630.155, 630.165, 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, 660.321, and 701.320, RSMo, section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, 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 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, 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 seven hundred fifteen new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date.

Section A. Sections 32.057, 50.535, 57.100, 105.478, 115.631, 142.909,
2 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905,
3 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017,
4 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130,
5 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204,
6 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223,
7 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254,
8 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367,
9 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505,
10 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070,
11 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 214.410, 217.360, 217.385,
12 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353,
13 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536,
14 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400,
15 301.401, 301.559, 301.640, 302.015, 302.020, 302.321, 302.500, 302.540, 302.541,
16 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024,
17 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118,
18 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660,
19 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096,
20 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216,
21 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176,
22 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516,
23 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287,
24 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810,
25 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021,
26 556.022, 556.026, 556.036, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063,
27 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011,
28 558.016, 558.018, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036,
29 559.100, 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604,
30 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021,
31 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061,
32 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051,
33 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021,
34 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060,
35 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081,
36 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100,

37 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156,
38 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188,
39 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225,
40 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020,
41 566.023, 566.025, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062,
42 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111,
43 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151,
44 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218,
45 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050,
46 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020,
47 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070,
48 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025,
49 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070,
50 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120,
51 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010,
52 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085,
53 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130,
54 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190,
55 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224,
56 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300,
57 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030, 571.037,
58 571.045, 571.050, 571.060, 571.063, 571.067, 571.070, 571.072, 571.080, 571.085,
59 571.087, 571.093, 571.095, 571.101, 571.104, 571.107, 571.111, 571.114, 571.117,
60 571.121, 571.126, 571.150, 571.500, 572.010, 572.020, 572.030, 572.040, 572.050,
61 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025,
62 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090,
63 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040,
64 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021,
65 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110,
66 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180,
67 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240,
68 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350,
69 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080,
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72 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080,

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75 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606,
76 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008,
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78 578.029, 578.030, 578.050, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110,
79 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200,
80 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265,
81 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353,
82 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385,
83 578.387, 578.389, 578.390, 578.392, 578.405, 578.407, 578.409, 578.412, 578.414,
84 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445,
85 578.450, 578.500, 578.502, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570,
86 578.614, 589.425, 610.125, 630.155, 630.165, 660.250, 660.255, 660.260, 660.261,
87 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300,
88 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, section
89 130.028 as truly agreed to and finally passed by conference committee substitute
90 no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth
91 general assembly, second regular session, section 130.028 as enacted by
92 conference committee substitute for house committee substitute for senate bill no.
93 650, eighty-ninth general assembly, second regular session, section 130.031 as
94 truly agreed to and finally passed by conference committee substitute no. 3 for
95 house committee substitute no. 2 for senate bill no. 844, ninety-fifth general
96 assembly, second regular session, section 302.060 as enacted by conference
97 committee substitute for house committee substitute for senate bill no. 23, ninety-
98 seventh general assembly, first regular session, section 302.060 as enacted by
99 conference committee substitute for senate substitute for senate committee
100 substitute for house committee substitute for house bill no. 1402 merged with
101 conference committee substitute for house committee substitute no. 2 for senate
102 committee substitute for senate bill no. 480, ninety-sixth general assembly,
103 second regular session, section 302.304 as enacted by conference committee
104 substitute for house committee substitute for senate bill no. 23, ninety-seventh
105 general assembly, first regular session, section 302.304 as enacted by conference
106 committee substitute for house committee substitute no. 2 for senate committee
107 substitute for senate bill no. 480, ninety-sixth general assembly, second regular
108 session, section 476.055 as enacted by senate committee substitute for house bill

109 no. 1460 merged with conference committee substitute for house committee
110 substitute for senate bill no. 628, ninety-sixth general assembly, second regular
111 session, section 476.055 as enacted by conference committee substitute for house
112 committee substitute for senate bill no. 636, ninety-sixth general assembly,
113 second regular session, section 577.041 as enacted by conference committee
114 substitute for house committee substitute for senate bill no. 23, ninety-seventh
115 general assembly, first regular session, and section 577.041 as enacted by senate
116 substitute for senate committee substitute for house committee substitute for
117 house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular
118 session, are repealed and seven hundred fifteen sections enacted in lieu thereof,
119 to be known as sections 27.105, 32.057, 43.544, 50.535, 57.100, 105.478, 115.631,
120 130.028, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030,
121 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015,
122 195.016, 195.017, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.140,
123 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418, 196.979, 197.266,
124 197.326, 197.1000, 197.1002, 197.1004, 197.1006, 197.1008, 197.1010, 197.1012,
125 197.1014, 197.1016, 197.1018, 197.1020, 197.1022, 197.1024, 197.1026, 197.1028,
126 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 197.1040, 197.1042, 198.015,
127 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 214.410, 217.385,
128 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353,
129 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536,
130 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400,
131 301.401, 301.559, 301.640, 302.015, 302.020, 302.060, 302.304, 302.321, 302.400,
132 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442, 302.454,
133 302.456, 302.458, 302.460, 302.462, 302.500, 302.540, 302.541, 302.574, 302.580,
134 302.584, 302.592, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755,
135 302.780, 303.024, 303.025, 304.070, 305.125, 305.126, 306.110, 306.111, 306.420,
136 311.315, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018,
137 319.1000, 319.1005, 319.1007, 319.1010, 319.1013, 319.1015, 319.1025, 319.1028,
138 319.1031, 319.1034, 319.1037, 319.1040, 319.1043, 319.1046, 319.1049, 320.089,
139 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370,
140 351.493, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757,
141 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287,
142 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521,
143 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371,
144 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819,

145 453.110, 455.085, 455.538, 476.055, 479.172, 513.660, 537.123, 537.127, 542.402,
146 542.425, 544.218, 544.472, 544.665, 545.940, 556.011, 556.021, 556.026, 556.036,
147 556.038, 556.041, 556.046, 556.061, 556.101, 557.016, 557.021, 557.026, 557.031,
148 557.035, 557.036, 557.051, 558.002, 558.004, 558.006, 558.008, 558.011, 558.016,
149 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106,
150 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 561.016,
151 561.021, 561.026, 562.011, 562.012, 562.014, 562.016, 562.031, 562.036, 562.041,
152 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026,
153 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 565.002, 565.004, 565.010,
154 565.020, 565.021, 565.023, 565.024, 565.027, 565.029, 565.030, 565.032, 565.035,
155 565.040, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076,
156 565.079, 565.090, 565.091, 565.110, 565.115, 565.120, 565.130, 565.140, 565.150,
157 565.153, 565.156, 565.160, 565.163, 565.184, 565.188, 565.189, 565.218, 565.222,
158 565.225, 565.227, 565.240, 565.252, 565.300, 566.010, 566.020, 566.023, 566.030,
159 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,
160 566.069, 566.071, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.115,
161 566.116, 566.125, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153,
162 566.155, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 566.218, 567.010,
163 567.020, 567.030, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110,
164 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.060,
165 568.065, 568.070, 568.175, 569.010, 569.040, 569.050, 569.053, 569.055, 569.060,
166 569.065, 569.075, 569.080, 569.090, 569.095, 569.097, 569.099, 569.100, 569.120,
167 569.130, 569.132, 569.135, 569.137, 569.140, 569.145, 569.150, 569.155, 569.160,
168 569.170, 569.180, 570.010, 570.020, 570.023, 570.025, 570.030, 570.039, 570.053,
169 570.057, 570.070, 570.085, 570.090, 570.100, 570.103, 570.110, 570.120, 570.125,
170 570.130, 570.135, 570.140, 570.145, 570.150, 570.180, 570.217, 570.219, 570.220,
171 570.223, 570.224, 570.225, 570.300, 570.302, 570.310, 570.350, 570.375, 570.380,
172 570.400, 570.402, 570.404, 570.406, 570.408, 570.410, 571.010, 571.014, 571.015,
173 571.020, 571.031, 571.032, 571.033, 571.034, 571.036, 571.038, 571.041, 571.042,
174 571.043, 571.044, 571.045, 571.050, 571.060, 571.063, 571.070, 571.150, 572.010,
175 572.015, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 573.010, 573.020,
176 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060,
177 573.065, 573.090, 573.100, 573.200, 573.205, 573.215, 573.509, 573.531, 574.005,
178 574.010, 574.020, 574.040, 574.050, 574.060, 574.070, 574.075, 574.080, 574.085,
179 574.105, 574.115, 574.120, 574.125, 574.130, 574.140, 574.150, 574.151, 574.152,
180 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090,

181 575.095, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.155,
182 575.157, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205,
183 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280,
184 575.290, 575.300, 575.310, 575.320, 575.353, 576.010, 576.020, 576.030, 576.040,
185 576.050, 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.013, 577.014,
186 577.015, 577.016, 577.017, 577.020, 577.021, 577.023, 577.029, 577.031, 577.037,
187 577.041, 577.060, 577.068, 577.070, 577.073, 577.075, 577.076, 577.078, 577.080,
188 577.100, 577.150, 577.155, 577.161, 577.300, 577.599, 577.600, 577.605, 577.612,
189 577.675, 577.700, 577.703, 577.706, 577.709, 577.712, 577.715, 577.718, 578.009,
190 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029,
191 578.030, 578.050, 578.095, 578.100, 578.151, 578.152, 578.153, 578.173, 578.176,
192 578.350, 578.365, 578.398, 578.399, 578.405, 578.421, 578.425, 578.430, 578.437,
193 578.475, 578.520, 578.525, 578.614, 579.015, 579.020, 579.030, 579.040, 579.045,
194 579.050, 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076,
195 579.078, 579.080, 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099,
196 579.101, 579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155, 579.170,
197 579.175, 579.180, 579.185, 589.425, 595.223, 595.226, 595.229, 595.232, 610.125,
198 610.130, 630.155, 630.161, 630.162, 630.164, 630.165, 650.150, 650.153, 650.156,
199 650.159, 650.161, 650.165, 660.360, 660.362, and 701.320, to read as follows:

[572.110.] **27.105.** [It shall be the duty of the circuit attorneys and
2 prosecuting attorneys in their respective jurisdictions to enforce the provisions
3 of this chapter, and] The attorney general shall have a concurrent duty to enforce
4 the provisions of [this] chapter **572.**

32.057. 1. Except as otherwise specifically provided by law, it shall be
2 unlawful for the director of revenue, any officer, employee, agent or deputy or
3 former director, officer, employee, agent or deputy of the department of revenue,
4 any person engaged or retained by the department of revenue on an independent
5 contract basis, any person to whom authorized or unauthorized disclosure is made
6 by the department of revenue, or any person who lawfully or unlawfully inspects
7 any report or return filed with the department of revenue or to whom a copy, an
8 abstract or a portion of any report or return is furnished by the department of
9 revenue to make known in any manner, to permit the inspection or use of or to
10 divulge to anyone any information relative to any such report or return, any
11 information obtained by an investigation conducted by the department in the
12 discharge of official duty, or any information received by the director in
13 cooperation with the United States or other states in the enforcement of the

14 revenue laws of this state. Such confidential information is limited to
15 information received by the department in connection with the administration of
16 the tax laws of this state.

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

18 (1) The disclosure of information, returns, reports, or facts shown thereby,
19 as described in subsection 1 of this section, by any officer, clerk or other employee
20 of the department of revenue charged with the custody of such information:

21 (a) To a taxpayer or the taxpayer's duly authorized representative under
22 regulations which the director of revenue may prescribe;

23 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce
24 the revenue laws of this state;

25 (c) To the state auditor or the auditor's duly authorized employees as
26 required by subsection 4 of this section;

27 (d) To any city officer designated by ordinance of a city within this state
28 to collect a city earnings tax, upon written request of such officer, which request
29 states that the request is made for the purpose of determining or enforcing
30 compliance with such city earnings tax ordinance and provided that such
31 information disclosed shall be limited to that sufficient to identify the taxpayer,
32 and further provided that in no event shall any information be disclosed that will
33 result in the department of revenue being denied such information by the United
34 States or any other state. The city officer requesting the identity of taxpayers
35 filing state returns but not paying city earnings tax shall furnish to the director
36 of revenue a list of taxpayers paying such earnings tax, and the director shall
37 compare the list submitted with the director's records and return to such city
38 official the name and address of any taxpayer who is a resident of such city who
39 has filed a state tax return but who does not appear on the list furnished by such
40 city. The director of revenue may set a fee to reimburse the department for the
41 costs reasonably incurred in providing this information;

42 (e) To any employee of any county or other political subdivision imposing
43 a sales tax which is administered by the state department of revenue whose office
44 is authorized by the governing body of the county or other political subdivision
45 to receive any and all records of the state director of revenue pertaining to the
46 administration, collection and enforcement of its sales tax. The request for sales
47 tax records and reports shall include a description of the type of report requested,
48 the media form including electronic transfer, computer tape or disk, or printed
49 form, and the frequency desired. The request shall be made by annual written

50 application and shall be filed with the director of revenue. The director of
51 revenue may set a fee to reimburse the department for the costs reasonably
52 incurred in providing this information. Such city or county or any employee
53 thereof shall be subject to the same standards for confidentiality as required for
54 the department of revenue in using the information contained in the reports;

55 (f) To the director of the department of economic development or the
56 director's duly authorized employees in discharging the director's official duties
57 to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

58 (g) To any employee of any political subdivision, such records of the
59 director of revenue pertaining to the administration, collection and enforcement
60 of the tax imposed in chapter 149 as are necessary for ensuring compliance with
61 any cigarette or tobacco tax imposed by such political subdivision. The request
62 for such records shall be made in writing to the director of revenue, and shall
63 include a description of the type of information requested and the desired
64 frequency. The director of revenue may charge a fee to reimburse the department
65 for costs reasonably incurred in providing such information;

66 (2) The publication by the director of revenue or of the state auditor in the
67 audit reports relating to the department of revenue of:

68 (a) Statistics, statements or explanations so classified as to prevent the
69 identification of any taxpayer or of any particular reports or returns and the
70 items thereof;

71 (b) The names and addresses without any additional information of
72 persons who filed returns and of persons whose tax refund checks have been
73 returned undelivered by the United States Post Office;

74 (3) The director of revenue from permitting the Secretary of the Treasury
75 of the United States or the Secretary's delegates, the proper officer of any state
76 of the United States imposing a tax equivalent to any of the taxes administered
77 by the department of revenue of the state of Missouri or the appropriate
78 representative of the multistate tax commission to inspect any return or report
79 required by the respective tax provision of this state, or may furnish to such
80 officer an abstract of the return or report or supply the officer with information
81 contained in the return or disclosed by the report of any authorized
82 investigation. Such permission, however, shall be granted on condition that the
83 corresponding revenue statute of the United States or of such other state, as the
84 case may be, grants substantially similar privileges to the director of revenue and
85 on further condition that such corresponding statute gives confidential status to

86 the material with which it is concerned;

87 (4) The disclosure of information, returns, reports, or facts shown thereby,
88 by any person on behalf of the director of revenue, in any action or proceeding to
89 which the director is a party or on behalf of any party to any action or proceeding
90 pursuant to the revenue laws of this state when such information is directly
91 involved in the action or proceeding, in either of which events the court may
92 require the production of, and may admit in evidence, so much of such
93 information as is pertinent to the action or proceeding and no more;

94 (5) The disclosure of information, returns, reports, or facts shown thereby,
95 by any person to a state or federal prosecuting official, including, but not limited
96 to, the state and federal attorneys general, or the official's designees involved in
97 any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant
98 to the laws of this state or of the United States when such information is
99 pertinent to an investigation, action or proceeding involving the administration
100 of the revenue laws or duties of public office or employment connected therewith;

101 (6) Any school district from obtaining the aggregate amount of the
102 financial institution tax paid pursuant to chapter 148 by financial institutions
103 located partially or exclusively within the school district's boundaries, provided
104 that the school district request such disclosure in writing to the department of
105 revenue;

106 (7) The disclosure of records which identify all companies licensed by this
107 state pursuant to the provisions of subsections 1 and 2 of section 149.035. The
108 director of revenue may charge a fee to reimburse the department for the costs
109 reasonably incurred in providing such records;

110 (8) The disclosure to the commissioner of administration pursuant to
111 section 34.040 of a list of vendors and their affiliates who meet the conditions of
112 section 144.635, but refuse to collect the use tax levied pursuant to chapter 144
113 on their sales delivered to this state;

114 (9) The disclosure to the public of any information, or facts shown thereby
115 regarding the claiming of a state tax credit by a member of the Missouri general
116 assembly or any statewide elected public official.

117 3. Any person violating any provision of subsection 1 or 2 of this section
118 shall, upon conviction, be guilty of a class [D] E felony.

119 4. The state auditor or the auditor's duly authorized employees who have
120 taken the oath of confidentiality required by section 29.070 shall have the right
121 to inspect any report or return filed with the department of revenue if such

122 inspection is related to and for the purpose of auditing the department of
123 revenue; except that, the state auditor or the auditor's duly authorized employees
124 shall have no greater right of access to, use and publication of information, audit
125 and related activities with respect to income tax information obtained by the
126 department of revenue pursuant to chapter 143 or federal statute than
127 specifically exists pursuant to the laws of the United States and of the income tax
128 laws of the state of Missouri.

[577.005.] **43.544.** 1. Each law enforcement agency shall adopt a policy
2 requiring arrest information for all intoxication-related traffic offenses be
3 forwarded to the central repository as required by section 43.503 and shall certify
4 adoption of such policy when applying for any grants administered by the
5 department of public safety.

6 2. Each county prosecuting attorney and municipal prosecutor shall adopt
7 a policy requiring charge information for all intoxication-related traffic offenses
8 be forwarded to the central repository as required by section 43.503 and shall
9 certify adoption of such policy when applying for any grants administered by the
10 department of public safety.

11 3. Effective January 1, 2011, the highway patrol shall, based on the data
12 submitted, maintain regular accountability reports of intoxication-related traffic
13 offense arrests, charges, and dispositions.

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745,
2 the fee collected pursuant to subsections 11 and 12 of section [571.101] **319.1025**
3 shall be deposited by the county treasurer into a separate interest-bearing fund
4 to be known as the "County Sheriff's Revolving Fund" to be expended at the
5 direction of the county or city sheriff or his or her designee as provided in this
6 section.

7 2. No prior approval of the expenditures from this fund shall be required
8 by the governing body of the county or city not within a county, nor shall any
9 prior audit or encumbrance of the fund be required before any expenditure is
10 made by the sheriff from this fund. This fund shall only be used by law
11 enforcement agencies for the purchase of equipment, to provide training, and to
12 make necessary expenditures to process applications for concealed carry permits
13 or renewals, including but not limited to the purchase of equipment, information
14 and data exchange, training, fingerprinting and background checks, employment
15 of additional personnel, and any expenditure necessitated by an action under
16 section [571.114] **319.1037** or [571.117] **319.1040**. If the moneys collected and

17 deposited into this fund are not totally expended annually, then the unexpended
18 balance shall remain in said fund and the balance shall be kept in said fund to
19 accumulate from year to year. This fund may be audited by the state auditor's
20 office or the appropriate auditing agency.

21 3. Notwithstanding any provision of this section to the contrary, the
22 sheriff of every county, regardless of classification, is authorized to pay, from the
23 sheriff's revolving fund, all reasonable and necessary costs and expenses for
24 activities or services occasioned by compliance with sections [571.101] **319.1025**
25 to [571.121] **319.1043**. Such was the intent of the general assembly in original
26 enactment of this section and sections [571.101] **319.1025** to [571.121] **319.1043**,
27 and it is made express by this section in light of the decision in Brooks v. State
28 of Missouri, (Mo. Sup. Ct. February 26, 2004). The application and renewal fees
29 to be charged pursuant to section [571.101] **319.1025** shall be based on the
30 sheriff's good faith estimate, made during regular budgeting cycles, of the actual
31 costs and expenses to be incurred by reason of compliance with sections [571.101]
32 **319.1025** to [571.121] **319.1043**. If the maximum fee permitted by section
33 [571.101] **319.1025** is inadequate to cover the actual reasonable and necessary
34 expenses in a given year, and there are not sufficient accumulated unexpended
35 funds in the revolving fund, a sheriff may present specific and verified evidence
36 of the unreimbursed expenses to the office of administration, which upon
37 certification by the attorney general shall reimburse such sheriff for those
38 expenses from an appropriation made for that purpose.

39 4. If pursuant to subsection 13 of section [571.101] **319.1025**, the sheriff
40 of a county of the first classification designates one or more chiefs of police of any
41 town, city, or municipality within such county to accept and process applications
42 for concealed carry permits, then that sheriff shall reimburse such chiefs of police,
43 out of the moneys deposited into this fund, for any reasonable expenses related
44 to accepting and processing such applications.

57.100. 1. Every sheriff shall quell and suppress assaults and batteries,
2 riots, routs, affrays and insurrections; shall apprehend and commit to jail all
3 felons and traitors, and execute all process directed to him by legal authority,
4 including writs of replevin, attachments and final process issued by circuit and
5 associate circuit judges.

6 2. Beginning January 1, 2014, every sheriff shall maintain, house, and
7 issue concealed carry permits as specified under chapter [571] **319**.

105.478. Any person guilty of knowingly violating any of the provisions

2 of sections 105.450 to 105.498 shall be punished as follows:

- 3 (1) For the first offense, such person is guilty of a class B misdemeanor;
- 4 (2) For the second and subsequent offenses, such person is guilty of a
5 class [D] E felony.

115.631. The following offenses, and any others specifically so described
2 by law, shall be class one election offenses and are deemed felonies connected
3 with the exercise of the right of suffrage. Conviction for any of these offenses
4 shall be punished by imprisonment of not more than five years or by fine of not
5 less than two thousand five hundred dollars but not more than ten thousand
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, including but not limited to statements specifically
10 required to be made "under penalty of perjury"; or in any other manner knowingly
11 furnishing false information to an election authority or election official engaged
12 in any lawful duty or action in such a way as to hinder or mislead the authority
13 or official in the performance of official duties. If an individual willfully and
14 falsely makes any certificate, affidavit, or statement required to be made under
15 section 115.155, including but not limited to statements specifically required to
16 be made "under penalty of perjury", such individual shall be guilty of a class [C]
17 D felony;

18 (2) Voting more than once or voting at any election knowing that the
19 person is not entitled to vote or that the person has already voted on the same
20 day at another location inside or outside the state of Missouri;

21 (3) Procuring any person to vote knowing the person is not lawfully
22 entitled to vote or knowingly procuring an illegal vote to be cast at any election;

23 (4) Applying for a ballot in the name of any other person, whether the
24 name be that of a person living or dead or of a fictitious person, or applying for
25 a ballot in his own or any other name after having once voted at the election
26 inside or outside the state of Missouri;

27 (5) Aiding, abetting or advising another person to vote knowing the person
28 is not legally entitled to vote or knowingly aiding, abetting or advising another
29 person to cast an illegal vote;

30 (6) An election judge knowingly causing or permitting any ballot to be in
31 the ballot box at the opening of the polls and before the voting commences;

32 (7) Knowingly furnishing any voter with a false or fraudulent or bogus

33 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a
34 vote which will be rejected, or otherwise defrauding him of his vote;

35 (8) An election judge knowingly placing or attempting to place or
36 permitting any ballot, or paper having the semblance of a ballot, to be placed in
37 a ballot box at any election unless the ballot is offered by a qualified voter as
38 provided by law;

39 (9) Knowingly placing or attempting to place or causing to be placed any
40 false or fraudulent or bogus ballot in a ballot box at any election;

41 (10) Knowingly removing any legal ballot from a ballot box for the purpose
42 of changing the true and lawful count of any election or in any other manner
43 knowingly changing the true and lawful count of any election;

44 (11) Knowingly altering, defacing, damaging, destroying or concealing any
45 ballot after it has been voted for the purpose of changing the lawful count of any
46 election;

47 (12) Knowingly altering, defacing, damaging, destroying or concealing any
48 poll list, report, affidavit, return or certificate for the purpose of changing the
49 lawful count of any election;

50 (13) On the part of any person authorized to receive, tally or count a poll
51 list, tally sheet or election return, receiving, tallying or counting a poll list, tally
52 sheet or election return the person knows is fraudulent, forged or counterfeit, or
53 knowingly making an incorrect account of any election;

54 (14) On the part of any person whose duty it is to grant certificates of
55 election, or in any manner declare the result of an election, granting a certificate
56 to a person the person knows is not entitled to receive the certificate, or declaring
57 any election result the person knows is based upon fraudulent, fictitious or illegal
58 votes or returns;

59 (15) Willfully destroying or damaging any official ballots, whether marked
60 or unmarked, after the ballots have been prepared for use at an election and
61 during the time they are required by law to be preserved in the custody of the
62 election judges or the election authority;

63 (16) Willfully tampering with, disarranging, altering the information on,
64 defacing, impairing or destroying any voting machine or marking device after the
65 machine or marking device has been prepared for use at an election and during
66 the time it is required by law to remain locked and sealed with intent to impair
67 the functioning of the machine or marking device at an election, mislead any
68 voter at the election, or to destroy or change the count or record of votes on such

69 machine;

70 (17) Registering to vote knowing the person is not legally entitled to
71 register or registering in the name of another person, whether the name be that
72 of a person living or dead or of a fictitious person;

73 (18) Procuring any other person to register knowing the person is not
74 legally entitled to register, or aiding, abetting or advising another person to
75 register knowing the person is not legally entitled to register;

76 (19) Knowingly preparing, altering or substituting any computer program
77 or other counting equipment to give an untrue or unlawful result of an election;

78 (20) On the part of any person assisting a blind or disabled person to vote,
79 knowingly failing to cast such person's vote as such person directs;

80 (21) On the part of any registration or election official, permitting any
81 person to register to vote or to vote when such official knows the person is not
82 legally entitled to register or not legally entitled to vote;

83 (22) On the part of a notary public acting in his official capacity,
84 knowingly violating any of the provisions of sections 115.001 to 115.627 or any
85 provision of law pertaining to elections;

86 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
87 of any provision of law pertaining to absentee voting;

88 (24) Assisting a person to vote knowing such person is not legally entitled
89 to such assistance, or while assisting a person to vote who is legally entitled to
90 such assistance, in any manner coercing, requesting or suggesting that the voter
91 vote for or against, or refrain from voting on any question, ticket or candidate;

92 (25) Engaging in any act of violence, destruction of property having a
93 value of five hundred dollars or more, or threatening an act of violence with the
94 intent of denying a person's lawful right to vote or to participate in the election
95 process; and

96 (26) Knowingly providing false information about election procedures for
97 the purpose of preventing any person from going to the polls.

1 [130.028. 1. Every person, labor organization, or
2 corporation organized or existing by virtue of the laws of this state,
3 or doing business in this state who shall:

4 (1) Discriminate or threaten to discriminate against any
5 member in this state with respect to his membership, or discharge
6 or discriminate or threaten to discriminate against any employee
7 in this state, with respect to his compensation, terms, conditions or

8 privileges of employment by reason of his political beliefs or
9 opinions; or

10 (2) Coerce or attempt to coerce, intimidate or bribe any
11 member or employee to vote or refrain from voting for any
12 candidate at any election in this state; or

13 (3) Coerce or attempt to coerce, intimidate or bribe any
14 member or employee to vote or refrain from voting for any issue at
15 any election in this state; or

16 (4) Make any member or employee as a condition of
17 membership or employment, contribute to any candidate, political
18 committee or separate political fund; or

19 (5) Discriminate or threaten to discriminate against any
20 member or employee in this state for contributing or refusing to
21 contribute to any candidate, political committee or separate
22 political fund with respect to the privileges of membership or with
23 respect to his employment and the compensation, terms, conditions
24 or privileges related thereto shall be guilty of a misdemeanor, and
25 upon conviction thereof be punished by a fine of not more than five
26 thousand dollars and confinement for not more than six months, or
27 both, provided, after January 1, 1979, the violation of this
28 subsection shall be a class D felony.

29 2. No employer, corporation, political action committee, or
30 labor organization shall receive or cause to be made contributions
31 from its members or employees except on the advance voluntary
32 permission of the members or employees. Violation of this section
33 by the corporation, employer, political action committee or labor
34 organization shall be a class A misdemeanor.

35 3. An employer shall, upon written request by ten or more
36 employees, provide its employees with the option of contributing to
37 a political action committee as defined in section 130.011 through
38 payroll deduction, if the employer has a system of payroll
39 deduction. No contribution to a political action committee from an
40 employee through payroll deduction shall be made other than to a
41 political action committee voluntarily chosen by the
42 employee. Violation of this section shall be a class A misdemeanor.

43 4. Any person aggrieved by any act prohibited by this

44 section shall, in addition to any other remedy provided by law, be
45 entitled to maintain within one year from the date of the prohibited
46 act, a civil action in the courts of this state, and if successful, he
47 shall be awarded civil damages of not less than one hundred
48 dollars and not more than one thousand dollars, together with his
49 costs, including reasonable attorney's fees. Each violation shall be
50 a separate cause of action.]

130.028. 1. Every person, labor organization, or corporation organized or
2 existing by virtue of the laws of this state, or doing business in this state who
3 shall:

4 (1) Discriminate or threaten to discriminate against any member in this
5 state with respect to his **or her** membership, or discharge or discriminate or
6 threaten to discriminate against any employee in this state, with respect to his
7 **or her** compensation, terms, conditions or privileges of employment by reason of
8 his political beliefs or opinions; or

9 (2) Coerce or attempt to coerce, intimidate or bribe any member or
10 employee to vote or refrain from voting for any candidate at any election in this
11 state; or

12 (3) Coerce or attempt to coerce, intimidate or bribe any member or
13 employee to vote or refrain from voting for any issue at any election in this state;
14 or

15 (4) Make any member or employee as a condition of membership or
16 employment, contribute to any candidate, political committee or separate political
17 fund; or

18 (5) Discriminate or threaten to discriminate against any member or
19 employee in this state for contributing or refusing to contribute to any candidate,
20 political committee or separate political fund with respect to the privileges of
21 membership or with respect to his employment and the compensation, terms,
22 conditions or privileges related thereto shall be guilty of a [misdemeanor, and
23 upon conviction thereof be punished by a fine of not more than five thousand
24 dollars and confinement for not more than six months, or both, provided, after
25 January 1, 1979, the violation of this subsection shall be a] class [D] E felony.

26 2. No employer, corporation, continuing committee, or labor organization
27 shall receive or cause to be made contributions from its members or employees
28 except on the advance voluntary permission of the members or
29 employees. Violation of this section by the corporation, employer, continuing

30 committee or labor organization shall be a class A misdemeanor.

31 3. An employer shall, upon written request by ten or more employees,
32 provide its employees with the option of contributing to a continuing committee
33 as defined in section 130.011 through payroll deduction, if the employer has a
34 system of payroll deduction. No contribution to a continuing committee from an
35 employee through payroll deduction shall be made other than to a continuing
36 committee voluntarily chosen by the employee. Violation of this section shall be
37 a class A misdemeanor.

38 4. Any person aggrieved by any act prohibited by this section shall, in
39 addition to any other remedy provided by law, be entitled to maintain within one
40 year from the date of the prohibited act, a civil action in the courts of this state,
41 and if successful, he **or** she shall be awarded civil damages of not less than one
42 hundred dollars and not more than one thousand dollars, together with his **or**
43 **her** costs, including reasonable attorney's fees. Each violation shall be a separate
44 cause of action.

142.909. A person who violates any provision of this chapter, including,
2 but not limited to the failure to obtain required licenses or permits, or fails to
3 keep records as prescribed herein, or neglects, fails or refuses to allow the
4 director, the director's authorized agents or the Missouri highway patrol to
5 inspect an item of equipment or records, or who fails, neglects or refuses to pay
6 the tax due is guilty of a misdemeanor and may be punished as prescribed by
7 law. Any person who violates any of the provisions of this section with the
8 purpose to defraud is guilty of a class [D] E felony.

142.911. 1. Each person operating a refinery, terminal, or bulk plant in
2 this state shall prepare and provide to the driver of every fuel transportation
3 vehicle receiving motor fuel into the vehicle storage tank at the facility a shipping
4 document setting out on its face:

5 (1) Identification by city and state of the terminal, refinery or bulk plant
6 from which the motor fuel was removed;

7 (2) The date the motor fuel was removed;

8 (3) The amount of motor fuel removed, gross gallons and net gallons;

9 (4) The state of destination as represented to the terminal operator by the
10 transporter, the shipper or the agent of the shipper;

11 (5) Any other information required by the director for the enforcement of
12 this chapter; and

13 (6) The supplier, consignee and carrier of the motor fuel.

14 2. A terminal operator may manually prepare shipping papers if the
15 terminal does not have the ability to prepare automated shipping papers or as a
16 result of extraordinary unforeseen circumstances, including acts of God, which
17 temporarily interfere with the ability of the terminal operator to issue automated
18 machine-generated shipping papers. However, the terminal operator shall, prior
19 to manually preparing the papers, provide, in the case of a terminal not having
20 the ability to prepare automated shipping papers, written notice to the director,
21 or in the case of extraordinary circumstances, telephonic notice to the director
22 and obtain a service interruption authorization number which the employees of
23 the terminal operator shall add to the manually prepared papers prior to removal
24 of each affected transport load from the terminal. The service interruption
25 authorization number shall be valid for use by the terminal operator for a period
26 not to exceed twenty-four hours. If the interruption has not been corrected within
27 the twenty-four-hour period, additional [notice(s)] **notice or notices** to the
28 director shall be required and interruption authorization [number(s)] **number**
29 **or numbers** may be issued upon explanation by the terminal operator
30 satisfactory to the director. If the terminal operator acquires the ability to
31 prepare automated machine-printed shipping papers, the terminal operator shall
32 notify the director no later than ten days prior to the initial use of such
33 capability.

34 3. An operator of a bulk plant in this state delivering motor fuel into a
35 tank wagon for subsequent delivery to a consumer in this state shall be exempt
36 from this section. An operator of a bulk plant in this state shall not be required
37 to identify net gallons on the shipping documents as provided by this section.

38 4. A refinery or terminal operator may load motor fuel, a portion of which
39 fuel is destined for sale or use in this state and a portion of which fuel is destined
40 for sale or use in another state or states. However, such split loads removed shall
41 be documented by the terminal operator by issuing shipping papers designating
42 the state of destination for each portion of the fuel.

43 5. Each refinery or terminal operator shall post a conspicuous notice
44 proximately located to the point of receipt of shipping papers by transport truck
45 operators, which notice shall describe in clear and concise terms the duties of the
46 transport operator and supplier under section 142.914, provided that the director
47 may establish the language, type, style and format of the notice.

48 6. No terminal operator shall imprint, and no supplier shall knowingly
49 permit a terminal operator to imprint on behalf of the supplier, any false

50 statement on a shipping paper relating to motor fuel to be delivered to this state
51 or to a state having substantially the same shipping paper requirements with
52 respect to the supplier of the fuel, whether or not it was dyed for the intended
53 destination.

54 7. Any terminal operator who shall knowingly imprint any false statement
55 in violation of this section shall be jointly and severally liable for all the taxes
56 levied by this chapter which are not collected by this state as a result of such
57 action.

58 8. Any supplier who knowingly violates this section shall be jointly and
59 severally liable with the terminal operator.

60 9. A person who knowingly violates or knowingly aids and abets another
61 to violate this section with the intent to evade the tax levied by this chapter shall
62 be guilty of a class [D] E felony.

63 10. The director may impose a civil penalty of one thousand dollars for the
64 first occurrence against every terminal operator that fails to meet shipping paper
65 issuance requirements under this chapter. Each subsequent occurrence described
66 in this subsection is subject to a civil penalty of five thousand dollars.

143.1001. 1. In each tax year beginning on or after January 1, 1990, each
2 individual or corporation entitled to a tax refund in an amount sufficient to make
3 a designation under this section may designate that two dollars or any amount
4 in excess of two dollars on a single return, and four dollars or any amount in
5 excess of four dollars on a combined return, of the refund due be credited to the
6 veterans' trust fund. The contribution designation authorized by this section
7 shall be clearly and unambiguously printed on each income tax return form
8 provided by this state. If any individual or corporation which is not entitled to
9 a tax refund in an amount sufficient to make a designation under this section
10 wishes to make a contribution to the veterans' trust fund, such individual or
11 corporation may, by separate check, draft, or other negotiable instrument, send
12 in with the payment of taxes, or may send in separately, that amount, clearly
13 designated for the veterans' trust fund, the individual or corporation wishes to
14 contribute and the department of revenue shall forward such amount to the state
15 treasurer for deposit to the veterans' trust fund as provided in subsection 2 of
16 this section.

17 2. The director of revenue shall transfer at least monthly all contributions
18 designated by individuals under this section to the state treasurer for deposit to
19 the veterans' trust fund.

20 3. The director of revenue shall transfer at least monthly all contributions
21 designated by corporations under this section, less an amount sufficient to cover
22 the cost of collection and handling by the department of revenue, to the state
23 treasurer for deposit to the veterans' trust fund.

24 4. A contribution designated under this section shall only be transferred
25 and deposited in the veterans' trust fund after all other claims against the refund
26 from which such contribution is to be made have been satisfied.

27 5. Notwithstanding any other law to the contrary, the names and
28 addresses of individuals or corporations who designate a contribution to this fund
29 may be supplied to the veterans' commission, for the purpose of sending an
30 acknowledgment and written appreciation to those individuals and
31 corporations. Under no circumstances shall the names and addresses be used for
32 any purpose other than that expressed in this subsection. Release or use of the
33 names and addresses for any other purpose is a class [C] **D** felony.

143.1003. 1. In each tax year beginning on or after January 1, 1999, each
2 individual or corporation entitled to a tax refund in an amount sufficient to make
3 a designation pursuant to this section may designate that two dollars or any
4 amount in excess of two dollars on a single return and four dollars or any amount
5 in excess of four dollars on a combined return, of the refund due be credited to the
6 Missouri national guard trust fund. The contribution designation authorized by
7 this section shall be clearly and unambiguously printed on each income tax return
8 form provided by this state. If any individual or corporation which is not entitled
9 to a tax refund in an amount sufficient to make a designation pursuant to this
10 section wishes to make a contribution to the Missouri national guard trust fund,
11 such individual or corporation may, by separate check, draft or other negotiable
12 instrument, send in with the payment of taxes, or may send in separately, that
13 amount, clearly designated for the Missouri national guard trust fund, the
14 individual or corporation wishes to contribute and the department of revenue
15 shall forward such amount to the state treasurer for deposit to the Missouri
16 national guard trust fund as provided in subsection 2 of this section.

17 2. The director of revenue shall transfer at least monthly all contributions
18 designated by individuals pursuant to this section to the state treasurer for
19 deposit in the Missouri national guard trust fund.

20 3. A contribution designated pursuant to this section shall only be
21 transferred and deposited in the Missouri national guard trust fund after all
22 other claims against the refund from which such contribution is to be made have

23 been satisfied.

24 4. Notwithstanding any other law to the contrary, the names and
25 addresses of individuals or corporations who designate a contribution to this fund
26 may be supplied to the office of the adjutant general, for the purpose of sending
27 an acknowledgment and written appreciation to those individuals and
28 corporations. Under no circumstances shall the names and addresses be used for
29 any purpose other than that expressed in this subsection. [Any person who
30 releases or uses any] **Release or use** of the names and addresses for any other
31 purpose is [guilty of] a class [C] **D** felony.

32 5. Moneys to be credited to the Missouri national guard trust fund
33 pursuant to subsection 1 of this section shall be placed in a subaccount and shall
34 be used solely for the purpose authorized in section 41.958.

149.200. 1. It is unlawful for any person to:

2 (1) Sell or distribute in this state, to acquire, hold, own, possess or
3 transport for sale or distribution in this state, or to import, or cause to be
4 imported into this state for sale or distribution in this state, any cigarettes that
5 do not comply with all requirements imposed by or pursuant to federal law and
6 implementing regulations, including but not limited to the filing of ingredients
7 lists pursuant to Section 7 of the Federal Cigarette Labeling and Advertising Act
8 (15 U.S.C. 1335a); the permanent imprinting on the primary packaging of the
9 precise package warning labels in the precise format specified in Section 4 of the
10 Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333); the rotation of
11 label statements pursuant to Section 4(c) of the Federal Cigarette Labeling and
12 Advertising Act (15 U.S.C. 1335(c)); restrictions on the importation, transfer and
13 sale of previously exported tobacco products pursuant to Section 9302 of Public
14 Law 105-33, the Balanced Budget Act of 1997, as amended; requirements of Title
15 IV of Public Law 106-476, the Imported Cigarette Compliance Act of 2000; or

16 (2) Alter the package of any cigarettes, prior to sale or distribution to the
17 ultimate consumer, so as to remove, conceal or obscure:

18 (a) Any statement, label, stamp, sticker or notice indicating that the
19 manufacturer did not intend the cigarettes to be sold, distributed or used in the
20 United States, including but not limited to labels stating "For Export Only", "U.S.
21 Tax Exempt", "For Use Outside U.S.", or similar wording; or

22 (b) Any health warning that is not the precise warning statement in the
23 precise format specified in Section 4 of the Federal Cigarette Labeling and
24 Advertising Act (15 U.S.C. 1333).

25 2. It shall be unlawful for any person to affix any tax stamp or meter
26 impression required pursuant to this chapter to the package of any cigarettes that
27 does not comply with the requirements of subdivision (1) of subsection 1 of this
28 section or that is altered in violation of subdivision (2) of subsection 1 of this
29 section.

30 3. This section shall not apply to cigarettes allowed to be imported or
31 brought into the United States for personal use, or to cigarettes sold or intended
32 to be sold as duty-free merchandise by a duty-free sales enterprise in accordance
33 with the provisions of 19 U.S.C. 1555(b) and any implementing regulations;
34 provided, however, that sections 149.200 to 149.215 shall apply to any such
35 cigarettes that are brought back into the customs territory for resale within the
36 customs territory.

37 4. Any person who violates this section, whether acting knowingly or
38 recklessly, is guilty of a class [D] **E** felony.

39 5. As used in this section, "package" means a pack, box, carton or
40 container of any kind in which cigarettes are offered for sale, sold or otherwise
41 distributed to consumers.

168.071. 1. The state board of education may refuse to issue or renew a
2 certificate, or may, upon hearing, discipline the holder of a certificate of license
3 to teach for the following causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been
5 found guilty of a felony or crime involving moral turpitude under the laws of this
6 state, any other state, of the United States, or any other country, whether or not
7 sentence is imposed;

8 (2) The certification was obtained through use of fraud, deception,
9 misrepresentation or bribery;

10 (3) There is evidence of incompetence, immorality, or neglect of duty by
11 the certificate holder;

12 (4) A certificate holder has been subject to disciplinary action relating to
13 certification issued by another state, territory, federal agency, or country upon
14 grounds for which discipline is authorized in this section; or

15 (5) If charges are filed by the local board of education, based upon the
16 annulling of a written contract with the local board of education, for reasons other
17 than election to the general assembly, without the consent of the majority of the
18 members of the board that is a party to the contract.

19 2. A public school district may file charges seeking the discipline of a

20 holder of a certificate of license to teach based upon any cause or combination of
21 causes outlined in subsection 1 of this section, including annulment of a written
22 contract. Charges shall be in writing, specify the basis for the charges, and be
23 signed by the chief administrative officer of the district, or by the president of the
24 board of education as authorized by a majority of the board of education. The
25 board of education may also petition the office of the attorney general to file
26 charges on behalf of the school district for any cause other than annulment of
27 contract, with acceptance of the petition at the discretion of the attorney general.

28 3. The department of elementary and secondary education may file
29 charges seeking the discipline of a holder of a certificate of license to teach based
30 upon any cause or combination of causes outlined in subsection 1 of this section,
31 other than annulment of contract. Charges shall be in writing, specify the basis
32 for the charges, and be signed by legal counsel representing the department of
33 elementary and secondary education.

34 4. If the underlying conduct or actions which are the basis for charges
35 filed pursuant to this section are also the subject of a pending criminal charge
36 against the person holding such certificate, the certificate holder may request, in
37 writing, a delayed hearing on advice of counsel under the fifth amendment of the
38 Constitution of the United States. Based upon such a request, no hearing shall
39 be held until after a trial has been completed on this criminal charge.

40 5. The certificate holder shall be given not less than thirty days' notice of
41 any hearing held pursuant to this section.

42 6. Other provisions of this section notwithstanding, the certificate of
43 license to teach shall be revoked or, in the case of an applicant, a certificate shall
44 not be issued, if the certificate holder or applicant has pleaded guilty to or been
45 found guilty of any of the following offenses established pursuant to Missouri law
46 or offenses of a similar nature established under the laws of any other state or
47 of the United States, or any other country, whether or not the sentence is
48 imposed:

49 (1) Any dangerous felony as defined in section 556.061, or murder in the
50 first degree under section 565.020;

51 (2) Any of the following sexual offenses: rape in the first degree under
52 section 566.030; forcible rape under section 566.030 as it existed prior to August
53 28, 2013; rape as it existed prior to August 13, 1980; statutory rape in the first
54 degree under section 566.032; statutory rape in the second degree under section
55 566.034; rape in the second degree under section 566.031; sexual assault under

56 section 566.040 as it existed prior to August 28, 2013; sodomy in the first degree
57 under section 566.060; forcible sodomy under section 566.060 as it existed prior
58 to August 28, 2013; sodomy as it existed prior to January 1, 1995; statutory
59 sodomy in the first degree under section 566.062; statutory sodomy in the second
60 degree under section 566.064; child molestation in the first degree under section
61 566.067; child molestation in the second degree under section 566.068; sodomy in
62 the second degree under section 566.061; deviate sexual assault under section
63 566.070 as it existed prior to August 28, 2013; **child molestation in the third**
64 degree under section 566.069; child molestation in the fourth degree
65 **under section 566.071;** sexual misconduct involving a child under section
66 566.083; sexual contact with a student [while on public school property] under
67 section 566.086; sexual misconduct in the first degree under section 566.093;
68 sexual misconduct in the first degree under section 566.090 as it existed prior to
69 August 28, 2013; sexual misconduct in the second degree under section 566.095;
70 sexual misconduct in the second degree under section 566.093 as it existed prior
71 to August 28, 2013; sexual misconduct in the third degree under section 566.095
72 as it existed prior to August 28, 2013; sexual abuse in the first degree under
73 section 566.100; sexual abuse under section 566.100 as it existed prior to August
74 28, 2013; sexual abuse in the second degree under section 566.101; enticement of
75 a child under section 566.151; or attempting to entice a child;

76 (3) Any of the following offenses against the family and related offenses:
77 incest under section 568.020; abandonment of child in the first degree under
78 section 568.030; abandonment of child in the second degree under section 568.032;
79 endangering the welfare of a child in the first degree under section 568.045;
80 abuse of a child under section 568.060; child used in a sexual performance under
81 section [568.080] **573.200**; promoting sexual performance by a child under section
82 [568.090] **573.205**; or trafficking in children under section 568.175; and

83 (4) Any of the following offenses involving child pornography and related
84 offenses: promoting obscenity in the first degree under section 573.020;
85 promoting **pornography for minors or** obscenity in the second degree when the
86 penalty is enhanced to a class [D] **E** felony under section 573.030; promoting
87 child pornography in the first degree under section 573.025; promoting child
88 pornography in the second degree under section 573.035; possession of child
89 pornography under section 573.037; furnishing pornographic materials to minors
90 under section 573.040; or coercing acceptance of obscene material under section
91 573.065.

92 7. When a certificate holder pleads guilty or is found guilty of any offense
93 that would authorize the state board of education to seek discipline against that
94 holder's certificate of license to teach, the local board of education or the
95 department of elementary and secondary education shall immediately provide
96 written notice to the state board of education and the attorney general regarding
97 the plea of guilty or finding of guilty.

98 8. The certificate holder whose certificate was revoked pursuant to
99 subsection 6 of this section may appeal such revocation to the state board of
100 education. Notice of this appeal must be received by the commissioner of
101 education within ninety days of notice of revocation pursuant to this
102 subsection. Failure of the certificate holder to notify the commissioner of the
103 intent to appeal waives all rights to appeal the revocation. Upon notice of the
104 certificate holder's intent to appeal, an appeal hearing shall be held by a hearing
105 officer designated by the commissioner of education, with the final decision made
106 by the state board of education, based upon the record of that hearing. The
107 certificate holder shall be given not less than thirty days' notice of the hearing,
108 and an opportunity to be heard by the hearing officer, together with witnesses.

109 9. In the case of any certificate holder who has surrendered or failed to
110 renew his or her certificate of license to teach, the state board of education may
111 refuse to issue or renew, or may suspend or revoke, such certificate for any of the
112 reasons contained in this section.

113 10. In those cases where the charges filed pursuant to this section are
114 based upon an allegation of misconduct involving a minor child, the hearing
115 officer may accept into the record the sworn testimony of the minor child relating
116 to the misconduct received in any court or administrative hearing.

117 11. Hearings, appeals or other matters involving certificate holders,
118 licensees or applicants pursuant to this section may be informally resolved by
119 consent agreement or agreed settlement or voluntary surrender of the certificate
120 of license pursuant to the rules promulgated by the state board of education.

121 12. The final decision of the state board of education is subject to judicial
122 review pursuant to sections 536.100 to 536.140.

123 13. A certificate of license to teach to an individual who has been
124 convicted of a felony or crime involving moral turpitude, whether or not sentence
125 is imposed, shall be issued only upon motion of the state board of education
126 adopted by a unanimous affirmative vote of those members present and voting.

188.030. 1. Except in the case of a medical emergency, no abortion of a

2 viable unborn child shall be performed or induced unless the abortion is
3 necessary to preserve the life of the pregnant woman whose life is endangered by
4 a physical disorder, physical illness, or physical injury, including a
5 life-endangering physical condition caused by or arising from the pregnancy itself,
6 or when continuation of the pregnancy will create a serious risk of substantial
7 and irreversible physical impairment of a major bodily function of the pregnant
8 woman. For purposes of this section, "major bodily function" includes, but is not
9 limited to, functions of the immune system, normal cell growth, digestive, bowel,
10 bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive
11 functions.

12 2. Except in the case of a medical emergency:

13 (1) Prior to performing or inducing an abortion upon a woman, the
14 physician shall determine the gestational age of the unborn child in a manner
15 consistent with accepted obstetrical and neonatal practices and standards. In
16 making such determination, the physician shall make such inquiries of the
17 pregnant woman and perform or cause to be performed such medical
18 examinations, imaging studies, and tests as a reasonably prudent physician,
19 knowledgeable about the medical facts and conditions of both the woman and the
20 unborn child involved, would consider necessary to perform and consider in
21 making an accurate diagnosis with respect to gestational age;

22 (2) If the physician determines that the gestational age of the unborn
23 child is twenty weeks or more, prior to performing or inducing an abortion upon
24 the woman, the physician shall determine if the unborn child is viable by using
25 and exercising that degree of care, skill, and proficiency commonly exercised by
26 a skillful, careful, and prudent physician. In making this determination of
27 viability, the physician shall perform or cause to be performed such medical
28 examinations and tests as are necessary to make a finding of the gestational age,
29 weight, and lung maturity of the unborn child and shall enter such findings and
30 determination of viability in the medical record of the woman;

31 (3) If the physician determines that the gestational age of the unborn
32 child is twenty weeks or more, and further determines that the unborn child is
33 not viable and performs or induces an abortion upon the woman, the physician
34 shall report such findings and determinations and the reasons for such
35 determinations to the health care facility in which the abortion is performed and
36 to the state board of registration for the healing arts, and shall enter such
37 findings and determinations in the medical records of the woman and in the

38 individual abortion report submitted to the department under section 188.052;
39 (4) (a) If the physician determines that the unborn child is viable, the
40 physician shall not perform or induce an abortion upon the woman unless the
41 abortion is necessary to preserve the life of the pregnant woman or that a
42 continuation of the pregnancy will create a serious risk of substantial and
43 irreversible physical impairment of a major bodily function of the woman.

44 (b) Before a physician may proceed with performing or inducing an
45 abortion upon a woman when it has been determined that the unborn child is
46 viable, the physician shall first certify in writing the medical threat posed to the
47 life of the pregnant woman, or the medical reasons that continuation of the
48 pregnancy would cause a serious risk of substantial and irreversible physical
49 impairment of a major bodily function of the pregnant woman. Upon completion
50 of the abortion, the physician shall report the reasons and determinations for the
51 abortion of a viable unborn child to the health care facility in which the abortion
52 is performed and to the state board of registration for the healing arts, and shall
53 enter such findings and determinations in the medical record of the woman and
54 in the individual abortion report submitted to the department under section
55 188.052.

56 (c) Before a physician may proceed with performing or inducing an
57 abortion upon a woman when it has been determined that the unborn child is
58 viable, the physician who is to perform the abortion shall obtain the agreement
59 of a second physician with knowledge of accepted obstetrical and neonatal
60 practices and standards who shall concur that the abortion is necessary to
61 preserve the life of the pregnant woman, or that continuation of the pregnancy
62 would cause a serious risk of substantial and irreversible physical impairment of
63 a major bodily function of the pregnant woman. This second physician shall also
64 report such reasons and determinations to the health care facility in which the
65 abortion is to be performed and to the state board of registration for the healing
66 arts, and shall enter such findings and determinations in the medical record of
67 the woman and the individual abortion report submitted to the department under
68 section 188.052. The second physician shall not have any legal or financial
69 affiliation or relationship with the physician performing or inducing the abortion,
70 except that such prohibition shall not apply to physicians whose legal or financial
71 affiliation or relationship is a result of being employed by or having staff
72 privileges at the same hospital as the term "hospital" is defined in section
73 197.020.

74 (d) Any physician who performs or induces an abortion upon a woman
75 when it has been determined that the unborn child is viable shall utilize the
76 available method or technique of abortion most likely to preserve the life or
77 health of the unborn child. In cases where the method or technique of abortion
78 most likely to preserve the life or health of the unborn child would present a
79 greater risk to the life or health of the woman than another legally permitted and
80 available method or technique, the physician may utilize such other method or
81 technique. In all cases where the physician performs an abortion upon a viable
82 unborn child, the physician shall certify in writing the available method or
83 techniques considered and the reasons for choosing the method or technique
84 employed.

85 (e) No physician shall perform or induce an abortion upon a woman when
86 it has been determined that the unborn child is viable unless there is in
87 attendance a physician other than the physician performing or inducing the
88 abortion who shall take control of and provide immediate medical care for a child
89 born as a result of the abortion. During the performance of the abortion, the
90 physician performing it, and subsequent to the abortion, the physician required
91 to be in attendance, shall take all reasonable steps in keeping with good medical
92 practice, consistent with the procedure used, to preserve the life or health of the
93 viable unborn child; provided that it does not pose an increased risk to the life of
94 the woman or does not pose an increased risk of substantial and irreversible
95 physical impairment of a major bodily function of the woman.

96 3. Any person who knowingly performs or induces an abortion of an
97 unborn child in violation of the provisions of this section is guilty of a class [C]
98 **D** felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a
99 term of not less than one year, and, notwithstanding the provisions of section
100 560.011, shall be fined not less than ten thousand nor more than fifty thousand
101 dollars.

102 4. Any physician who pleads guilty to or is found guilty of performing or
103 inducing an abortion of an unborn child in violation of this section shall be
104 subject to suspension or revocation of his or her license to practice medicine in
105 the state of Missouri by the state board of registration for the healing arts under
106 the provisions of sections 334.100 and 334.103.

107 5. Any hospital licensed in the state of Missouri that knowingly allows an
108 abortion of an unborn child to be performed or induced in violation of this section
109 may be subject to suspension or revocation of its license under the provisions of

110 section 197.070.

111 6. Any ambulatory surgical center licensed in the state of Missouri that
112 knowingly allows an abortion of an unborn child to be performed or induced in
113 violation of this section may be subject to suspension or revocation of its license
114 under the provisions of section 197.220.

115 7. A woman upon whom an abortion is performed or induced in violation
116 of this section shall not be prosecuted for a conspiracy to violate the provisions
117 of this section.

118 8. Nothing in this section shall be construed as creating or recognizing a
119 right to abortion, nor is it the intention of this section to make lawful any
120 abortion that is currently unlawful.

121 9. It is the intent of the legislature that this section be severable as noted
122 in section 1.140. In the event that any section, subsection, subdivision,
123 paragraph, sentence, or clause of this section be declared invalid under the
124 Constitution of the United States or the Constitution of the State of Missouri, it
125 is the intent of the legislature that the remaining provisions of this section
126 remain in force and effect as far as capable of being carried into execution as
127 intended by the legislature.

128 10. The general assembly may, by concurrent resolution, appoint one or
129 more of its members who sponsored or co-sponsored this act in his or her official
130 capacity to intervene as a matter of right in any case in which the
131 constitutionality of this law is challenged.

190.621. 1. Any person who knowingly conceals, cancels, defaces, or
2 obliterates the outside the hospital do-not-resuscitate order or the outside the
3 hospital do-not-resuscitate identification of another person without the consent
4 of the other person, or who knowingly falsifies or forges a revocation of the
5 outside the hospital do-not-resuscitate order or the outside the hospital
6 do-not-resuscitate identification of another person, is guilty of a class A
7 misdemeanor.

8 2. Any person who knowingly executes, falsifies, or forges an outside the
9 hospital do-not-resuscitate order or an outside the hospital do-not-resuscitate
10 identification of another person without the consent of the other person, or who
11 knowingly conceals or withholds personal knowledge of a revocation of an outside
12 the hospital do-not-resuscitate order or an outside the hospital do-not-resuscitate
13 identification of another person, is guilty of a class [D] E felony.

191.905. 1. No health care provider shall knowingly make or cause to be

2 made a false statement or false representation of a material fact in order to
3 receive a health care payment, including but not limited to:

4 (1) Knowingly presenting to a health care payer a claim for a health care
5 payment that falsely represents that the health care for which the health care
6 payment is claimed was medically necessary, if in fact it was not;

7 (2) Knowingly concealing the occurrence of any event affecting an initial
8 or continued right under a medical assistance program to have a health care
9 payment made by a health care payer for providing health care;

10 (3) Knowingly concealing or failing to disclose any information with the
11 intent to obtain a health care payment to which the health care provider or any
12 other health care provider is not entitled, or to obtain a health care payment in
13 an amount greater than that which the health care provider or any other health
14 care provider is entitled;

15 (4) Knowingly presenting a claim to a health care payer that falsely
16 indicates that any particular health care was provided to a person or persons, if
17 in fact health care of lesser value than that described in the claim was provided.

18 2. No person shall knowingly solicit or receive any remuneration,
19 including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly,
20 in cash or in kind in return for:

21 (1) Referring another person to a health care provider for the furnishing
22 or arranging for the furnishing of any health care; or

23 (2) Purchasing, leasing, ordering or arranging for or recommending
24 purchasing, leasing or ordering any health care.

25 3. No person shall knowingly offer or pay any remuneration, including any
26 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in
27 kind, to any person to induce such person to refer another person to a health care
28 provider for the furnishing or arranging for the furnishing of any health care.

29 4. Subsections 2 and 3 of this section shall not apply to a discount or
30 other reduction in price obtained by a health care provider if the reduction in
31 price is properly disclosed and appropriately reflected in the claim made by the
32 health care provider to the health care payer, or any amount paid by an employer
33 to an employee for employment in the provision of health care.

34 5. Exceptions to the provisions of subsections 2 and 3 of this subsection
35 shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may
36 be from time to time amended, and regulations promulgated pursuant thereto.

37 6. No person shall knowingly abuse a person receiving health care.

38 7. A person who violates subsections 1 to 3 of this section is guilty of a
39 class [C] **D** felony upon his or her first conviction, and shall be guilty of a class
40 B felony upon his or her second and subsequent convictions. Any person who has
41 been convicted of such violations shall be referred to the Office of Inspector
42 General within the United States Department of Health and Human
43 Services. The person so referred shall be subject to the penalties provided for
44 under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction
45 shall be pleaded and proven as provided by section 558.021. A person who
46 violates subsection 6 of this section shall be guilty of a class [C] **D** felony, unless
47 the act involves no physical, sexual or emotional harm or injury and the value of
48 the property involved is less than five hundred dollars, in which event a violation
49 of subsection 6 of this section is a class A misdemeanor.

50 8. Any natural person who willfully prevents, obstructs, misleads, delays,
51 or attempts to prevent, obstruct, mislead, or delay the communication of
52 information or records relating to a violation of sections 191.900 to 191.910 is
53 guilty of a class **[D] E** felony.

54 9. Each separate false statement or false representation of a material fact
55 proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3
56 of this section shall constitute a separate offense and a separate violation of this
57 section, whether or not made at the same or different times, as part of the same
58 or separate episodes, as part of the same scheme or course of conduct, or as part
59 of the same claim.

60 10. In a prosecution pursuant to subsection 1 of this section,
61 circumstantial evidence may be presented to demonstrate that a false statement
62 or claim was knowingly made. Such evidence of knowledge may include but shall
63 not be limited to the following:

64 (1) A claim for a health care payment submitted with the health care
65 provider's actual, facsimile, stamped, typewritten or similar signature on the
66 claim for health care payment;

67 (2) A claim for a health care payment submitted by means of computer
68 billing tapes or other electronic means;

69 (3) A course of conduct involving other false claims submitted to this or
70 any other health care payer.

71 11. Any person convicted of a violation of this section, in addition to any
72 fines, penalties or sentences imposed by law, shall be required to make restitution
73 to the federal and state governments, in an amount at least equal to that

74 unlawfully paid to or by the person, and shall be required to reimburse the
75 reasonable costs attributable to the investigation and prosecution pursuant to
76 sections 191.900 to 191.910. All of such restitution shall be paid and deposited
77 to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby
78 established in the state treasury. Moneys in the MO HealthNet fraud
79 reimbursement fund shall be divided and appropriated to the federal government
80 and affected state agencies in order to refund moneys falsely obtained from the
81 federal and state governments. All of such cost reimbursements attributable to
82 the investigation and prosecution shall be paid and deposited to the credit of the
83 "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established
84 in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving
85 fund may be appropriated to the attorney general, or to any prosecuting or circuit
86 attorney who has successfully prosecuted an action for a violation of sections
87 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray
88 the costs of the attorney general and any such prosecuting or circuit attorney in
89 connection with their duties provided by sections 191.900 to 191.910. No moneys
90 shall be paid into the MO HealthNet fraud protection revolving fund pursuant to
91 this subsection unless the attorney general or appropriate prosecuting or circuit
92 attorney shall have commenced a prosecution pursuant to this section, and the
93 court finds in its discretion that payment of attorneys' fees and investigative costs
94 is appropriate under all the circumstances, and the attorney general and
95 prosecuting or circuit attorney shall prove to the court those expenses which were
96 reasonable and necessary to the investigation and prosecution of such case, and
97 the court approves such expenses as being reasonable and necessary. Any
98 moneys remaining in the MO HealthNet fraud reimbursement fund after division
99 and appropriation to the federal government and affected state agencies shall be
100 used to increase MO HealthNet provider reimbursement until it is at least one
101 hundred percent of the Medicare provider reimbursement rate for comparable
102 services. The provisions of section 33.080 notwithstanding, moneys in the MO
103 HealthNet fraud prosecution revolving fund shall not lapse at the end of the
104 biennium.

105 12. A person who violates subsections 1 to 3 of this section shall be liable
106 for a civil penalty of not less than five thousand dollars and not more than ten
107 thousand dollars for each separate act in violation of such subsections, plus three
108 times the amount of damages which the state and federal government sustained
109 because of the act of that person, except that the court may assess not more than

110 two times the amount of damages which the state and federal government
111 sustained because of the act of the person, if the court finds:

112 (1) The person committing the violation of this section furnished
113 personnel employed by the attorney general and responsible for investigating
114 violations of sections 191.900 to 191.910 with all information known to such
115 person about the violation within thirty days after the date on which the
116 defendant first obtained the information;

117 (2) Such person fully cooperated with any government investigation of
118 such violation; and

119 (3) At the time such person furnished the personnel of the attorney
120 general with the information about the violation, no criminal prosecution, civil
121 action, or administrative action had commenced with respect to such violation,
122 and the person did not have actual knowledge of the existence of an investigation
123 into such violation.

124 13. Upon conviction pursuant to this section, the prosecution authority
125 shall provide written notification of the conviction to all regulatory or disciplinary
126 agencies with authority over the conduct of the defendant health care provider.

127 14. The attorney general may bring a civil action against any person who
128 shall receive a health care payment as a result of a false statement or false
129 representation of a material fact made or caused to be made by that person. The
130 person shall be liable for up to double the amount of all payments received by
131 that person based upon the false statement or false representation of a material
132 fact, and the reasonable costs attributable to the prosecution of the civil action.
133 All such restitution shall be paid and deposited to the credit of the MO HealthNet
134 fraud reimbursement fund, and all such cost reimbursements shall be paid and
135 deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No
136 reimbursement of such costs attributable to the prosecution of the civil action
137 shall be made or allowed except with the approval of the court having jurisdiction
138 of the civil action. No civil action provided by this subsection shall be brought if
139 restitution and civil penalties provided by subsections 11 and 12 of this section
140 have been previously ordered against the person for the same cause of action.

141 15. Any person who discovers a violation by himself or herself or such
142 person's organization and who reports such information voluntarily before such
143 information is public or known to the attorney general shall not be prosecuted for
144 a criminal violation.

191.914. 1. Any person who intentionally files a false report or claim

2 alleging a violation of sections 191.900 to 191.910 is guilty of a class A
3 misdemeanor. Any second or subsequent violation of this section is a class [D]
4 E felony and shall be punished as provided by law.

5 2. Any person who receives any compensation in exchange for knowingly
6 failing to report any violation of subsections 1 to 3 of section 191.905 is guilty of
7 a class [D] E felony.

193.315. 1. Any person who knowingly makes any false statement in a
2 certificate, record, or report required by sections 193.005 to 193.325 or in an
3 application for an amendment thereof, or in an application for a certified copy of
4 a vital record, or who knowingly supplies false information intending that such
5 information be used in the preparation of any such report, record, or certificate,
6 or amendment thereof shall be guilty of a class [D] E felony.

7 2. Any person who, without lawful authority and with the intent to
8 deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record,
9 or report required by sections 193.005 to 193.325, certified copy of such
10 certificate, record, or report shall be guilty of a class [D] E felony.

11 3. Any person who knowingly obtains, possesses, uses, sells, furnishes or
12 attempts to obtain, possess, use, sell, or furnish to another, for any purpose of
13 deception, any certificate, record, or report required by sections 193.005 to
14 193.325 or certified copy thereof so made, counterfeited, altered, amended, or
15 mutilated, or which is false in whole or in part or which relates to the birth of
16 another person, whether living or deceased, shall be guilty of a class [D] E felony.

17 4. Any employee of the department or involved with the system of vital
18 statistics who knowingly furnishes or processes a certificate of birth, or certified
19 copy of a certificate of birth, with the knowledge or intention that it be used for
20 the purposes of deception shall be guilty of a class [D] E felony.

21 5. Any person who without lawful authority possesses any certificate,
22 record, or report, required by sections 193.005 to 193.325 or a copy or certified
23 copy of such certificate, record, or report knowing same to have been stolen, or
24 otherwise unlawfully obtained, shall be guilty of a class [D] E felony.

25 6. Any person who knowingly refuses to provide information required by
26 sections 193.005 to 193.325, or regulations adopted hereunder, shall be guilty of
27 a class A misdemeanor.

28 7. Any person who knowingly neglects or violates any of the provisions of
29 sections 193.005 to 193.325 or refuses to perform any of the duties imposed upon
30 him by sections 193.005 to 193.325 shall be guilty of a class A misdemeanor.

194.410. 1. Any person, corporation, partnership, proprietorship, or
2 organization who knowingly disturbs, destroys, vandalizes, or damages a marked
3 or unmarked human burial site commits a class [D] E felony.

4 2. Any person who knowingly appropriates for profit, uses for profit, sells,
5 purchases or transports for sale or profit any human remains without the right
6 of possession to those remains as provided in sections 194.400 to 194.410 commits
7 a class A misdemeanor and, in the case of a second or subsequent violation,
8 commits a class [D] E felony.

9 3. Any person who knowingly appropriates for profit, uses for profit, sells,
10 purchases or transports for sale or profit any cultural items obtained in violation
11 of sections 194.400 to 194.410 commits a class A misdemeanor and, in the case
12 of a second or subsequent violation, commits a class [D] E felony.

194.425. 1. A person commits the crime of abandonment of a corpse if
2 that person abandons, disposes, deserts or leaves a corpse without properly
3 reporting the location of the body to the proper law enforcement officials in that
4 county.

5 2. Abandonment of a corpse is a class [D] E felony.

195.005. **[Sections 195.005 to 195.425] This chapter and chapter 579**
2 shall be known as the "Comprehensive Drug Control Act [of 1989]".

195.010. The following words and phrases as used in **[sections 195.005 to**
2 **195.425] this chapter and chapter 579**, unless the context otherwise requires,
3 mean:

4 (1) "Addict", a person who habitually uses one or more controlled
5 substances to such an extent as to create a tolerance for such drugs, and who does
6 not have a medical need for such drugs, or who is so far addicted to the use of
7 such drugs as to have lost the power of self-control with reference to his **or her**
8 addiction;

9 (2) "Administer", to apply a controlled substance, whether by injection,
10 inhalation, ingestion, or any other means, directly to the body of a patient or
11 research subject by:

12 (a) A practitioner (or, in his **or her** presence, by his **or her** authorized
13 agent); or

14 (b) The patient or research subject at the direction and in the presence of
15 the practitioner;

16 (3) "Agent", an authorized person who acts on behalf of or at the direction
17 of a manufacturer, distributor, or dispenser. The term does not include a common

18 or contract carrier, public warehouseman, or employee of the carrier or
19 warehouseman while acting in the usual and lawful course of the carrier's or
20 warehouseman's business;

21 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
22 attorney general authorized to investigate, commence and prosecute an action
23 under [sections 195.005 to 195.425] **this chapter**;

24 (5) "Controlled substance", a drug, substance, or immediate precursor in
25 Schedules I through V listed in [sections 195.005 to 195.425] **this chapter**;

26 (6) "Controlled substance analogue", a substance the chemical structure
27 of which is substantially similar to the chemical structure of a controlled
28 substance in Schedule I or II and:

29 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
30 central nervous system substantially similar to the stimulant, depressant, or
31 hallucinogenic effect on the central nervous system of a controlled substance
32 included in Schedule I or II; or

33 (b) With respect to a particular individual, which that individual
34 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
35 the central nervous system substantially similar to the stimulant, depressant, or
36 hallucinogenic effect on the central nervous system of a controlled substance
37 included in Schedule I or II. The term does not include a controlled substance;
38 any substance for which there is an approved new drug application; any
39 substance for which an exemption is in effect for investigational use, for a
40 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
41 (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant
42 to the exemption; or any substance to the extent not intended for human
43 consumption before such an exemption takes effect with respect to the substance;

44 (7) "Counterfeit substance", a controlled substance which, or the container
45 or labeling of which, without authorization, bears the trademark, trade name, or
46 other identifying mark, imprint, number or device, or any likeness thereof, of a
47 manufacturer, distributor, or dispenser other than the person who in fact
48 manufactured, distributed, or dispensed the substance;

49 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
50 from one person to another of drug paraphernalia or of a controlled substance, or
51 an imitation controlled substance, whether or not there is an agency relationship,
52 and includes a sale;

53 (9) "Dentist", a person authorized by law to practice dentistry in this

54 state;

55 (10) "Depressant or stimulant substance":

56 (a) A drug containing any quantity of barbituric acid or any of the salts
57 of barbituric acid or any derivative of barbituric acid which has been designated
58 by the United States Secretary of Health and Human Services as habit forming
59 under 21 U.S.C. 352(d);

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

62 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
63 c. Any substance the United States Attorney General, after investigation,
64 has found to be, and by regulation designated as, habit forming because of its
65 stimulant effect on the central nervous system;

66 (c) Lysergic acid diethylamide; or

67 (d) Any drug containing any quantity of a substance that the United
68 States Attorney General, after investigation, has found to have, and by regulation
69 designated as having, a potential for abuse because of its depressant or stimulant
70 effect on the central nervous system or its hallucinogenic effect;

71 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
72 ultimate user or research subject by or pursuant to the lawful order of a
73 practitioner including the prescribing, administering, packaging, labeling, or
74 compounding necessary to prepare the substance for such delivery. "Dispenser"
75 means a practitioner who dispenses;

76 (12) "Distribute", to deliver other than by administering or dispensing a
77 controlled substance;

78 (13) "Distributor", a person who distributes;

79 (14) "Drug":

80 (a) Substances recognized as drugs in the official United States
81 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
82 Official National Formulary, or any supplement to any of them;

83 (b) Substances intended for use in the diagnosis, cure, mitigation,
84 treatment or prevention of disease in humans or animals;

85 (c) Substances, other than food, intended to affect the structure or any
86 function of the body of humans or animals; and

87 (d) Substances intended for use as a component of any article specified in
88 this subdivision. It does not include devices or their components, parts or
89 accessories;

90 (15) "Drug-dependent person", a person who is using a controlled
91 substance and who is in a state of psychic or physical dependence, or both, arising
92 from the use of such substance on a continuous basis. Drug dependence is
93 characterized by behavioral and other responses which include a strong
94 compulsion to take the substance on a continuous basis in order to experience its
95 psychic effects or to avoid the discomfort caused by its absence;

96 (16) "Drug enforcement agency", the Drug Enforcement Administration in
97 the United States Department of Justice, or its successor agency;

98 (17) "Drug paraphernalia", all equipment, products, substances and
99 materials of any kind which are used, intended for use, or designed for use, in
100 planting, propagating, cultivating, growing, harvesting, manufacturing,
101 compounding, converting, producing, processing, preparing, storing, containing,
102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
103 body a controlled substance or an imitation controlled substance in violation of
104 [sections 195.005 to 195.425] **this chapter or chapter 579**. It includes, but is
105 not limited to:

106 (a) Kits used, intended for use, or designed for use in planting,
107 propagating, cultivating, growing or harvesting of any species of plant which is
108 a controlled substance or from which a controlled substance can be derived;

109 (b) Kits used, intended for use, or designed for use in manufacturing,
110 compounding, converting, producing, processing, or preparing controlled
111 substances or imitation controlled substances;

112 (c) Isomerization devices used, intended for use, or designed for use in
113 increasing the potency of any species of plant which is a controlled substance or
114 an imitation controlled substance;

115 (d) Testing equipment used, intended for use, or designed for use in
116 identifying, or in analyzing the strength, effectiveness or purity of controlled
117 substances or imitation controlled substances;

118 (e) Scales and balances used, intended for use, or designed for use in
119 weighing or measuring controlled substances or imitation controlled substances;

120 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
121 mannite, dextrose and lactose, used, intended for use, or designed for use in
122 cutting controlled substances or imitation controlled substances;

123 (g) Separation gins and sifters used, intended for use, or designed for use
124 in removing twigs and seeds from, or in otherwise cleaning or refining,
125 marijuana;

126 (h) Blenders, bowls, containers, spoons and mixing devices used, intended
127 for use, or designed for use in compounding controlled substances or imitation
128 controlled substances;

129 (i) Capsules, balloons, envelopes and other containers used, intended for
130 use, or designed for use in packaging small quantities of controlled substances or
131 imitation controlled substances;

132 (j) Containers and other objects used, intended for use, or designed for use
133 in storing or concealing controlled substances or imitation controlled substances;

134 (k) Hypodermic syringes, needles and other objects used, intended for use,
135 or designed for use in parenterally injecting controlled substances or imitation
136 controlled substances into the human body;

137 (l) Objects used, intended for use, or designed for use in ingesting,
138 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
139 the human body, such as:

140 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
141 without screens, permanent screens, hashish heads, or punctured metal bowls;

142 b. Water pipes;

143 c. Carburetion tubes and devices;

144 d. Smoking and carburetion masks;

145 e. Roach clips meaning objects used to hold burning material, such as a
146 marijuana cigarette, that has become too small or too short to be held in the
147 hand;

148 f. Miniature cocaine spoons and cocaine vials;

149 g. Chamber pipes;

150 h. Carburetor pipes;

151 i. Electric pipes;

152 j. Air-driven pipes;

153 k. Chillums;

154 l. Bongs;

155 m. Ice pipes or chillers;

156 (m) Substances used, intended for use, or designed for use in the
157 manufacture of a controlled substance;

158 In determining whether an object, product, substance or material is drug
159 paraphernalia, a court or other authority should consider, in addition to all other
160 logically relevant factors, the following:

161 (a) Statements by an owner or by anyone in control of the object

162 concerning its use;

163 (b) Prior convictions, if any, of an owner, or of anyone in control of the
164 object, under any state or federal law relating to any controlled substance or
165 imitation controlled substance;

166 (c) The proximity of the object, in time and space, to a direct violation of
167 [sections 195.005 to 195.425] **this chapter or chapter 579**;

168 (d) The proximity of the object to controlled substances or imitation
169 controlled substances;

170 (e) The existence of any residue of controlled substances or imitation
171 controlled substances on the object;

172 (f) Direct or circumstantial evidence of the intent of an owner, or of
173 anyone in control of the object, to deliver it to persons who he **or she** knows, or
174 should reasonably know, intend to use the object to facilitate a violation of
175 [sections 195.005 to 195.425] **this chapter or chapter 579**; the innocence of an
176 owner, or of anyone in control of the object, as to direct violation of [sections
177 195.005 to 195.425] **this chapter or chapter 579** shall not prevent a finding
178 that the object is intended for use, or designed for use as drug paraphernalia;

179 (g) Instructions, oral or written, provided with the object concerning its
180 use;

181 (h) Descriptive materials accompanying the object which explain or depict
182 its use;

183 (i) National or local advertising concerning its use;

184 (j) The manner in which the object is displayed for sale;

185 (k) Whether the owner, or anyone in control of the object, is a legitimate
186 supplier of like or related items to the community, such as a licensed distributor
187 or dealer of tobacco products;

188 (l) Direct or circumstantial evidence of the ratio of sales of the object to
189 the total sales of the business enterprise;

190 (m) The existence and scope of legitimate uses for the object in the
191 community;

192 (n) Expert testimony concerning its use;

193 (o) The quantity, form or packaging of the product, substance or material
194 in relation to the quantity, form or packaging associated with any legitimate use
195 for the product, substance or material;

196 (18) "Federal narcotic laws", the laws of the United States relating to
197 controlled substances;

198 (19) "Hospital", a place devoted primarily to the maintenance and
199 operation of facilities for the diagnosis, treatment or care, for not less than
200 twenty-four hours in any week, of three or more nonrelated individuals suffering
201 from illness, disease, injury, deformity or other abnormal physical conditions; or
202 a place devoted primarily to provide, for not less than twenty-four consecutive
203 hours in any week, medical or nursing care for three or more nonrelated
204 individuals. The term "hospital" does not include convalescent, nursing, shelter
205 or boarding homes as defined in chapter 198;

206 (20) "Immediate precursor", a substance which:

207 (a) The state department of health and senior services has found to be and
208 by rule designates as being the principal compound commonly used or produced
209 primarily for use in the manufacture of a controlled substance;

210 (b) Is an immediate chemical intermediary used or likely to be used in the
211 manufacture of a controlled substance; and

212 (c) The control of which is necessary to prevent, curtail or limit the
213 manufacture of the controlled substance;

214 (21) "Imitation controlled substance", a substance that is not a controlled
215 substance, which by dosage unit appearance (including color, shape, size and
216 markings), or by representations made, would lead a reasonable person to believe
217 that the substance is a controlled substance. In determining whether the
218 substance is an imitation controlled substance the court or authority concerned
219 should consider, in addition to all other logically relevant factors, the following:

220 (a) Whether the substance was approved by the federal Food and Drug
221 Administration for over-the-counter (nonprescription or nonlegend) sales and was
222 sold in the federal Food and Drug Administration approved package, with the
223 federal Food and Drug Administration approved labeling information;

224 (b) Statements made by an owner or by anyone else in control of the
225 substance concerning the nature of the substance, or its use or effect;

226 (c) Whether the substance is packaged in a manner normally used for
227 illicit controlled substances;

228 (d) Prior convictions, if any, of an owner, or anyone in control of the
229 object, under state or federal law related to controlled substances or fraud;

230 (e) The proximity of the substances to controlled substances;

231 (f) Whether the consideration tendered in exchange for the noncontrolled
232 substance substantially exceeds the reasonable value of the substance considering
233 the actual chemical composition of the substance and, where applicable, the price

234 at which over-the-counter substances of like chemical composition sell. An
235 imitation controlled substance does not include a placebo or registered
236 investigational drug either of which was manufactured, distributed, possessed or
237 delivered in the ordinary course of professional practice or research;

238 (22) "Laboratory", a laboratory approved by the department of health and
239 senior services as proper to be entrusted with the custody of controlled substances
240 but does not include a pharmacist who compounds controlled substances to be
241 sold or dispensed on prescriptions;

242 (23) "Manufacture", the production, preparation, propagation,
243 compounding or processing of drug paraphernalia or of a controlled substance, or
244 an imitation controlled substance, either directly or by extraction from substances
245 of natural origin, or independently by means of chemical synthesis, or by a
246 combination of extraction and chemical synthesis, and includes any packaging or
247 repackaging of the substance or labeling or relabeling of its container. This term
248 does not include the preparation or compounding of a controlled substance or an
249 imitation controlled substance or the preparation, compounding, packaging or
250 labeling of a narcotic or dangerous drug:

251 (a) By a practitioner as an incident to his **or her** administering or
252 dispensing of a controlled substance or an imitation controlled substance in the
253 course of his **or her** professional practice, or

254 (b) By a practitioner or his **or her** authorized agent under his **or her**
255 supervision, for the purpose of, or as an incident to, research, teaching or
256 chemical analysis and not for sale;

257 (24) "Marijuana", all parts of the plant genus Cannabis in any species or
258 form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica,
259 Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether
260 growing or not, the seeds thereof, the resin extracted from any part of the plant;
261 and every compound, manufacture, salt, derivative, mixture, or preparation of the
262 plant, its seeds or resin. It does not include the mature stalks of the plant, fiber
263 produced from the stalks, oil or cake made from the seeds of the plant, any other
264 compound, manufacture, salt, derivative, mixture or preparation of the mature
265 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
266 seed of the plant which is incapable of germination;

267 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
268 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or
269 salts of optical isomers;

270 (26) "Narcotic drug", any of the following, whether produced directly or
271 indirectly by extraction from substances of vegetable origin, or independently by
272 means of chemical synthesis, or by a combination of extraction and chemical
273 analysis:

274 (a) Opium, opiate, and any derivative, of opium or opiate, including their
275 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
276 the existence of the isomers, esters, ethers, and salts is possible within the
277 specific chemical designation. The term does not include the isoquinoline
278 alkaloids of opium;

279 (b) Coca leaves, but not including extracts of coca leaves from which
280 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

281 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

282 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

283 (e) Any compound, mixture, or preparation containing any quantity of any
284 substance referred to in paragraphs (a) to (d) of this subdivision;

285 (27) "Official written order", an order written on a form provided for that
286 purpose by the United States Commissioner of Narcotics, under any laws of the
287 United States making provision therefor, if such order forms are authorized and
288 required by federal law, and if no such order form is provided, then on an official
289 form provided for that purpose by the department of health and senior services;

290 (28) "Opiate", any substance having an addiction-forming or
291 addiction-sustaining liability similar to morphine or being capable of conversion
292 into a drug having addiction-forming or addiction-sustaining liability. The term
293 includes its racemic and levorotatory forms. It does not include, unless
294 specifically controlled under section 195.017, the dextrorotatory isomer of
295 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

296 (29) "Opium poppy", the plant of the species Papaver somniferum L.,
297 except its seeds;

298 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144
299 of a drug other than a controlled substance;

300 (31) "Person", an individual, corporation, government or governmental
301 subdivision or agency, business trust, estate, trust, partnership, joint venture,
302 association, or any other legal or commercial entity;

303 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this
304 state, and where the context so requires, the owner of a store or other place of
305 business where controlled substances are compounded or dispensed by a licensed

306 pharmacist; but nothing in [sections 195.005 to 195.425] **this chapter** shall be
307 construed as conferring on a person who is not registered nor licensed as a
308 pharmacist any authority, right or privilege that is not granted to him by the
309 pharmacy laws of this state;

310 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after
311 mowing;

312 (34) "Possessed" or "possessing a controlled substance", a person, with the
313 knowledge of the presence and nature of a substance, has actual or constructive
314 possession of the substance. A person has actual possession if he has the
315 substance on his **or her** person or within easy reach and convenient control. A
316 person who, although not in actual possession, has the power and the intention
317 at a given time to exercise dominion or control over the substance either directly
318 or through another person or persons is in constructive possession of
319 it. Possession may also be sole or joint. If one person alone has possession of a
320 substance possession is sole. If two or more persons share possession of a
321 substance, possession is joint;

322 (35) "Practitioner", a physician, dentist, optometrist, podiatrist,
323 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
324 registered or otherwise permitted by this state to distribute, dispense, conduct
325 research with respect to or administer or to use in teaching or chemical analysis,
326 a controlled substance in the course of professional practice or research in this
327 state, or a pharmacy, hospital or other institution licensed, registered, or
328 otherwise permitted to distribute, dispense, conduct research with respect to or
329 administer a controlled substance in the course of professional practice or
330 research;

331 (36) "Production", includes the manufacture, planting, cultivation,
332 growing, or harvesting of drug paraphernalia or of a controlled substance or an
333 imitation controlled substance;

334 (37) "Registry number", the number assigned to each person registered
335 under the federal controlled substances laws;

336 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each
337 such transaction made by any person, whether as principal, proprietor, agent,
338 servant or employee;

339 (39) "State" when applied to a part of the United States, includes any
340 state, district, commonwealth, territory, insular possession thereof, and any area
341 subject to the legal authority of the United States of America;

342 (40) "Synthetic cannabinoid"[,] includes unless specifically excepted or
343 unless listed in another schedule, any natural or synthetic material, compound,
344 mixture, or preparation that contains any quantity of a substance that is a
345 cannabinoid receptor agonist, including but not limited to any substance listed
346 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
347 analogues[,]; homologues; isomers, whether optical, positional, or geometric;
348 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the
349 existence of the isomers, esters, ethers, or salts is possible within the specific
350 chemical designation, however, it shall not include any approved pharmaceutical
351 authorized by the United States Food and Drug Administration;

352 (41) "Ultimate user", a person who lawfully possesses a controlled
353 substance or an imitation controlled substance for his **or her** own use or for the
354 use of a member of his **or her** household or for administering to an animal owned
355 by him or by a member of his **or her** household;

356 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled
357 substances or imitation controlled substances that he himself has not produced
358 or prepared, on official written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer
2 [sections 195.005 to 195.425] **this chapter** and may add substances to the
3 schedules after public notice and hearing. In making a determination regarding
4 a substance, the department of health and senior services shall consider the
5 following:

- 6 (1) The actual or relative potential for abuse;
- 7 (2) The scientific evidence of its pharmacological effect, if known;
- 8 (3) The state of current scientific knowledge regarding the substance;
- 9 (4) The history and current pattern of abuse;
- 10 (5) The scope, duration, and significance of abuse;
- 11 (6) The risk to the public health;
- 12 (7) The potential of the substance to produce psychic or physiological
13 dependence liability; and
- 14 (8) Whether the substance is an immediate precursor of a substance
15 already controlled under [sections 195.005 to 195.425] **this chapter**.

16 2. After considering the factors enumerated in subsection 1 of this section
17 the department of health and senior services shall make findings with respect
18 thereto and issue a rule controlling the substance if it finds the substance has a
19 potential for abuse.

20 3. If the department of health and senior services designates a substance
21 as an immediate precursor, substances which are precursors of the controlled
22 precursor shall not be subject to control solely because they are precursors of the
23 controlled precursor.

24 4. If any substance is designated, rescheduled, or deleted as a controlled
25 substance under federal law and notice thereof is given to the department of
26 health and senior services, the department of health and senior services shall
27 similarly control the substance under [sections 195.005 to 195.425] **this chapter**
28 after the expiration of thirty days from publication in the federal register of a
29 final order designating a substance as a controlled substance or rescheduling or
30 deleting a substance, unless within that thirty-day period, the department of
31 health and senior services objects to inclusion, rescheduling, or deletion. In that
32 case, the department of health and senior services shall publish the reasons for
33 objection and afford all interested parties an opportunity to be heard. At the
34 conclusion of the hearing, the department of health and senior services shall
35 publish its decision, which shall be final unless altered by statute. Upon
36 publication of objection to inclusion, rescheduling or deletion under [sections
37 195.005 to 195.425] **this chapter** by the department of health and senior
38 services, control under [sections 195.005 to 195.425] **this chapter** is stayed as
39 to the substance in question until the department of health and senior services
40 publishes its decision.

41 5. The department of health and senior services shall exclude any
42 nonnarcotic substance from a schedule if such substance may, under the federal
43 Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the
44 counter without a prescription.

45 6. The department of health and senior services shall prepare a list of all
46 drugs falling within the purview of controlled substances. Upon preparation, a
47 copy of the list shall be filed in the office of the secretary of state.

195.016. The controlled substances listed or to be listed in the schedules
2 in [sections 195.005 to 195.425] **section 195.017** are included by whatever
3 official, common, usual, chemical, or trade name designated.

195.017. 1. The department of health and senior services shall place a
2 substance in Schedule I if it finds that the substance:

- 3 (1) Has high potential for abuse; and
- 4 (2) Has no accepted medical use in treatment in the United States or
- 5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in

8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
- 14 (b) Acetylmethadol;
- 15 (c) Allylprodine;
- 16 (d) Alphacetylmethadol;
- 17 (e) Alphameprodine;
- 18 (f) Alphamethadol;
- 19 (g) Alpha-methylfentanyl;
- 20 (h) Alpha-methylthiofentanyl;
- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;
- 27 (o) Betaprodine;
- 28 (p) Clonitazene;
- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxeridine;
- 41 (cc) Furethidine;

- 42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacylmorphan;
46 (hh) 3-Methylfentanyl;
47 (ii) 3-Methylthiofentanyl;
48 (jj) Morpheridine;
49 (kk) MPMP;
50 (ll) Noracymethadol;
51 (mm) Norlevorphanol;
52 (nn) Normethadone;
53 (oo) Norpipanone;
54 (pp) Para-fluorofentanyl;
55 (qq) PEPAP;
56 (rr) Phenadoxone;
57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;
63 (yy) Propiram;
64 (zz) Racemoramide;
65 (aaa) Thiofentanyl;
66 (bbb) Tildine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts
69 of isomers unless specifically excepted, whenever the existence of these salts,
70 isomers and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;
74 (d) Codeine methylbromide;
75 (e) Codeine-N-Oxide;
76 (f) Cyprenorphine;
77 (g) Desomorphine;

- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine (except hydrochloride salt);
- 81 (k) Heroin;
- 82 (l) Hydromorphenol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts
- 96 of isomers, unless specifically excepted, whenever the existence of these salts,
- 97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
- 112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;

- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana;
- 122 (x) Mescaline;
- 123 (y) Parahexyl;
- 124 (z) Peyote, to include all parts of the plant presently classified botanically
125 as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any
126 extract from any part of such plant; and every compound, manufacture, salt,
127 derivative, mixture or preparation of the plant, its seed or extracts;
- 128 (aa) N-ethyl-3-piperidyl benzilate;
- 129 (bb) N-methyl-3-piperidyl benzilate;
- 130 (cc) Psilocybin;
- 131 (dd) Psilocyn;
- 132 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
133 Cannabis (cannabis plant), as well as synthetic equivalents of the substances
134 contained in the cannabis plant, or in the resinous extractives of such plant, or
135 synthetic substances, derivatives, and their isomers with similar chemical
136 structure and pharmacological activity to those substances contained in the plant,
137 such as the following:
- 138 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 139 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 140 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 d. Any compounds of these structures, regardless of numerical designation
142 of atomic positions covered;
- 143 (ff) Ethylamine analog of phencyclidine;
- 144 (gg) Pyrrolidine analog of phencyclidine;
- 145 (hh) Thiophene analog of phencyclidine;
- 146 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 147 (jj) Salvia divinorum;
- 148 (kk) Salvinorin A;
- 149 (ll) Synthetic cannabinoids:

150 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
151 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
152 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
153 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
154 further substituted in the indole ring to any extent, whether or not substituted
155 in the naphthyl ring to any extent. Including, but not limited to:

- 156 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
157 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
158 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
159 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
160 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
161 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
162 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
163 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
164 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
165 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
166 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
167 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

168 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
169 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
170 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
171 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
172 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

173 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
174 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
175 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
176 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
177 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

178 d. Any compound structurally derived from 3-phenylacetylindole by
179 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
180 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
181 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
182 ring to any extent, whether or not substituted in the phenyl ring to any
183 extent. Including, but not limited to:

- 184 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
185 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

186 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
187 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
188 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;
189 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
190 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
191 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
192 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
193 to any extent. Including, but not limited to:

194 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
195 (2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side
196 chain n=4,6, or 7;

197 f. Any compound containing a 3-(benzoyl)indole structure with
198 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
199 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
200 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
201 ring to any extent and whether or not substituted in the phenyl ring to any
202 extent. Including, but not limited to:

203 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

204 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

205 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-
206 5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

207 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
208 (2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;

209 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6-

210 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

211 J. OR 50,550-1, or [OS,part,51]

212 phenylpentan-2'-yloxy-3,6,6a,7,8,9,10,10a-octahydrophenanthrindin-1'-yl] acetate,
213 k. Dimethylheptylpyran, or DMHP;
214 (5) Any material, compound, mixture or preparation containing any
215 quantity of the following substances having a depressant effect on the central
216 nervous system, including their salts, isomers and salts of isomers whenever the
217 existence of these salts, isomers and salts of isomers is possible within the
218 specific chemical designation:

219 (a) Gamma-hydroxybutyric acid;

220 (b) Mecloqualone;

221 (c) Methaqualone;

222 (6) Any material, compound, mixture or preparation containing any
223 quantity of the following substances having a stimulant effect on the central
224 nervous system, including their salts, isomers and salts of isomers:

- 225 (a) Aminorex;
- 226 (b) N-benzylpiperazine;
- 227 (c) Cathinone;
- 228 (d) Fenethylline;
- 229 (e) 3-Fluoromethcathinone;
- 230 (f) 4-Fluoromethcathinone;
- 231 (g) Mephedrone, or 4-methylmethcathinone;
- 232 (h) Methcathinone;
- 233 (i) 4-methoxymethcathinone;
- 234 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 235 (k) Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
236 pyrrolidinyl)-1-pentanone;
- 237 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
- 238 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 239 (n) N-ethylamphetamine;
- 240 (o) N,N-dimethylamphetamine;

241 (7) A temporary listing of substances subject to emergency scheduling
242 under federal law shall include any material, compound, mixture or preparation
243 which contains any quantity of the following substances:

- 244 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its
245 optical isomers, salts and salts of isomers;
- 246 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N phenylpropanamide
247 (thenylfentanyl), its optical isomers, salts and salts of isomers;

248 (8) Khat, to include all parts of the plant presently classified botanically
249 as catha edulis, whether growing or not; the seeds thereof; any extract from any
250 part of such plant; and every compound, manufacture, salt, derivative, mixture,
251 or preparation of the plant, its seed or extracts.

252 3. The department of health and senior services shall place a substance
253 in Schedule II if it finds that:

- 254 (1) The substance has high potential for abuse;
- 255 (2) The substance has currently accepted medical use in treatment in the
256 United States, or currently accepted medical use with severe restrictions; and
- 257 (3) The abuse of the substance may lead to severe psychic or physical

258 dependence.

259 4. The controlled substances listed in this subsection are included in
260 Schedule II:

261 (1) Any of the following substances whether produced directly or indirectly
262 by extraction from substances of vegetable origin, or independently by means of
263 chemical synthesis, or by combination of extraction and chemical synthesis:

264 (a) Opium and opiate and any salt, compound, derivative or preparation
265 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
266 dextrophan, nalbuphine, nalmefene, naloxone and naltrexone, and their
267 respective salts but including the following:

- 268 a. Raw opium;
- 269 b. Opium extracts;
- 270 c. Opium fluid;
- 271 d. Powdered opium;
- 272 e. Granulated opium;
- 273 f. Tincture of opium;

274 g. Codeine;
275 h. Ethylmorphine;
276 i. Etorphine hydrochloride;

277 j. Hydrocodone;
278 k. Hydromorphone;
279 l. Metopon;
280 m. Morphine;
281 n. Oxycodone;
282 o. Oxymorphone;

283 p. Thebaine;
284 (b) Any salt, compound, derivative, or preparation thereof which is
285 chemically equivalent or identical with any of the substances referred to in this
286 subdivision, but not including the isoquinoline alkaloids of opium;

287 (c) Opium poppy and poppy straw;

288 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
289 leaves, and any salt, compound, derivative, or preparation thereof which is
290 chemically equivalent or identical with any of these substances, but not including
291 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

292 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
293 liquid, solid or powder form which contains the phenanthrene alkaloids of the

294 opium poppy);
295 (2) Any of the following opiates, including their isomers, esters, ethers,
296 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
297 and salts is possible within the specific chemical designation, dextrorphan and
298 levopropoxyphene excepted:
299 (a) Alfentanil;
300 (b) Alphaprodine;
301 (c) Anileridine;
302 (d) Bezitramide;
303 (e) Bulk dextropropoxyphene;
304 (f) Carfentanil;
305 (g) Dihydrocodeine;
306 (h) Diphenoxylate;
307 (i) Fentanyl;
308 (j) Isomethadone;
309 (k) Levo-alphacetylmethadol;
310 (l) Levomethorphan;
311 (m) Levorphanol;
312 (n) Metazocine;
313 (o) Methadone;
314 (p) Meperidine;
315 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
316 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
317 acid;
318 (s) Pethidine (meperidine);
319 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
320 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
321 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
322 acid;
323 (w) Phenazocine;
324 (x) Piminodine;
325 (y) Racemethorphan;
326 (z) Racemorphan;
327 (aa) Remifentanil;
328 (bb) Sufentanil;
329 (cc) Tapentadol;

330 (3) Any material, compound, mixture, or preparation which contains any
331 quantity of the following substances having a stimulant effect on the central
332 nervous system:

333 (a) Amphetamine, its salts, optical isomers, and salts of its optical
334 isomers;

335 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;

336 (c) Methamphetamine, its salts, isomers, and salts of its isomers;

337 (d) Phenmetrazine and its salts;

338 (e) Methylphenidate;

339 (4) Any material, compound, mixture, or preparation which contains any
340 quantity of the following substances having a depressant effect on the central
341 nervous system, including its salts, isomers, and salts of isomers whenever the
342 existence of those salts, isomers, and salts of isomers is possible within the
343 specific chemical designation:

344 (a) Amobarbital;

345 (b) Glutethimide;

346 (c) Pentobarbital;

347 (d) Phencyclidine;

348 (e) Secobarbital;

349 (5) Any material or compound which contains any quantity of nabilone;

350 (6) Any material, compound, mixture, or preparation which contains any
351 quantity of the following substances:

352 (a) Immediate precursor to amphetamine and methamphetamine:

353 Phenylacetone;

354 (b) Immediate precursors to phencyclidine (PCP):

355 a. 1-phenylcyclohexylamine;

356 b. 1-piperidinocyclohexanecarbonitrile (PCC);

357 (7) Any material, compound, mixture, or preparation which contains any
358 quantity of the following alkyl nitrites:

359 (a) Amyl nitrite;

360 (b) Butyl nitrite.

361 5. The department of health and senior services shall place a substance
362 in Schedule III if it finds that:

363 (1) The substance has a potential for abuse less than the substances listed
364 in Schedules I and II;

365 (2) The substance has currently accepted medical use in treatment in the

366 United States; and

367 (3) Abuse of the substance may lead to moderate or low physical
368 dependence or high psychological dependence.

369 6. The controlled substances listed in this subsection are included in
370 Schedule III:

371 (1) Any material, compound, mixture, or preparation which contains any
372 quantity of the following substances having a potential for abuse associated with
373 a stimulant effect on the central nervous system:

374 (a) Benzphetamine;

375 (b) Chlorphentermine;

376 (c) Clortermine;

377 (d) Phendimetrazine;

378 (2) Any material, compound, mixture or preparation which contains any
379 quantity or salt of the following substances or salts having a depressant effect on
380 the central nervous system:

381 (a) Any material, compound, mixture or preparation which contains any
382 quantity or salt of the following substances combined with one or more active
383 medicinal ingredients:

384 a. Amobarbital;

385 b. Secobarbital;

386 c. Pentobarbital;

387 (b) Any suppository dosage form containing any quantity or salt of the
388 following:

389 a. Amobarbital;

390 b. Secobarbital;

391 c. Pentobarbital;

392 (c) Any substance which contains any quantity of a derivative of
393 barbituric acid or its salt;

394 (d) Chlorhexadol;

395 (e) Embutramide;

396 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
397 contained in a drug product for which an application has been approved under
398 Section 505 of the federal Food, Drug, and Cosmetic Act;

399 (g) Ketamine, its salts, isomers, and salts of isomers;

400 (h) Lysergic acid;

401 (i) Lysergic acid amide;

- 402 (j) Methyprylon;
- 403 (k) Sulfondiethylmethane;
- 404 (l) Sulfonethylmethane;
- 405 (m) Sulfonmethane;
- 406 (n) Tiletamine and zolazepam or any salt thereof;
- 407 (3) Nalorphine;
- 408 (4) Any material, compound, mixture, or preparation containing limited
- 409 quantities of any of the following narcotic drugs or their salts:
- 410 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 411 more than ninety milligrams per dosage unit, with an equal or greater quantity
- 412 of an isoquinoline alkaloid of opium;
- 413 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 414 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
- 415 ingredients in recognized therapeutic amounts;
- 416 (c) Not more than three hundred milligrams of hydrocodone per one
- 417 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
- 418 fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 419 (d) Not more than three hundred milligrams of hydrocodone per one
- 420 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
- 421 or more active nonnarcotic ingredients in recognized therapeutic amounts;
- 422 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
- 423 or not more than ninety milligrams per dosage unit, with one or more active
- 424 nonnarcotic ingredients in recognized therapeutic amounts;
- 425 (f) Not more than three hundred milligrams of ethylmorphine per one
- 426 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
- 427 or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 428 (g) Not more than five hundred milligrams of opium per one hundred
- 429 milliliters or per one hundred grams or not more than twenty-five milligrams per
- 430 dosage unit, with one or more active nonnarcotic ingredients in recognized
- 431 therapeutic amounts;
- 432 (h) Not more than fifty milligrams of morphine per one hundred milliliters
- 433 or per one hundred grams, with one or more active, nonnarcotic ingredients in
- 434 recognized therapeutic amounts;
- 435 (5) Any material, compound, mixture, or preparation containing any of the
- 436 following narcotic drugs or their salts, as set forth in subdivision (6) of this
- 437 subsection; buprenorphine;

438 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
439 pharmacologically related to testosterone (other than estrogens, progestins,
440 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
441 an anabolic steroid which is expressly intended for administration through
442 implants to cattle or other nonhuman species and which has been approved by
443 the Secretary of Health and Human Services for that administration. If any
444 person prescribes, dispenses, or distributes such steroid for human use, such
445 person shall be considered to have prescribed, dispensed, or distributed an
446 anabolic steroid within the meaning of this subdivision. Unless specifically
447 excepted or unless listed in another schedule, any material, compound, mixture
448 or preparation containing any quantity of the following substances, including its
449 salts, esters and ethers:

- 450 (a) 3 β ,17-dihydroxy-5 α -androstane;
- 451 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 452 (c) 5 α -androstan-3,17-dione;
- 453 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 454 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 455 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 456 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 457 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 458 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 459 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 460 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 461 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 462 (m) Boldione;
- 463 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 464 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 465 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-
- 466 androst-1,4-dien-3-one);
- 467 (q) Desoxymethyltestosterone;
- 468 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
- 469 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 470 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 471 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 472 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 473 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);

- 474 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
475 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
476 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
477 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
478 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
479 (cc) Mesterolone (1amethyl-17 β -hydroxy-[5a]-androstan-3-one);
480 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
481 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
482 (ff) Methenolone (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
483 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5a-androstane);
484 (hh) 17 α -methyl-3 α ,17 β -dihydroxyandrost-4-ene);
485 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
486 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-
487 17 β -hydroxyestr-4-en-3-one);
488 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
489 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
490 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
491 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
492 (o) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
493 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
494 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
495 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
496 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
497 (ss) 19-nor-4,9(10)-androstadienedione;
498 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
499 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
500 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
501 ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
502 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
503 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
504 zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
505 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
506 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5a]-androstan-3-one);
507 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
508 ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5a]-
509 androstan-3-one);

510 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]pyrazole);
511 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
512 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
513 acid lactone);

514 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
515 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
516 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
517 (kkk) Any salt, ester, or ether of a drug or substance described or listed
518 in this subdivision, except an anabolic steroid which is expressly intended for
519 administration through implants to cattle or other nonhuman species and which
520 has been approved by the Secretary of Health and Human Services for that
521 administration;

522 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
523 capsule in a United States Food and Drug Administration approved drug product;

524 (8) The department of health and senior services may except by rule any
525 compound, mixture, or preparation containing any stimulant or depressant
526 substance listed in subdivisions (1) and (2) of this subsection from the application
527 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
528 preparation contains one or more active medicinal ingredients not having a
529 stimulant or depressant effect on the central nervous system, and if the
530 admixtures are included therein in combinations, quantity, proportion, or
531 concentration that vitiate the potential for abuse of the substances which have
532 a stimulant or depressant effect on the central nervous system.

533 7. The department of health and senior services shall place a substance
534 in Schedule IV if it finds that:

535 (1) The substance has a low potential for abuse relative to substances in
536 Schedule III;

537 (2) The substance has currently accepted medical use in treatment in the
538 United States; and

539 (3) Abuse of the substance may lead to limited physical dependence or
540 psychological dependence relative to the substances in Schedule III.

541 8. The controlled substances listed in this subsection are included in
542 Schedule IV:

543 (1) Any material, compound, mixture, or preparation containing any of the
544 following narcotic drugs or their salts calculated as the free anhydrous base or
545 alkaloid, in limited quantities as set forth below:

546 (a) Not more than one milligram of difenoxin and not less than twenty-five
547 micrograms of atropine sulfate per dosage unit;

548 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
549 2-diphenyl-3-methyl-2-propionoxybutane);

550 (c) Any of the following limited quantities of narcotic drugs or their salts,
551 which shall include one or more nonnarcotic active medicinal ingredients in
552 sufficient proportion to confer upon the compound, mixture or preparation
553 valuable medicinal qualities other than those possessed by the narcotic drug
554 alone:

555 a. Not more than two hundred milligrams of codeine per one hundred
556 milliliters or per one hundred grams;

557 b. Not more than one hundred milligrams of dihydrocodeine per one
558 hundred milliliters or per one hundred grams;

559 c. Not more than one hundred milligrams of ethylmorphine per one
560 hundred milliliters or per one hundred grams;

561 (2) Any material, compound, mixture or preparation containing any
562 quantity of the following substances, including their salts, isomers, and salts of
563 isomers whenever the existence of those salts, isomers, and salts of isomers is
564 possible within the specific chemical designation:

565 (a) Alprazolam;

566 (b) Barbital;

567 (c) Bromazepam;

568 (d) Camazepam;

569 (e) Chloral betaine;

570 (f) Chloral hydrate;

571 (g) Chlordiazepoxide;

572 (h) Clobazam;

573 (i) Clonazepam;

574 (j) Clorazepate;

575 (k) Clotiazepam;

576 (l) Cloxazolam;

577 (m) Delorazepam;

578 (n) Diazepam;

579 (o) Dichloralphenazone;

580 (p) Estazolam;

581 (q) Ethchlorvynol;

- 582 (r) Ethinamate;
583 (s) Ethyl loflazepate;
584 (t) Fludiazepam;
585 (u) Flunitrazepam;
586 (v) Flurazepam;
587 (w) Fospropofol;
588 (x) Halazepam;
589 (y) Haloxazolam;
590 (z) Ketazolam;
591 (aa) Loprazolam;
592 (bb) Lorazepam;
593 (cc) Lormetazepam;
594 (dd) Mebutamate;
595 (ee) Medazepam;
596 (ff) Meprobamate;
597 (gg) Methohexital;
598 (hh) Methylphenobarbital (mephobarbital);
599 (ii) Midazolam;
600 (jj) Nimetazepam;
601 (kk) Nitrazepam;
602 (ll) Nordiazepam;
603 (mm) Oxazepam;
604 (nn) Oxazolam;
605 (oo) Paraldehyde;
606 (pp) Petrichloral;
607 (qq) Phenobarbital;
608 (rr) Pinazepam;
609 (ss) Prazepam;
610 (tt) Quazepam;
611 (uu) Temazepam;
612 (vv) Tetrazepam;
613 (ww) Triazolam;
614 (xx) Zaleplon;
615 (yy) Zolpidem;
616 zz) Zopiclone;
617 (3) Any material, compound, mixture, or preparation which contains any

618 quantity of the following substance including its salts, isomers and salts of
619 isomers whenever the existence of such salts, isomers and salts of isomers is
620 possible: fenfluramine;

621 (4) Any material, compound, mixture or preparation containing any
622 quantity of the following substances having a stimulant effect on the central
623 nervous system, including their salts, isomers and salts of isomers:

- 624 (a) Cathine ((+)-norpseudoephedrine);
- 625 (b) Diethylpropion;
- 626 (c) Fencamfamin;
- 627 (d) Fenproporex;
- 628 (e) Mazindol;
- 629 (f) Mefenorex;
- 630 (g) Modafinil;
- 631 (h) Pemoline, including organometallic complexes and chelates thereof;
- 632 (i) Phentermine;
- 633 (j) Pipradrol;
- 634 (k) Sibutramine;
- 635 (l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

636 (5) Any material, compound, mixture or preparation containing any
637 quantity of the following substance, including its salts:

- 638 (a) butorphanol;
- 639 (b) pentazocine;

640 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
641 the substance is the only active medicinal ingredient;

642 (7) The department of health and senior services may except by rule any
643 compound, mixture, or preparation containing any depressant substance listed in
644 subdivision (1) of this subsection from the application of all or any part of sections
645 195.010 to 195.320 **and sections 579.015 to 579.086** if the compound, mixture,
646 or preparation contains one or more active medicinal ingredients not having a
647 depressant effect on the central nervous system, and if the admixtures are
648 included therein in combinations, quantity, proportion, or concentration that
649 vitiate the potential for abuse of the substances which have a depressant effect
650 on the central nervous system.

651 9. The department of health and senior services shall place a substance
652 in Schedule V if it finds that:

- 653 (1) The substance has low potential for abuse relative to the controlled

- 654 substances listed in Schedule IV;
- 655 (2) The substance has currently accepted medical use in treatment in the
656 United States; and
- 657 (3) The substance has limited physical dependence or psychological
658 dependence liability relative to the controlled substances listed in Schedule IV.
- 659 10. The controlled substances listed in this subsection are included in
660 Schedule V:
- 661 (1) Any compound, mixture or preparation containing any of the following
662 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
663 limited quantities as set forth below, which also contains one or more nonnarcotic
664 active medicinal ingredients in sufficient proportion to confer upon the compound,
665 mixture or preparation valuable medicinal qualities other than those possessed
666 by the narcotic drug alone:
- 667 (a) Not more than two and five-tenths milligrams of diphenoxylate and not
668 less than twenty-five micrograms of atropine sulfate per dosage unit;
- 669 (b) Not more than one hundred milligrams of opium per one hundred
670 milliliters or per one hundred grams;
- 671 (c) Not more than five-tenths milligram of difenoxin and not less than
672 twenty-five micrograms of atropine sulfate per dosage unit;
- 673 (2) Any material, compound, mixture or preparation which contains any
674 quantity of the following substance having a stimulant effect on the central
675 nervous system including its salts, isomers and salts of isomers: pyrovalerone;
- 676 (3) Any compound, mixture, or preparation containing any detectable
677 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
678 isomers or any compound, mixture, or preparation containing any detectable
679 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;
- 680 (4) Unless specifically exempted or excluded or unless listed in another
681 schedule, any material, compound, mixture, or preparation which contains any
682 quantity of the following substances having a depressant effect on the central
683 nervous system, including its salts:
- 684 (a) Lacosamide;
- 685 (b) Pregabalin.
- 686 11. If any compound, mixture, or preparation as specified in subdivision
687 (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
688 without a prescription:
- 689 (1) All packages of any compound, mixture, or preparation containing any

690 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of
691 optical isomers or ephedrine, its salts or optical isomers, or salts of optical
692 isomers, shall be offered for sale only from behind a pharmacy counter where the
693 public is not permitted, and only by a registered pharmacist or registered
694 pharmacy technician; and

695 (2) Any person purchasing, receiving or otherwise acquiring any
696 compound, mixture, or preparation containing any detectable quantity of
697 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
698 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
699 eighteen years [of age] old; and

700 (3) The pharmacist, intern pharmacist, or registered pharmacy technician
701 shall require any person, prior to their purchasing, receiving or otherwise
702 acquiring such compound, mixture, or preparation to furnish suitable photo
703 identification that is issued by a state or the federal government or a document
704 that, with respect to identification, is considered acceptable and showing the date
705 of birth of the person;

706 (4) The seller shall deliver the product directly into the custody of the
707 purchaser.

708 12. Pharmacists, intern pharmacists, and registered pharmacy technicians
709 shall implement and maintain an electronic log of each transaction. Such log
710 shall include the following information:

711 (1) The name, address, and signature of the purchaser;
712 (2) The amount of the compound, mixture, or preparation purchased;
713 (3) The date and time of each purchase; and

714 (4) The name or initials of the pharmacist, intern pharmacist, or
715 registered pharmacy technician who dispensed the compound, mixture, or
716 preparation to the purchaser.

717 13. Each pharmacy shall submit information regarding sales of any
718 compound, mixture, or preparation as specified in subdivision (3) of subsection 10
719 of this section in accordance with transmission methods and frequency
720 established by the department by regulation;

721 14. No person shall dispense, sell, purchase, receive, or otherwise acquire
722 quantities greater than those specified in this chapter.

723 15. All persons who dispense or offer for sale pseudoephedrine and
724 ephedrine products in a pharmacy shall ensure that all such products are located
725 only behind a pharmacy counter where the public is not permitted.

726 16. [Any person who knowingly or recklessly violates] **The penalties for**
727 **a knowing or reckless violation of** the provisions of subsections 11 to 15 of
728 this section [is guilty of a class A misdemeanor] **are found in section 579.060.**

729 17. The scheduling of substances specified in subdivision (3) of subsection
730 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
731 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
732 capsule form or to any compound, mixture, or preparation specified in subdivision
733 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
734 in a pharmacy pursuant to a prescription.

735 18. The manufacturer of a drug product or another interested party may
736 apply with the department of health and senior services for an exemption from
737 this section. The department of health and senior services may grant an
738 exemption by rule from this section if the department finds the drug product is
739 not used in the illegal manufacture of methamphetamine or other controlled or
740 dangerous substances. The department of health and senior services shall rely
741 on reports from law enforcement and law enforcement evidentiary laboratories in
742 determining if the proposed product can be used to manufacture illicit controlled
743 substances.

744 19. The department of health and senior services shall revise and
745 republish the schedules annually.

746 20. The department of health and senior services shall promulgate rules
747 under chapter 536 regarding the security and storage of Schedule V controlled
748 substances, as described in subdivision (3) of subsection 10 of this section, for
749 distributors as registered by the department of health and senior services.

750 21. Logs of transactions required to be kept and maintained by this
751 section and section 195.417 shall create a rebuttable presumption that the person
752 whose name appears in the logs is the person whose transactions are recorded in
753 the logs.

195.030. 1. The department of health and senior services upon public
2 notice and hearing pursuant to this section and chapter 536 may promulgate
3 rules and charge reasonable fees relating to the registration and control of the
4 manufacture, distribution and dispensing of controlled substances within this
5 state. No rule or portion of a rule promulgated pursuant to the authority of this
6 chapter shall become effective unless it has been promulgated pursuant to the
7 provisions of section 536.024.

8 2. No person shall manufacture, compound, mix, cultivate, grow, or by any

9 other process produce or prepare, distribute, dispense or prescribe any controlled
10 substance and no person as a wholesaler shall supply the same, without having
11 first obtained a registration issued by the department of health and senior
12 services in accordance with rules and regulations promulgated by it. No
13 registration shall be granted for a term exceeding three years.

14 3. Persons registered by the department of health and senior services
15 pursuant to [sections 195.005 to 195.425] **this chapter** to manufacture,
16 distribute, or dispense or conduct research with controlled substances are
17 authorized to possess, manufacture, distribute or dispense such substances,
18 including any such activity in the conduct of research, to the extent authorized
19 by their registration and in conformity with other provisions of [sections 195.005
20 to 195.425] **this chapter and chapter 579.**

21 4. The following persons shall not be required to register and may
22 lawfully possess controlled substances pursuant to [sections 195.005 to 195.425]
23 **this chapter:**

24 (1) An agent or employee, excluding physicians, dentists, optometrists,
25 podiatrists or veterinarians, of any registered manufacturer, distributor, or
26 dispenser of any controlled substance if such agent is acting in the usual course
27 of his or her business or employment;

28 (2) A common or contract carrier or warehouseman, or an employee
29 thereof, whose possession of any controlled substance is in the usual course of
30 business or employment;

31 (3) An ultimate user or a person in possession of any controlled substance
32 pursuant to a lawful order of a practitioner or in lawful possession of a Schedule
33 V substance.

34 5. The department of health and senior services may, by regulation, waive
35 the requirement for registration of certain manufacturers, distributors, or
36 dispensers if it finds it consistent with the public health and safety.

37 6. A separate registration shall be required at each principal place of
38 business or professional practice where the applicant manufactures, distributes,
39 or dispenses controlled substances.

40 7. The department of health and senior services is authorized to inspect
41 the establishment of a registrant or applicant in accordance with the provisions
42 of [sections 195.005 to 195.425] **this chapter.**

195.040. 1. No registration shall be issued under section 195.030 unless
2 and until the applicant therefor has furnished proof satisfactory to the

3 department of health and senior services:

4 (1) That the applicant is of good moral character or, if the applicant be an
5 association or corporation, that the managing officers are of good moral character;

6 (2) That the applicant is equipped as to land, buildings, and
7 paraphernalia properly to carry on the business described in his **or her**
8 application.

9 2. No registration shall be granted to any person who has within two
10 years been finally adjudicated and found guilty, or entered a plea of guilty or nolo
11 contendere, in a criminal prosecution under the laws of any state or of the United
12 States, for any misdemeanor offense or within seven years for any felony offense
13 related to controlled substances. No registration shall be granted to any person
14 who is abusing controlled substances.

15 3. The department of health and senior services shall register an
16 applicant to manufacture, distribute or dispense controlled substances unless it
17 determines that the issuance of that registration would be inconsistent with the
18 public interest. In determining the public interest, the following factors shall be
19 considered:

20 (1) Maintenance of effective controls against diversion of controlled
21 substances into other than legitimate medical, scientific, or industrial channels;

22 (2) Compliance with applicable state and local law;

23 (3) Any convictions of an applicant under any federal or state laws
24 relating to any controlled substance;

25 (4) Past experience in the manufacture or distribution of controlled
26 substances and the existence in the applicant's establishment of effective controls
27 against diversion;

28 (5) Furnishing by the applicant of false or fraudulent material information
29 in any application filed under [sections 195.005 to 195.425] **this chapter**;

30 (6) Suspension or revocation of the applicant's federal registration to
31 manufacture, distribute or dispense narcotics or controlled dangerous drugs as
32 authorized by federal law; and

33 (7) Any other factors relevant to and consistent with the public health and
34 safety.

35 4. Registration does not entitle a registrant to manufacture and distribute
36 controlled substances in Schedule I or II other than those specified in the
37 registration.

38 5. Practitioners shall be registered to dispense any controlled substance

39 or to conduct research with controlled substances in Schedules II through V if
40 they are authorized to dispense or conduct research under the laws of this
41 state. The department of health and senior services need not require separate
42 registration under [sections 195.005 to 195.425] **this chapter** for practitioners
43 engaging in research with nonnarcotic substances in Schedules II through V
44 where the registrant is already registered under [sections 195.005 to 195.425]
45 **this chapter** in another capacity. Practitioners registered under federal law to
46 conduct research with Schedule I substances may conduct research with Schedule
47 I substances within this state upon furnishing the department of health and
48 senior services evidence of that federal registration.

49 6. Compliance by manufacturers and distributors with the provisions of
50 federal law respecting registration (excluding fees) shall entitle them to be
51 registered under [sections 195.005 to 195.425] **this chapter**.

52 7. A registration to manufacture, distribute, or dispense a controlled
53 substance may be suspended or revoked by the department of health and senior
54 services upon a finding that the registrant:

55 (1) Has furnished false or fraudulent material information in any
56 application filed under [sections 195.005 to 195.425] **this chapter**;

57 (2) Has been convicted of a felony under any state or federal law relating
58 to any controlled substance;

59 (3) Has had his **or her** federal registration to manufacture, distribute or
60 dispense suspended or revoked;

61 (4) Has violated any federal controlled substances statute or regulation,
62 or any provision of [sections 195.005 to 195.425] **this chapter or chapter 579**
63 or regulation promulgated [pursuant to sections 195.005 to 195.425] **under this**
64 **chapter**; or

65 (5) Has had the registrant's professional license to practice suspended or
66 revoked.

67 8. The department of health and senior services may warn or censure a
68 registrant; limit a registration to particular controlled substances or schedules
69 of controlled substances; limit revocation or suspension of a registration to a
70 particular controlled substance with respect to which grounds for revocation or
71 suspension exist; restrict or limit a registration under such terms and conditions
72 as the department of health and senior services considers appropriate for a period
73 of five years; suspend or revoke a registration for a period not to exceed five
74 years; or deny an application for registration. In any order of revocation, the

75 department of health and senior services may provide that the registrant may not
76 apply for a new registration for a period of time ranging from one to five years
77 following the date of the order of revocation. All stay orders shall toll this time
78 period. Any registration placed under a limitation or restriction by the
79 department of health and senior services shall be termed "under probation".

80 9. If the department of health and senior services suspends or revokes a
81 registration, all controlled substances owned or possessed by the registrant at the
82 time of suspension or the effective date of the revocation order may be placed
83 under seal by such agency and held pending final disposition of the case. No
84 disposition may be made of substances under seal until the time for taking an
85 appeal has elapsed or until all appeals have been concluded, unless a court, upon
86 application therefor, orders the sale of perishable substances and the deposit of
87 the proceeds of the sale with the court. Upon a revocation order becoming final,
88 all controlled substances may be forfeited to the state.

89 10. The department of health and senior services may, upon review,
90 terminate any restriction or limitation previously imposed upon a registration by
91 the department of health and senior services if the registrant has remained in
92 compliance with the imposed restrictions or limitations and local, state and
93 federal laws since the time the restrictions or limitations were imposed.

94 11. The department of health and senior services shall promptly notify the
95 Drug Enforcement Administration, United States Department of Justice, or its
96 successor agency, of all orders suspending or revoking registration and all
97 forfeitures of controlled substances.

98 12. If after first providing the registrant an opportunity for an informal
99 conference, the department of health and senior services proposes to deny,
100 suspend, restrict, limit or revoke a registration or refuse a renewal of
101 registration, the department of health and senior services shall serve upon the
102 applicant or registrant written notice of the proposed action to be taken on the
103 application or registration. The notice shall contain a statement of the type of
104 discipline proposed, the basis therefor, the date such action shall go into effect
105 and a statement that the registrant shall have thirty days to request in writing
106 a hearing before the administrative hearing commission. If no written request
107 for a hearing is received by the department of health and senior services within
108 thirty days of the applicant's or registrant's receipt of the notice, the proposed
109 discipline shall take effect thirty-one days from the date the original notice was
110 received by the applicant or registrant. If the registrant or applicant makes a

111 written request for a hearing, the department of health and senior services shall
112 file a complaint with the administrative hearing commission within sixty days of
113 receipt of the written request for a hearing. The complaint shall comply with the
114 laws and regulations for actions brought before the administrative hearing
115 commission. The department of health and senior services may issue letters of
116 censure or warning and may enter into agreements with a registrant or applicant
117 which restrict or limit a registration without formal notice or hearing.

118 13. The department of health and senior services may suspend any
119 registration simultaneously with the institution of proceedings under subsection
120 7 of this section if the department of health and senior services finds that there
121 is imminent danger to the public health or safety which warrants this
122 action. The suspension shall continue in effect until the conclusion of the
123 proceedings, including review thereof, unless sooner withdrawn by the
124 department of health and senior services, dissolved by a court of competent
125 jurisdiction or stayed by the administrative hearing commission.

195.050. 1. A duly registered manufacturer or wholesaler may sell
2 controlled substances to any of the following persons:

- 3 (1) To a manufacturer, wholesaler, or pharmacy;
- 4 (2) To a physician, dentist, podiatrist or veterinarian;
- 5 (3) To a person in charge of a hospital, but only for use in that hospital;
- 6 (4) To a person in charge of a laboratory, but only for use in that
- 7 laboratory for scientific and medical purposes.

8 2. A duly registered manufacturer or wholesaler may sell controlled
9 substances to any of the following persons:

10 (1) On a special written order accompanied by a certificate of exemption,
11 as required by federal laws, to a person in the employ of the United States
12 government or of any state, territorial, district, county, municipal or insular
13 government, purchasing, receiving, possessing, or dispensing controlled
14 substances by reason of his **or her** official duties;

15 (2) To a master of a ship or person in charge of any aircraft upon which
16 no physician is regularly employed, for the actual medical needs of persons on
17 board such ship or aircraft, when not in port; provided, such controlled substances
18 shall be sold to the master of such ship or person in charge of such aircraft only
19 in pursuance of a special order form approved by a commissioned medical officer
20 or acting surgeon of the United States Public Health Service;

21 (3) To a person in a foreign country if the provisions of federal laws are

22 complied with.

23 3. An official written order for any controlled substance listed in
24 Schedules I and II shall be signed in duplicate by the person giving the order or
25 by his **or her** duly authorized agent. The original shall be presented to the
26 person who sells or dispenses the controlled substance named therein. In event
27 of the acceptance of such order by the person, each party to the transaction shall
28 preserve his **or her** copy of such order for a period of two years in such a way as
29 to be readily accessible for inspection by any public officer or employee engaged
30 in the enforcement of [sections 195.005 to 195.425] **this chapter or chapter**
31 **579.** It shall be deemed a compliance with this subsection if the parties to the
32 transaction have complied with federal laws, respecting the requirements
33 governing the use of order forms.

34 4. Possession of or control of controlled substances obtained as authorized
35 by this section shall be lawful if in the regular course of business, occupation,
36 profession, employment, or duty of the possessor.

37 5. A person in charge of a hospital or of a laboratory, or in the employ of
38 this state or of any other state, or of any political subdivision thereof, and a
39 master or other proper officer of a ship or aircraft, who obtains controlled
40 substances under the provisions of this section or otherwise, shall not administer,
41 nor dispense, nor otherwise use such drugs, within this state, except within the
42 scope of his **or her** employment or official duty, and then only for scientific or
43 medicinal purposes and subject to the provisions of [sections 195.005 to 195.425]
44 **this chapter and chapter 579.**

45 6. Every person registered to manufacture, distribute or dispense
46 controlled substances under [sections 195.005 to 195.425] **this chapter** shall
47 keep records and inventories of all such drugs in conformance with the record
48 keeping and inventory requirements of federal law, and in accordance with any
49 additional regulations of the department of health and senior services.

50 7. Manufacturers and wholesalers shall keep records of all narcotic and
51 controlled substances compounded, mixed, cultivated, grown, or by any other
52 process produced or prepared, and of all controlled substances received and
53 disposed of by them, in accordance with this section.

54 8. Apothecaries shall keep records of all controlled substances received
55 and disposed of by them, in accordance with the provisions of this section.

56 9. The form of records shall be prescribed by the department of health and
57 senior services.

195.060. 1. Except as provided in subsection 4 of this section, a
2 pharmacist, in good faith, may sell and dispense controlled substances to any
3 person only upon a prescription of a practitioner as authorized by statute,
4 provided that the controlled substances listed in Schedule V may be sold without
5 prescription in accordance with regulations of the department of health and
6 senior services. All written prescriptions shall be signed by the person
7 prescribing the same. All prescriptions shall be dated on the day when issued
8 and bearing the full name and address of the patient for whom, or of the owner
9 of the animal for which, the drug is prescribed, and the full name, address, and
10 the registry number under the federal controlled substances laws of the person
11 prescribing, if he **or she** is required by those laws to be so registered. If the
12 prescription is for an animal, it shall state the species of the animal for which the
13 drug is prescribed. The person filling the prescription shall either write the date
14 of filling and his **or her** own signature on the prescription or retain the date of
15 filling and the identity of the dispenser as electronic prescription
16 information. The prescription or electronic prescription information shall be
17 retained on file by the proprietor of the pharmacy in which it is filled for a period
18 of two years, so as to be readily accessible for inspection by any public officer or
19 employee engaged in the enforcement of this law. No prescription for a drug in
20 Schedule I or II shall be filled more than six months after the date prescribed; no
21 prescription for a drug in schedule I or II shall be refilled; no prescription for a
22 drug in Schedule III or IV shall be filled or refilled more than six months after
23 the date of the original prescription or be refilled more than five times unless
24 renewed by the practitioner.

25 2. A pharmacist, in good faith, may sell and dispense controlled
26 substances to any person upon a prescription of a practitioner located in another
27 state, provided that the:

28 (1) Prescription was issued according to and in compliance with the
29 applicable laws of that state and the United States; and

30 (2) Quantity limitations in subsection 2 of section 195.080 apply to
31 prescriptions dispensed to patients located in this state.

32 3. The legal owner of any stock of controlled substances in a pharmacy,
33 upon discontinuance of dealing in such drugs, may sell the stock to a
34 manufacturer, wholesaler, or pharmacist, but only on an official written order.

35 4. A pharmacist, in good faith, may sell and dispense any Schedule II
36 drug or drugs to any person in emergency situations as defined by rule of the

37 department of health and senior services upon an oral prescription by an
38 authorized practitioner.

39 5. Except where a bona fide physician-patient-pharmacist relationship
40 exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered
41 to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise **provided** in [sections 195.005 to 195.425]
2 specifically provided, sections 195.005 to 195.425] **this chapter and chapter**
3 **579, this chapter and chapter 579** shall not apply to the following cases:
4 prescribing, administering, dispensing or selling at retail of liniments, ointments,
5 and other preparations that are susceptible of external use only and that contain
6 controlled substances in such combinations of drugs as to prevent the drugs from
7 being readily extracted from such liniments, ointments, or preparations, except
8 that [sections 195.005 to 195.425] **this chapter and chapter 579** shall apply
9 to all liniments, ointments, and other preparations that contain coca leaves in
10 any quantity or combination.

11 2. The quantity of Schedule II controlled substances prescribed or
12 dispensed at any one time shall be limited to a thirty-day supply. The quantity
13 of Schedule III, IV or V controlled substances prescribed or dispensed at any one
14 time shall be limited to a ninety-day supply and shall be prescribed and
15 dispensed in compliance with the general provisions of [sections 195.005 to
16 195.425] **this chapter and chapter 579**. The supply limitations provided in
17 this subsection may be increased up to three months if the physician describes
18 on the prescription form or indicates via telephone, fax, or electronic
19 communication to the pharmacy to be entered on or attached to the prescription
20 form the medical reason for requiring the larger supply. The supply limitations
21 provided in this subsection shall not apply if:

22 (1) The prescription is issued by a practitioner located in another state
23 according to and in compliance with the applicable laws of that state and the
24 United States and dispensed to a patient located in another state; or

25 (2) The prescription is dispensed directly to a member of the United
26 States armed forces serving outside the United States.

27 3. The partial filling of a prescription for a Schedule II substance is
28 permissible as defined by regulation by the department of health and senior
29 services.

195.100. 1. It shall be unlawful to distribute any controlled substance in
2 a commercial container unless such container bears a label containing an

3 identifying symbol for such substance in accordance with federal laws.

4 2. It shall be unlawful for any manufacturer of any controlled substance
5 to distribute such substance unless the labeling thereof conforms to the
6 requirements of federal law and contains the identifying symbol required in
7 subsection 1 of this section.

8 3. The label of a controlled substance in Schedule II, III or IV shall, when
9 dispensed to or for a patient, contain a clear, concise warning that it is a criminal
10 offense to transfer such narcotic or dangerous drug to any person other than the
11 patient.

12 4. Whenever a manufacturer sells or dispenses a controlled substance and
13 whenever a wholesaler sells or dispenses a controlled substance in a package
14 prepared by him or her, the manufacturer or wholesaler shall securely affix to
15 each package in which that drug is contained a label showing in legible English
16 the name and address of the vendor and the quantity, kind, and form of
17 controlled substance contained therein. No person except a pharmacist for the
18 purpose of filling a prescription under [sections 195.005 to 195.425] **this chapter**,
19 shall alter, deface, or remove any label so affixed.

20 5. Whenever a pharmacist or practitioner sells or dispenses any controlled
21 substance on a prescription issued by a physician, physician assistant, dentist,
22 podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or
23 practitioner shall affix to the container in which such drug is sold or dispensed
24 a label showing his or her own name and address of the pharmacy or practitioner
25 for whom he or she is lawfully acting; the name of the patient or, if the patient
26 is an animal, the name of the owner of the animal and the species of the animal;
27 the name of the physician, physician assistant, dentist, podiatrist, advanced
28 practice registered nurse, or veterinarian by whom the prescription was written;
29 the name of the collaborating physician if the prescription is written by an
30 advanced practice registered nurse or the supervising physician if the
31 prescription is written by a physician assistant, and such directions as may be
32 stated on the prescription. No person shall alter, deface, or remove any label so
33 affixed.

195.140. 1. All controlled substances, imitation controlled substances or
2 drug paraphernalia for the administration, use or manufacture of controlled
3 substances or imitation controlled substances and which have come into the
4 custody of a peace officer or officer or agent of the department of health and
5 senior services as provided by [sections 195.010 to 195.320] **this chapter or**

6 **chapter 579**, the lawful possession of which is not established or the title to
7 which cannot be ascertained after a hearing as prescribed in Rule 34 of Rules of
8 Criminal Procedure for the courts of Missouri or some other appropriate hearing,
9 shall be forfeited, and disposed of as follows:

10 (1) Except as in this section otherwise provided, the court or associate
11 circuit judge having jurisdiction shall order such controlled substances, imitation
12 controlled substances, or drug paraphernalia forfeited and destroyed. A record
13 of the place where said controlled substances, imitation controlled substances, or
14 drug paraphernalia were seized, of the kinds and quantities of controlled
15 substances, imitation controlled substances, or drug paraphernalia so destroyed,
16 and of the time, place and manner of destructions, shall be kept, and a return
17 under oath, reporting the destruction of the controlled substances, imitation
18 controlled substances, or drug paraphernalia shall be made to the court or
19 associate circuit judge;

20 (2) The department of health and senior services shall keep a complete
21 record of all controlled substances, imitation controlled substances, or drug
22 paraphernalia received and disposed of, together with the dates of such receipt
23 and disposal, showing the exact kinds, quantities, and forms of such controlled
24 substances, imitation controlled substances, or drug paraphernalia; the persons
25 from whom received and to whom delivered; and by whose authority they were
26 received, delivered or destroyed; which record shall be open to inspection by all
27 federal or state officers charged with the enforcement of federal and state narcotic
28 or controlled substances laws.

29 2. (1) Everything of value furnished, or intended to be furnished, in
30 exchange for a controlled substance, imitation controlled substance or drug
31 paraphernalia in violation of [sections 195.010 to 195.320] **this section or**
32 **chapter 579**, all proceeds traceable to such an exchange, and all moneys,
33 negotiable instruments, or securities used, or intended to be used, to facilitate
34 any violation of [sections 195.010 to 195.320] **this section or chapter 579**, shall
35 be forfeited, except that no property shall be forfeited under this subsection to the
36 extent of the interest of an owner by reason of any act or omission established by
37 him to have been committed without his **or her** knowledge or consent.

38 (2) Any moneys, coin, or currency found in close proximity to forfeitable
39 controlled substances, imitation controlled substances, or drug paraphernalia, or
40 forfeitable records of the importation, manufacture, or distribution of controlled
41 substances, imitation controlled substances or drug paraphernalia are presumed

42 to be forfeitable under this subsection. The burden of proof shall be upon
43 claimants of the property to rebut this presumption.

44 (3) All forfeiture proceedings shall be conducted pursuant to the
45 provisions of sections 513.600 to [513.660] **513.653**.

195.150. On the conviction of any person of the violation of any provision
2 of [this law] **chapter 579**, a copy of the judgment and sentence, and of the
3 opinion of the court or associate circuit judge, if any opinion be filed, shall be sent
4 by the clerk of the court, or by the associate circuit judge, to the board or officer,
5 if any, by whom the convicted defendant has been licensed or registered to
6 practice his **or her** profession or to carry on his **or her** business. On the
7 conviction of any such person, the court may, in its discretion, suspend or revoke
8 the license or registration of the convicted defendant to practice his **or her**
9 profession or to carry on his business. On the application of any person whose
10 license or registration has been suspended or revoked, and upon proper showing
11 and for good cause, said board or officer may reinstate such license or
12 registration.

195.190. It is hereby made the duty of the department of health and
2 senior services, its officers, agents, inspectors, and representatives, and all peace
3 officers within the state, and all county attorneys, to enforce all provisions of
4 [sections 195.005 to 195.425] **this chapter and chapter 579**, except those
5 specifically delegated, and to cooperate with all agencies charged with the
6 enforcement of the laws of the United States, of this state, and of all other states,
7 relating to narcotic and controlled substances.

195.195. The authority to promulgate regulations for the efficient
2 enforcement of [sections 195.005 to 195.425] **this chapter** is hereby vested in the
3 director of the department of health and senior services subject to the provisions
4 of subsection 1 of section 195.030 and chapter 536. The director of the
5 department of health and senior services is hereby authorized to make
6 regulations promulgated under [sections 195.005 to 195.425] **this chapter**
7 conform with those promulgated under the federal Comprehensive Drug Abuse
8 Prevention and Control Act of 1970.

195.198. 1. The director of the department of health and senior services
2 shall carry out educational programs designed to prevent and deter misuse and
3 abuse of controlled dangerous substances. In connection with such programs he
4 **or she** may:

5 (1) Assist the regulated industry and interested groups and organizations

6 in contributing to the reduction of misuse and abuse of controlled substances;
7 (2) Consult with interested groups and organizations to aid them in
8 solving administrative and organizational problems;
9 (3) Assist in the education and training of state and local law enforcement
10 officials in their efforts to control misuse and abuse of controlled substances.

11 2. The director of the department of health and senior services shall
12 encourage research on misuse and abuse of controlled substances. In connection
13 with such research and in furtherance of the enforcement of [sections 195.005 to
14 195.425] **this chapter and chapter 579**, he or she may:

15 (1) Establish methods to assess accurately the effects of controlled
16 substances including but not limited to gathering, analyzing, and publishing a
17 report using existing data regarding poisoning episodes, arrests relating to
18 controlled substance violations, crime laboratory determinations, department of
19 health and senior services investigations and audits, information available from
20 the federal Drug Enforcement Administration and Food and Drug Administration,
21 and to identify and characterize substances with potential for abuse;

22 (2) Make studies and undertake programs of research to develop new or
23 improved approaches, techniques, systems, equipment and devices to strengthen
24 the enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579**.

25 3. The director of the department of health and senior services may enter
26 into contracts for educational and research activities.

195.375. 1. A judge, upon proper oath or affirmation showing probable
2 cause, may issue warrants for controlled premises for the purpose of conducting
3 administrative inspections authorized by [sections 195.005 to 195.425] **this**
4 **chapter**, and seizures of property appropriate to the inspections. For purposes
5 of the issuance of administrative inspection warrants, probable cause exists upon
6 showing a valid public interest in the effective enforcement of [sections 195.005
7 to 195.425] **this chapter** sufficient to justify administrative inspection of the
8 area, premises, building or conveyance in the circumstances specified in the
9 application for the warrant.

10 2. A warrant shall issue only upon an affidavit of a peace officer or an
11 employee of the department of health and senior services having knowledge of the
12 facts alleged, sworn to before the judge and establishing the grounds for issuing
13 the warrant. If the judge is satisfied that grounds for the application exist, he
14 or she shall issue a warrant identifying the area, premises, building or
15 conveyance to be inspected, the purpose of the inspection, and if appropriate, the

16 type of property to be inspected, if any. The warrant shall:

17 (1) State the grounds for its issuance and the name of each person whose
18 affidavit has been taken in support thereof;

19 (2) Be directed to a peace officer or to an employee of the department of
20 health and senior services to execute it;

21 (3) Command the person to whom it is directed to inspect the area,
22 premises, building or conveyance identified for the purpose specified and, if
23 appropriate, direct the seizure of the property specified;

24 (4) Identify the item or types of property to be seized, if any;

25 (5) Direct that it be served during normal business hours and designate
26 the judge to whom it shall be returned.

27 3. A warrant issued pursuant to this section shall be executed and
28 returned within ten days of its date unless, upon a showing of a need for
29 additional time, the court orders otherwise. If property is seized pursuant to a
30 warrant, a copy shall be given to the person from whom or from whose premises
31 the property is taken, together with a receipt for the property taken. The return
32 of the warrant shall be made promptly, accompanied by a written inventory of
33 any property taken. The inventory shall be made in the presence of the person
34 executing the warrant and of the person from whose possession or premises the
35 property was taken, if present, or in the presence of at least one credible person
36 other than the person executing the warrant. A copy of the inventory shall be
37 delivered to the person from whom or from whose premises the property was
38 taken and to the applicant for the warrant.

39 4. The judge who has issued a warrant shall attach thereto a copy of the
40 return and all papers returnable in connection therewith and file them with the
41 clerk of the court which issued the warrant. The department of health and senior
42 services may make administrative inspections of controlled premises in
43 accordance with the following provisions:

44 (1) For purposes of this section only, "controlled premises" means:

45 (a) Places where persons registered or exempted from registration
46 requirements under [sections 195.005 to 195.425] **this chapter** are required to
47 keep records; and

48 (b) Places including factories, warehouses, establishments, and
49 conveyances in which persons registered or exempted from registration
50 requirements under [sections 195.005 to 195.425] **this chapter** are permitted to
51 hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any

52 controlled substance;

53 (2) When authorized by an administrative inspection warrant issued
54 pursuant to this section, an officer or employee designated by the department of
55 health and senior services, upon presenting the warrant and appropriate
56 credentials to the owner, operator, or agent in charge, may enter controlled
57 premises for the purpose of conducting an administrative inspection;

58 (3) When authorized by an administrative inspection warrant, an officer
59 or employee designated by the department of health and senior services may:

60 (a) Inspect and copy records required by [sections 195.005 to 195.425]
61 **this chapter and chapter 579** to be kept;

62 (b) Inspect, within reasonable limits and in a reasonable manner,
63 controlled premises and all pertinent equipment, finished and unfinished
64 material, containers and labeling found therein, and, except as provided in
65 subdivision (5) of this subsection, all other things therein, including records, files,
66 papers, processes, controls, and facilities bearing on violation of [sections 195.005
67 to 195.425] **this chapter and chapter 579**; and

68 (c) Inventory any stock of any controlled substance therein and obtain
69 samples thereof;

70 (4) This section does not prevent entries and administrative inspections,
71 including seizures of property, without a warrant:

72 (a) If the owner, operator, or agent in charge of the controlled premises
73 consents;

74 (b) In situations presenting imminent danger to health or safety;

75 (c) In situations involving inspection of conveyances if there is reasonable
76 cause to believe that the mobility of the conveyance makes it impracticable to
77 obtain a warrant;

78 (d) In any other exceptional or emergency circumstance where time or
79 opportunity to apply for a warrant is lacking; or

80 (e) In all other situations in which a warrant is not constitutionally
81 required;

82 (5) An inspection authorized by this section shall not extend to financial
83 data, sales data, other than shipment data, or pricing data unless the owner,
84 operator, or agent in charge of the controlled premises consents in writing;

85 (6) The department of health and senior services may obtain computerized
86 controlled substances dispensing information via printouts, disks, tapes or other
87 state of the art means of electronic data transfer.

88 5. Prescriptions, orders, and records, required by [sections 195.005 to
89 195.425] **this chapter and chapter 579**, and stocks of controlled substances
90 shall be open for inspection only to federal, state, county, and municipal officers,
91 whose duty it is to enforce the laws of this state or of the United States relating
92 to narcotic drugs. No officer having knowledge by virtue of his **or her** office of
93 any such prescription, order, or record shall divulge such knowledge, except in
94 connection with a prosecution or proceeding in court or before a licensing or
95 registration board or officer, to which prosecution or proceeding the person to
96 whom such prescriptions, orders, or records relate is a party.

195.417. 1. The limits specified in this section shall not apply to any
2 quantity of such product, mixture, or preparation which must be dispensed, sold,
3 or distributed in a pharmacy pursuant to a valid prescription.

4 2. Within any thirty-day period, no person shall sell, dispense, or
5 otherwise provide to the same individual, and no person shall purchase, receive,
6 or otherwise acquire more than the following amount: any number of packages
7 of any drug product containing any detectable amount of ephedrine,
8 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers,
9 or salts of optical isomers, either as:

10 (1) The sole active ingredient; or
11 (2) One of the active ingredients of a combination drug; or
12 (3) A combination of any of the products specified in subdivisions (1) and
13 (2) of this subsection; in any total amount greater than nine grams, without
14 regard to the number of transactions.

15 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist,
16 or registered pharmacy technician shall sell, dispense, or otherwise provide to the
17 same individual, and no person shall purchase, receive, or otherwise acquire more
18 than the following amount: any number of packages of any drug product
19 containing any detectable amount of ephedrine, phenylpropanolamine, or
20 pseudoephedrine, or any of their salts or optical isomers, or salts of optical
21 isomers, either as:

22 (1) The sole active ingredient; or
23 (2) One of the active ingredients of a combination drug; or
24 (3) A combination of any of the products specified in subdivisions (1) and
25 (2) of this subsection; in any total amount greater than three and six-tenths
26 grams without regard to the number of transactions.

27 4. All packages of any compound, mixture, or preparation containing any

28 detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or
29 any of their salts or optical isomers, or salts of optical isomers, except those that
30 are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be
31 offered for sale only from behind a pharmacy counter where the public is not
32 permitted, and only by a registered pharmacist or registered pharmacy technician
33 under section 195.017.

34 5. Each pharmacy shall submit information regarding sales of any
35 compound, mixture, or preparation as specified in this section in accordance with
36 transmission methods and frequency established by the department by regulation.

37 6. This section shall supersede and preempt any local ordinances or
38 regulations, including any ordinances or regulations enacted by any political
39 subdivision of the state. This section shall not apply to the sale of any animal
40 feed products containing ephedrine or any naturally occurring or herbal ephedra
41 or extract of ephedra.

42 7. All logs, records, documents, and electronic information maintained for
43 the dispensing of these products shall be open for inspection and copying by
44 municipal, county, and state or federal law enforcement officers whose duty it is
45 to enforce the controlled substances laws of this state or the United States.

46 8. [Within thirty days of June 15, 2005,] All persons who dispense or offer
47 for sale pseudoephedrine and ephedrine products, except those that are excluded
48 from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all
49 such products are located only behind a pharmacy counter where the public is not
50 permitted.

51 9. [Any person who knowingly or recklessly violates this section is guilty
52 of a class A misdemeanor.] **The penalty for a knowing or reckless violation
53 of this section is found in section 579.060.**

195.418. 1. The retail sale of methamphetamine precursor drugs shall be
2 limited to:

3 (1) Sales in packages containing not more than a total of three grams of
4 one or more methamphetamine precursor drugs, calculated in terms of ephedrine
5 base, pseudoephedrine base and phenylpropanolamine base; and

6 (2) For nonliquid products, sales in blister packs, each blister containing
7 not more than two dosage units, or where the use of blister packs is technically
8 infeasible, sales in unit dose packets or pouches.

9 2. [Any person holding a retail sales license pursuant to chapter 144 who
10 knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

11 3. Any person who is considered the general owner or operator of the
12 outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are
13 available for sale who violates subsection 1 of this section shall not be penalized
14 pursuant to this section if such person documents that an employee training
15 program was in place to provide the employee with information on the state and
16 federal regulations regarding ephedrine, pseudoephedrine, or
17 phenylpropanolamine.] **The penalty for a knowing violation of subsection
18 1 of this section is found in section 579.060.**

196.979. 1. Any person, including but not limited to a prescription drug
2 manufacturer or health care facility, may donate prescription drugs to the
3 prescription drug repository program. The drugs shall be donated at a pharmacy,
4 hospital, or nonprofit clinic that elects to participate in the prescription drug
5 repository program and meets the criteria for participation established by rule of
6 the department pursuant to section 196.984. Participation in the program by
7 pharmacies, hospitals, and nonprofit clinics shall be voluntary. Nothing in
8 sections 196.970 to 196.984 shall require any pharmacy, hospital, or nonprofit
9 clinic to participate in the program.

10 2. A pharmacy, hospital, or nonprofit clinic which meets the eligibility
11 requirements established in section 196.984 may dispense prescription drugs
12 donated under the program to persons who are residents of Missouri and who
13 meet the eligibility requirements of the program, or to other governmental
14 entities and nonprofit private entities to be dispensed to persons who meet the
15 eligibility requirements of the program. A prescription drug shall be dispensed
16 only pursuant to a prescription issued by a health care professional who is
17 authorized by statute to prescribe drugs. A pharmacy, hospital, or nonprofit
18 clinic which accepts donated prescription drugs shall comply with all applicable
19 federal and state laws dealing with the storage and distribution of dangerous
20 drugs and shall inspect all prescription drugs prior to dispensing the prescription
21 drugs to determine that they are not adulterated as described in section
22 196.095. The pharmacy, hospital, or nonprofit clinic may charge persons
23 receiving donated prescription drugs a handling fee, not to exceed a maximum of
24 two hundred percent of the Medicaid dispensing fee, established by rule of the
25 department promulgated pursuant to section 196.984. Prescription drugs donated
26 to the program shall not be resold. Any individual who knowingly resells any
27 donated prescription drugs pursuant to sections 196.970 to 196.984 shall be guilty
28 of a class [D] E felony.

29 3. Drugs donated under this section that are not used or accepted by any
30 pharmacy, hospital, or nonprofit clinic in this state may be distributed to
31 out-of-state charitable repositories for use outside of this state. Such donated
32 drugs may be repackaged in a manner appropriate for distribution by
33 participating pharmacies, hospitals, and nonprofit clinics.

197.266. Any hospice or employee of a hospice who knowingly abuses or
2 neglects any client, or misappropriates the property of any client, shall be guilty
3 of a class [D] E felony.

197.326. 1. Any person who is paid either as part of his **or her** normal
2 employment or as a lobbyist to support or oppose any project before the health
3 facilities review committee shall register as a lobbyist pursuant to chapter 105
4 and shall also register with the staff of the health facilities review committee for
5 every project in which such person has an interest and indicate whether such
6 person supports or opposes the named project. The registration shall also include
7 the names and addresses of any person, firm, corporation or association that the
8 person registering represents in relation to the named project. Any person
9 violating the provisions of this subsection shall be subject to the penalties
10 specified in section 105.478.

11 2. A member of the general assembly who also serves as a member of the
12 health facilities review committee is prohibited from soliciting or accepting
13 campaign contributions from any applicant or person speaking for an applicant
14 or any opponent to any application or persons speaking for any opponent while
15 such application is pending before the health facilities review committee.

16 3. Any person regulated by chapter 197 or 198 and any officer, attorney,
17 agent and employee thereof, shall not offer to any committee member or to any
18 person employed as staff to the committee, any office, appointment or position,
19 or any present, gift, entertainment or gratuity of any kind or any campaign
20 contribution while such application is pending before the health facilities review
21 committee. Any person guilty of knowingly violating the provisions of this section
22 shall be punished as follows: For the first offense, such person is guilty of a class
23 B misdemeanor; and for the second and subsequent offenses, such person is guilty
24 of a class [D] E felony.

[660.250.] **197.1000.** As used in [sections 660.250 to 660.321] sections
2 **197.1000 to 197.1042**, the following terms mean:
3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm
4 including financial exploitation by any person, firm or corporation;

5 (2) "Court", the circuit court;

6 (3) "Department", the department of health and senior services;

7 (4) "Director", director of the department of health and senior services or
8 his or her designees;

9 (5) "Eligible adult", a person sixty years of age or older who is unable to
10 protect his or her own interests or adequately perform or obtain services which
11 are necessary to meet his or her essential human needs or an adult with a
12 disability, as defined in section 660.053, between the ages of eighteen and
13 fifty-nine who is unable to protect his or her own interests or adequately perform
14 or obtain services which are necessary to meet his or her essential human needs;

15 (6) "Home health agency", the same meaning as such term is defined in
16 section 197.400;

17 (7) "Home health agency employee", a person employed by a home health
18 agency;

19 (8) "Home health patient", an eligible adult who is receiving services
20 through any home health agency;

21 (9) "In-home services client", an eligible adult who is receiving services in
22 his or her private residence through any in-home services provider agency;

23 (10) "In-home services employee", a person employed by an in-home
24 services provider agency;

25 (11) "In-home services provider agency", a business entity under contract
26 with the department or with a Medicaid participation agreement, which employs
27 persons to deliver any kind of services provided for eligible adults in their private
28 homes;

29 (12) "Least restrictive environment", a physical setting where protective
30 services for the eligible adult and accommodation is provided in a manner no
31 more restrictive of an individual's personal liberty and no more intrusive than
32 necessary to achieve care and treatment objectives;

33 (13) "Likelihood of serious physical harm", one or more of the following:

34 (a) A substantial risk that physical harm to an eligible adult will occur
35 because of his or her failure or inability to provide for his or her essential human
36 needs as evidenced by acts or behavior which has caused such harm or which
37 gives another person probable cause to believe that the eligible adult will sustain
38 such harm;

39 (b) A substantial risk that physical harm will be inflicted by an eligible
40 adult upon himself or herself, as evidenced by recent credible threats, acts, or

41 behavior which has caused such harm or which places another person in
42 reasonable fear that the eligible adult will sustain such harm;

43 (c) A substantial risk that physical harm will be inflicted by another upon
44 an eligible adult as evidenced by recent acts or behavior which has caused such
45 harm or which gives another person probable cause to believe the eligible adult
46 will sustain such harm;

47 (d) A substantial risk that further physical harm will occur to an eligible
48 adult who has suffered physical injury, neglect, sexual or emotional abuse, or
49 other maltreatment or wasting of his or her financial resources by another
50 person;

51 (14) "Neglect", the failure to provide services to an eligible adult by any
52 person, firm or corporation with a legal or contractual duty to do so, when such
53 failure presents either an imminent danger to the health, safety, or welfare of the
54 client or a substantial probability that death or serious physical harm would
55 result;

56 (15) "Protective services", services provided by the state or other
57 governmental or private organizations or individuals which are necessary for the
58 eligible adult to meet his or her essential human needs.

**197.1002. 1. The following persons shall be required to
2 immediately report or cause a report to be made to the department
3 under sections 197.1000 to 197.1028:**

4 (1) Any person having reasonable cause to suspect that an
5 eligible adult presents a likelihood of suffering serious physical harm
6 and is in need of protective services; and

7 (2) Any adult day care worker, chiropractor, Christian Science
8 practitioner, coroner, dentist, embalmer, employee of the departments
9 of social services, mental health, or health and senior services,
10 employee of a local area agency on aging or an organized area agency
11 on aging program, funeral director, home health agency, home health
12 agency employee, hospital and clinic personnel engaged in the care or
13 treatment of others, in-home services owner or provider, in-home
14 services operator or employee, law enforcement officer, long-term care
15 facility administrator or employee, medical examiner, medical resident
16 or intern, mental health professional, minister, nurse, nurse
17 practitioner, optometrist, other health practitioner, peace officer,
18 pharmacist, physical therapist, physician, physician's assistant,

19 **podiatrist, probation or parole officer, psychologist, social worker, or**
20 **other person with the responsibility for the care of a person sixty years**
21 **of age or older who has reasonable cause to suspect that such a person**
22 **has been subjected to abuse or neglect or observes such a person being**
23 **subjected to conditions or circumstances which would reasonably result**
24 **in abuse or neglect. Notwithstanding any other provision of this**
25 **section, a duly ordained minister, clergy, religious worker, or Christian**
26 **Science practitioner while functioning in his or her ministerial**
27 **capacity shall not be required to report concerning a privileged**
28 **communication made to him or her in his or her professional capacity.**

29 **2. Any other person who becomes aware of circumstances that**
30 **may reasonably be expected to be the result of, or result in, abuse or**
31 **neglect of a person sixty years of age or older may report to the**
32 **department.**

33 **3. The penalty for failing to report as required under subdivision**
34 **(2) of subsection 1 of this section is provided under section 565.188.**

1 [660.255.] **197.1004.** 1. [Any person having reasonable cause to suspect
2 that an eligible adult presents a likelihood of suffering serious physical harm and
3 is in need of protective services shall report such information to the department.

4 2. The report] **A report made under section 197.1002** shall be made
5 orally or in writing. It shall include, if known:

6 (1) The name, age, and address of the eligible adult **or person subjected**
7 **to abuse or neglect;**

8 (2) The name and address of any person responsible for **care of** the
9 **eligible [adult's care] adult or person subjected to abuse or neglect;**

10 (3) The nature and extent of the **condition of the** eligible [adult's
11 **condition] adult or person subjected to abuse or neglect;** and

12 (4) Other relevant information.

13 [3.] 2. Reports regarding persons determined not to be eligible adults as
14 defined in section 660.250 shall be referred to the appropriate state or local
15 authorities.

16 [4.] 3. The department shall maintain a statewide toll free phone number
17 for receipt of reports.

1 [660.260.] **197.1006.** Upon receipt of a report, the department shall make
2 a prompt and thorough investigation to determine whether or not an eligible
3 adult is facing a likelihood of serious physical harm and is in need of protective

4 services. The department shall provide for any of the following:

5 (1) Identification of the eligible adult and determination that the eligible
6 adult is eligible for services;

7 (2) Evaluation and diagnosis of the needs of eligible adults;

8 (3) Provision of social casework, counseling or referral to the appropriate
9 local or state authority;

10 (4) Assistance in locating and receiving alternative living arrangements
11 as necessary;

12 (5) Assistance in locating and receiving necessary protective services; or

13 (6) The coordination and cooperation with other state agencies and public
14 and private agencies in exchange of information and the avoidance of duplication
15 of services.

[660.261.] **197.1008.** Upon receipt of a report that an eligible adult
2 between the ages of eighteen and fifty-nine is facing a likelihood of serious
3 physical harm, the department shall:

4 (1) Investigate or refer the report to appropriate law enforcement or state
5 agencies; and

6 (2) Provide services or refer to local community or state agencies.

[565.186.] **197.1010.** The department of health and senior services shall
2 investigate incidents and reports of elder abuse **or neglect** using the procedures
3 established in sections [660.250 to 660.295] **197.1000 to 197.1025** and, upon
4 substantiation of the report of elder abuse **or neglect**, shall promptly report the
5 incident to the appropriate law enforcement agency and prosecutor and shall
6 determine whether protective services are required pursuant to sections [660.250
7 to 660.295] **197.1000 to 197.1025**. If the department is unable to substantiate
8 whether abuse **or neglect** occurred due to the failure of the operator or any of
9 the operator's agents or employees to cooperate with the investigation, the
10 incident shall be promptly reported to appropriate law enforcement agencies.

[565.190.] **197.1012.** Any person, official or institution complying with
2 the provisions of [section 565.188] **subdivision (2) of subsection 1 of section**
3 **197.1002** in the making of a report, or in cooperating with the department in any
4 of its activities [pursuant to sections 565.186 and 565.188] **under section**
5 **197.1010**, except any person, official or institution violating section [565.180,
6 565.182 or] 565.184, shall be immune from any civil or criminal liability for
7 making such a report, or in cooperating with the department, unless such person
8 acted negligently, recklessly, in bad faith, or with malicious purpose.

[660.263.] **197.1014.** 1. Reports made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028** shall be confidential and shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610.

2. Such reports shall be accessible for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department;

(2) The attorney general;

(3) The department of mental health for persons referred to that department;

(4) Any appropriate law enforcement agency; and

(5) The eligible adult or his legal guardian.

3. The name of the reporter shall not be disclosed unless:

(1) Such reporter specifically authorizes disclosure of his name; and

(2) The department determines that disclosure of the name of the reporter is necessary in order to prevent further harm to an eligible adult.

4. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**, shall be guilty of a class A misdemeanor.

5. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording.

6. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

[660.265.] **197.1016.** When an eligible adult gives consent to receive protective services, the department shall assist the adult in locating and arranging for necessary services in the least restrictive environment reasonably available.

[660.270.] **197.1018.** When the department receives a report that there
2 has been abuse or neglect, or that there otherwise is a likelihood of serious
3 physical harm to an eligible adult and that he or she is in need of protective
4 services and the department is unable to conduct an investigation because access
5 to the eligible adult is barred by any person, the director may petition the
6 appropriate court for a warrant or other order to enter upon the described
7 premises and investigate the report or to produce the information. The
8 application for the warrant or order shall identify the eligible adult and the facts
9 and circumstances which require the issuance of the warrant or order. The
10 director may also seek an order to enjoin the person from barring access to an
11 eligible adult or from interfering with the investigation. If the court finds that,
12 based on the report and relevant circumstances and facts, probable cause exists
13 showing that the eligible adult faces abuse or neglect, or otherwise faces a
14 likelihood of serious physical harm and is in need of protective services and the
15 director has been prevented by another person from investigating the report, the
16 court may issue the warrant or enjoin the interference with the investigation or
17 both.

[660.275.] **197.1020.** If an eligible adult gives consent to receive
2 protective services and any other person interferes with or prevents the delivery
3 of such services, the director may petition the appropriate court for an order to
4 enjoin the interference with the delivery of the services. The petition shall allege
5 the consent of the eligible adult and shall allege specific facts sufficient to show
6 that the eligible adult faces a likelihood of serious physical harm and is in need
7 of the protective services and that delivery is barred by the person named in the
8 petition. If the court finds upon a preponderance of evidence that the allegations
9 in the petition are true, the court may issue an order enjoining the interference
10 with the delivery of the protective services and may establish such conditions and
11 restrictions on the delivery as the court deems necessary and proper under the
12 circumstances.

[660.280.] **197.1022.** When an eligible adult facing the likelihood of
2 serious physical harm and in need of protective services is unable to give consent
3 because of incapacity or legal disability and the guardian of the eligible adult
4 refuses to provide the necessary services or allow the provision of such services,
5 the director shall inform the court having supervisory jurisdiction over the
6 guardian of the facts showing that the eligible adult faces the likelihood of serious
7 physical harm and is in need of protective services and that the guardian refuses

8 to provide the necessary services or allow the provision of such services under the
9 provisions of sections [660.250 to 660.295] **197.1000 to 197.1028**. Upon receipt
10 of such information, the court may take such action as it deems necessary and
11 proper to insure that the eligible adult is able to meet his essential human needs.

[660.285.] **197.1024.** 1. If the director determines after an investigation
2 that an eligible adult is unable to give consent to receive protective services and
3 presents a likelihood of serious physical harm, the director may initiate
4 proceedings pursuant to chapter 202 or chapter 475, if appropriate.

5 2. In order to expedite adult guardianship and conservatorship cases, the
6 department may retain, within existing funding sources of the department, legal
7 counsel on a case-by-case basis.

[660.290.] **197.1026.** 1. When a peace officer has probable cause to
2 believe that an eligible adult will suffer an imminent likelihood of serious
3 physical harm if not immediately placed in a medical facility for care and
4 treatment, that the adult is incapable of giving consent, and that it is not possible
5 to follow the procedures in section [660.285] **197.1024**, the officer may transport,
6 or arrange transportation for, the eligible adult to an appropriate medical facility
7 which may admit the eligible adult and shall notify the next of kin, if known, and
8 the director.

9 2. Where access to the eligible adult is barred and a substantial likelihood
10 exists of serious physical harm resulting to the eligible adult if he is not
11 immediately afforded protective services, the peace officer may apply to the
12 appropriate court for a warrant to enter upon the described premises and remove
13 the eligible adult. The application for the warrant shall identify the eligible adult
14 and the circumstances and facts which require the issuance of the warrant.

15 3. If immediately upon admission to a medical facility, a person who is
16 legally authorized to give consent for the provision of medical treatment for the
17 eligible adult, has not given or refused to give such consent, and it is the opinion
18 of the medical staff of the facility that treatment is necessary to prevent serious
19 physical harm, the director or the head of the medical facility shall file a petition
20 in the appropriate court for an order authorizing specific medical treatment. The
21 court shall hold a hearing and issue its decision forthwith. Notwithstanding the
22 above, if a licensed physician designated by the facility for such purpose examines
23 the eligible adult and determines that the treatment is immediately or
24 imminently necessary and any delay occasioned by the hearing provided in this
25 subsection would jeopardize the life of the person affected, the medical facility

26 may treat the eligible adult prior to such court hearing.

27 4. The court shall conduct a hearing pursuant to chapter 475 forthwith
28 and, if the court finds the eligible adult incapacitated, it shall appoint a guardian
29 ad litem for the person of the eligible adult to determine the nature and extent
30 of the medical treatment necessary for the benefit of the eligible adult and to
31 supervise the rendition of such treatment. The guardian ad litem shall promptly
32 report the completion of treatment to the court, who shall thereupon conduct a
33 restoration hearing or a hearing to appoint a permanent guardian.

34 5. The medical care under this section may not be rendered in a mental
35 health facility unless authorized pursuant to the civil commitment procedures in
36 chapter 632.

37 6. Nothing contained in this section or in any other section of sections
38 [660.250 to 660.295] **197.1000 to 197.1028** shall be construed as requiring
39 physician or medical care or hospitalization of any person who, because of
40 religious faith or conviction, relies on spiritual means or prayer to cure or prevent
41 disease or suffering nor shall any provision of sections [660.250 to 660.295]
42 **197.1000 to 197.1028** be construed so as to designate any person as an eligible
43 adult who presents a likelihood of suffering serious physical harm and is in need
44 of protective services solely because such person, because of religious faith or
45 conviction, relies on spiritual means or prayer to cure or prevent disease or
46 suffering.

[660.295.] **197.1028.** If an eligible adult does not consent to the receipt
2 of reasonable and necessary protective services, or if an eligible adult withdraws
3 previously given consent, the protective services shall not be provided or
4 continued; except that, if the director has reasonable cause to believe that the
5 eligible adult lacks the capacity to consent, the director may seek a court order
6 pursuant to the provisions of section [660.285] **197.1024**.

[660.300.] **197.1030.** 1. When any adult day care worker; chiropractor;
2 Christian Science practitioner; coroner; dentist; embalmer; employee of the
3 departments of social services, mental health, or health and senior services;
4 employee of a local area agency on aging or an organized area agency on aging
5 program; funeral director; home health agency or home health agency employee;
6 hospital and clinic personnel engaged in examination, care, or treatment of
7 persons; in-home services owner, provider, operator, or employee; law enforcement
8 officer; long-term care facility administrator or employee; medical examiner;
9 medical resident or intern; mental health professional; minister; nurse; nurse

10 practitioner; optometrist; other health practitioner; peace officer; pharmacist;
11 physical therapist; physician; physician's assistant; podiatrist; probation or parole
12 officer; psychologist; or social worker has reasonable cause to believe that an
13 in-home services client has been abused or neglected, as a result of in-home
14 services, he or she shall immediately report or cause a report to be made to the
15 department. If the report is made by a physician of the in-home services client,
16 the department shall maintain contact with the physician regarding the progress
17 of the investigation.

18 2. When a report of deteriorating physical condition resulting in possible
19 abuse or neglect of an in-home services client is received by the department, the
20 client's case manager and the department nurse shall be notified. The client's
21 case manager shall investigate and immediately report the results of the
22 investigation to the department nurse. The department may authorize the
23 in-home services provider nurse to assist the case manager with the investigation.

24 3. If requested, local area agencies on aging shall provide volunteer
25 training to those persons listed in subsection 1 of this section regarding the
26 detection and report of abuse and neglect pursuant to this section.

27 4. Any person required in subsection 1 of this section to report or cause
28 a report to be made to the department who fails to do so within a reasonable time
29 after the act of abuse or neglect is guilty of a class A misdemeanor.

30 5. The report shall contain the names and addresses of the in-home
31 services provider agency, the in-home services employee, the in-home services
32 client, the home health agency, the home health agency employee, information
33 regarding the nature of the abuse or neglect, the name of the complainant, and
34 any other information which might be helpful in an investigation.

35 6. In addition to those persons required to report under subsection 1 of
36 this section, any other person having reasonable cause to believe that an in-home
37 services client or home health patient has been abused or neglected by an
38 in-home services employee or home health agency employee may report such
39 information to the department.

40 7. If the investigation indicates possible abuse or neglect of an in-home
41 services client or home health patient, the investigator shall refer the complaint
42 together with his or her report to the department director or his or her designee
43 for appropriate action. If, during the investigation or at its completion, the
44 department has reasonable cause to believe that immediate action is necessary
45 to protect the in-home services client or home health patient from abuse or

46 neglect, the department or the local prosecuting attorney may, or the attorney
47 general upon request of the department shall, file a petition for temporary care
48 and protection of the in-home services client or home health patient in a circuit
49 court of competent jurisdiction. The circuit court in which the petition is filed
50 shall have equitable jurisdiction to issue an ex parte order granting the
51 department authority for the temporary care and protection of the in-home
52 services client or home health patient, for a period not to exceed thirty days.

53 8. Reports shall be confidential, as provided under section [660.320]
54 **197.1040.**

55 9. Anyone, except any person who has abused or neglected an in-home
56 services client or home health patient, who makes a report pursuant to this
57 section or who testifies in any administrative or judicial proceeding arising from
58 the report shall be immune from any civil or criminal liability for making such
59 a report or for testifying except for liability for perjury, unless such person acted
60 negligently, recklessly, in bad faith, or with malicious purpose.

61 10. Within five working days after a report required to be made under this
62 section is received, the person making the report shall be notified in writing of
63 its receipt and of the initiation of the investigation.

64 11. No person who directs or exercises any authority in an in-home
65 services provider agency or home health agency shall harass, dismiss or retaliate
66 against an in-home services client or home health patient, or an in-home services
67 employee or a home health agency employee because he or any member of his or
68 her family has made a report of any violation or suspected violation of laws,
69 standards or regulations applying to the in-home services provider agency or
70 home health agency or any in-home services employee or home health agency
71 employee which he has reasonable cause to believe has been committed or has
72 occurred.

73 12. Any person who abuses or neglects an in-home services client or home
74 health patient is subject to criminal prosecution under section [565.180, 565.182,
75 or] 565.184. If such person is an in-home services employee and has been found
76 guilty by a court, and if the supervising in-home services provider willfully and
77 knowingly failed to report known abuse by such employee to the department, the
78 supervising in-home services provider may be subject to administrative penalties
79 of one thousand dollars per violation to be collected by the department and the
80 money received therefor shall be paid to the director of revenue and deposited in
81 the state treasury to the credit of the general revenue fund. Any in-home services

82 provider which has had administrative penalties imposed by the department or
83 which has had its contract terminated may seek an administrative review of the
84 department's action pursuant to chapter 621. Any decision of the administrative
85 hearing commission may be appealed to the circuit court in the county where the
86 violation occurred for a trial de novo. For purposes of this subsection, the term
87 "violation" means a determination of guilt by a court.

88 13. The department shall establish a quality assurance and supervision
89 process for clients that requires an in-home services provider agency to conduct
90 random visits to verify compliance with program standards and verify the
91 accuracy of records kept by an in-home services employee.

92 14. The department shall maintain the employee disqualification list and
93 place on the employee disqualification list the names of any persons who have
94 been finally determined by the department, pursuant to section [660.315]
95 **197.1036**, to have recklessly, knowingly or purposely abused or neglected an
96 in-home services client or home health patient while employed by an in-home
97 services provider agency or home health agency. For purposes of this section
98 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to
99 them in this section. A person acts "knowingly" with respect to the person's
100 conduct when a reasonable person should be aware of the result caused by his or
101 her conduct. A person acts "recklessly" when the person consciously disregards
102 a substantial and unjustifiable risk that the person's conduct will result in
103 serious physical injury and such disregard constitutes a gross deviation from the
104 standard of care that a reasonable person would exercise in the situation.

105 15. At the time a client has been assessed to determine the level of care
106 as required by rule and is eligible for in-home services, the department shall
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,
108 and environmental capacity. The department shall develop the safe at home
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe
110 at home evaluation is to assure that each client has the appropriate level of
111 services and professionals involved in the client's care. The plan of service or
112 care for each in-home services client shall be authorized by a nurse. The
113 department may authorize the licensed in-home services nurse, in lieu of the
114 department nurse, to conduct the assessment of the client's condition and to
115 establish a plan of services or care. The department may use the expertise,
116 services, or programs of other departments and agencies on a case-by-case basis
117 to establish the plan of service or care. The department may, as indicated by the

118 safe at home evaluation, refer any client to a mental health professional, as
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 16. Authorized nurse visits shall occur at least twice annually to assess
121 the client and the client's plan of services. The provider nurse shall report the
122 results of his or her visits to the client's case manager. If the provider nurse
123 believes that the plan of service requires alteration, the department shall be
124 notified and the department shall make a client evaluation. All authorized nurse
125 visits shall be reimbursed to the in-home services provider. All authorized nurse
126 visits shall be reimbursed outside of the nursing home cap for in-home services
127 clients whose services have reached one hundred percent of the average statewide
128 charge for care and treatment in an intermediate care facility, provided that the
129 services have been preauthorized by the department.

130 17. All in-home services clients shall be advised of their rights by the
131 department or the department's designee at the initial evaluation. The rights
132 shall include, but not be limited to, the right to call the department for any
133 reason, including dissatisfaction with the provider or services. The department
134 may contract for services relating to receiving such complaints. The department
135 shall establish a process to receive such nonabuse and neglect calls other than the
136 elder abuse and neglect hotline.

137 18. Subject to appropriations, all nurse visits authorized in sections
138 [660.250 to 660.300] **197.1000 to 197.1030** shall be reimbursed to the in-home
139 services provider agency.

1 [660.305.] **197.1032.** 1. Any person having reasonable cause to believe
2 that a misappropriation of an in-home services client's property or funds, or the
3 falsification of any documents verifying service delivery to the in-home services
4 client has occurred, may report such information to the department.

5 2. For each report the department shall attempt to obtain the names and
6 addresses of the in-home services provider agency, the in-home services employee,
7 the in-home services client, information regarding the nature of the
8 misappropriation or falsification, the name of the complainant, and any other
9 information which might be helpful in an investigation.

10 3. Any in-home services provider agency or in-home services employee who
11 puts to his or her own use or the use of the in-home services provider agency or
12 otherwise diverts from the in-home services client's use any personal property or
13 funds of the in-home services client, or falsifies any documents for service
14 delivery, is guilty of a class A misdemeanor.

15 4. Upon receipt of a report, the department shall immediately initiate an
16 investigation and report information gained from such investigation to
17 appropriate law enforcement authorities.

18 5. If the investigation indicates probable misappropriation of property or
19 funds, or falsification of any documents for service delivery of an in-home services
20 client, the investigator shall refer the complaint together with the investigator's
21 report to the department director or the director's designee for appropriate action.

22 6. Reports shall be confidential, as provided under section [660.320]
23 **197.1040.**

24 7. Anyone, except any person participating in or benefitting from the
25 misappropriation of funds, who makes a report pursuant to this section or who
26 testifies in any administrative or judicial proceeding arising from the report shall
27 be immune from any civil or criminal liability for making such a report or for
28 testifying except for liability for perjury, unless such person acted negligently,
29 recklessly, in bad faith, or with malicious purpose.

30 8. Within five working days after a report required to be made under this
31 section is received, the person making the report shall be notified in writing of
32 its receipt and of the initiation of the investigation.

33 9. No person who directs or exercises any authority in an in-home services
34 provider agency shall harass, dismiss or retaliate against an in-home services
35 client or employee because he or she or any member of his or her family has made
36 a report of any violation or suspected violation of laws, ordinances or regulations
37 applying to the in-home services provider agency or any in-home services
38 employee which he or she has reasonable cause to believe has been committed or
39 has occurred.

40 10. The department shall maintain the employee disqualification list and
41 place on the employee disqualification list the names of any persons who are or
42 have been employed by an in-home service provider agency and who have been
43 finally determined by the department to, pursuant to section [660.315] **197.1036**,
44 have misappropriated any property or funds, or falsified any documents for
45 service delivery of an in-home services client and who came to be known to the
46 person, directly, or indirectly while employed by an in-home services provider
47 agency.

[660.310.] **197.1034.** 1. Notwithstanding any other provision of law, if
2 the department of health and senior services proposes to deny, suspend, place on
3 probation, or terminate an in-home services provider agency contract, the

4 department of health and senior services shall serve upon the applicant or
5 contractor written notice of the proposed action to be taken. The notice shall
6 contain a statement of the type of action proposed, the basis for it, the date the
7 action will become effective, and a statement that the applicant or contractor
8 shall have thirty days from the date of mailing or delivery of the notice to file a
9 complaint requesting a hearing before the administrative hearing
10 commission. The administrative hearing commission may consolidate an
11 applicant's or contractor's complaint with any proceeding before the
12 administrative hearing commission filed by such contractor or applicant pursuant
13 to subsection 3 of section 208.156 involving a common question of law or
14 fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120,
15 621.125, 621.135, and 621.145 shall apply. With respect to cases in which the
16 department has denied a contract to an in-home services provider agency, the
17 administrative hearing commission shall conduct a hearing to determine the
18 underlying basis for such denial. However, if the administrative hearing
19 commission finds that the contract denial is supported by the facts and the law,
20 the case need not be returned to the department. The administrative hearing
21 commission's decision shall constitute affirmation of the department's contract
22 denial.

23 2. The department of health and senior services may issue letters of
24 censure or warning without formal notice or hearing.

25 3. The administrative hearing commission may stay the suspension or
26 termination of an in-home services provider agency's contract, or the placement
27 of the contractor on probation, pending the commission's findings and
28 determination in the cause, upon such conditions, with or without the agreement
29 of the parties, as the commission deems necessary and appropriate, including the
30 posting of bond or other security except that the commission shall not grant a
31 stay, or if a stay has already been entered shall set aside its stay, unless the
32 commission finds that the contractor has established that servicing the
33 department's clients pending the commission's final determination would not
34 present an imminent danger to the health, safety, or welfare of any client or a
35 substantial probability that death or serious physical harm would result. The
36 commission may remove the stay at any time that it finds that the contractor has
37 violated any of the conditions of the stay. Such stay shall remain in effect, unless
38 earlier removed by the commission, pending the decision of the commission and
39 any subsequent departmental action at which time the stay shall be removed. In

40 any case in which the department has refused to issue a contract, the commission
41 shall have no authority to stay or to require the issuance of a contract pending
42 final determination by the commission.

43 4. Stays granted to contractors by the administrative hearing commission
44 shall, as a condition of the stay, require at a minimum that the contractor under
45 the stay operate under the same contractual requirements and regulations as are
46 in effect, from time to time, as are applicable to all other contractors in the
47 program.

48 5. The administrative hearing commission shall make its final decision
49 based upon the circumstances and conditions as they existed at the time of the
50 action of the department and not based upon circumstances and conditions at the
51 time of the hearing or decision of the commission.

52 6. In any proceeding before the administrative hearing commission
53 pursuant to this section, the burden of proof shall be on the contractor or
54 applicant seeking review.

55 7. Any person, including the department, aggrieved by a final decision of
56 the administrative hearing commission may seek judicial review of such decision
57 as provided in section 621.145.

[660.315.] **197.1036.** 1. After an investigation and a determination has
2 been made to place a person's name on the employee disqualification list, that
3 person shall be notified in writing mailed to his or her last known address that:
4 (1) An allegation has been made against the person, the substance of the
5 allegation and that an investigation has been conducted which tends to
6 substantiate the allegation;

7 (2) The person's name will be included in the employee disqualification
8 list of the department;

9 (3) The consequences of being so listed including the length of time to be
10 listed; and

11 (4) The person's rights and the procedure to challenge the allegation.

12 2. If no reply has been received within thirty days of mailing the notice,
13 the department may include the name of such person on its list. The length of
14 time the person's name shall appear on the employee disqualification list shall
15 be determined by the director or the director's designee, based upon the criteria
16 contained in subsection 9 of this section.

17 3. If the person so notified wishes to challenge the allegation, such person
18 may file an application for a hearing with the department. The department shall

19 grant the application within thirty days after receipt by the department and set
20 the matter for hearing, or the department shall notify the applicant that, after
21 review, the allegation has been held to be unfounded and the applicant's name
22 will not be listed.

23 4. If a person's name is included on the employee disqualification list
24 without the department providing notice as required under subsection 1 of this
25 section, such person may file a request with the department for removal of the
26 name or for a hearing. Within thirty days after receipt of the request, the
27 department shall either remove the name from the list or grant a hearing and set
28 a date therefor.

29 5. Any hearing shall be conducted in the county of the person's residence
30 by the director of the department or the director's designee. The provisions of
31 chapter 536 for a contested case except those provisions or amendments which are
32 in conflict with this section shall apply to and govern the proceedings contained
33 in this section and the rights and duties of the parties involved. The person
34 appealing such an action shall be entitled to present evidence, pursuant to the
35 provisions of chapter 536, relevant to the allegations.

36 6. Upon the record made at the hearing, the director of the department
37 or the director's designee shall determine all questions presented and shall
38 determine whether the person shall be listed on the employee disqualification
39 list. The director of the department or the director's designee shall clearly state
40 the reasons for his or her decision and shall include a statement of findings of
41 fact and conclusions of law pertinent to the questions in issue.

42 7. A person aggrieved by the decision following the hearing shall be
43 informed of his or her right to seek judicial review as provided under chapter 536.
44 If the person fails to appeal the director's findings, those findings shall constitute
45 a final determination that the person shall be placed on the employee
46 disqualification list.

47 8. A decision by the director shall be inadmissible in any civil action
48 brought against a facility or the in-home services provider agency and arising out
49 of the facts and circumstances which brought about the employment
50 disqualification proceeding, unless the civil action is brought against the facility
51 or the in-home services provider agency by the department of health and senior
52 services or one of its divisions.

53 9. The length of time the person's name shall appear on the employee
54 disqualification list shall be determined by the director of the department of

55 health and senior services or the director's designee, based upon the following:

56 (1) Whether the person acted recklessly or knowingly, as defined in
57 chapter 562;

58 (2) The degree of the physical, sexual, or emotional injury or harm; or the
59 degree of the imminent danger to the health, safety or welfare of a resident or
60 in-home services client;

61 (3) The degree of misappropriation of the property or funds, or
62 falsification of any documents for service delivery of an in-home services client;

63 (4) Whether the person has previously been listed on the employee
64 disqualification list;

65 (5) Any mitigating circumstances;

66 (6) Any aggravating circumstances; and

67 (7) Whether alternative sanctions resulting in conditions of continued
68 employment are appropriate in lieu of placing a person's name on the employee
69 disqualification list. Such conditions of employment may include, but are not
70 limited to, additional training and employee counseling. Conditional employment
71 shall terminate upon the expiration of the designated length of time and the
72 person's submitting documentation which fulfills the department of health and
73 senior services' requirements.

74 10. The removal of any person's name from the list under this section
75 shall not prevent the director from keeping records of all acts finally determined
76 to have occurred under this section.

77 11. The department shall provide the list maintained pursuant to this
78 section to other state departments upon request and to any person, corporation,
79 organization, or association who:

80 (1) Is licensed as an operator under chapter 198;

81 (2) Provides in-home services under contract with the department;

82 (3) Employs nurses and nursing assistants for temporary or intermittent
83 placement in health care facilities;

84 (4) Is approved by the department to issue certificates for nursing
85 assistants training;

86 (5) Is an entity licensed under **this** chapter [197];

87 (6) Is a recognized school of nursing, medicine, or other health profession
88 for the purpose of determining whether students scheduled to participate in
89 clinical rotations with entities described in subdivision (1), (2), or (5) of this
90 subsection are included in the employee disqualification list; or

91 (7) Is a consumer reporting agency regulated by the federal Fair Credit
92 Reporting Act that conducts employee background checks on behalf of entities
93 listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer
94 reporting agency shall conduct the employee disqualification list check only upon
95 the initiative or request of an entity described in subdivisions (1), (2), (5), or (6)
96 of this subsection when the entity is fulfilling its duties required under this
97 section. The information shall be disclosed only to the requesting entity. The
98 department shall inform any person listed above who inquires of the department
99 whether or not a particular name is on the list. The department may require that
100 the request be made in writing. No person, corporation, organization, or
101 association who is entitled to access the employee disqualification list may
102 disclose the information to any person, corporation, organization, or association
103 who is not entitled to access the list. Any person, corporation, organization, or
104 association who is entitled to access the employee disqualification list who
105 discloses the information to any person, corporation, organization, or association
106 who is not entitled to access the list shall be guilty of an infraction.

107 12. No person, corporation, organization, or association who received the
108 employee disqualification list under subdivisions (1) to (7) of subsection 11 of this
109 section shall knowingly employ any person who is on the employee
110 disqualification list. Any person, corporation, organization, or association who
111 received the employee disqualification list under subdivisions (1) to (7) of
112 subsection 11 of this section, or any person responsible for providing health care
113 service, who declines to employ or terminates a person whose name is listed in
114 this section shall be immune from suit by that person or anyone else acting for
115 or in behalf of that person for the failure to employ or for the termination of the
116 person whose name is listed on the employee disqualification list.

117 13. Any employer who is required to discharge an employee because the
118 employee was placed on a disqualification list maintained by the department of
119 health and senior services after the date of hire shall not be charged for
120 unemployment insurance benefits based on wages paid to the employee for work
121 prior to the date of discharge, pursuant to section 288.100.

122 14. Any person who has been listed on the employee disqualification list
123 may request that the director remove his or her name from the employee
124 disqualification list. The request shall be written and may not be made more
125 than once every twelve months. The request will be granted by the director upon
126 a clear showing, by written submission only, that the person will not commit

127 additional acts of abuse, neglect, misappropriation of the property or funds, or the
128 falsification of any documents of service delivery to an in-home services
129 client. The director may make conditional the removal of a person's name from
130 the list on any terms that the director deems appropriate, and failure to comply
131 with such terms may result in the person's name being relisted. The director's
132 determination of whether to remove the person's name from the list is not subject
133 to appeal.

[660.317.] **197.1038.** 1. For the purposes of this section, the term
2 "provider" means any person, corporation or association who:

- 3 (1) Is licensed as an operator pursuant to chapter 198;
- 4 (2) Provides in-home services under contract with the department;
- 5 (3) Employs nurses or nursing assistants for temporary or intermittent
6 placement in health care facilities;
- 7 (4) Is an entity licensed pursuant to chapter 197;
- 8 (5) Is a public or private facility, day program, residential facility or
9 specialized service operated, funded or licensed by the department of mental
10 health; or
- 11 (6) Is a licensed adult day care provider.

12 2. For the purpose of this section "patient or resident" has the same
13 meaning as such term is defined in section 43.540.

14 3. Prior to allowing any person who has been hired as a full-time,
15 part-time or temporary position to have contact with any patient or resident the
16 provider shall, or in the case of temporary employees hired through or contracted
17 for an employment agency, the employment agency shall prior to sending a
18 temporary employee to a provider:

19 (1) Request a criminal background check as provided in section
20 43.540. Completion of an inquiry to the highway patrol for criminal records that
21 are available for disclosure to a provider for the purpose of conducting an
22 employee criminal records background check shall be deemed to fulfill the
23 provider's duty to conduct employee criminal background checks pursuant to this
24 section; except that, completing the inquiries pursuant to this subsection shall not
25 be construed to exempt a provider from further inquiry pursuant to common law
26 requirements governing due diligence. If an applicant has not resided in this
27 state for five consecutive years prior to the date of his or her application for
28 employment, the provider shall request a nationwide check for the purpose of
29 determining if the applicant has a prior criminal history in other states. The

30 fingerprint cards and any required fees shall be sent to the highway patrol's
31 central repository. The first set of fingerprints shall be used for searching the
32 state repository of criminal history information. If no identification is made, the
33 second set of fingerprints shall be forwarded to the Federal Bureau of
34 Investigation, Identification Division, for the searching of the federal criminal
35 history files. The patrol shall notify the submitting state agency of any criminal
36 history information or lack of criminal history information discovered on the
37 individual. The provisions relating to applicants for employment who have not
38 resided in this state for five consecutive years shall apply only to persons who
39 have no employment history with a licensed Missouri facility during that
40 five-year period. Notwithstanding the provisions of section 610.120, all records
41 related to any criminal history information discovered shall be accessible and
42 available to the provider making the record request; and

43 (2) Make an inquiry to the department of health and senior services
44 whether the person is listed on the employee disqualification list as provided in
45 section **[660.315] 197.1036.**

46 4. When the provider requests a criminal background check pursuant to
47 section 43.540, the requesting entity may require that the applicant reimburse
48 the provider for the cost of such record check. When a provider requests a
49 nationwide criminal background check pursuant to subdivision (1) of subsection
50 3 of this section, the total cost to the provider of any background check required
51 pursuant to this section shall not exceed five dollars which shall be paid to the
52 state. State funding and the obligation of a provider to obtain a nationwide
53 criminal background check shall be subject to the availability of appropriations.

54 5. An applicant for a position to have contact with patients or residents
55 of a provider shall:

56 (1) Sign a consent form as required by section 43.540 so the provider may
57 request a criminal records review;

58 (2) Disclose the applicant's criminal history. For the purposes of this
59 subdivision "criminal history" includes any conviction or a plea of guilty to a
60 misdemeanor or felony charge and shall include any suspended imposition of
61 sentence, any suspended execution of sentence or any period of probation or
62 parole; and

63 (3) Disclose if the applicant is listed on the employee disqualification list
64 as provided in section **[660.315] 197.1036.**

65 6. An applicant who knowingly fails to disclose his or her criminal history

66 as required in subsection 5 of this section is guilty of a class A misdemeanor. A
67 provider is guilty of a class A misdemeanor if the provider knowingly hires or
68 retains a person to have contact with patients or residents and the person has
69 been convicted of, pled guilty to or nolo contendere in this state or any other state
70 or has been found guilty of a crime, which if committed in Missouri would be a
71 class A or B felony violation of chapter 565, 566 or 569, or any violation of
72 subsection 3 of section 198.070 or section 568.020.

73 7. Any in-home services provider agency or home health agency shall be
74 guilty of a class A misdemeanor if such agency knowingly employs a person to
75 provide in-home services or home health services to any in-home services client
76 or home health patient and such person either refuses to register with the family
77 care safety registry or is listed on any of the background check lists in the family
78 care safety registry pursuant to sections 210.900 to 210.937.

79 8. The highway patrol shall examine whether protocols can be developed
80 to allow a provider to request a statewide fingerprint criminal records review
81 check through local law enforcement agencies.

82 9. A provider may use a private investigatory agency rather than the
83 highway patrol to do a criminal history records review check, and alternatively,
84 the applicant pays the private investigatory agency such fees as the provider and
85 such agency shall agree.

86 10. Except for the hiring restriction based on the department of health
87 and senior services employee disqualification list established pursuant to section
88 [660.315] **197.1036**, the department of health and senior services shall
89 promulgate rules and regulations to waive the hiring restrictions pursuant to this
90 section for good cause. For purposes of this section, "good cause" means the
91 department has made a determination by examining the employee's prior work
92 history and other relevant factors that such employee does not present a risk to
93 the health or safety of residents.

[660.320.] **197.1040.** 1. Reports confidential under section 198.070 and
2 sections [660.300 to 660.315] **197.1030 to 197.1036** shall not be deemed a public
3 record and shall not be subject to the provisions of section 109.180 or chapter
4 610. The name of the complainant or any person mentioned in the reports shall
5 not be disclosed unless:

- 6 (1) The complainant, resident or the in-home services client mentioned
7 agrees to disclosure of his or her name;
- 8 (2) The department determines that disclosure is necessary in order to

9 prevent further abuse, neglect, misappropriation of property or funds, or
10 falsification of any documents verifying service delivery to an in-home services
11 client;

12 (3) Release of a name is required for conformance with a lawful subpoena;

13 (4) Release of a name is required in connection with a review by the
14 administrative hearing commission in accordance with section 198.039;

15 (5) The department determines that release of a name is appropriate
16 when forwarding a report of findings of an investigation to a licensing authority;
17 or

18 (6) Release of a name is requested by the division of family services for
19 the purpose of licensure under chapter 210.

20 2. The department shall, upon request, provide to the division of
21 employment security within the department of labor and industrial relations
22 copies of the investigative reports that led to an employee being placed on the
23 disqualification list.

[660.321.] **197.1042.** Notwithstanding any other provision of law, the
2 department shall not disclose personally identifiable medical, social, personal, or
3 financial records of any eligible adult being served by the division of senior
4 services except when disclosed in a manner that does not identify the eligible
5 adult, or when ordered to do so by a court of competent jurisdiction. Such records
6 shall be accessible without court order for examination and copying only to the
7 following persons or offices, or to their designees:

8 (1) The department or any person or agency designated by the department
9 for such purposes as the department may determine;

10 (2) The attorney general, to perform his or her constitutional or statutory
11 duties;

12 (3) The department of mental health for residents placed through that
13 department, to perform its constitutional or statutory duties;

14 (4) Any appropriate law enforcement agency, to perform its constitutional
15 or statutory duties;

16 (5) The eligible adult, his or her legal guardian or any other person
17 designated by the eligible adult; and

18 (6) The department of social services for individuals who receive Medicaid
19 benefits, to perform its constitutional or statutory duties.

198.015. 1. No person shall establish, conduct or maintain a residential
2 care facility, assisted living facility, intermediate care facility, or skilled nursing

3 facility in this state without a valid license issued by the department. Any
4 person violating this subsection is guilty of a class A misdemeanor. Any person
5 violating this subsection wherein abuse or neglect of a resident of the facility has
6 occurred is guilty of a class [D] E felony. The department of health and senior
7 services shall investigate any complaint concerning operating unlicensed
8 facilities. For complaints alleging abuse or neglect, the department shall initiate
9 an investigation within twenty-four hours. All other complaints regarding
10 unlicensed facilities shall be investigated within forty-five days.

11 2. If the department determines the unlicensed facility is in violation of
12 sections 198.006 to 198.186, the department shall immediately notify the local
13 prosecuting attorney or attorney general's office.

14 3. Each license shall be issued only for the premises and persons named
15 in the application. A license, unless sooner revoked, shall be issued for a period
16 of up to two years, in order to coordinate licensure with certification in
17 accordance with section 198.045.

18 4. If during the period in which a license is in effect, a licensed operator
19 which is a partnership, limited partnership, or corporation undergoes any of the
20 following changes, or a new corporation, partnership, limited partnership or other
21 entity assumes operation of a facility whether by one or by more than one action,
22 the current operator shall notify the department of the intent to change operators
23 and the succeeding operator shall within ten working days of such change apply
24 for a new license:

25 (1) With respect to a partnership, a change in the majority interest of
26 general partners;

27 (2) With respect to a limited partnership, a change in the general partner
28 or in the majority interest of limited partners;

29 (3) With respect to a corporation, a change in the persons who own, hold
30 or have the power to vote the majority of any class of securities issued by the
31 corporation.

32 5. Licenses shall be posted in a conspicuous place on the licensed
33 premises.

34 6. Any license granted shall state the maximum resident capacity for
35 which granted, the person or persons to whom granted, the date, the expiration
36 date, and such additional information and special limitations as the department
37 by rule may require.

38 7. The department shall notify the operator at least sixty days prior to the

39 expiration of an existing license of the date that the license application is
40 due. Application for a license shall be made to the department at least thirty
41 days prior to the expiration of any existing license.

42 8. The department shall grant an operator a temporary operating permit
43 in order to allow for state review of the application and inspection for the
44 purposes of relicensure if the application review and inspection process has not
45 been completed prior to the expiration of a license and the operator is not at fault
46 for the failure to complete the application review and inspection process.

47 9. The department shall grant an operator a temporary operating permit
48 of sufficient duration to allow the department to evaluate any application for a
49 license submitted as a result of any change of operator.

198.070. 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with the care of a person sixty years of age or older or an
13 eligible adult has reasonable cause to believe that a resident of a facility has been
14 abused or neglected, he or she shall immediately report or cause a report to be
15 made to the department.

16 2. The report shall contain the name and address of the facility, the name
17 of the resident, information regarding the nature of the abuse or neglect, the
18 name of the complainant, and any other information which might be helpful in
19 an investigation.

20 3. Any person required in subsection 1 of this section to report or cause
21 a report to be made to the department who knowingly fails to make a report
22 within a reasonable time after the act of abuse or neglect as required in this
23 subsection is guilty of a class A misdemeanor.

24 4. In addition to the penalties imposed by this section, any administrator
25 who knowingly conceals any act of abuse or neglect resulting in death or serious

26 physical injury, as defined in section [565.002] **556.061**, is guilty of a class [D]
27 E felony.

28 5. In addition to those persons required to report pursuant to subsection
29 1 of this section, any other person having reasonable cause to believe that a
30 resident has been abused or neglected may report such information to the
31 department.

32 6. Upon receipt of a report, the department shall initiate an investigation
33 within twenty-four hours and, as soon as possible during the course of the
34 investigation, shall notify the resident's next of kin or responsible party of the
35 report and the investigation and further notify them whether the report was
36 substantiated or unsubstantiated unless such person is the alleged perpetrator
37 of the abuse or neglect. As provided in section [565.186] **197.1010**, substantiated
38 reports of elder abuse shall be promptly reported by the department to the
39 appropriate law enforcement agency and prosecutor.

40 7. If the investigation indicates possible abuse or neglect of a resident, the
41 investigator shall refer the complaint together with the investigator's report to
42 the department director or the director's designee for appropriate action. If,
43 during the investigation or at its completion, the department has reasonable
44 cause to believe that immediate removal is necessary to protect the resident from
45 abuse or neglect, the department or the local prosecuting attorney may, or the
46 attorney general upon request of the department shall, file a petition for
47 temporary care and protection of the resident in a circuit court of competent
48 jurisdiction. The circuit court in which the petition is filed shall have equitable
49 jurisdiction to issue an ex parte order granting the department authority for the
50 temporary care and protection of the resident, for a period not to exceed thirty
51 days.

52 8. Reports shall be confidential, as provided pursuant to section [660.320]
53 **197.1040**.

54 9. Anyone, except any person who has abused or neglected a resident in
55 a facility, who makes a report pursuant to this section or who testifies in any
56 administrative or judicial proceeding arising from the report shall be immune
57 from any civil or criminal liability for making such a report or for testifying
58 except for liability for perjury, unless such person acted negligently, recklessly,
59 in bad faith or with malicious purpose. It is a crime [pursuant to section 565.186
60 and 565.188] **under section 565.189** for any person to purposely file a false
61 report of elder abuse or neglect.

62 10. Within five working days after a report required to be made pursuant
63 to this section is received, the person making the report shall be notified in
64 writing of its receipt and of the initiation of the investigation.

65 11. No person who directs or exercises any authority in a facility shall
66 evict, harass, dismiss or retaliate against a resident or employee because such
67 resident or employee or any member of such resident's or employee's family has
68 made a report of any violation or suspected violation of laws, ordinances or
69 regulations applying to the facility which the resident, the resident's family or an
70 employee has reasonable cause to believe has been committed or has
71 occurred. Through the existing department information and referral telephone
72 contact line, residents, their families and employees of a facility shall be able to
73 obtain information about their rights, protections and options in cases of eviction,
74 harassment, dismissal or retaliation due to a report being made pursuant to this
75 section.

76 12. Any person who abuses or neglects a resident of a facility is subject
77 to criminal prosecution under section [565.180, 565.182, or] 565.184.

78 13. The department shall maintain the employee disqualification list and
79 place on the employee disqualification list the names of any persons who are or
80 have been employed in any facility and who have been finally determined by the
81 department pursuant to section [660.315] **197.1036** to have knowingly or
82 recklessly abused or neglected a resident. For purposes of this section only,
83 "knowingly" and "recklessly" shall have the meanings that are ascribed to them
84 in this section. A person acts "knowingly" with respect to the person's conduct
85 when a reasonable person should be aware of the result caused by his or her
86 conduct. A person acts "recklessly" when the person consciously disregards a
87 substantial and unjustifiable risk that the person's conduct will result in serious
88 physical injury and such disregard constitutes a gross deviation from the
89 standard of care that a reasonable person would exercise in the situation.

90 14. The timely self-reporting of incidents to the central registry by a
91 facility shall continue to be investigated in accordance with department policy,
92 and shall not be counted or reported by the department as a hot-line call but
93 rather a self-reported incident. If the self-reported incident results in a
94 regulatory violation, such incident shall be reported as a substantiated report.

198.097. 1. Any person who assumes the responsibility of managing the
2 financial affairs of an elderly or disabled person who is a resident of any facility
3 licensed under this chapter is guilty of a class [D] **E** felony if such person

4 misappropriates the funds and fails to pay for the facility care of the elderly or
5 disabled person. For purposes of this subsection, a person assumes the
6 responsibility of managing the financial affairs of an elderly person when he or
7 she receives, has access to, handles, or controls the elderly or disabled person's
8 monetary funds, including but not limited to Social Security income, pension,
9 cash, or other resident income.

10 2. Evidence of misappropriating funds and failure to pay for the care of
11 an elderly or disabled person may include but not be limited to proof that the
12 facility has sent, by certified mail with confirmation receipt requested,
13 notification of failure to pay facility care expenses incurred by a resident to the
14 person who has assumed responsibility of managing the financial affairs of the
15 resident.

16 3. Nothing in subsection 2 of this section shall be construed as limiting
17 the investigations or prosecutions of violations of subsection 1 of this section or
18 the crime of financial exploitation of an elderly or disabled person as defined by
19 section 570.145.

198.158. 1. A person committing any act in violation of any provision of
2 sections 198.139 to 198.155 is guilty of a class [D] E felony.

3 2. A vendor or health care provider convicted of a criminal violation of
4 sections 198.139 to 198.155 shall be prohibited from receiving future moneys
5 under Medicaid or from providing services under Medicaid for or on behalf of any
6 other health care provider. However, the director of the department or his **or**
7 **her** designee shall review this prohibition upon the petition of a vendor or health
8 care provider so convicted and, for good cause shown, may reinstate the vendor
9 or health care provider as being eligible to receive funds under Medicaid. The
10 decision of the director or his **or her** designee shall be made in writing after the
11 director of the fraud investigation division is allowed the opportunity to state his
12 **or her** position concerning such petition.

13 3. A vendor or health care provider committing any act or omission in
14 violation of sections 198.139 to 198.155 shall be civilly liable to the state for any
15 moneys obtained under Medicaid as a result of such act or omission.

205.965. 1. Counties, state agencies, issuing agencies, retail food outlets,
2 wholesale food concerns, banks and all persons who participate in or administer
3 any part of the distribution program of surplus agricultural commodities or a food
4 stamp plan shall comply with all state and federal laws, rules and regulations
5 applicable to such program or plans and shall be subject to inspection and audit

6 by the division of family services with respect to the operation of the program or
7 plan.

8 2. To the extent authorized by federal law, all food stamp vendors shall
9 be approved and licensed by the division of family services. The division may
10 promulgate rules and regulations necessary to administer the provisions of this
11 section. The division shall set the amount of the fees for licensing food stamp
12 vendors at a level to produce revenue which shall not substantially exceed the
13 cost and expense of administering the provisions of this section. An action may
14 be brought by the department to temporarily or permanently enjoin or restrain
15 any violation of this subsection or the regulations applicable thereto. Any action
16 brought under the provisions of this subsection shall be heard by the court within
17 no more than twenty days after the action has been filed and service made upon
18 the vendor. Any person who in any way conducts business as a food stamp
19 vendor without approval and license by the division of family services shall be
20 guilty of a class A misdemeanor. A second offense within five years after the first
21 conviction shall be a class [D] E felony.

22 3. No rule or portion of a rule promulgated under the authority of this
23 chapter shall become effective unless it has been promulgated pursuant to the
24 provisions of section 536.024.

210.117. 1. A child taken into the custody of the state shall not be
2 reunited with a parent or placed in a home in which the parent or any person
3 residing in the home has been found guilty of, or pled guilty to, any of the
4 following offenses when a child was the victim:

5 (1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,]
6 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**,
7 **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203,
8 566.206, 566.209, 566.212, or 566.215;

9 (2) A violation of section 568.020;

10 (3) [A violation of subdivision (2) of subsection 1 of section 568.060]

11 **Abuse of a child under section 568.060 when such abuse is sexual in
12 nature;**

13 (4) A violation of section 568.065;

14 (5) A violation of section [568.080] **573.200**;

15 (6) A violation of section [568.090] **573.205**; or

16 (7) A violation of section 568.175;

17 (8) **A violation of section 566.040, 566.070, or 566.090 as such**

18 **sections existed prior to August 28, 2013; or**

19 **(9) A violation of section 568.080 or 568.090 as such sections**
20 **existed prior to January 1, 2016.**

21 2. For all other violations of offenses in chapters 566 and 568 not
22 specifically listed in subsection 1 of this section or for a violation of an offense
23 committed in another state when a child is the victim that would be a violation
24 of chapter 566 or 568, if committed in Missouri, the division may exercise its
25 discretion regarding the placement of a child taken into the custody of the state
26 in which a parent or any person residing in the home has been found guilty of,
27 or pled guilty to, any such offense.

28 3. In any case where the children's division determines based on a
29 substantiated report of child abuse that a child has abused another child, the
30 abusing child shall be prohibited from returning to or residing in any residence,
31 facility, or school within one thousand feet of the residence of the abused child or
32 any child care facility or school that the abused child attends, unless and until
33 a court of competent jurisdiction determines that the alleged abuse did not occur
34 or the abused child reaches the age of eighteen, whichever earlier occurs. The
35 provisions of this subsection shall not apply when the abusing child and the
36 abused child are siblings or children living in the same home.

210.165. 1. Any person violating any provision of sections 210.110 to
2 210.165 is guilty of a class A misdemeanor.

3 2. Any person who intentionally files a false report of child abuse or
4 neglect shall be guilty of a class A misdemeanor.

5 3. Every person who has been previously convicted of making a false
6 report to the division of family services and who is subsequently convicted of
7 making a false report under subsection 2 of this section is guilty of a class [D] E
8 felony and shall be punished as provided by law.

9 4. Evidence of prior convictions of false reporting shall be heard by the
10 court, out of the hearing of the jury, prior to the submission of the case to the
11 jury, and the court shall determine the existence of the prior convictions.

211.038. 1. A child under the jurisdiction of the juvenile court shall not
2 be reunited with a parent or placed in a home in which the parent or any person
3 residing in the home has been found guilty of, or pled guilty to, any of the
4 following offenses when a child was the victim:

5 (1) A felony violation of section 566.030, **566.031**, 566.032, [566.040,]
6 566.060, **566.061**, 566.062, 566.064, 566.067, 566.068, [566.070,] **566.069**,

7 **566.071**, 566.083, [566.090,] 566.100, **566.101**, 566.111, 566.151, 566.203,
8 566.206, 566.209, 566.212, or 566.215;

9 (2) A violation of section 568.020;

10 (3) [A violation of subdivision (2) of subsection 1 of section 568.060]

11 **Abuse of a child under section 568.060 when such abuse is sexual in
12 nature;**

13 (4) A violation of section 568.065;

14 (5) A violation of section [568.080] **573.200**;

15 (6) A violation of section [568.090] **573.205**; or

16 (7) A violation of section 568.175;

17 (8) **A violation of section 566.040, 566.070, or 566.090 as such
18 sections existed prior to August 28, 2013; or**

19 (9) **A violation of section 568.080 or 568.090 as such sections
20 existed prior to January 1, 2016.**

21 2. For all other violations of offenses in chapters 566 and 568 not
22 specifically listed in subsection 1 of this section or for a violation of an offense
23 committed in another state when a child is the victim that would be a violation
24 of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise
25 its discretion regarding the placement of a child under the jurisdiction of the
26 juvenile court in a home in which a parent or any person residing in the home
27 has been found guilty of, or pled guilty to, any such offense.

28 3. If the juvenile court determines that a child has abused another child,
29 such abusing child shall be prohibited from returning to or residing in any
30 residence located within one thousand feet of the residence of the abused child,
31 or any child care facility or school that the abused child attends, until the abused
32 child reaches eighteen years of age. The prohibitions of this subsection shall not
33 apply where the alleged abuse occurred between siblings or children living in the
34 same home.

214.410. 1. Any cemetery operator who shall willfully violate any
2 provisions of sections 214.270 to 214.410 for which no penalty is otherwise
3 prescribed shall be deemed guilty of a misdemeanor and upon conviction thereof
4 shall be fined a sum not to exceed five hundred dollars or shall be confined not
5 more than six months or both.

6 2. Any cemetery operator who shall willfully violate any provision of
7 section 214.320, 214.330, 214.335, 214.340, 214.360, 214.385, or 214.387 shall be
8 deemed guilty of a class [D] E felony and upon conviction thereof shall be fined

9 a sum not to exceed ten thousand dollars or shall be confined not more than five
10 years or both. This section shall not apply to cemeteries or cemetery associations
11 which do not sell lots in the cemetery.

12 3. Any trustee who shall willfully violate any applicable provisions of
13 sections 214.270 to 214.410 shall have committed an unsafe and unsound banking
14 practice and shall be penalized as authorized by chapters 361 and 362. This
15 subsection shall be enforced exclusively by the Missouri division of finance for
16 state chartered institutions and the Missouri attorney general for federally
17 chartered institutions.

18 4. Any person who shall willfully violate any provision of section 214.320,
19 214.330, 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or
20 order of the division may, in accordance with the regulations issued by the
21 division, be assessed an administrative penalty by the division. The penalty shall
22 not exceed five thousand dollars for each violation and each day of the continuing
23 violation shall be deemed a separate violation for purposes of administrative
24 penalty assessment. However, no administrative penalty may be assessed until
25 the person charged with the violation has been given the opportunity for a
26 hearing on the violation. Penalty assessments received shall be deposited in the
27 endowed care cemetery audit fund created in section 193.265.

217.385. 1. No offender shall knowingly commit violence to an employee
2 of the department or to another offender housed in a department correctional
3 center. Violation of this subsection shall be a class B felony.

4 2. No offender shall knowingly damage any building or other property
5 owned or operated by the department. Violation of this subsection shall be a
6 class [C] **D** felony.

217.400. 1. A person commits the crime of furnishing unfit food to
2 offenders if he does any of the following:

3 (1) Knowingly furnishes or delivers any diseased, putrid or otherwise
4 unwholesome meat from any animal or fowl that was diseased or otherwise unfit
5 for food to any correctional center operated or funded by the department;

6 (2) Knowingly furnishes or delivers any other unwholesome food,
7 vegetables or provisions whatsoever to such correctional centers to be used as
8 food by the offenders in such correctional centers;

9 (3) Knowingly receives or consents to receive as an employee of such
10 correctional center any diseased or unwholesome meat, food or provisions.

11 2. Furnishing unfit food to offenders is a class [D] **E** felony.

217.405. 1. Except as provided in subsection 3 of this section, a person
2 commits the crime of "offender abuse" if he knowingly injures the physical
3 well-being of any offender under the jurisdiction of the department by beating,
4 striking, wounding or by sexual contact with such person.

5 2. Offender abuse is a class [C] **D** felony.

6 3. No employee of the department shall use any physical force on an
7 offender except the employee shall have the right to use such physical force as is
8 necessary to defend himself **or herself**, suppress an individual or group revolt
9 or insurrection, enforce discipline or to secure the offender.

217.542. 1. An offender of the department released to the house arrest
2 program commits the crime of failure to return to house arrest if he **or she**
3 purposely fails to return to his **or her** place of residence or activity authorized
4 by subsection 3 of section 217.541 when he **or she** is required to do so.

5 2. Failure to return to house arrest is a class [D] **E** felony.

217.543. 1. The jailer of any city not within a county having custody of
2 pretrial detainees or persons serving sentences for violation of state or local laws
3 may establish a program of house arrest consistent with the provisions of this
4 section.

5 2. Such jailer shall by rule establish a program of house arrest. Such
6 jailer may extend the limits of confinement for pretrial detainees or persons
7 serving sentences for violation of state or local laws.

8 3. The inmate or detainee shall remain an inmate of such jailer and shall
9 be subject to the rules and regulations of the house arrest program.

10 4. Such jailer shall require the inmate or detainee to participate in work
11 or educational or vocational programs and other activities that may be necessary
12 to the supervision and treatment of the inmate or detainee.

13 5. An inmate or detainee released to house arrest shall be authorized to
14 leave his **or her** place of residence only for the purpose and time necessary to
15 participate in the programs and activities authorized.

16 6. Such jailer shall supervise every inmate or detainee released to the
17 house arrest program and shall verify compliance with the requirements set forth
18 for each person so released and such other rules and regulations that such jailer
19 shall promulgate, and may do so by remote electronic surveillance. Such jailer
20 may direct to any peace officer the return of any inmate or detainee from house
21 arrest for violation of the conditions of release.

22 7. Each inmate or detainee who is released on house arrest shall pay a

23 percentage of his **or her** wages to cover the costs of house arrest, such amount
24 to be established by the jailer.

25 8. An inmate released to the house arrest program pursuant to this
26 section commits the crime of escape from custody if such inmate purposely fails
27 to return to his **or her** place of residence or activity as established by the jailer
28 when he **or she** is required to do so. Escape from custody is a class [D] **E** felony.

217.692. 1. Notwithstanding any other provision of law to the contrary,
2 any offender incarcerated in a correctional institution serving any sentence of life
3 with no parole for fifty years or life without parole, whose plea of guilt was
4 entered or whose trial commenced prior to December 31, 1990, and who:

5 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or
6 domestic partner;

7 (2) Has no prior violent felony convictions;

8 (3) No longer has a cognizable legal claim or legal recourse; and

9 (4) Has a history of being a victim of continual and substantial physical
10 or sexual domestic violence that was not presented as an affirmative defense at
11 trial or sentencing and such history can be corroborated with evidence of facts or
12 circumstances which existed at the time of the alleged physical or sexual domestic
13 violence of the offender, including but not limited to witness statements, hospital
14 records, social services records, and law enforcement records; shall be eligible for
15 parole after having served fifteen years of such sentence when the board
16 determines by using the guidelines established by this section that there is a
17 strong and reasonable probability that the person will not thereafter violate the
18 law.

19 2. The board of probation and parole shall give a thorough review of the
20 case history and prison record of any offender described in subsection 1 of this
21 section. At the end of the board's review, the board shall provide the offender
22 with a copy of a statement of reasons for its parole decision.

23 3. Any offender released under the provisions of this section shall be
24 under the supervision of the parole board for an amount of time to be determined
25 by the board.

26 4. The parole board shall consider, but not be limited to the following
27 criteria when making its parole decision:

28 (1) Length of time served;

29 (2) Prison record and self-rehabilitation efforts;

30 (3) Whether the history of the case included corroborative material of

31 physical, sexual, mental, or emotional abuse of the offender, including but not
32 limited to witness statements, hospital records, social service records, and law
33 enforcement records;

34 (4) If an offer of a plea bargain was made and if so, why the offender
35 rejected or accepted the offer;

36 (5) Any victim information outlined in subsection 7 of section 217.690 and
37 section 595.209;

38 (6) The offender's continued claim of innocence;

39 (7) The age and maturity of the offender at the time of the board's
40 decision;

41 (8) The age and maturity of the offender at the time of the crime and any
42 contributing influence affecting the offender's judgment;

43 (9) The presence of a workable parole plan; and

44 (10) Community and family support.

45 5. Nothing in this section shall limit the review of any offender's case who
46 is eligible for parole prior to fifteen years, nor shall it limit in any way the parole
47 board's power to grant parole prior to fifteen years.

48 6. Nothing in this section shall limit the review of any offender's case who
49 has applied for executive clemency, nor shall it limit in any way the governor's
50 power to grant clemency.

51 7. It shall be the responsibility of the offender to petition the board for a
52 hearing under this section.

53 8. A person commits the crime of perjury if he or she, with the purpose to
54 deceive, knowingly makes a false witness statement to the board. Perjury under
55 this section shall be a class **[C] D** felony.

56 9. In cases where witness statements alleging physical or sexual domestic
57 violence are in conflict as to whether such violence occurred or was continual and
58 substantial in nature, the history of such alleged violence shall be established by
59 other corroborative evidence in addition to witness statements, as provided by
60 subsection 1 of this section. A contradictory statement of the victim shall not be
61 deemed a conflicting statement for purposes of this section.

217.703. 1. The division of probation and parole shall award earned
2 compliance credits to any offender who is:

3 (1) Not subject to lifetime supervision under sections 217.735 and 559.106
4 or otherwise found to be ineligible to earn credits by a court pursuant to
5 subsection 2 of this section;

6 (2) On probation, parole, or conditional release for an offense listed in
7 chapter [195] **579** or for a class C [or], D, or E felony, excluding the offenses of
8 [aggravated] stalking **in the first degree**, rape in the second degree, sexual
9 assault, sodomy in the second degree, deviate sexual assault, assault in the
10 second degree under subdivision (2) of subsection 1 of section [565.060] **565.052**,
11 sexual misconduct involving a child, endangering the welfare of a child in the
12 first degree under subdivision (2) of subsection 1 of section 568.045, incest,
13 invasion of privacy, and abuse of a child;

14 (3) Supervised by the board; and

15 (4) In compliance with the conditions of supervision imposed by the
16 sentencing court or board.

17 2. If an offender was placed on probation, parole, or conditional release
18 for an offense of:

19 (1) Involuntary manslaughter in the first degree;

20 (2) Involuntary manslaughter in the second degree;

21 (3) Assault in the second degree except under subdivision (2) of subsection
22 1 of section [565.060] **565.052**;

23 (4) Domestic assault in the second degree;

24 (5) Assault [of a law enforcement officer in the second] **in the third**
25 degree **when the victim is a special victim**;

26 (6) Statutory rape in the second degree;

27 (7) Statutory sodomy in the second degree;

28 (8) Endangering the welfare of a child in the first degree under
29 subdivision (1) of subsection 1 of section 568.045; or

30 (9) Any case in which the defendant is found guilty of a felony offense
31 under chapter 571, the sentencing court may, upon its own motion or a motion of
32 the prosecuting or circuit attorney, make a finding that the offender is ineligible
33 to earn compliance credits because the nature and circumstances of the offense
34 or the history and character of the offender indicate that a longer term of
35 probation, parole, or conditional release is necessary for the protection of the
36 public or the guidance of the offender. The motion may be made any time prior
37 to the first month in which the person may earn compliance credits under this
38 section. The offender's ability to earn credits shall be suspended until the court
39 or board makes its finding. If the court or board finds that the offender is eligible
40 for earned compliance credits, the credits shall begin to accrue on the first day
41 of the next calendar month following the issuance of the decision.

42 3. Earned compliance credits shall reduce the term of probation, parole,
43 or conditional release by thirty days for each full calendar month of compliance
44 with the terms of supervision. Credits shall begin to accrue for eligible offenders
45 after the first full calendar month of supervision or on October 1, 2012, if the
46 offender began a term of probation, parole, or conditional release before
47 September 1, 2012.

48 4. For the purposes of this section, the term "compliance" shall mean the
49 absence of an initial violation report submitted by a probation or parole officer
50 during a calendar month, or a motion to revoke or motion to suspend filed by a
51 prosecuting or circuit attorney, against the offender.

52 5. Credits shall not accrue during any calendar month in which a
53 violation report has been submitted or a motion to revoke or motion to suspend
54 has been filed, and shall be suspended pending the outcome of a hearing, if a
55 hearing is held. If no hearing is held or the court or board finds that the
56 violation did not occur, then the offender shall be deemed to be in compliance and
57 shall begin earning credits on the first day of the next calendar month following
58 the month in which the report was submitted or the motion was filed. All earned
59 credits shall be rescinded if the court or board revokes the probation or parole or
60 the court places the offender in a department program under subsection 4 of
61 section 559.036. Earned credits shall continue to be suspended for a period of
62 time during which the court or board has suspended the term of probation, parole,
63 or release, and shall begin to accrue on the first day of the next calendar month
64 following the lifting of the suspension.

65 6. Offenders who are deemed by the division to be absconders shall not
66 earn credits. For purposes of this subsection, "absconder" shall mean an offender
67 under supervision who has left such offender's place of residency without the
68 permission of the offender's supervising officer for the purpose of avoiding
69 supervision. An offender shall no longer be deemed an absconder when such
70 offender is available for active supervision.

71 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once
72 the combination of time served in custody, if applicable, time served on probation,
73 parole, or conditional release, and earned compliance credits satisfy the total
74 term of probation, parole, or conditional release, the board or sentencing court
75 shall order final discharge of the offender, so long as the offender has completed
76 at least two years of his or her probation or parole, which shall include any time
77 served in custody under section 217.718 and sections 559.036 and 559.115.

78 8. The award or rescission of any credits earned under this section shall
79 not be subject to appeal or any motion for postconviction relief.

80 9. At least twice a year, the division shall calculate the number of months
81 the offender has remaining on his or her term of probation, parole, or conditional
82 release, taking into consideration any earned compliance credits, and notify the
83 offender of the length of the remaining term.

84 10. No less than sixty days before the date of final discharge, the division
85 shall notify the sentencing court, the board, and, for probation cases, the circuit
86 or prosecuting attorney of the impending discharge. If the sentencing court, the
87 board, or the circuit or prosecuting attorney upon receiving such notice does not
88 take any action under subsection 5 of this section, the offender shall be
89 discharged under subsection 7 of this section.

221.025. 1. As an alternative to confinement, an individual may be placed
2 on electronic monitoring pursuant to subsection 1 of section 544.455 or subsection
3 6 of section 557.011, with such terms and conditions as a court shall deem just
4 and appropriate under the circumstances.

5 2. A judge may, in his or her discretion, credit any such period of
6 electronic monitoring against any period of confinement or incarceration ordered,
7 however, electronic monitoring shall not be considered to be in custody or
8 incarceration for purposes of eligibility for the MO HealthNet program, nor shall
9 it be considered confinement in a correctional center or private or county jail for
10 purposes of determining responsibility for the individual's health care.

11 3. This section shall not authorize a court to place an individual on
12 electronic monitoring in lieu of the required imprisonment, community service,
13 or court-ordered treatment program involving community service, if that
14 individual is a prior, persistent, aggravated, [or] chronic, **or habitual** offender
15 sentenced pursuant to section [577.023] **577.001**.

221.111. 1. [No person shall knowingly deliver, attempt to deliver, have
2 in such person's possession, deposit or conceal in or about the premises of any
3 county or private jail or other county correctional facility] **A person commits**
4 **the offense of possession of unlawful items in a prison or jail if such**
5 **person knowingly delivers, attempts to deliver, possesses, deposits, or**
6 **conceals in or about the premises of any correctional center as the term**
7 **"correctional center" is defined under section 217.010, or any city,**
8 **county, or private jail:**

9 (1) Any controlled substance as that term is defined by law, except upon

10 the written prescription of a licensed physician, dentist, or veterinarian;

11 (2) Any other alkaloid of any kind or any [spiritous or malt] **intoxicating**
12 liquor as the term **intoxicating liquor is defined in section 311.020**;

13 (3) Any article or item of personal property which a prisoner is prohibited
14 by law [or], by rule made pursuant to section 221.060, or by regulation of the
15 department of corrections from receiving or possessing, except as herein
16 provided;

17 (4) Any gun, knife, weapon, or other article or item of personal property
18 that may be used in such manner as to endanger the safety or security of the
19 institution or as to endanger the life or limb of any prisoner or employee thereof.

20 2. The violation of subdivision (1) of subsection 1 of this section shall be
21 a class [C] **D** felony; the violation of subdivision (2) of this section shall be a class
22 [D] **E** felony; the violation of subdivision (3) of this section shall be a class A
23 misdemeanor; and the violation of subdivision (4) of this section shall be a class
24 B felony.

25 3. The chief operating officer of a county or city jail or other [county]
26 correctional facility or the administrator of a private jail may deny visitation
27 privileges to or refer to the county prosecuting attorney for prosecution any
28 person who knowingly delivers, attempts to deliver, [has in such person's
29 possession] **possesses**, deposits, or conceals in or about the premises of such jail
30 or facility any personal item which is prohibited by rule or regulation of such jail
31 or facility. Such rules or regulations, including a list of personal items allowed
32 in the jail or facility, shall be prominently posted for viewing both inside and
33 outside such jail or facility in an area accessible to any visitor, and shall be made
34 available to any person requesting such rule or regulation. Violation of this
35 subsection shall be an infraction if not covered by other statutes.

36 4. Any person who has been found guilty of a violation of
37 subdivision (2) of subsection 1 of this section involving any alkaloid
38 shall be entitled to expungement of the record of the violation. The
39 procedure to expunge the record shall be pursuant to section
40 610.123. The record of any person shall not be expunged if such person
41 has been found guilty of knowingly delivering, attempting to deliver,
42 possessing, depositing, or concealing any alkaloid of any controlled
43 substance in or about the premises of any correctional center, or city
44 or county jail, or private prison or jail.

221.353. 1. A person commits the crime of damage to jail property if such

2 person knowingly damages any city, county, or private jail building or other jail
3 property.

4 2. A person commits the crime of damage to jail property if such person
5 knowingly starts a fire in any city, county, or private jail building or other jail
6 property.

7 3. Damage to jail property is a class [D] E felony.

252.235. The sale, taking for sale or possession for sale of any species of
2 fish or wildlife, or parts thereof, which shall include eggs, which have been taken
3 or possessed in violation of the rules and regulations of the commission, is
4 prohibited. Any person violating the provisions of this section shall be guilty of
5 a class A misdemeanor for the first offense if the sale amounts to less than five
6 hundred dollars. Any person violating the provisions of this section shall be
7 guilty of a class [D] E felony for the second and subsequent offense if the sale
8 amounts to less than five hundred dollars. Any person violating the provisions
9 of this section shall be guilty of a class [C] D felony for the first and all
10 subsequent offenses if the sale amounts to five hundred dollars or more. "Sale"
11 means the exchange of an amount of money, other negotiable instruments, or
12 property of value received by the person or persons selling the prohibited
13 species. "Sale", for purposes of this section, shall also mean the intention to
14 exchange an amount of money, other negotiable instruments or property of value
15 for a prohibited species. For the purposes of this section "property" is defined by
16 section 570.010 and value shall be ascertained as set forth in section 570.020.

253.080. 1. The director of the department of natural resources may
2 construct, establish and operate suitable public services, privileges, conveniences
3 and facilities on any land, site or object under the department's jurisdiction and
4 control, and may charge and collect reasonable fees for the use of the same. The
5 director may charge reasonable fees for supplying services on state park
6 areas. Any facilities so constructed under this provision shall only be done by
7 appropriated funds.

8 2. The director may award by contract to any suitable person, persons,
9 corporation or association the right to construct, establish and operate public
10 services, privileges, conveniences and facilities on any land, site or object under
11 the department's control for a period not to exceed twenty-five years with a
12 renewal option, and may supervise and regulate any and all charges and fees of
13 operations by private enterprise for supplying services and operating facilities on
14 state park areas.

15 3. All contracts awarded under this section shall be entered into upon the
16 basis of competitive sealed bids. A sworn financial statement shall accompany
17 each bid, and all contracts shall be let by the director at a regular meeting after
18 public notice of the time of the letting. All bids submitted prior to the opening
19 of the meeting shall be considered. Advertisements for bids in daily or weekly
20 newspapers shall be made by the director. The director shall accept the bid most
21 favorable to the state from a responsible and reputable person but may, for good
22 cause, reject any bid.

23 4. The director shall not enter into a contract or a renewal for a contract
24 as provided in subsection 2 of this section for a period in excess of ten years
25 unless the director determines that the extended contract period is necessary to
26 allow the contractor to make substantial capital or other improvements to the site
27 subject to the contract and such improvements are of sufficient value to the state
28 to necessitate the longer contract term.

29 5. A good and sufficient bond conditioned upon the faithful performance
30 of the contract and compliance with this law shall be required of all contractors,
31 except that if the contractor states he is unable to provide a bond, the contractor
32 shall place a cash reserve in an escrow account in an amount proportional to the
33 volume of the contractor's business on the lands controlled by the department of
34 natural resources.

35 6. Any person who contracts under this section with the state shall keep
36 true and accurate records of his receipts and disbursements arising out of the
37 performance of the contract and shall permit the division of parks and recreation
38 of the department of natural resources and the state director of revenue to audit
39 them. The division of parks and recreation of the department of natural
40 resources and the state director of revenue shall audit the receipts and
41 disbursement of each contract once every two years and upon the expiration of
42 the contract. For the purpose of subsection 5 of this section and this subsection,
43 no contract shall be deemed to extend to operations or management in more than
44 one state park.

45 **7. No person shall be permitted to offer or advertise merchandise
46 or other goods for sale or hire, or to maintain any concession, or use
47 any park facilities, buildings, trails, roads or other state park property
48 for commercial use except by written permission or concession contract
49 with the department of natural resources; except that, the provisions
50 of this subsection shall not apply to the normal and customary use of**

51 **public roads by commercial and noncommercial organizations for the**
52 **purpose of transporting persons or vehicles, including, but not limited**
53 **to, canoes.**

260.207. 1. The department of natural resources shall not issue a permit
2 to any person for the operation of any solid waste processing facility or solid
3 waste disposal area pursuant to sections 260.200 to 260.345 if such person has
4 been determined to habitually violate Missouri environmental statutes, the
5 environmental statutes of other states or federal statutes pertaining to
6 environmental control or if such person has had three or more convictions, which
7 convictions occurred after August 28, 1990, and within any five-year period,
8 within a court of the United States or of any state other than Missouri or has had
9 two or more convictions within Missouri, after August 28, 1990, and within any
10 five-year period, for any crimes or criminal acts, an element of which involves
11 restraint of trade, price-fixing, intimidation of the customers of another person
12 or for engaging in any other acts which may have the effect of restraining or
13 limiting competition concerning activities regulated under this chapter or similar
14 laws of other states or the federal government; except that convictions for
15 violations by entities purchased or acquired by an applicant or permittee which
16 occurred prior to the purchase or acquisition shall not be included. For the
17 purpose of this section the term "person" shall include any business organization
18 or entity, successor corporation, partnership or subsidiary of any business
19 organization or entity, and the owners and officers thereof, of the entity
20 submitting the application.

21 2. The director shall suspend, revoke or not renew the permit of any
22 person with a permit to operate any solid waste processing facility or solid waste
23 disposal area if such person has been determined by the department of natural
24 resources to habitually violate the requirements of the Missouri environmental
25 statutes, of the environmental statutes of other states, or of federal statutes
26 pertaining to environmental control, or if such person has had three or more
27 convictions in any court of the United States or of any state other than Missouri
28 or has had two or more convictions within Missouri of crimes as specified herein,
29 if such convictions occur after August 28, 1990, and within any five-year period.

30 3. Any person applying for a permit to operate any facility pursuant to
31 sections 260.200 to 260.345 shall notify the director of any conviction for a crime
32 which would have the effect of limiting competition. Any person holding a permit
33 shall notify the department of any such conviction of any crime as specified

34 herein within thirty days of the conviction. Failure to notify the director is a
35 class [D] E felony and subject to a fine of one thousand dollars per day for each
36 day unreported.

37 4. Any person who has had a permit denied, revoked or not renewed due
38 to the provisions of this section may apply to the director for reinstatement after
39 five years have elapsed from the time of the most recent conviction.

260.208. No city, county, district, authority or other political subdivision
2 of this state shall enter into a contract or other arrangement for solid waste
3 management services with any person who has been convicted as set out in
4 section 260.207, which convictions occur after August 28, 1990, and within any
5 five-year period, except that the prohibitions of this section shall not apply to any
6 person convicted as provided in section 260.207 after five years have elapsed from
7 the most recent conviction. Any person submitting a bid to a city, county,
8 district, authority or other political subdivision for a contract to provide solid
9 waste management services who, after August 28, 1990, has been convicted of
10 crimes which have the effect of limiting competition as set out in section 260.207,
11 shall notify the city, county, district, authority or other political subdivision of
12 such conviction with the submission of the bid. Any person with a contract for
13 solid waste management services with a city, county, district, authority or other
14 political subdivision of this state who is convicted of crimes which would have the
15 effect of limiting competition as set out in section 260.207, shall notify the city,
16 county, district, authority or other political subdivision of such conviction within
17 thirty days of the conviction. Failure to notify the city, county, district, authority,
18 or other political subdivision as required in this section is a class [D] E felony
19 and subject to a fine of one thousand dollars per day for each day unreported.

260.211. 1. A person commits the offense of criminal disposition of
2 demolition waste if he purposely or knowingly disposes of or causes the disposal
3 of more than two thousand pounds or four hundred cubic feet of such waste on
4 property in this state other than in a solid waste processing facility or solid waste
5 disposal area having a permit as required by section 260.205; provided that, this
6 subsection shall not prohibit the use or require a solid waste permit for the use
7 of solid wastes in normal farming operations or in the processing or
8 manufacturing of other products in a manner that will not create a public
9 nuisance or adversely affect public health and shall not prohibit the disposal of
10 or require a solid waste permit for the disposal by an individual of solid wastes
11 resulting from his or her own residential activities on property owned or lawfully

12 occupied by him or her when such wastes do not thereby create a public nuisance
13 or adversely affect the public health. Demolition waste shall not include clean
14 fill or vegetation. Criminal disposition of demolition waste is a class [D] **E**
15 felony. In addition to other penalties prescribed by law, a person convicted of
16 criminal disposition of demolition waste is subject to a fine not to exceed twenty
17 thousand dollars, except as provided below. The magnitude of the fine shall
18 reflect the seriousness or potential seriousness of the threat to human health and
19 the environment posed by the violation, but shall not exceed twenty thousand
20 dollars, except that if a court of competent jurisdiction determines that the person
21 responsible for illegal disposal of demolition waste under this subsection did so
22 for remuneration as a part of an ongoing commercial activity, the court shall set
23 a fine which reflects the seriousness or potential threat to human health and the
24 environment which at least equals the economic gain obtained by the person, and
25 such fine may exceed the maximum established herein.

26 2. Any person who purposely or knowingly disposes of or causes the
27 disposal of more than two thousand pounds or four hundred cubic feet of his or
28 her personal construction or demolition waste on his or her own property shall
29 be guilty of a class [C] **D** misdemeanor. If such person receives any amount of
30 money, goods, or services in connection with permitting any other person to
31 dispose of construction or demolition waste on his or her property, such person
32 shall be guilty of a class [D] **E** felony.

33 3. The court shall order any person convicted of illegally disposing of
34 demolition waste upon his **or her** own property for remuneration to clean up
35 such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable
36 to clean up the waste, the court may notify the county recorder of the county
37 containing the illegal disposal site. The notice shall be designed to be recorded
38 on the record.

39 4. The court may order restitution by requiring any person convicted
40 under this section to clean up any demolition waste he illegally dumped and the
41 court may require any such person to perform additional community service by
42 cleaning up and properly disposing of demolition waste illegally dumped by other
43 persons.

44 5. The prosecutor of any county or circuit attorney of any city not within
45 a county may, by information or indictment, institute a prosecution for any
46 violation of the provisions of this section.

47 6. Any person shall be guilty of conspiracy as defined in section 564.016

48 if he or she knows or should have known that his or her agent or employee has
49 committed the acts described in sections 260.210 to 260.212 while engaged in the
50 course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid
2 waste if he purposely or knowingly disposes of or causes the disposal of more than
3 five hundred pounds or one hundred cubic feet of commercial or residential solid
4 waste on property in this state other than a solid waste processing facility or
5 solid waste disposal area having a permit as required by section 260.205;
6 provided that, this subsection shall not prohibit the use or require a solid waste
7 permit for the use of solid wastes in normal farming operations or in the
8 processing or manufacturing of other products in a manner that will not create
9 a public nuisance or adversely affect public health and shall not prohibit the
10 disposal of or require a solid waste permit for the disposal by an individual of
11 solid wastes resulting from his or her own residential activities on property
12 owned or lawfully occupied by him or her when such wastes do not thereby create
13 a public nuisance or adversely affect the public health. Criminal disposition of
14 solid waste is a class [D] E felony. In addition to other penalties prescribed by
15 law, a person convicted of criminal disposition of solid waste is subject to a fine,
16 and the magnitude of the fine shall reflect the seriousness or potential
17 seriousness of the threat to human health and the environment posed by the
18 violation, but shall not exceed twenty thousand dollars, except that if a court of
19 competent jurisdiction determines that the person responsible for illegal disposal
20 of solid waste under this subsection did so for remuneration as a part of an
21 ongoing commercial activity, the court shall set a fine which reflects the
22 seriousness or potential threat to human health and the environment which at
23 least equals the economic gain obtained by the person, and such fine may exceed
24 the maximum established herein.

25 2. The court shall order any person convicted of illegally disposing of solid
26 waste upon his **or her** own property for remuneration to clean up such waste
27 and, if he **or she** fails to clean up the waste or if he **or she** is unable to clean up
28 the waste, the court may notify the county recorder of the county containing the
29 illegal disposal site. The notice shall be designed to be recorded on the record.

30 3. The court may order restitution by requiring any person convicted
31 under this section to clean up any commercial or residential solid waste he
32 illegally dumped and the court may require any such person to perform additional
33 community service by cleaning up commercial or residential solid waste illegally

34 dumped by other persons.

35 4. The prosecutor of any county or circuit attorney of any city not within
36 a county may, by information or indictment, institute a prosecution for any
37 violation of the provisions of this section.

38 5. Any person shall be guilty of conspiracy as defined in section 564.016
39 if he knows or should have known that his **or her** agent or employee has
40 committed the acts described in sections 260.210 to 260.212 while engaged in the
41 course of employment.

270.260. 1. Any person who recklessly or knowingly releases any swine
2 to live in a wild or feral state upon any public land or private land not completely
3 enclosed by a fence capable of containing such animals is guilty of a class A
4 misdemeanor. Each swine so released shall be a separate offense.

5 2. Every person who has previously pled guilty to or been found guilty of
6 violating the provisions of this section, committed on two separate occasions
7 where such offense occurred within ten years of the date of the occurrence of the
8 present offense and who subsequently pleads guilty to or is found guilty of
9 violating this section shall be guilty of a class [D] E felony.

10 3. Nothing in this section shall be construed to criminalize the accidental
11 escape of domestic swine.

276.421. 1. All applications shall be accompanied by a true and accurate
2 financial statement of the applicant, prepared within six months of the date of
3 application, setting forth all the assets, liabilities and net worth of the applicant.
4 In the event that the applicant has been engaged in business as a grain dealer
5 for at least one year, the financial statement shall set forth the aggregate dollar
6 amount paid for grain purchased in Missouri and those states with whom
7 Missouri has entered into contracts or agreements as authorized by section
8 276.566 during the last completed fiscal period of the applicant. In the event the
9 applicant has been engaged in business for less than one year or has not
10 previously engaged in business as a grain dealer, the financial statement shall
11 set forth the estimated aggregate dollar amount to be paid for grain purchased
12 in Missouri and those states with whom Missouri has entered into contracts or
13 agreements as authorized by section 276.566 during the applicant's initial fiscal
14 period. All applications shall also be accompanied by a true and accurate
15 statement of income and expenses for the applicant's most recently completed
16 fiscal year. The financial statements required by this chapter shall be prepared
17 in conformity with generally accepted accounting principles; except that the

18 director may promulgate rules allowing for the valuation of assets by competent
19 appraisal.

20 2. The financial statement required by subsection 1 of this section shall
21 be audited or reviewed by a certified public accountant. The financial statement
22 may not be audited or reviewed by the applicant, or an employee of the applicant,
23 if an individual, or, if the applicant is a corporation or partnership, by an officer,
24 shareholder, partner, or a direct employee of the applicant.

25 3. The director may require any additional information or verification
26 with respect to the financial resources of the applicant as he deems necessary for
27 the effective administration of this chapter. The director may promulgate rules
28 setting forth minimum standards of acceptance for the various types of financial
29 statements filed in accordance with the provisions of this chapter. The director
30 may promulgate rules requiring a statement of retained earnings, a statement of
31 changes in financial position, and notes and disclosures to the financial
32 statements for all licensed grain dealers or all grain dealers required to be
33 licensed. The additional information or verification referred to herein may
34 include, but is not limited to, requiring that the financial statement information
35 be reviewed or audited in accordance with standards established by the American
36 Institute of Certified Public Accountants.

37 4. All grain dealers shall provide the director with a copy of all financial
38 statements and updates to financial statements utilized to secure the bonds
39 required by sections 276.401 to 276.582.

40 5. All financial statements submitted to the director for the purposes of
41 this chapter shall be accompanied by a certification by the applicant or the chief
42 executive officer of the applicant, subject to the penalty provision set forth in
43 subsection 4 of section 276.536, that to the best of his **or her** knowledge and
44 belief the financial statement accurately reflects the financial condition of the
45 applicant for the fiscal period covered in the statement.

46 6. Any person who knowingly prepares or assists in the preparation of an
47 inaccurate or false financial statement which is submitted to the director for the
48 purposes of this chapter, or who during the course of providing bookkeeping
49 services or in reviewing or auditing a financial statement which is submitted to
50 the director for the purposes of this chapter, becomes aware of false information
51 in the financial statement and does not disclose in notes accompanying the
52 financial statements that such false information exists, or does not disassociate
53 himself from the financial statements prior to submission, is guilty of a class [C]

54 **D** felony. Additionally, such persons are liable for any damages incurred by
55 sellers of grain selling to a grain dealer who is licensed or allowed to maintain his
56 **or her** license based upon inaccuracies or falsifications contained in the financial
57 statement.

58 7. Any licensed grain dealer or applicant for a grain dealer's license shall
59 maintain a minimum net worth equal to five percent of annual grain purchases
60 as set forth in the financial statements required by this chapter. If the dealer or
61 applicant is deficient in meeting this net worth requirement, he **or she** must post
62 additional bond as required in section 276.436.

63 8. (1) Any licensed grain dealer or applicant for a grain dealer's license
64 shall have and maintain current assets at least equal to one hundred percent of
65 current liabilities. The financial statement required by this chapter shall set
66 forth positive working capital in the form of a current ratio of the total adjusted
67 current assets to the total adjusted current liabilities of at least one to one.

68 (2) The director may allow applicants to offset negative working capital
69 by increasing the grain dealer surety bond required by section 276.426 up to the
70 total amount of negative working capital at the discretion of the director.

71 (3) Adjusted current assets shall be calculated by deducting from the
72 stated current assets shown on the financial statement submitted by the
73 applicant any current asset resulting from notes receivable from related persons,
74 accounts receivable from related persons, stock subscriptions receivable, and any
75 other related person receivables.

76 (4) A disallowed current asset shall be netted against any related liability
77 and the net result, if an asset, shall be subtracted from the current assets.

276.536. 1. Upon conviction, any person who does any of the following is
2 guilty of a class B misdemeanor:

3 (1) Engaging in the business of being a grain dealer without securing a
4 license prior to engaging in said business. If a grain dealer has been charged,
5 and has paid, a penalty fee for operating without a license as set forth in section
6 276.411, the grain dealer may not be charged with a class B misdemeanor for
7 operating without a license for the time period covered by the penalty fee;

8 (2) Violating any of the provisions of sections 276.401 to 276.581;

9 (3) Impeding, hindering, obstructing, or otherwise preventing or
10 attempting to prevent the director, the director's designated representative,
11 employees, or any auditor in the performance of his **or her** duty in connection
12 with sections 276.401 to 276.581 or the regulations promulgated pursuant

13 thereto;

14 (4) On the part of any person, refusing to permit inspection of his **or her**
15 premises, books, accounts or records as provided in sections 276.401 to 276.581.

16 2. In case of a continuing violation, each day a violation occurs constitutes
17 a separate and distinct offense.

18 3. It shall be the duty of the attorney general or each prosecuting attorney
19 to whom any violation of sections 276.401 to 276.581 is reported to cause
20 appropriate proceedings under this section to be instituted and prosecuted in a
21 court of competent jurisdiction without delay. Before a violation is reported for
22 prosecution, the director may give the grain dealer an opportunity to present his
23 **or her** views at an informal hearing. In the event the director determines that
24 a prosecutor to whom a violation has been reported has failed to institute
25 appropriate proceedings, the director may make a written report of the failure to
26 institute proceedings to the attorney general. The attorney general may
27 investigate the circumstances which resulted in the report. If the attorney
28 general determines additional proceedings are appropriate, he **or she** shall cause
29 such proceedings to be instituted. When the attorney general causes such a
30 proceeding to be instituted, he **or she** shall have all the powers and rights of the
31 office of the prosecuting attorney to whom the violation was originally
32 reported. Such powers and rights are restricted to the prosecution of the specific
33 case reported.

34 4. A grain dealer licensed or required to be licensed under sections
35 276.401 to 276.581, or any officer, agent, or servant of such grain dealer who files
36 false records, scale tickets, financial papers or accounts with the director, or who
37 withholds records, scale tickets, financial papers or accounts from the director,
38 or who alters records, scale tickets, financial papers or accounts in order to
39 conceal amounts owed to sellers of grain or actual amounts of grain received and
40 paid or not paid for or for the purpose of in any way misleading department
41 auditors and officials is, upon conviction, guilty of a class [C] **D** felony.

42 5. Any duly authorized officer or employee appointed under the provisions
43 of sections 276.401 to 276.581 who neglects his **or her** duty, or who knowingly
44 or carelessly inspects, grades, tests, or weighs any grain improperly, conducts an
45 inspection improperly, intentionally falsifies any inspection report, or
46 intentionally gives false information, or who accepts any money or other valuable
47 consideration, directly or indirectly, for any neglect of duty as such duly
48 authorized officer or employee in the performance of his **or her** duties as such

49 officer or employee is deemed guilty of a class B misdemeanor.

277.180. 1. Any person who offers a bribe to any livestock market or sale
2 operator or market veterinarian for the purpose of inducing such operator or
3 veterinarian to violate the provisions of this chapter shall be guilty of a class [D]
4 **E** felony.

5 2. Nothing contained in this chapter shall be construed to authorize any
6 private cause of action, or to establish any substitute principal of a law in
7 connection therewith.

285.306. Every employee shall complete the withholding form referred to
2 in section 285.300. Any such employee who refuses to complete the withholding
3 form shall be guilty of a class [D] **E** felony.

285.308. Any employee who states on the withholding form that he does
2 not owe child support when such employee knowingly owes child support
3 pursuant to a valid court order or administrative order is guilty of a class [D] **E**
4 felony.

287.128. 1. It shall be unlawful for any person to knowingly present or
2 cause to be presented any false or fraudulent claim for the payment of benefits
3 pursuant to a workers' compensation claim.

4 2. It shall be unlawful for any insurance company or self-insurer in this
5 state to knowingly and intentionally refuse to comply with known and legally
6 indisputable compensation obligations with intent to defraud.

7 3. It shall be unlawful for any person to:

8 (1) Knowingly present multiple claims for the same occurrence with intent
9 to defraud;

10 (2) Knowingly assist, abet, solicit or conspire with:

11 (a) Any person who knowingly presents any false or fraudulent claim for
12 the payment of benefits;

13 (b) Any person who knowingly presents multiple claims for the same
14 occurrence with an intent to defraud; or

15 (c) Any person who purposefully prepares, makes or subscribes to any
16 writing with the intent to present or use the same, or to allow it to be presented
17 in support of any such claim;

18 (3) Knowingly make or cause to be made any false or fraudulent claim for
19 payment of a health care benefit;

20 (4) Knowingly submit a claim for a health care benefit which was not used
21 by, or on behalf of, the claimant;

22 (5) Knowingly present multiple claims for payment of the same health
23 care benefit with an intent to defraud;

24 (6) Knowingly make or cause to be made any false or fraudulent material
25 statement or material representation for the purpose of obtaining or denying any
26 benefit;

27 (7) Knowingly make or cause to be made any false or fraudulent
28 statements with regard to entitlement to benefits with the intent to discourage
29 an injured worker from making a legitimate claim;

30 (8) Knowingly make or cause to be made a false or fraudulent material
31 statement to an investigator of the division in the course of the investigation of
32 fraud or noncompliance. For the purposes of subdivisions (6), (7), and (8) of this
33 subsection, the term "statement" includes any notice, proof of injury, bill for
34 services, payment for services, hospital or doctor records, X-ray or test results.

35 4. Any person violating any of the provisions of subsection 1 or 2 of this
36 section shall be guilty of a class [D] E felony. In addition, the person shall be
37 liable to the state of Missouri for a fine up to ten thousand dollars or double the
38 value of the fraud whichever is greater. Any person violating any of the
39 provisions of subsection 3 of this section shall be guilty of a class A misdemeanor
40 and the person shall be liable to the state of Missouri for a fine up to ten
41 thousand dollars. Any person who has previously pled guilty to or has been found
42 guilty of violating any of the provisions of subsection 1, 2 or 3 of this section and
43 who subsequently violates any of the provisions of subsection 1, 2 or 3 of this
44 section shall be guilty of a class [C] D felony.

45 5. It shall be unlawful for any person, company, or other entity to prepare
46 or provide an invalid certificate of insurance as proof of workers' compensation
47 insurance. Any person violating any of the provisions of this subsection shall be
48 guilty of a class [D] E felony and, in addition, shall be liable to the state of
49 Missouri for a fine up to ten thousand dollars or double the value of the fraud,
50 whichever is greater.

51 6. Any person who knowingly misrepresents any fact in order to obtain
52 workers' compensation insurance at less than the proper rate for that insurance
53 shall be guilty of a class A misdemeanor. Any person who has previously pled
54 guilty to or has been found guilty of violating any of the provisions of this section
55 and who subsequently violates any of the provisions of this section shall be guilty
56 of a class [D] E felony.

57 7. Any employer who knowingly fails to insure his liability pursuant to

58 this chapter shall be guilty of a class A misdemeanor and, in addition, shall be
59 liable to the state of Missouri for a penalty in an amount up to three times the
60 annual premium the employer would have paid had such employer been insured
61 or up to fifty thousand dollars, whichever amount is greater. Any person who has
62 previously pled guilty to or has been found guilty of violating any of the
63 provisions of this section and who subsequently violates any of the provisions of
64 this section shall be guilty of a class [D] **E** felony.

65 8. Any person may file a complaint alleging fraud or noncompliance with
66 this chapter with a legal advisor in the division of workers' compensation. The
67 legal advisor shall refer the complaint to the fraud and noncompliance unit
68 within the division. The unit shall investigate all complaints and present any
69 finding of fraud or noncompliance to the director, who may refer the file to the
70 attorney general. The attorney general may prosecute any fraud or
71 noncompliance associated with this chapter. All costs incurred by the attorney
72 general associated with any investigation and prosecution pursuant to this
73 subsection shall be paid out of the workers' compensation fund. Any fines or
74 penalties levied and received as a result of any prosecution under this section
75 shall be paid to the workers' compensation fund. Any restitution ordered as a
76 part of the judgment shall be paid to the person or persons who were defrauded.

77 9. Any and all reports, records, tapes, photographs, and similar materials
78 or documentation submitted by any person, including the department of
79 insurance, financial institutions and professional registration, to the fraud and
80 noncompliance unit or otherwise obtained by the unit pursuant to this section,
81 used to conduct an investigation for any violation under this chapter, shall be
82 considered confidential and not subject to the requirements of chapter
83 610. Nothing in this subsection prohibits the fraud and noncompliance unit from
84 releasing records used to conduct an investigation to the local, state, or federal
85 law enforcement authority or federal or state agency conducting an investigation,
86 upon written request.

87 10. There is hereby established in the division of workers' compensation
88 a fraud and noncompliance administrative unit responsible for investigating
89 incidences of fraud and failure to comply with the provisions of this chapter.

90 11. Any prosecution for a violation of the provisions of this section or
91 section 287.129 shall be commenced within three years after discovery of the
92 offense by an aggrieved party or by a person who has a legal duty to represent an
93 aggrieved party and who is not a party to the offense. As used in this subsection,

94 the term "person who has a legal duty to represent an aggrieved party" shall
95 mean the attorney general or the prosecuting attorney having jurisdiction to
96 prosecute the action.

97 12. By January 1, 2006, the attorney general shall forward to the division
98 and the members of the general assembly the first edition of an annual report of
99 the costs of prosecuting fraud and noncompliance under this chapter. The report
100 shall include the number of cases filed with the attorney general by county by the
101 fraud and noncompliance unit, the number of cases prosecuted by county by the
102 attorney general, fines and penalties levied and received, and all incidental costs.

287.129. 1. A health care provider commits a fraudulent workers'
2 compensation insurance act if he knowingly and with intent to defraud presents,
3 causes to be presented, or prepares with knowledge or belief that it will be
4 presented, to or by an insurer, purported insurer, broker, or any agent thereof,
5 any claim for payment or other benefit which involves any one or more of the
6 following false billing practices:

7 (1) "Unbundling" an insurance claim by claiming a number of medical
8 procedures were performed instead of a single comprehensive procedure;

9 (2) "Upcoding" a medical, hospital or rehabilitative insurance claim by
10 claiming that a more serious or extensive procedure was performed than was
11 actually performed;

12 (3) "Exploding" a medical, hospital or rehabilitative insurance claim by
13 claiming a series of tests were performed on a single sample of blood, urine, or
14 other bodily fluid, when actually the series of tests were part of one battery of
15 tests; or

16 (4) "Duplicating" a medical, hospital or rehabilitative insurance claim
17 made by a health care provider by resubmitting the claim through another health
18 care provider in which the original health care provider has an ownership
19 interest. Nothing in this section shall prohibit providers from making good faith
20 efforts to ensure that claims for reimbursement are coded to reflect the proper
21 diagnosis and treatment.

22 2. If, by its own inquiries or as a result of complaints, the department of
23 insurance, financial institutions and professional registration has reason to
24 believe that a person has engaged in, or is engaging in, any fraudulent workers'
25 compensation insurance act contained in this section, it may administer oaths
26 and affirmations, serve subpoenas ordering the attendance of witnesses or
27 proffering of matter, and collect evidence.

28 3. If the matter that the department of insurance, financial institutions
29 and professional registration seeks to obtain by request is located outside the
30 state, the person so requested may make it available to the division or its
31 representative to examine the matter at the place where it is located. The
32 department may designate representatives, including officials of the state in
33 which the matter is located, to inspect the matter on its behalf, and it may
34 respond to similar requests from officials of other states.

35 4. Any person violating any of the provisions of subsection 1 of this
36 section is guilty of a class A misdemeanor and the person shall be liable to the
37 state of Missouri for a fine up to twenty thousand dollars. Any person who has
38 previously pled guilty to or has been found guilty of violating any of the
39 provisions of subsection 1 of this section and who subsequently violates any of the
40 provisions of subsection 1 of this section is guilty of a class [D] E felony.

288.250. 1. Information obtained from any employing unit or individual
2 pursuant to the administration of this law shall be held confidential and shall not
3 be published, further disclosed, or be open to public inspection in any manner
4 revealing the individual's or employing unit's identity, but any claimant or
5 employing unit or their authorized representative shall be supplied with
6 information from the division's records to the extent necessary for the proper
7 preparation and presentation of any claim for unemployment compensation
8 benefits or protest of employer liability. Further, upon receipt of a written
9 request from a claimant or his or her authorized representative, the division shall
10 supply information previously submitted to the division by the claimant, the
11 claimant's wage history and the claimant's benefit payment history. In addition,
12 upon receipt of a written request from an authorized representative of an
13 employing unit, the division shall supply information previously submitted to the
14 division by the employing unit, and information concerning the payment of
15 benefits from the employer's account and the unemployment compensation fund,
16 including amounts paid to specific claimants. A state or federal official or agency
17 may receive disclosures to the extent required by federal law. In the division's
18 discretion, any other party may receive disclosures to the extent authorized by
19 state and federal law. Any information obtained by the division in the
20 administration of this law shall be privileged and no individual or type of
21 organization shall be held liable for slander or libel on account of any such
22 information.

23 2. Any person who intentionally discloses or otherwise fails to protect

24 confidential information in violation of this section shall be guilty of a class A
25 misdemeanor. For a second or subsequent violation, the person shall be guilty
26 of a class [D] E felony.

288.395. Any person or entity perpetrating a fraud or misrepresentation
2 under this chapter for which a penalty has not herein been specifically provided
3 shall be guilty of a class A misdemeanor and, in addition, shall be liable to this
4 state for a civil penalty not to exceed the value of the fraud. Any person or entity
5 who has previously pled guilty to or has been found guilty of perpetrating a fraud
6 or misrepresentation under this chapter and who subsequently violated any such
7 provisions shall be guilty of a class [D] E felony.

301.390. 1. No person shall sell, or offer for sale, or shall knowingly have
2 the custody or possession of a motor vehicle, vehicle part, boat, outboard motor,
3 trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of
4 construction equipment on which the original manufacturer's number or other
5 distinguishing number has been destroyed, removed, covered, altered or defaced,
6 and no person shall sell, offer for sale, or knowingly have the custody or
7 possession of a motor vehicle or trailer having no manufacturer's number or other
8 original number, or distinguishing number. Every motor vehicle and trailer shall
9 have an original manufacturer's number or other distinguishing number assigned
10 by the manufacturer.

11 2. Every peace officer who has probable cause to believe and has
12 knowledge of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor
13 vehicle tire, piece of farm machinery, farm implement, or piece of construction
14 equipment, the number of which has been removed, covered, altered, destroyed
15 or defaced, and for which no special number has been issued, shall be authorized
16 to immediately seize and take possession of such motor vehicle, vehicle part, boat,
17 outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm
18 implement, or piece of construction equipment, and may arrest the supposed
19 owner or custodian thereof and cause prosecution to be begun in a court of
20 competent jurisdiction.

21 3. The law enforcement authority having seized it shall retain custody of
22 the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire,
23 piece of farm machinery, farm implement, or piece of construction equipment
24 pending the prosecution of the person arrested. If the person arrested should be
25 found guilty, such motor vehicle, vehicle part, boat, outboard motor, trailer, motor
26 vehicle tire, piece of farm machinery, farm implement, or piece of construction

27 equipment shall be transferred to the custody of the court until the fine and costs
28 of prosecution are paid. No property shall be released from the custody of the
29 court until a special number shall have been issued by the director of revenue on
30 an application of the supposed owner, approved by the court.

31 4. In case such fine and costs not be paid within thirty days from the date
32 of judgment, the court shall advertise and sell such motor vehicle, boat, outboard
33 motor, vehicle part, trailer, motor vehicle tire, piece of farm machinery, farm
34 implement, or piece of construction equipment in the manner provided by law for
35 the sale of personal property under execution. The advertisement shall contain
36 a description of the motor vehicle, vehicle part, boat, outboard motor, trailer,
37 motor vehicle tire, piece of farm machinery, farm implement, or piece of
38 construction equipment and a copy thereof shall be mailed to the director of
39 revenue. The proceeds of such sale shall be applied, first, to the payment of the
40 fine and costs of the prosecution and sale, and any sum remaining shall be paid
41 by the court to the owner, and the motor vehicle, vehicle part, boat, outboard
42 motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or
43 piece of construction equipment shall not be delivered to the purchaser thereof
44 until he shall first have secured a special number from the director of revenue,
45 on the application of the purchaser, approved by the court.

46 5. If at any time while such motor vehicle, vehicle part, boat, outboard
47 motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or
48 piece of construction equipment remains in the custody of the court or law
49 enforcement authority having seized it, the true owner thereof shall appear and
50 prove to the satisfaction of the court or law enforcement authority proper
51 ownership of and entitlement to said item, it shall be returned to the owner after
52 he has obtained from the director of revenue a special number, on application
53 made by the owner.

54 6. Violation of any provision of this section is a class [D] **E** felony.

301.400. Any person who removes, covers, alters or defaces, or causes to
2 be destroyed, removed, covered, altered or defaced, the manufacturer's number,
3 the motor number or other distinguishing number on any motor vehicle, or
4 number or other distinguishing number on any motor vehicle tire, piece of farm
5 machinery, farm implement, or piece of construction equipment, the property of
6 another, for any reason, shall be deemed guilty of a class [C] **D** felony.

301.401. 1. Any person who removes, covers, alters, or defaces, or causes
2 to be destroyed, removed, covered, altered, or defaced, the manufacturer's serial

3 number, the motor number or other distinguishing number on special mobile
4 equipment or special mobile equipment tires, the property of another, for any
5 reason, shall be deemed guilty of a class [D] E felony. Further, any person who
6 knowingly buys, sells, receives, disposes of, conceals or has in his possession
7 special mobile equipment or special mobile equipment tires from which the
8 manufacturer's serial number, motor number or other distinguishing number has
9 been removed, covered, altered, defaced or destroyed shall be deemed guilty of a
10 class [D] E felony.

11 2. Every peace officer who has probable cause to believe that and has
12 knowledge of an item of special mobile equipment on which the original
13 manufacturer's distinguishing number has been removed, covered, altered, or
14 defaced shall be authorized to seize immediately and to take possession of said
15 item of special mobile equipment.

16 3. If at any time while such special mobile equipment remains in the
17 custody of the law enforcement authority having seized it, the true owner thereof
18 shall appear and prove to the satisfaction of such law enforcement authority his
19 ownership of and entitlement to said item of special mobile equipment, it shall
20 be returned to said owner subject to its being made available for use in any
21 criminal prosecution under this section.

22 4. If, after twelve months, no person has appeared and proved he is the
23 true owner of an item of special mobile equipment seized under this section, the
24 court in which such prosecution was begun may advertise and sell said item of
25 special mobile equipment under such terms as are reasonable. The proceeds of
26 such sale shall be applied, first, to the payment of any expenses incurred in
27 association with such sale; second, to the payment of the fine and costs of
28 prosecution; and the balance, if any, shall be paid over to the county commission
29 of the county in which the prosecution was begun for its application to that
30 county's general revenues.

301.559. 1. It shall be unlawful for any person to engage in business as
2 or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer,
3 public motor vehicle auction, wholesale motor vehicle auction or wholesale motor
4 vehicle dealer without first obtaining a license from the department as required
5 in sections 301.550 to 301.573. Any person who maintains or operates any
6 business wherein a license is required pursuant to the provisions of sections
7 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
8 person committing a second violation of sections 301.550 to 301.573 shall be

9 guilty of a class [D] E felony.

10 2. All dealer licenses shall expire on December thirty-first of the
11 designated license period. The department shall notify each person licensed
12 under sections 301.550 to 301.573 of the date of license expiration and the
13 amount of the fee required for renewal. The notice shall be mailed at least ninety
14 days before the date of license expiration to the licensee's last known business
15 address. The director shall have the authority to issue licenses valid for a period
16 of up to two years and to stagger the license periods for administrative efficiency
17 and equalization of workload, at the sole discretion of the director.

18 3. Every manufacturer, boat manufacturer, motor vehicle dealer,
19 wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or
20 public motor vehicle auction shall make application to the department for
21 issuance of a license. The application shall be on forms prescribed by the
22 department and shall be issued under the terms and provisions of sections
23 301.550 to 301.573 and require all applicants, as a condition precedent to the
24 issuance of a license, to provide such information as the department may deem
25 necessary to determine that the applicant is bona fide and of good moral
26 character, except that every application for a license shall contain, in addition to
27 such information as the department may require, a statement to the following
28 facts:

29 (1) The name and business address, not a post office box, of the applicant
30 and the fictitious name, if any, under which he intends to conduct his business;
31 and if the applicant be a partnership, the name and residence address of each
32 partner, an indication of whether the partner is a limited or general partner and
33 the name under which the partnership business is to be conducted. In the event
34 that the applicant is a corporation, the application shall list the names of the
35 principal officers of the corporation and the state in which it is
36 incorporated. Each application shall be verified by the oath or affirmation of the
37 applicant, if an individual, or in the event an applicant is a partnership or
38 corporation, then by a partner or officer;

39 (2) Whether the application is being made for registration as a
40 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor
41 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor
42 vehicle auction or a public motor vehicle auction;

43 (3) When the application is for a new motor vehicle franchise dealer, the
44 application shall be accompanied by a copy of the franchise agreement in the

45 registered name of the dealership setting out the appointment of the applicant as
46 a franchise holder and it shall be signed by the manufacturer, or his authorized
47 agent, or the distributor, or his authorized agent, and shall include a description
48 of the make of all motor vehicles covered by the franchise. The department shall
49 not require a copy of the franchise agreement to be submitted with each renewal
50 application unless the applicant is now the holder of a franchise from a different
51 manufacturer or distributor from that previously filed, or unless a new term of
52 agreement has been entered into;

53 (4) When the application is for a public motor vehicle auction, that the
54 public motor vehicle auction has met the requirements of section 301.561.

55 4. No insurance company, finance company, credit union, savings and loan
56 association, bank or trust company shall be required to obtain a license from the
57 department in order to sell any motor vehicle, trailer or vessel repossessed or
58 purchased by the company on the basis of total destruction or theft thereof when
59 the sale of the motor vehicle, trailer or vessel is in conformance with applicable
60 title and registration laws of this state.

61 5. No person shall be issued a license to conduct a public motor vehicle
62 auction or wholesale motor vehicle auction if such person has a violation of
63 sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511
64 to 407.556, or [section 578.120] **subsection 8 of section 578.100** which resulted
65 in a felony conviction or finding of guilt or a violation of any federal motor vehicle
66 laws which resulted in a felony conviction or finding of guilt.

301.640. 1. Within five business days after the satisfaction of any lien or
2 encumbrance of a motor vehicle or trailer, the lienholder shall release the lien or
3 encumbrance on the certificate or a separate document, and mail or deliver the
4 certificate or a separate document to the owner or any person who delivers to the
5 lienholder an authorization from the owner to receive the certificate or such
6 documentation. The release on the certificate or separate document shall be
7 notarized. Each perfected subordinate lienholder, if any, shall release such lien
8 or encumbrance as provided in this section for the first lienholder. The owner
9 may cause the certificate to be mailed or delivered to the director of revenue, who
10 shall issue a new certificate of ownership upon application and payment of the
11 required fee. A lien or encumbrance shall be satisfied for the purposes of this
12 section when a lienholder receives payment in full in the form of certified funds,
13 as defined in section 381.410, or when the lienholder receives payment in full
14 electronically or by way of electronic funds transfer, whichever first occurs.

15 2. If the electronic certificate of ownership is in the possession of the
16 director of revenue, the lienholder shall notify the director within five business
17 days after any release of a lien and provide the director with the most current
18 address of the owner or any person who delivers to the lienholder an
19 authorization from the owner to receive the certificate or such
20 documentation. The director shall note such release on the electronic certificate
21 and if no other lien exists the director shall mail or deliver the certificate free of
22 any lien to the owner or any person who has delivered to the lienholder an
23 authorization from the owner to receive the certificate or such documentation
24 from the director.

25 3. If the purchase price of a motor vehicle or trailer did not exceed six
26 thousand dollars at the time of purchase, a lien or encumbrance which was not
27 perfected by a motor vehicle financing corporation whose net worth exceeds one
28 hundred million dollars, or a depository institution, shall be considered satisfied
29 within six years from the date the lien or encumbrance was originally perfected
30 unless a new lien or encumbrance has been perfected as provided in section
31 301.600. This subsection does not apply to motor vehicles or trailers for which
32 the certificate of ownership has recorded in the second lienholder portion the
33 words "subject to future advances".

34 4. Any lienholder who fails to timely comply with subsection 1 or 2 of this
35 section shall pay to the person or persons satisfying the lien or encumbrance
36 liquidated damages up to a maximum of two thousand five hundred dollars for
37 each lien. Liquidated damages shall be five hundred dollars if the lienholder does
38 not comply within five business days after satisfaction of the lien or
39 encumbrance. Liquidated damages shall be one thousand dollars if the lienholder
40 does not comply within ten business days after satisfaction of the lien or
41 encumbrance. Liquidated damages shall be two thousand dollars if the lienholder
42 does not comply within fifteen business days after satisfaction of the lien or
43 encumbrance. Liquidated damages shall be two thousand five hundred dollars
44 if the lienholder does not comply within twenty business days after satisfaction
45 of the lien or encumbrance. If delivery of the certificate or other lien release is
46 made by mail, the delivery date is the date of the postmark for purposes of this
47 subsection. In computing any period of time prescribed or allowed by this section,
48 the day of the act or event after which the designated period of time begins to run
49 is not to be counted. However, the last day of the period so computed is to be
50 included, unless it is a Saturday, Sunday, or a legal holiday, in which event the

51 period runs until the end of the next day that is not a Saturday, Sunday, or legal
52 holiday.

53 5. Any person who knowingly and intentionally sends in a separate
54 document releasing a lien of another without authority to do so shall be guilty of
55 a class [C] **D** felony.

302.015. Notwithstanding the provisions of the Commercial Motor Vehicle
2 Safety Act of 1986 (Title XII of Pub. Law 99-570), the director shall have the
3 authority to establish a license classification system, and shall not be limited to
4 classification of the following:

5 (1) Any person, other than one subject to sections 302.700 to 302.780, who
6 operates a motor vehicle in the transportation of persons or property, and who
7 receives compensation for such services in wages, salary, commission or fare; or
8 who as an owner or employee operates a motor vehicle carrying passengers or
9 property for hire; or who regularly operates a commercial motor vehicle of another
10 person in the course of or as an incident to his **or her** employment, but whose
11 principal occupation is not the operating of such motor vehicle, except that a
12 school bus operator who obtains a school bus permit as provided in section
13 302.272 shall not be considered in this class;

14 (2) Any person, other than such person defined in subdivision (1) of this
15 section who is in actual physical control of a motor vehicle;

16 (3) Any person, other than such person defined in subdivisions (1) and (2)
17 of this section who is in actual physical control of a motorcycle or motortricycle.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for
2 any person, except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person
4 has a valid license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state
6 unless such person has a valid license that shows the person has successfully
7 passed an examination for the operation of a motorcycle or motortricycle as
8 prescribed by the director. The director may indicate such upon a valid license
9 issued to such person, or shall issue a license restricting the applicant to the
10 operation of a motorcycle or motortricycle if the actual demonstration, required
11 by section 302.173, is conducted on such vehicle;

12 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by
13 such person or under such person's control to be driven upon any highway by any
14 person whose license does not indicate that the person has passed the

15 examination for the operation of a motorcycle or motortricycle or has been issued
16 an instruction permit therefor;

17 (4) Operate a motor vehicle with an instruction permit or license issued
18 to another person.

19 2. Every person operating or riding as a passenger on any motorcycle or
20 motortricycle, as defined in section 301.010, upon any highway of this state shall
21 wear protective headgear at all times the vehicle is in motion. The protective
22 headgear shall meet reasonable standards and specifications established by the
23 director.

24 3. Notwithstanding the provisions of section 302.340 any person convicted
25 of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a
26 misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this
27 section shall be punishable [by a fine not to exceed three hundred dollars] as a
28 **class D misdemeanor**. A second violation of subdivision (1) or (2) of subsection
29 1 of this section shall be punishable [by imprisonment in the county jail for a
30 term not to exceed one year and/or a fine not to exceed one thousand dollars] as
31 a **class A misdemeanor**. Any person convicted a third or subsequent time of
32 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class
33 [D] E felony. Notwithstanding the provisions of section 302.340, violation of
34 subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first
35 violation punishable [by a fine not to exceed three hundred dollars] as a **class**
36 **D misdemeanor**, a second or subsequent violation of this section punishable as
37 a class C misdemeanor, and the penalty for failure to wear protective headgear
38 as required by subsection 2 of this section is an infraction for which a fine not to
39 exceed twenty-five dollars may be imposed. Notwithstanding all other provisions
40 of law and court rules to the contrary, no court costs shall be imposed upon any
41 person due to such violation. No points shall be assessed pursuant to section
42 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and
43 prior findings of guilty shall be pleaded and proven in the same manner as
44 required by section 558.021.

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

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

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

7 hereinafter provided;

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

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

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

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

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

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

25 (9) To any person who has been convicted more than twice of violating
26 state law, or a county or municipal ordinance where the defendant was
27 represented by or waived the right to an attorney in writing, relating to driving
28 while intoxicated; except that, after the expiration of ten years from the date of
29 conviction of the last offense of violating such law or ordinance relating to driving
30 while intoxicated, a person who was so convicted may petition the circuit court
31 of the county in which such last conviction was rendered and the court shall
32 review the person's habits and conduct since such conviction, including the
33 results of a criminal history check as defined in section 302.010. If the court
34 finds that the petitioner has not been convicted, pled guilty to or been found
35 guilty of, and has no pending charges for any offense related to alcohol, controlled
36 substances or drugs and has no other alcohol-related enforcement contacts as
37 defined in section 302.525 during the preceding ten years and that the
38 petitioner's habits and conduct show such petitioner to no longer pose a threat to
39 the public safety of this state, the court shall order the director to issue a license
40 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions
41 of sections 302.010 to 302.540. No person may obtain a license pursuant to the
42 provisions of this subdivision through court action more than one time;

43 (10) To any person who has [pled guilty to or been convicted of the crime
44 of involuntary manslaughter while operating a motor vehicle in an intoxicated
45 condition] **been found guilty of acting with criminal negligence while**
46 **driving while intoxicated to cause the death of another person**, or to any
47 person who has been convicted twice within a five-year period of violating state
48 law, county or municipal ordinance of driving while intoxicated, or any other
49 intoxication-related traffic offense as defined in section [577.023] **577.001**, except
50 that, after the expiration of five years from the date of conviction of the last
51 offense of violating such law or ordinance, a person who was so convicted may
52 petition the circuit court of the county in which such last conviction was rendered
53 and the court shall review the person's habits and conduct since such conviction,
54 including the results of a criminal history check as defined in section 302.010. If
55 the court finds that the petitioner has not been convicted, pled guilty to, or been
56 found guilty of, and has no pending charges for any offense related to alcohol,
57 controlled substances, or drugs and has no other alcohol-related enforcement
58 contacts as defined in section 302.525 during the preceding five years, and that
59 the petitioner's habits and conduct show such petitioner to no longer pose a
60 threat to the public safety of this state, the court shall order the director to issue
61 a license to the petitioner if the petitioner is otherwise qualified pursuant to the
62 provisions of sections 302.010 to 302.540;

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

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

77 2. Any person whose license is reinstated under the provisions of
78 subdivision (9) or (10) of subsection 1 of this section shall be required to file proof

79 with the director of revenue that any motor vehicle operated by the person is
80 equipped with a functioning, certified ignition interlock device as a required
81 condition of reinstatement. The ignition interlock device required for
82 reinstatement under this subsection and for obtaining a limited driving privilege
83 under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309
84 shall have photo identification technology and global positioning system
85 features. The ignition interlock device shall further be required to be maintained
86 on all motor vehicles operated by the person for a period of not less than six
87 months immediately following the date of reinstatement. If the monthly
88 monitoring reports show that the ignition interlock device has registered any
89 confirmed blood alcohol concentration readings above the alcohol setpoint
90 established by the department of transportation or that the person has tampered
91 with or circumvented the ignition interlock device, then the period for which the
92 person must maintain the ignition interlock device following the date of
93 reinstatement shall be extended for an additional six months. If the person fails
94 to maintain such proof with the director, the license shall be suspended for the
95 remainder of the six-month period or until proof as required by this section is
96 filed with the director. Upon the completion of the six-month period, the license
97 shall be shown as reinstated, if the person is otherwise eligible.

98 3. Any person who petitions the court for reinstatement of his or her
99 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall
100 make application with the Missouri state highway patrol as provided in section
101 43.540, and shall submit two sets of fingerprints collected pursuant to standards
102 as determined by the highway patrol. One set of fingerprints shall be used by the
103 highway patrol to search the criminal history repository and the second set shall
104 be forwarded to the Federal Bureau of Investigation for searching the federal
105 criminal history files. At the time of application, the applicant shall supply to the
106 highway patrol the court name and case number for the court where he or she has
107 filed his or her petition for reinstatement. The applicant shall pay the fee for the
108 state criminal history check pursuant to section 43.530 and pay the appropriate
109 fee determined by the Federal Bureau of Investigation for the federal criminal
110 history record. The Missouri highway patrol, upon receipt of the results of the
111 criminal history check, shall forward a copy of the results to the circuit court
112 designated by the applicant and to the department. Notwithstanding the
113 provisions of section 610.120, all records related to any criminal history check
114 shall be accessible and available to the director and the court.

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

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

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

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

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

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

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

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

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

27 (9) To any person who has been convicted more than twice
28 of violating state law, or a county or municipal ordinance where the
29 defendant was represented by or waived the right to an attorney in
30 writing, relating to driving while intoxicated; except that, after the
31 expiration of ten years from the date of conviction of the last
32 offense of violating such law or ordinance relating to driving while
33 intoxicated, a person who was so convicted may petition the circuit
34 court of the county in which such last conviction was rendered and
35 the court shall review the person's habits and conduct since such
36 conviction, including the results of a criminal history check as

37 defined in section 302.010. If the court finds that the petitioner
38 has not been convicted, pled guilty to or been found guilty of, and
39 has no pending charges for any offense related to alcohol,
40 controlled substances or drugs and has no other alcohol-related
41 enforcement contacts as defined in section 302.525 during the
42 preceding ten years and that the petitioner's habits and conduct
43 show such petitioner to no longer pose a threat to the public safety
44 of this state, the court may order the director to issue a license to
45 the petitioner if the petitioner is otherwise qualified pursuant to
46 the provisions of sections 302.010 to 302.540. No person may
47 obtain a license pursuant to the provisions of this subdivision
48 through court action more than one time;

49 (10) To any person who has pled guilty to or been convicted
50 of the crime of involuntary manslaughter while operating a motor
51 vehicle in an intoxicated condition, or to any person who has been
52 convicted twice within a five-year period of violating state law,
53 county or municipal ordinance of driving while intoxicated, or any
54 other intoxication-related traffic offense as defined in section
55 577.023, except that, after the expiration of five years from the date
56 of conviction of the last offense of violating such law or ordinance,
57 a person who was so convicted may petition the circuit court of the
58 county in which such last conviction was rendered and the court
59 shall review the person's habits and conduct since such conviction,
60 including the results of a criminal history check as defined in
61 section 302.010. If the court finds that the petitioner has not been
62 convicted, pled guilty to, or been found guilty of, and has no
63 pending charges for any offense related to alcohol, controlled
64 substances, or drugs and has no other alcohol-related enforcement
65 contacts as defined in section 302.525 during the preceding five
66 years, and that the petitioner's habits and conduct show such
67 petitioner to no longer pose a threat to the public safety of this
68 state, the court may order the director to issue a license to the
69 petitioner if the petitioner is otherwise qualified pursuant to the
70 provisions of sections 302.010 to 302.540;

71 (11) To any person who is otherwise disqualified pursuant
72 to the provisions of sections 302.010 to 302.780, chapter 303, or

73 section 544.046;

74 (12) To any person who is under the age of eighteen years,
75 if such person's parents or legal guardians file a certified document
76 with the department of revenue stating that the director shall not
77 issue such person a driver's license. Each document filed by the
78 person's parents or legal guardians shall be made upon a form
79 furnished by the director and shall include identifying information
80 of the person for whom the parents or legal guardians are denying
81 the driver's license. The document shall also contain identifying
82 information of the person's parents or legal guardians. The
83 document shall be certified by the parents or legal guardians to be
84 true and correct. This provision shall not apply to any person who
85 is legally emancipated. The parents or legal guardians may later
86 file an additional document with the department of revenue which
87 reinstates the person's ability to receive a driver's license.

88 2. Any person whose license is reinstated under the
89 provisions of subdivisions (9) and (10) of subsection 1 of this section
90 shall be required to file proof with the director of revenue that any
91 motor vehicle operated by the person is equipped with a
92 functioning, certified ignition interlock device as a required
93 condition of reinstatement. The ignition interlock device required
94 for reinstatement under this subsection and for obtaining a limited
95 driving privilege under paragraph (a) or (b) of subdivision (8) of
96 subsection 3 of section 302.309 shall have photo identification
97 technology and global positioning system features. The ignition
98 interlock device shall further be required to be maintained on all
99 motor vehicles operated by the person for a period of not less than
100 six months immediately following the date of reinstatement. If the
101 monthly monitoring reports show that the ignition interlock device
102 has registered any confirmed blood alcohol concentration readings
103 above the alcohol setpoint established by the department of
104 transportation or that the person has tampered with or
105 circumvented the ignition interlock device, then the period for
106 which the person must maintain the ignition interlock device
107 following the date of reinstatement shall be extended for an
108 additional six months. If the person fails to maintain such proof

109 with the director, the license shall be suspended for the remainder
110 of the six-month period or until proof as required by this section is
111 filed with the director. Upon the completion of the six-month
112 period, the license shall be shown as reinstated, if the person is
113 otherwise eligible.

114 3. Any person who petitions the court for reinstatement of
115 his or her license pursuant to subdivision (9) or (10) of subsection
116 1 of this section shall make application with the Missouri state
117 highway patrol as provided in section 43.540, and shall submit two
118 sets of fingerprints collected pursuant to standards as determined
119 by the highway patrol. One set of fingerprints shall be used by the
120 highway patrol to search the criminal history repository and the
121 second set shall be forwarded to the Federal Bureau of
122 Investigation for searching the federal criminal history files. At
123 the time of application, the applicant shall supply to the highway
124 patrol the court name and case number for the court where he or
125 she has filed his or her petition for reinstatement. The applicant
126 shall pay the fee for the state criminal history check pursuant to
127 section 43.530 and pay the appropriate fee determined by the
128 Federal Bureau of Investigation for the federal criminal history
129 record. The Missouri highway patrol, upon receipt of the results of
130 the criminal history check, shall forward a copy of the results to
131 the circuit court designated by the applicant and to the
132 department. Notwithstanding the provisions of section 610.120, all
133 records related to any criminal history check shall be accessible
134 and available to the director and the court.]

302.304. 1. The director shall notify by ordinary mail any operator of the
2 point value charged against the operator's record when the record shows four or
3 more points have been accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under
5 this section points shall be accumulated on the date of conviction. No case file
6 of any conviction for a driving violation for which points may be assessed
7 pursuant to section 302.302 may be closed until such time as a copy of the record
8 of such conviction is forwarded to the department of revenue.

9 3. The director shall suspend the license and driving privileges of any
10 person whose driving record shows the driver has accumulated eight points in

11 eighteen months.

12 4. The license and driving privilege of any person whose license and
13 driving privilege have been suspended under the provisions of sections 302.010
14 to 302.540 except those persons whose license and driving privilege have been
15 suspended under the provisions of subdivision (8) of subsection 1 of section
16 302.302 or has accumulated sufficient points together with a conviction under
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
18 financial responsibility with the department of revenue, in accordance with
19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date
21 of the suspension;

22 (2) In the case of a second suspension, sixty days after the effective date
23 of the suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after
25 the effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,
27 a suspension shall continue in effect for two years from its effective date.

28 5. The period of suspension of the driver's license and driving privilege of
29 any person under the provisions of subdivision (8) of subsection 1 of section
30 302.302 or who has accumulated sufficient points together with a conviction
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,
32 followed by a sixty-day period of restricted driving privilege as defined in section
33 302.010. Upon completion of such period of restricted driving privilege, upon
34 compliance with other requirements of law and upon filing of proof of financial
35 responsibility with the department of revenue, in accordance with chapter 303,
36 the license and driving privilege shall be reinstated. If a person, otherwise
37 subject to the provisions of this subsection, files proof of installation with the
38 department of revenue that any vehicle operated by such person is equipped with
39 a functioning, certified ignition interlock device, there shall be no period of
40 suspension. However, in lieu of a suspension the person shall instead complete
41 a ninety-day period of restricted driving privilege. If the person fails to maintain
42 such proof of the device with the director of revenue as required, the restricted
43 driving privilege shall be terminated. Upon completion of such ninety-day period
44 of restricted driving privilege, upon compliance with other requirements of law,
45 and upon filing of proof of financial responsibility with the department of
46 revenue, in accordance with chapter 303, the license and driving privilege shall

47 be reinstated. However, if the monthly monitoring reports during such
48 ninety-day period indicate that the ignition interlock device has registered a
49 confirmed blood alcohol concentration level above the alcohol setpoint established
50 by the department of transportation or such reports indicate that the ignition
51 interlock device has been tampered with or circumvented, then the license and
52 driving privilege of such person shall not be reinstated until the person completes
53 an additional thirty-day period of restricted driving privilege.

54 6. If the person fails to maintain proof of financial responsibility in
55 accordance with chapter 303, or, if applicable, if the person fails to maintain proof
56 that any vehicle operated is equipped with a functioning, certified ignition
57 interlock device installed pursuant to subsection 5 of this section, the person's
58 driving privilege and license shall be resuspended.

59 7. The director shall revoke the license and driving privilege of any person
60 when the person's driving record shows such person has accumulated twelve
61 points in twelve months or eighteen points in twenty-four months or twenty-four
62 points in thirty-six months. The revocation period of any person whose license
63 and driving privilege have been revoked under the provisions of sections 302.010
64 to 302.540 and who has filed proof of financial responsibility with the department
65 of revenue in accordance with chapter 303 and is otherwise eligible, shall be
66 terminated by a notice from the director of revenue after one year from the
67 effective date of the revocation. Unless proof of financial responsibility is filed
68 with the department of revenue, except as provided in subsection 2 of section
69 302.541, the revocation shall remain in effect for a period of two years from its
70 effective date. If the person fails to maintain proof of financial responsibility in
71 accordance with chapter 303, the person's license and driving privilege shall be
72 rerevoked. Any person whose license and driving privilege have been revoked
73 under the provisions of sections 302.010 to 302.540 shall, upon receipt of the
74 notice of termination of the revocation from the director, pass the complete driver
75 examination and apply for a new license before again operating a motor vehicle
76 upon the highways of this state.

77 8. If, prior to conviction for an offense that would require suspension or
78 revocation of a person's license under the provisions of this section, the person's
79 total points accumulated are reduced, pursuant to the provisions of section
80 302.306, below the number of points required for suspension or revocation
81 pursuant to the provisions of this section, then the person's license shall not be
82 suspended or revoked until the necessary points are again obtained and

83 accumulated.

84 9. If any person shall neglect or refuse to surrender the person's license,
85 as provided herein, the director shall direct the state highway patrol or any peace
86 or police officer to secure possession thereof and return it to the director.

87 10. Upon the issuance of a reinstatement or termination notice after a
88 suspension or revocation of any person's license and driving privilege under the
89 provisions of sections 302.010 to 302.540, the accumulated point value shall be
90 reduced to four points, except that the points of any person serving as a member
91 of the Armed Forces of the United States outside the limits of the United States
92 during a period of suspension or revocation shall be reduced to zero upon the date
93 of the reinstatement or termination of notice. It shall be the responsibility of
94 such member of the Armed Forces to submit copies of official orders to the
95 director of revenue to substantiate such overseas service. Any other provision of
96 sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of
97 the four points remaining on the record upon reinstatement or termination shall
98 be the date of the reinstatement or termination notice.

99 11. No credit toward reduction of points shall be given during periods of
100 suspension or revocation or any period of driving under a limited driving privilege
101 granted by a court or the director of revenue.

102 12. Any person or nonresident whose license or privilege to operate a
103 motor vehicle in this state has been suspended or revoked under this or any other
104 law shall, before having the license or privilege to operate a motor vehicle
105 reinstated, pay to the director a reinstatement fee of twenty dollars which shall
106 be in addition to all other fees provided by law.

107 13. Notwithstanding any other provision of law to the contrary, if after
108 two years from the effective date of any suspension or revocation issued under
109 this chapter, the person or nonresident has not paid the reinstatement fee of
110 twenty dollars, the director shall reinstate such license or privilege to operate a
111 motor vehicle in this state.

112 14. No person who has had a license to operate a motor vehicle suspended
113 or revoked as a result of an assessment of points for a violation under subdivision
114 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated
115 until such person has participated in and successfully completed a substance
116 abuse traffic offender program defined in section 302.010, or a program
117 determined to be comparable by the department of mental health. Assignment
118 recommendations, based upon the needs assessment as described in subdivision

119 (24) of section 302.010, shall be delivered in writing to the person with written
120 notice that the person is entitled to have such assignment recommendations
121 reviewed by the court if the person objects to the recommendations. The person
122 may file a motion in the associate division of the circuit court of the county in
123 which such assignment was given, on a printed form provided by the state courts
124 administrator, to have the court hear and determine such motion pursuant to the
125 provisions of chapter 517. The motion shall name the person or entity making
126 the needs assessment as the respondent and a copy of the motion shall be served
127 upon the respondent in any manner allowed by law. Upon hearing the motion,
128 the court may modify or waive any assignment recommendation that the court
129 determines to be unwarranted based upon a review of the needs assessment, the
130 person's driving record, the circumstances surrounding the offense, and the
131 likelihood of the person committing a like offense in the future, except that the
132 court may modify but may not waive the assignment to an education or
133 rehabilitation program of a person determined to be a prior or persistent offender
134 as defined in section [577.023] **577.001** or of a person determined to have
135 operated a motor vehicle with fifteen-hundredths of one percent or more by
136 weight in such person's blood. Compliance with the court determination of the
137 motion shall satisfy the provisions of this section for the purpose of reinstating
138 such person's license to operate a motor vehicle. The respondent's personal
139 appearance at any hearing conducted pursuant to this subsection shall not be
140 necessary unless directed by the court.

141 15. The fees for the program authorized in subsection 14 of this section,
142 or a portion thereof to be determined by the department of mental health, shall
143 be paid by the person enrolled in the program. Any person who is enrolled in the
144 program shall pay, in addition to any fee charged for the program, a supplemental
145 fee in an amount to be determined by the department of mental health for the
146 purposes of funding the substance abuse traffic offender program defined in
147 section 302.010 [and section 577.001] or a program determined to be comparable
148 by the department of mental health. The administrator of the program shall
149 remit to the division of alcohol and drug abuse of the department of mental
150 health on or before the fifteenth day of each month the supplemental fee for all
151 persons enrolled in the program, less two percent for administrative
152 costs. Interest shall be charged on any unpaid balance of the supplemental fees
153 due the division of alcohol and drug abuse pursuant to this section and shall
154 accrue at a rate not to exceed the annual rate established pursuant to the

155 provisions of section 32.065, plus three percentage points. The supplemental fees
156 and any interest received by the department of mental health pursuant to this
157 section shall be deposited in the mental health earnings fund which is created in
158 section 630.053.

159 16. Any administrator who fails to remit to the division of alcohol and
160 drug abuse of the department of mental health the supplemental fees and interest
161 for all persons enrolled in the program pursuant to this section shall be subject
162 to a penalty equal to the amount of interest accrued on the supplemental fees due
163 the division pursuant to this section. If the supplemental fees, interest, and
164 penalties are not remitted to the division of alcohol and drug abuse of the
165 department of mental health within six months of the due date, the attorney
166 general of the state of Missouri shall initiate appropriate action of the collection
167 of said fees and interest accrued. The court shall assess attorney fees and court
168 costs against any delinquent program.

169 17. Any person who has had a license to operate a motor vehicle
170 suspended or revoked as a result of an assessment of points for a conviction for
171 an intoxication-related traffic offense as defined under section [577.023] **577.001**,
172 and who has a prior alcohol-related enforcement contact as defined under section
173 302.525, shall be required to file proof with the director of revenue that any motor
174 vehicle operated by the person is equipped with a functioning, certified ignition
175 interlock device as a required condition of reinstatement of the license. The
176 ignition interlock device shall further be required to be maintained on all motor
177 vehicles operated by the person for a period of not less than six months
178 immediately following the date of reinstatement. If the monthly monitoring
179 reports show that the ignition interlock device has registered any confirmed blood
180 alcohol concentration readings above the alcohol setpoint established by the
181 department of transportation or that the person has tampered with or
182 circumvented the ignition interlock device, then the period for which the person
183 must maintain the ignition interlock device following the date of reinstatement
184 shall be extended for an additional six months. If the person fails to maintain
185 such proof with the director, the license shall be resuspended or revoked and the
186 person shall be guilty of a class A misdemeanor.

1 [302.304. 1. The director shall notify by ordinary mail any
2 operator of the point value charged against the operator's record
3 when the record shows four or more points have been accumulated
4 in a twelve-month period.

5 2. In an action to suspend or revoke a license or driving
6 privilege under this section points shall be accumulated on the date
7 of conviction. No case file of any conviction for a driving violation
8 for which points may be assessed pursuant to section 302.302 may
9 be closed until such time as a copy of the record of such conviction
10 is forwarded to the department of revenue.

11 3. The director shall suspend the license and driving
12 privileges of any person whose driving record shows the driver has
13 accumulated eight points in eighteen months.

14 4. The license and driving privilege of any person whose
15 license and driving privilege have been suspended under the
16 provisions of sections 302.010 to 302.540 except those persons
17 whose license and driving privilege have been suspended under the
18 provisions of subdivision (8) of subsection 1 of section 302.302 or
19 has accumulated sufficient points together with a conviction under
20 subdivision (10) of subsection 1 of section 302.302 and who has
21 filed proof of financial responsibility with the department of
22 revenue, in accordance with chapter 303, and is otherwise eligible,
23 shall be reinstated as follows:

24 (1) In the case of an initial suspension, thirty days after the
25 effective date of the suspension;

26 (2) In the case of a second suspension, sixty days after the
27 effective date of the suspension;

28 (3) In the case of the third and subsequent suspensions,
29 ninety days after the effective date of the suspension.

30 Unless proof of financial responsibility is filed with the department
31 of revenue, a suspension shall continue in effect for two years from
32 its effective date.

33 5. The period of suspension of the driver's license and
34 driving privilege of any person under the provisions of subdivision
35 (8) of subsection 1 of section 302.302 or who has accumulated
36 sufficient points together with a conviction under subdivision (10)
37 of subsection 1 of section 302.302 shall be thirty days, followed by
38 a sixty-day period of restricted driving privilege as defined in
39 section 302.010. Upon completion of such period of restricted
40 driving privilege, upon compliance with other requirements of law

41 and upon filing of proof of financial responsibility with the
42 department of revenue, in accordance with chapter 303, the license
43 and driving privilege shall be reinstated. If a person, otherwise
44 subject to the provisions of this subsection, files proof of
45 installation with the department of revenue that any vehicle
46 operated by such person is equipped with a functioning, certified
47 ignition interlock device, then the period of suspension shall be
48 fifteen days, followed by a seventy-five day period of restricted
49 driving privilege. If the person fails to maintain such proof of the
50 device with the director of revenue as required, the restricted
51 driving privilege shall be terminated. Upon completion of such
52 seventy-five day period of restricted driving privilege, upon
53 compliance with other requirements of law, and upon filing of proof
54 of financial responsibility with the department of revenue, in
55 accordance with chapter 303, the license and driving privilege shall
56 be reinstated. However, if the monthly monitoring reports during
57 such seventy-five day period indicate that the ignition interlock
58 device has registered a blood alcohol concentration level above the
59 alcohol setpoint established by the department of transportation or
60 such reports indicate that the ignition interlock device has been
61 tampered with or circumvented, then the license and driving
62 privilege of such person shall not be reinstated until the person
63 completes an additional seventy-five day period of restricted
64 driving privilege without any such violations.

65 6. If the person fails to maintain proof of financial
66 responsibility in accordance with chapter 303, or, if applicable, if
67 the person fails to maintain proof that any vehicle operated is
68 equipped with a functioning, certified ignition interlock device
69 installed pursuant to subsection 5 of this section, the person's
70 driving privilege and license shall be resuspended.

71 7. The director shall revoke the license and driving
72 privilege of any person when the person's driving record shows
73 such person has accumulated twelve points in twelve months or
74 eighteen points in twenty-four months or twenty-four points in
75 thirty-six months. The revocation period of any person whose
76 license and driving privilege have been revoked under the

provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination

113 of notice. It shall be the responsibility of such member of the
114 Armed Forces to submit copies of official orders to the director of
115 revenue to substantiate such overseas service. Any other provision
116 of sections 302.010 to 302.540 to the contrary notwithstanding, the
117 effective date of the four points remaining on the record upon
118 reinstatement or termination shall be the date of the reinstatement
119 or termination notice.

120 11. No credit toward reduction of points shall be given
121 during periods of suspension or revocation or any period of driving
122 under a limited driving privilege granted by a court or the director
123 of revenue.

124 12. Any person or nonresident whose license or privilege to
125 operate a motor vehicle in this state has been suspended or revoked
126 under this or any other law shall, before having the license or
127 privilege to operate a motor vehicle reinstated, pay to the director
128 a reinstatement fee of twenty dollars which shall be in addition to
129 all other fees provided by law.

130 13. Notwithstanding any other provision of law to the
131 contrary, if after two years from the effective date of any
132 suspension or revocation issued under this chapter, the person or
133 nonresident has not paid the reinstatement fee of twenty dollars,
134 the director shall reinstate such license or privilege to operate a
135 motor vehicle in this state.

136 14. No person who has had a license to operate a motor
137 vehicle suspended or revoked as a result of an assessment of points
138 for a violation under subdivision (8), (9) or (10) of subsection 1 of
139 section 302.302 shall have that license reinstated until such person
140 has participated in and successfully completed a substance abuse
141 traffic offender program defined in section 302.010, or a program
142 determined to be comparable by the department of mental
143 health. Assignment recommendations, based upon the needs
144 assessment as described in subdivision (22) of section 302.010,
145 shall be delivered in writing to the person with written notice that
146 the person is entitled to have such assignment recommendations
147 reviewed by the court if the person objects to the
148 recommendations. The person may file a motion in the associate

149 division of the circuit court of the county in which such assignment
150 was given, on a printed form provided by the state courts
151 administrator, to have the court hear and determine such motion
152 pursuant to the provisions of chapter 517. The motion shall name
153 the person or entity making the needs assessment as the
154 respondent and a copy of the motion shall be served upon the
155 respondent in any manner allowed by law. Upon hearing the
156 motion, the court may modify or waive any assignment
157 recommendation that the court determines to be unwarranted
158 based upon a review of the needs assessment, the person's driving
159 record, the circumstances surrounding the offense, and the
160 likelihood of the person committing a like offense in the future,
161 except that the court may modify but may not waive the
162 assignment to an education or rehabilitation program of a person
163 determined to be a prior or persistent offender as defined in section
164 577.023 or of a person determined to have operated a motor vehicle
165 with fifteen-hundredths of one percent or more by weight in such
166 person's blood. Compliance with the court determination of the
167 motion shall satisfy the provisions of this section for the purpose
168 of reinstating such person's license to operate a motor vehicle. The
169 respondent's personal appearance at any hearing conducted
170 pursuant to this subsection shall not be necessary unless directed
171 by the court.

172 15. The fees for the program authorized in subsection 14 of
173 this section, or a portion thereof to be determined by the
174 department of mental health, shall be paid by the person enrolled
175 in the program. Any person who is enrolled in the program shall
176 pay, in addition to any fee charged for the program, a supplemental
177 fee in an amount to be determined by the department of mental
178 health for the purposes of funding the substance abuse traffic
179 offender program defined in section 302.010 and section 577.001 or
180 a program determined to be comparable by the department of
181 mental health. The administrator of the program shall remit to the
182 division of alcohol and drug abuse of the department of mental
183 health on or before the fifteenth day of each month the
184 supplemental fee for all persons enrolled in the program, less two

185 percent for administrative costs. Interest shall be charged on any
186 unpaid balance of the supplemental fees due the division of alcohol
187 and drug abuse pursuant to this section and shall accrue at a rate
188 not to exceed the annual rate established pursuant to the
189 provisions of section 32.065, plus three percentage points. The
190 supplemental fees and any interest received by the department of
191 mental health pursuant to this section shall be deposited in the
192 mental health earnings fund which is created in section 630.053.

193 16. Any administrator who fails to remit to the division of
194 alcohol and drug abuse of the department of mental health the
195 supplemental fees and interest for all persons enrolled in the
196 program pursuant to this section shall be subject to a penalty equal
197 to the amount of interest accrued on the supplemental fees due the
198 division pursuant to this section. If the supplemental fees,
199 interest, and penalties are not remitted to the division of alcohol
200 and drug abuse of the department of mental health within six
201 months of the due date, the attorney general of the state of
202 Missouri shall initiate appropriate action of the collection of said
203 fees and interest accrued. The court shall assess attorney fees and
204 court costs against any delinquent program.

205 17. Any person who has had a license to operate a motor
206 vehicle suspended or revoked as a result of an assessment of points
207 for a violation under subdivision (9) of subsection 1 of section
208 302.302 shall be required to file proof with the director of revenue
209 that any motor vehicle operated by the person is equipped with a
210 functioning, certified ignition interlock device as a required
211 condition of reinstatement of the license. The ignition interlock
212 device shall further be required to be maintained on all motor
213 vehicles operated by the person for a period of not less than six
214 months immediately following the date of reinstatement. If the
215 monthly monitoring reports show that the ignition interlock device
216 has registered any confirmed blood alcohol concentration readings
217 above the alcohol setpoint established by the department of
218 transportation or that the person has tampered with or
219 circumvented the ignition interlock device, then the period for
220 which the person must maintain the ignition interlock device

221 following the date of reinstatement shall be extended for an
222 additional six months. If the person fails to maintain such proof
223 with the director, the license shall be resuspended or revoked and
224 the person shall be guilty of a class A misdemeanor.]

302.321. 1. A person commits the [crime] **offense** of driving while
2 revoked if such person operates a motor vehicle on a highway when such person's
3 license or driving privilege has been cancelled, suspended, or revoked under the
4 laws of this state or any other state and acts with criminal negligence with
5 respect to knowledge of the fact that such person's driving privilege has been
6 cancelled, suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a
8 misdemeanor. A first violation of this section shall be punishable [by a fine not
9 to exceed three hundred dollars] **as a class D misdemeanor**. A second or third
10 violation of this section shall be punishable [by imprisonment in the county jail
11 for a term not to exceed one year and/or a fine not to exceed one thousand dollars]
12 **as a class A misdemeanor**. Any person with no prior alcohol-related
13 enforcement contacts as defined in section 302.525, convicted a fourth or
14 subsequent time of driving while revoked or a county or municipal ordinance of
15 driving while suspended or revoked where the defendant was represented by or
16 waived the right to an attorney in writing, and where the prior three
17 driving-while-revoked offenses occurred within ten years of the date of occurrence
18 of the present offense; and any person with a prior alcohol-related enforcement
19 contact as defined in section 302.525, convicted a third or subsequent time of
20 driving while revoked or a county or municipal ordinance of driving while
21 suspended or revoked where the defendant was represented by or waived the
22 right to an attorney in writing, and where the prior two driving-while-revoked
23 offenses occurred within ten years of the date of occurrence of the present offense
24 and where the person received and served a sentence of ten days or more on such
25 previous offenses is guilty of a class [D] **E felony**. Except upon conviction as a
26 first offense, no court shall suspend the imposition of sentence as to such a person
27 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor
28 shall such person be eligible for parole or probation until such person has served
29 a minimum of forty-eight consecutive hours of imprisonment, unless as a
30 condition of such parole or probation, such person performs at least ten days
31 involving at least forty hours of community service under the supervision of the
32 court in those jurisdictions which have a recognized program for community

33 service. Driving while revoked is a class [D] **E** felony on the second or
34 subsequent conviction pursuant to section 577.010 or a fourth or subsequent
35 conviction for any other offense. Prior pleas of guilty and prior findings of guilty
36 shall be pleaded and proven in the same manner as required by section 558.021.

[577.500.] **302.400.** 1. A court of competent jurisdiction shall, upon a
2 [plea of guilty, conviction or] finding of guilt, or, if the court is a juvenile court,
3 upon a finding of fact that the offense was committed by a juvenile, enter an
4 order suspending or revoking the driving privileges of any person determined to
5 have committed one of the following offenses and who, at the time said offense
6 was committed, was under twenty-one years of age:

7 (1) Any alcohol-related traffic offense in violation of state law or a county
8 or[, beginning July 1, 1992,] municipal ordinance, where the defendant was
9 represented by, or waived **in writing** the right to, an attorney [in writing];

10 (2) Any offense in violation of state law or[, beginning July 1, 1992,] a
11 county or municipal ordinance, where the defendant was represented by, or
12 waived **in writing** the right to, an attorney [in writing], involving the possession
13 or use of alcohol, committed while operating a motor vehicle;

14 (3) Any offense involving the possession or use of a controlled substance
15 as defined in chapter 195 in violation of [the] state law or[, beginning July 1,
16 1992,] a county or municipal ordinance, where the defendant was represented by,
17 or waived **in writing** the right to, an attorney [in writing];

18 (4) Any offense involving the alteration, modification, or
19 misrepresentation of a license to operate a motor vehicle in violation of section
20 311.328;

21 (5) Any **subsequent** offense in violation of state law or[, beginning July
22 1, 1992,] a county or municipal ordinance, where the defendant was represented
23 by, or waived **in writing** the right to, an attorney [in writing], involving the
24 possession or use of alcohol [for a second time]; except that a determination of
25 guilt or its equivalent shall have been made for the first offense and both offenses
26 shall have been committed by the person when the person was under eighteen
27 years of age.

28 2. A court of competent jurisdiction shall, upon a [plea of guilty or nolo
29 contendere, conviction or] finding of guilt, or, if the court is a juvenile court, upon
30 a finding of fact that the offense was committed by a juvenile, enter an order
31 suspending or revoking the driving privileges of any person determined to have
32 committed a [crime or] violation of section 311.325 and who, at the time said

33 [crime or] violation was committed, was more than fifteen years of age and under
34 twenty-one years of age.

35 3. The court shall require the **person against whom a court has**
36 **entered an order suspending or revoking driving privileges under**
37 **subsections 1 and 2 of this section to** surrender [to it of] any license to
38 operate a motor vehicle, temporary instruction permit, intermediate driver's
39 license, or any other driving privilege then held by [any] **such person [against**
40 **whom a court has entered an order suspending or revoking driving privileges**
41 **under subsections 1 and 2 of this section].**

42 4. The court, if other than a juvenile court, shall forward to the director
43 of revenue the order of suspension or revocation of driving privileges and any
44 licenses, temporary instruction permits, intermediate driver's licenses, or any
45 other driving privilege acquired under subsection 3 of this section.

46 5. (1) **Notwithstanding chapter 211 to the contrary**, the court, if a
47 juvenile court, shall forward to the director of revenue the order of suspension or
48 revocation of driving privileges and any licenses, temporary instruction permits,
49 intermediate driver's licenses, or any other driving privilege acquired under
50 subsection 3 of this section for any person sixteen years of age or older[, the
51 provision of chapter 211 to the contrary notwithstanding].

52 (2) **Notwithstanding chapter 211 to the contrary**, the court, if a
53 juvenile court, shall hold the order of suspension or revocation of driving
54 privileges for any person less than sixteen years of age until thirty days before
55 the person's sixteenth birthday, at which time the juvenile court shall forward to
56 the director of revenue the order of suspension or revocation of driving
57 privileges[, the provision of chapter 211 to the contrary notwithstanding].

58 6. The period of suspension for a first offense under subsection 1 of this
59 section shall be ninety days. Any second or subsequent offense under subsection
60 1 of this section shall result in revocation of the offender's driving privileges for
61 one year. The period of suspension for a first offense under subsection 2 of this
62 section shall be thirty days. The period of suspension for a second offense under
63 subsection 2 of this section shall be ninety days. Any third or subsequent offense
64 under subsection 2 of this section shall result in revocation of the offender's
65 driving privileges for one year.

[577.505.] **302.405.** A court of competent jurisdiction shall enter an order
2 revoking the driving privileges of any person determined to have violated any
3 state, county, or municipal law involving the possession or use of a controlled

4 substance, as defined in chapter 195, while operating a motor vehicle and who,
5 at the time said offense was committed, was twenty-one years of age or older
6 [when the person pleads guilty, or is convicted or found guilty of such offense by
7 the court]. The court shall require the **person to** surrender to [it of] **the court**
8 all operator's and chauffeur's licenses then held by such person. The court shall
9 forward to the director of revenue the order of revocation of driving privileges and
10 any licenses surrendered.

[577.510.] **302.410.** 1. Upon receipt of a court order suspending or
2 revoking the driving privileges of a person [pursuant to sections 577.500 and
3 577.505] **under sections 302.400 and 302.405**, the director of revenue shall
4 suspend the driving privileges for ninety days or revoke the driving privileges of
5 such person for a period of one year, provided however, that in the case of a
6 person who at the time of the offense was less than sixteen years of age, the
7 period of suspension or revocation shall commence on that person's sixteenth
8 birthday. The provisions of **this chapter [302]** to the contrary notwithstanding,
9 the suspension or revocation shall be imposed without further hearing. Any
10 person whose driving privileges have been suspended or revoked [pursuant to
11 sections 577.500 and 577.505] **under sections 302.400 and 302.405** may
12 petition the circuit court for a hardship driving privilege and said application
13 shall be determined and administered in the same manner as allowed in section
14 302.309.

15 2. The director of revenue shall permit the issuance of a temporary
16 instruction permit in the same manner as allowed in subsection [2] **3** of section
17 302.130 to persons fifteen years of age and under seventeen years of age denied
18 driving privileges by court order pursuant to section [577.500] **302.400**. This
19 exception only applies to instruction permits that entitle a person to operate a
20 motor vehicle on the highways in the presence of an authorized instructor.

[577.515.] **302.415.** If a person shall neglect or refuse to surrender all
2 operator's and chauffeur's licenses, as provided for in sections [577.500 and
3 577.505] **302.400 and 302.405**, the director shall direct the state highway patrol
4 or any peace or police officer to secure possession thereof and return such license
5 or licenses to the director.

[577.520.] **302.420.** 1. No person who has had his license suspended or
2 revoked under the provisions of sections [577.500 and 577.505] **302.400 and**
3 **302.405** shall have that license reinstated until he **or she** has paid a
4 twenty-dollar reinstatement fee and has successfully completed a substance abuse

5 traffic offender program as defined in section [577.001] **302.010**.

6 2. The fees for the substance abuse traffic offender program, or a portion
7 thereof to be determined by the division of alcohol and drug abuse of the
8 department of mental health, shall be paid by the person enrolled in the
9 program. Any person who is enrolled in the program shall pay, in addition to any
10 fee charged for the program, a supplemental fee to be determined by the
11 department of mental health for the purposes of funding the substance abuse
12 traffic offender program defined in section 302.010 [and section 577.001], or a
13 program determined to be comparable by the department of mental health. The
14 administrator of the program shall remit to the division of alcohol and drug abuse
15 of the department of mental health on or before the fifteenth of each month the
16 supplemental fees for all persons enrolled in the program, less two percent for
17 administrative costs. Interest shall be charged on any unpaid balance of the
18 supplemental fees due the division of alcohol and drug abuse pursuant to this
19 section and shall accrue at a rate not to exceed the annual rates established
20 pursuant to the provisions of section 32.065 plus three percentage points. The
21 supplemental fees and any interest received by the department of mental health
22 pursuant to this section shall be deposited in the mental health earnings fund
23 which is created in section 630.053.

24 3. Any administrator who fails to remit to the division of alcohol and drug
25 abuse of the department of mental health the supplemental fees and interest for
26 all persons enrolled in the program pursuant to this section shall be subject to a
27 penalty equal to the amount of interest accrued on the supplemental fees due the
28 division pursuant to this section. If the supplemental fees, interest, and penalties
29 are not remitted to the division of alcohol and drug abuse of the department of
30 mental health within six months of the due date, the attorney general of the state
31 of Missouri shall initiate appropriate action [of the collection of] **to collect** said
32 fees and **any accrued** interest [accrued]. The court shall assess attorney fees
33 and court costs against any delinquent program.

[577.525.] **302.425.** Any court which has jurisdiction over violations of
2 state, county or municipal laws shall enter an order, in addition to other orders
3 authorized by law, requiring the completion of a substance abuse traffic offender
4 program as defined in section [577.001] **302.010**, as a part of the judgment
5 entered in the case, for any person determined to have violated a state, county,
6 or municipal law involving the possession or use of alcohol and who at the time
7 of said offense was under twenty-one years of age when the court, if a juvenile

8 court, finds that the offense was committed by such person or, if a city, county,
9 or state court, when the person pleads guilty, or is found guilty of such offense
10 by the court.

[577.530.] **302.426.** The director of revenue shall have authority to make
2 such rules and regulations as he deems necessary for the administration of
3 sections [577.500 to 577.525. No rule or portion of a rule promulgated under the
4 authority of sections 577.500 to 577.530 shall become effective unless it has been
5 promulgated pursuant to the provisions of section 536.024] **302.400 to
6 302.425.** Any rule or portion of a rule, as that term is defined in section
7 536.010, that is created under the authority delegated in this section
8 shall become effective only if it complies with and is subject to all of
9 the provisions of chapter 536 and, if applicable, section 536.028. This
10 section and chapter 536 are nonseverable and if any of the powers
11 vested with the general assembly pursuant to chapter 536 to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after January 1, 2016, shall
15 be invalid and void.

302.440. In addition to any other provisions of law, a court may
2 require that any person who is found guilty of a first
3 intoxication-related traffic offense, as defined in section 577.001, and
4 a court shall require that any person who is found guilty of or pleads
5 guilty to a second or subsequent intoxication-related traffic offense, as
6 defined in section 577.001, shall not operate any motor vehicle unless
7 that vehicle is equipped with a functioning, certified ignition interlock
8 device for a period of not less than six months from the date of
9 reinstatement of the person's driver's license. In addition, any court
10 authorized to grant a limited driving privilege under section 302.309 to
11 any person who is found guilty of a second or subsequent
12 intoxication-related traffic offense shall require the use of an ignition
13 interlock device on all vehicles operated by the person as a required
14 condition of the limited driving privilege. These requirements shall be
15 in addition to any other provisions of this chapter or chapter 577
16 requiring installation and maintenance of an ignition interlock
17 device. Any person required to use an ignition interlock device shall
18 comply with such requirement subject to the penalties provided by

19 **section 577.599.**

[577.602.] **302.442.** 1. If a court imposes a fine and requires the use of
2 an ignition interlock device for the same offense, the amount of the fine may be
3 reduced by the cost of the ignition interlock device.

4 2. If the court requires the use of an ignition interlock device, it shall
5 order the installation of the device on any vehicle which the offender operates
6 during the period of probation or limited driving privilege.

7 3. If the court imposes the use of an ignition interlock device on a person
8 having full or limited driving privileges, the court shall require the person to
9 provide proof of compliance with the order to the court or the probation officer
10 within thirty days of this court's order or sooner, as required by the court, in
11 addition to any proof required to be filed with the director of revenue under the
12 provisions of this chapter or chapter [302] 577. If the person fails to provide
13 proof of installation within that period, absent a finding by the court of good
14 cause for that failure which is entered in the court record, the court shall revoke
15 or terminate the person's probation or limited driving privilege.

16 4. Nothing in sections [577.600 to 577.614] **302.440 to 302.462** shall be
17 construed to authorize a person to operate a motor vehicle whose driving
18 privileges have been suspended or revoked, unless the person has obtained a
19 limited driving privilege or restricted driving privilege under other provisions of
20 law.

21 5. The person whose driving privilege is restricted pursuant to section
22 [577.600] **302.440** shall report to the court or the probation officer at least once
23 annually, or more frequently as the court may order, on the operation of each
24 ignition interlock device in the person's vehicle or vehicles. Such person shall be
25 responsible for the cost and maintenance of the ignition interlock device. If such
26 device is broken, destroyed or stolen, such person shall also be liable for the cost
27 of replacement of the device.

28 6. The court may require a person whose driving privilege is restricted
29 under section [577.600] **302.440** to report to any officer appointed by the court
30 in lieu of a probation officer.

31 7. The court shall require periodic calibration checks that are needed for
32 the proper operation of the ignition interlock device.

[577.604.] **302.454.** The court shall require the use of a certified ignition
2 interlock device during the period of probation if the person is permitted to
3 operate a motor vehicle, whether the privilege to operate a motor vehicle is

4 restricted or not, as determined by the court.

[577.606.] **302.456.** The court shall send the order to the department of
2 revenue in all cases where the driving privilege of a person is restricted pursuant
3 to section [577.600] **302.440.** The order shall contain the requirement for, and
4 the period of, the use of a certified ignition interlock device under sections
5 [577.600 to 577.614] **302.440 to 302.462.** The records of the department of
6 revenue shall contain a record reflecting mandatory use of the device.

[577.608.] **302.458.** 1. The department of public safety shall certify or
2 cause to be certified ignition interlock devices required by sections [577.600 to
3 577.614] **302.440 to 302.462** and publish a list of approved devices.

4 2. The department of public safety shall adopt guidelines for the proper
5 use of the ignition interlock devices in full compliance with sections [577.600 to
6 577.614] **sections 302.440 to 302.462.**

7 3. The department of public safety shall use information from an
8 independent agency to certify ignition interlock devices on or off the premises of
9 the manufacturer in accordance with the guidelines. The cost of certification
10 shall be borne by the manufacturers of interlock ignition devices. In certifying
11 the devices, those which do not impede the safe operation of the vehicle and
12 which have the fewest opportunities to be bypassed so as to render the provisions
13 of sections [577.600 to 577.614] **302.440 to 302.462** ineffective shall be certified.

14 4. No model of ignition interlock device shall be certified unless it meets
15 the accuracy requirements specified by the guidelines of the department of public
16 safety.

17 5. Before certifying any device, the department of public safety shall
18 consult with the National Highway Traffic Safety Administration regarding the
19 use of ignition interlock devices.

[577.610.] **302.460.** The manufacturer shall affix to each ignition
2 interlock device a label which shall contain a warning that any person tampering,
3 circumventing or otherwise misusing the device is guilty of a class A
4 misdemeanor.

[577.614.] **302.462.** 1. In addition to any other provisions of law, upon
2 a finding of [guilty of, or a plea of guilty to,] **guilt to** a violation of [subsection
3 1 of section 577.600] **section 577.599,** the department of revenue shall revoke
4 the person's driving privilege for one year from the date of conviction.

5 2. In addition to any other provision of law, if a person is found guilty of,
6 or pleads guilty to, a second violation of [subsection 1 of section 577.600] **section**

7 **577.599** during the same period of required use of an approved ignition interlock
8 device, the department of revenue shall revoke the person's driving privilege for
9 five years from the date of conviction.

10 3. The court shall notify the department of revenue of all guilty findings
11 and pleas [pursuant to subsection 1 of section 577.600] **under section 577.599**.

12 4. The department of revenue shall charge a reinstatement fee as required
13 by section 302.304 prior to the reinstatement of any driving privilege suspended
14 or revoked pursuant to this section.

15 5. No restricted or limited driving privilege shall be issued for any person
16 whose license is revoked pursuant to this section.

302.500. As used in sections 302.500 to 302.540, the following terms
2 mean:

3 (1) "Alcohol concentration", the amount of alcohol in a person's blood at
4 the time of the act alleged as shown by chemical analysis of the person's blood,
5 breath, saliva or urine;

6 (2) "Department", the department of revenue of the state of Missouri;

7 (3) "Director", the director of the department of revenue or his **or her**
8 authorized representative;

9 (4) "Driver's license" or "license", a license, permit, or privilege to drive
10 a motor vehicle issued under or granted by the laws of this state. The term
11 includes any temporary license or instruction permit, any nonresident operating
12 privilege, and the privilege of any person to drive a motor vehicle whether or not
13 the person holds a valid license;

14 (5) "Revocation", the termination by formal action of the department of a
15 person's license. A revoked license is not subject to renewal or restoration except
16 that an application for a new license may be presented and acted upon by the
17 department after the expiration of the revocation period;

18 (6) "State", a state, territory, or possession of the United States, the
19 District of Columbia, the Commonwealth of Puerto Rico, and any province of
20 Canada;

21 (7) "Suspension", the temporary withdrawal by formal action of the
22 department of a person's license. The suspension shall be for a period specifically
23 designated by the department pursuant to the provisions of sections 302.500 to
24 302.540.

302.540. 1. No person who has had a license to operate a motor vehicle
2 suspended or revoked under the provisions of sections 302.500 to 302.540 shall

3 have that license reinstated until such person has participated in and
4 successfully completed a substance abuse traffic offender program defined in
5 section 302.010, or a program determined to be comparable by the department of
6 mental health. Assignment recommendations, based upon the needs assessment
7 as described in subdivision (22) of section 302.010, shall be delivered in writing
8 to the person with written notice that the person is entitled to have such
9 assignment recommendations reviewed by the court if the person objects to the
10 recommendations. The person may file a motion in the associate division of the
11 circuit court of the county in which such assignment was given, on a printed form
12 provided by the state courts administrator, to have the court hear and determine
13 such motion pursuant to the provisions of chapter 517. The motion shall name
14 the person or entity making the needs assessment as the respondent and a copy
15 of the motion shall be served upon the respondent in any manner allowed by
16 law. Upon hearing the motion, the court may modify or waive any assignment
17 recommendation that the court determines to be unwarranted based upon a
18 review of the needs assessment, the person's driving record, the circumstances
19 surrounding the offense, and the likelihood of the person committing a like
20 offense in the future, except that the court may modify but may not waive the
21 assignment to an education or rehabilitation program of a person determined to
22 be a prior or persistent offender as defined in section [577.023] **577.001** or of a
23 person determined to have operated a motor vehicle with fifteen-hundredths of
24 one percent or more by weight in such person's blood. Compliance with the court
25 determination of the motion shall satisfy the provisions of this section for the
26 purpose of reinstating such person's license to operate a motor vehicle. The
27 respondent's personal appearance at any hearing conducted pursuant to this
28 subsection shall not be necessary unless directed by the court.

29 2. The fees for the program authorized in subsection 1 of this section, or
30 a portion thereof to be determined by the division of alcohol and drug abuse of the
31 department of mental health, shall be paid by the person enrolled in the
32 program. Any person who is enrolled in the program shall pay, in addition to any
33 fee charged for the program, a supplemental fee to be determined by the
34 department of mental health for the purposes of funding the substance abuse
35 traffic offender program defined in section 302.010 [and section 577.001] or a
36 program determined to be comparable by the department of mental health. The
37 administrator of the program shall remit to the division of alcohol and drug abuse
38 of the department of mental health on or before the fifteenth day of each month

39 the supplemental fee for all persons enrolled in the program, less two percent for
40 administrative costs. Interest shall be charged on any unpaid balance of the
41 supplemental fees due the division of alcohol and drug abuse pursuant to this
42 section and shall accrue at a rate not to exceed the annual rate established
43 pursuant to the provision of section 32.065 plus three percentage points. The
44 supplemental fees and any interest received by the department of mental health
45 pursuant to this section shall be deposited in the mental health earnings fund
46 which is created in section 630.053.

47 3. Any administrator who fails to remit to the division of alcohol and drug
48 abuse of the department of mental health the supplemental fees and interest for
49 all persons enrolled in the program pursuant to this section shall be subject to a
50 penalty equal to the amount of interest accrued on the supplemental fees due the
51 division pursuant to this section. If the supplemental fees, interest, and penalties
52 are not remitted to the division of alcohol and drug abuse of the department of
53 mental health within six months of the due date, the attorney general of the state
54 of Missouri shall initiate appropriate action of the collection of said fees and
55 interest accrued. The court shall assess attorney fees and court costs against any
56 delinquent program.

57 4. Court-ordered participation in a substance abuse traffic offender
58 program, pursuant to section [577.049] **302.580**, shall satisfy the requirements
59 of this section if the court action arose out of the same occurrence that resulted
60 in a person's license being administratively suspended or revoked.

61 5. The division of alcohol and drug abuse of the department of mental
62 health may create a treatment demonstration project within existing
63 appropriations and shall develop and certify a program to provide education or
64 rehabilitation services for individuals determined by the division to be serious or
65 repeat offenders. The program shall qualify as a substance abuse traffic offender
66 program. As used in this subsection, a "serious or repeat offender" is one who
67 was determined to have a blood alcohol content of fifteen-hundredths of one
68 percent or more by weight while operating a motor vehicle or a prior or persistent
69 offender as defined in section [577.023] **577.001**.

302.541. 1. In addition to other fees required by law, any person who has
2 had a license to operate a motor vehicle suspended or revoked following a
3 determination, pursuant to section 302.505, or section **302.410, 302.574, 577.010,**
4 **or 577.012, [577.041 or 577.510,]** or any county or municipal ordinance, where
5 the defendant was represented by or waived the right to an attorney, that such

6 person was driving while intoxicated or with a blood alcohol content of eight-
7 hundredths of one percent or more by weight or, where such person was at the
8 time of the arrest less than twenty-one years of age and was driving with a blood
9 alcohol content of two-hundredths of one percent or more by weight, shall pay an
10 additional fee of twenty-five dollars prior to the reinstatement or reissuance of
11 the license.

12 2. Any person less than twenty-one years of age whose driving privilege
13 has been suspended or revoked solely for a first determination pursuant to
14 sections 302.500 to 302.540 that such person was driving a motor vehicle with
15 two-hundredths of one percent or more blood alcohol content is exempt from filing
16 proof of financial responsibility with the department of revenue in accordance
17 with chapter 303 as a prerequisite for reinstatement of driving privileges or
18 obtaining a restricted driving privilege as provided by section 302.525.

302.574. 1. **If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.**

10 2. Such officer shall make a certified report under penalties of
11 perjury for making a false statement to a public official. The report
12 shall be forwarded to the director of revenue and shall include the
13 following:

14 (1) That the officer has:

15 (a) Reasonable grounds to believe that the arrested person was
16 driving a motor vehicle while in an intoxicated condition; or

17 (b) Reasonable grounds to believe that the person stopped, being
18 under the age of twenty-one years, was driving a motor vehicle with a
19 blood alcohol content of two-hundredths of one percent or more by
20 weight; or

21 (c) Reasonable grounds to believe that the person stopped, being
22 under the age of twenty-one years, was committing a violation of the
23 traffic laws of the state, or political subdivision of the state, and such

24 officer has reasonable grounds to believe, after making such stop, that
25 the person had a blood alcohol content of two-hundredths of one
26 percent or greater;

27 (2) That the person refused to submit to a chemical test;

28 (3) Whether the officer secured the license to operate a motor
29 vehicle of the person;

30 (4) Whether the officer issued a fifteen-day temporary permit;

31 (5) Copies of the notice of revocation, the fifteen-day temporary
32 permit, and the notice of the right to file a petition for review. The
33 notices and permit may be combined in one document; and

34 (6) Any license, which the officer has taken into possession, to
35 operate a motor vehicle.

36 3. Upon receipt of the officer's report, the director shall revoke
37 the license of the person refusing to take the test for a period of one
38 year; or if the person is a nonresident, such person's operating permit
39 or privilege shall be revoked for one year; or if the person is a resident
40 without a license or permit to operate a motor vehicle in this state, an
41 order shall be issued denying the person the issuance of a license or
42 permit for a period of one year.

43 4. If a person's license has been revoked because of the person's
44 refusal to submit to a chemical test, such person may petition for a
45 hearing before a circuit division or associate division of the court in
46 the county in which the arrest or stop occurred. The person may
47 request such court to issue an order staying the revocation until such
48 time as the petition for review can be heard. If the court, in its
49 discretion, grants such stay, it shall enter the order upon a form
50 prescribed by the director of revenue and shall send a copy of such
51 order to the director. Such order shall serve as proof of the privilege
52 to operate a motor vehicle in this state and the director shall maintain
53 possession of the person's license to operate a motor vehicle until
54 termination of any revocation under this section. Upon the person's
55 request, the clerk of the court shall notify the prosecuting attorney of
56 the county and the prosecutor shall appear at the hearing on behalf of
57 the director of revenue. At the hearing, the court shall determine only:

58 (1) Whether the person was arrested or stopped;

59 (2) Whether the officer had:

60 (a) Reasonable grounds to believe that the person was driving a
61 motor vehicle while in an intoxicated or drugged condition; or

62 (b) Reasonable grounds to believe that the person stopped, being
63 under the age of twenty-one years, was driving a motor vehicle with a
64 blood alcohol content of two-hundredths of one percent or more by
65 weight; or

66 (c) Reasonable grounds to believe that the person stopped, being
67 under the age of twenty-one years, was committing a violation of the
68 traffic laws of the state, or political subdivision of the state, and such
69 officer had reasonable grounds to believe, after making such stop, that
70 the person had a blood alcohol content of two-hundredths of one
71 percent or greater; and

72 (3) Whether the person refused to submit to the test.

73 5. If the court determines any issue not to be in the affirmative,
74 the court shall order the director to reinstate the license or permit to
75 drive.

76 6. Requests for review as provided in this section shall go to the
77 head of the docket of the court wherein filed.

78 7. No person who has had a license to operate a motor vehicle
79 suspended or revoked under the provisions of this section shall have
80 that license reinstated until such person has participated in and
81 successfully completed a substance abuse traffic offender program
82 defined in section 302.010, or a program determined to be comparable
83 by the department of mental health. Assignment recommendations,
84 based upon the needs assessment as described in subdivision (24) of
85 section 302.010, shall be delivered in writing to the person with written
86 notice that the person is entitled to have such assignment
87 recommendations reviewed by the court if the person objects to the
88 recommendations. The person may file a motion in the associate
89 division of the circuit court of the county in which such assignment
90 was given, on a printed form provided by the state courts
91 administrator, to have the court hear and determine such motion under
92 the provisions of chapter 517. The motion shall name the person or
93 entity making the needs assessment as the respondent and a copy of the
94 motion shall be served upon the respondent in any manner allowed by
95 law. Upon hearing the motion, the court may modify or waive any

96 assignment recommendation that the court determines to be
97 unwarranted based upon a review of the needs assessment, the person's
98 driving record, the circumstances surrounding the offense, and the
99 likelihood of the person committing a similar offense in the future,
100 except that the court may modify but may not waive the assignment to
101 an education or rehabilitation program of a person determined to be a
102 prior or persistent offender as defined in section 577.001, or of a person
103 determined to have operated a motor vehicle with a blood alcohol
104 content of fifteen-hundredths of one percent or more by
105 weight. Compliance with the court determination of the motion shall
106 satisfy the provisions of this section for the purpose of reinstating such
107 person's license to operate a motor vehicle. The respondent's personal
108 appearance at any hearing conducted under this subsection shall not
109 be necessary unless directed by the court.

110 8. The fees for the substance abuse traffic offender program, or
111 a portion thereof, to be determined by the division of alcohol and drug
112 abuse of the department of mental health, shall be paid by the person
113 enrolled in the program. Any person who is enrolled in the program
114 shall pay, in addition to any fee charged for the program, a
115 supplemental fee to be determined by the department of mental health
116 for the purposes of funding the substance abuse traffic offender
117 program defined in section 302.010. The administrator of the program
118 shall remit to the division of alcohol and drug abuse of the department
119 of mental health on or before the fifteenth day of each month the
120 supplemental fee for all persons enrolled in the program, less two
121 percent for administrative costs. Interest shall be charged on any
122 unpaid balance of the supplemental fees due to the division of alcohol
123 and drug abuse under this section, and shall accrue at a rate not to
124 exceed the annual rates established under the provisions of section
125 32.065, plus three percentage points. The supplemental fees and any
126 interest received by the department of mental health under this section
127 shall be deposited in the mental health earnings fund, which is created
128 in section 630.053.

129 9. Any administrator who fails to remit to the division of alcohol
130 and drug abuse of the department of mental health the supplemental
131 fees and interest for all persons enrolled in the program under this

132 section shall be subject to a penalty equal to the amount of interest
133 accrued on the supplemental fees due to the division under this section.
134 If the supplemental fees, interest, and penalties are not remitted to the
135 division of alcohol and drug abuse of the department of mental health
136 within six months of the due date, the attorney general of the state of
137 Missouri shall initiate appropriate action for the collection of said fees
138 and accrued interest. The court shall assess attorneys' fees and court
139 costs against any delinquent program.

140 10. Any person who has had a license to operate a motor vehicle
141 revoked under this section and who has a prior alcohol-related
142 enforcement contact, as defined in section 302.525, shall be required to
143 file proof with the director of revenue that any motor vehicle operated
144 by the person is equipped with a functioning, certified ignition
145 interlock device as a required condition of license reinstatement. Such
146 ignition interlock device shall further be required to be maintained on
147 all motor vehicles operated by the person for a period of not less than
148 six months immediately following the date of reinstatement. If the
149 monthly monitoring reports show that the ignition interlock device has
150 registered any confirmed blood alcohol concentration readings above
151 the alcohol setpoint established by the department of transportation or
152 that the person has tampered with or circumvented the ignition
153 interlock device, then the period for which the person must maintain
154 the ignition interlock device following the date of reinstatement shall
155 be extended for an additional six months. If the person fails to
156 maintain such proof with the director as required by this section, the
157 license shall be rerevoked and the person shall be guilty of a class A
158 misdemeanor.

159 11. The revocation period of any person whose license and
160 driving privilege has been revoked under this section and who has filed
161 proof of financial responsibility with the department of revenue in
162 accordance with chapter 303 and is otherwise eligible, shall be
163 terminated by a notice from the director of revenue after one year from
164 the effective date of the revocation. Unless proof of financial
165 responsibility is filed with the department of revenue, the revocation
166 shall remain in effect for a period of two years from its effective date.
167 If the person fails to maintain proof of financial responsibility in

168 accordance with chapter 303, the person's license and driving privilege
169 shall be rerevoked.

170 **12. A person commits the offense of failure to maintain proof**
171 **with the Missouri department of revenue if, when required to do so, he**
172 **or she fails to file proof with the director of revenue that any vehicle**
173 **operated by the person is equipped with a functioning, certified**
174 **ignition interlock device or fails to file proof of financial responsibility**
175 **with the department of revenue in accordance with chapter 303. The**
176 **offense of failure to maintain proof with the Missouri department of**
177 **revenue is a class A misdemeanor.**

[577.049.] **302.580.** 1. Upon [a plea of guilty or] a finding of [guilty]
2 **guilt** for an offense of violating the provisions of section 577.010 or 577.012 or
3 violations of county or municipal ordinances involving alcohol- or drug-related
4 traffic offenses, the court shall order the person to participate in and successfully
5 complete a substance abuse traffic offender program defined in section [577.001]

6 302.010.

7 2. The fees for the substance abuse traffic offender program, or a portion
8 thereof, to be determined by the division of alcohol and drug abuse of the
9 department of mental health, shall be paid by the person enrolling in the
10 program. Any person who is enrolled in the program shall pay, in addition to any
11 fee charged for the program, a supplemental fee to be determined by the
12 department of mental health for the purposes of funding the substance abuse
13 traffic offender program defined in section 302.010 [and section 577.001]. The
14 administrator of the program shall remit to the division of alcohol and drug abuse
15 of the department of mental health on or before the fifteenth day of each month
16 the supplemental fees for all persons enrolled in the program, less two percent
17 for administrative costs. Interest shall be charged on any unpaid balance of the
18 supplemental fees due to the division of alcohol and drug abuse pursuant to this
19 section and shall accrue at a rate not to exceed the annual rates established
20 pursuant to the provisions of section 32.065, plus three percentage points. The
21 supplemental fees and any interest received by the department of mental health
22 pursuant to this section shall be deposited in the mental health earnings fund,
23 which is created in section 630.053.

24 3. Any administrator who fails to remit to the division of alcohol and drug
25 abuse of the department of mental health the supplemental fees and interest for
26 all persons enrolled in the program pursuant to this section shall be subject to a

27 penalty equal to the amount of interest accrued on the supplemental fees due **to**
28 the division pursuant to this section. If the supplemental fees, interest, and
29 penalties are not remitted to the division of alcohol and drug abuse of the
30 department of mental health within six months of the due date, the attorney
31 general of the state of Missouri shall initiate appropriate action of the collection
32 of said fees and **accrued** interest [accrued]. The court shall assess attorney fees
33 and court costs against any delinquent program.

[577.052.] **302.584.** Any rule or portion of a rule promulgated pursuant
2 to this act shall become effective only as provided pursuant to chapter 536
3 including, but not limited to, section 536.028, if applicable, after August 28, 1997.
4 All rulemaking authority delegated prior to August 28, 1997, is of no force and
5 effect and repealed. The provisions of this section are nonseverable and if any of
6 the powers vested with the general assembly pursuant to section 536.028, if
7 applicable, to review, to delay the effective date, or to disapprove and annul a
8 rule or portion of a rule are held unconstitutional or invalid, the purported grant
9 of rulemaking authority and any rule so proposed and contained in the order of
10 rulemaking shall be invalid and void.

[577.051.] **302.592.** 1. A record of the disposition in any court proceeding
2 involving [a violation of any of the provisions of sections 577.005 to 577.023, or
3 violation of county or municipal ordinances involving alcohol- or drug-related
4 driving offenses] **any criminal offense, infraction, or ordinance violation**
5 **related to the operation of a vehicle while intoxicated or with an**
6 **excessive blood alcohol content** shall be forwarded to the department of
7 revenue, within seven days by the clerk of the court in which the proceeding was
8 held. The records shall be forwarded by the department of revenue, within fifteen
9 days of receipt, to the Missouri state highway patrol and shall be entered by the
10 highway patrol in the Missouri uniform law enforcement system
11 records. Dispositions that shall be reported are **guilty** pleas [of guilty], findings
12 of [guilty] **guilt**, suspended imposition of sentence, suspended execution of
13 sentence, probation, conditional sentences, sentences of confinement, and any
14 other such dispositions that may be required under state or federal
15 regulations. The record forwarded by the clerk shall clearly [show] **state the**
16 **name of** the court, the court case number, the name, address, and motor vehicle
17 operator's or chauffeur's license number of the person who is the subject of the
18 proceeding, the code or number identifying the particular arrest, and any court
19 action or requirements pertaining thereto.

20 2. All records received by the Missouri state highway patrol or the
21 department of revenue under the provisions of this section shall be entered in the
22 Missouri uniform law enforcement system records and maintained by the
23 Missouri state highway patrol. Records placed in the Missouri uniform law
24 enforcement system under the provisions of this section shall be made available
25 to any law enforcement officer in this state, any prosecuting or circuit attorney
26 in this state, or to any judge of a municipal or state court upon request.

27 3. [Any] **A person commits the offense of refusal to furnish records**
28 **of disposition if he or she is required** [by this section] to furnish records to
29 the Missouri state highway patrol or department of revenue [who willfully]
30 **under this section and purposely** refuses to furnish such records [is guilty
31 of]. **The offense of refusal to furnish records of disposition is a class [C]**
32 **D** misdemeanor.

33 4. Records required to be filed with the Missouri state highway patrol or
34 the department of revenue under the provisions of sections 302.225 and 577.001
35 to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of
36 records shall be applied prior to July 1, 1983.

37 5. Forms and procedures for filing of records with the Missouri state
38 highway patrol or department of revenue as required in this chapter shall be
39 promulgated by the director of the department of public safety or department of
40 revenue, as applicable, and approved by the Missouri supreme court.

41 6. All record-keeping procedures required under the provisions of sections
42 577.005 to 577.023 shall be in accordance with this section, chapter 610 to the
43 contrary notwithstanding.]

302.605. 1. As used in the compact contained in section 302.600, the term
2 "executive head" shall mean the governor of this state.

3 2. As used in the compact contained in section 302.600, the term
4 "licensing authority" shall mean the department of revenue of this state. The
5 director of revenue shall furnish to the appropriate authorities of any other party
6 state any information or documents reasonably necessary to facilitate the
7 administration of Articles III, IV and V of the compact contained in section
8 302.600.

9 3. The director of the department of revenue, as compact administrator
10 provided for in Article VII of the compact contained in section 302.600, shall not
11 be entitled to any additional compensation on account of his **or her** service as
12 such administrator. However, he **or she** shall be entitled to expenses incurred

13 in connection with his **or her** duties and responsibilities as such administrator,
14 in the same manner as for expenses incurred in connection with any other duties
15 or responsibilities of his office or employment.

16 4. Any court or other agency of this state, or any subdivision thereof,
17 which has jurisdiction to take any action suspending, revoking or otherwise
18 limiting a license to drive or operate a motor vehicle, shall report any such action
19 and the adjudication upon which it is based to the director of the department of
20 revenue in the manner and within the time prescribed by the director of the
21 department by rule.

22 5. Article IV of the compact contained in section 302.600 shall apply to
23 those offenses for which a license to drive or operate a motor vehicle may be
24 suspended or revoked under the laws of this state, and any suspension or
25 revocation therefor shall be governed by the provisions of law applicable to such
26 suspension or revocation.

302.705. 1. No person who drives a commercial motor vehicle shall have
2 more than one driver's license.

3 2. No person is eligible for a commercial driver's license who is under
4 eighteen years of age, except any person transporting a hazardous material must
5 be at least twenty-one years of age.

6 3. Any driver of a commercial motor vehicle holding a commercial driver's
7 license issued by this state, and who is convicted of violating any state law or
8 county or municipal ordinance regulating the operation of motor vehicles in any
9 other state, other than parking violations, shall notify the director in writing on
10 a form prescribed by the director within thirty days of the date of
11 conviction. Upon notification of such conviction the director may apply the
12 conviction information to the driver's record. If such conviction would result in
13 disqualification of the license under sections 302.700 to 302.780, the director shall
14 disqualify the license in accordance with sections 302.700 to 302.780.

15 4. Any driver of a commercial motor vehicle holding a commercial driver's
16 license issued by this state, and who is convicted of violating any state law or
17 county or municipal ordinance regulating the operation of motor vehicles in this
18 or any other state, other than parking violations, shall notify his **or her** employer
19 in writing of the conviction within thirty days of the date of conviction.

302.710. A driver whose commercial driver's license is suspended,
2 revoked, or canceled by any state, or who loses the privilege to drive a commercial
3 motor vehicle in any state for any period, including being disqualified from

4 driving a commercial motor vehicle, or who is subject to an out of service order,
5 shall notify his **or her** employer of that fact before the end of the business day
6 following the day the driver received notice of that fact.

302.727. 1. A person commits the [crime] **offense** of driving a commercial
2 motor vehicle while revoked if such person operates a commercial motor vehicle
3 when, as a result of prior violations committed operating a commercial motor
4 vehicle, the driver's commercial driver license is revoked, suspended, or canceled,
5 or the driver is disqualified from operating a commercial motor vehicle.

6 2. Any person convicted of driving a commercial motor vehicle while
7 revoked is guilty of a class A misdemeanor. Any person with no prior
8 alcohol-related enforcement contacts as defined in section 302.525, convicted a
9 fourth or subsequent time of driving a commercial motor vehicle while revoked
10 or a county or municipal ordinance of driving a commercial motor vehicle while
11 suspended or revoked where the judge in such case was an attorney and the
12 defendant was represented by or waived the right to an attorney in writing, and
13 where the prior three driving a commercial motor vehicle while revoked offenses
14 occurred within ten years of the date of occurrence of the present offense and
15 where the person received and served a sentence of ten days or more on such
16 previous offenses; and any person with a prior alcohol-related enforcement contact
17 as defined in section 302.525, convicted a third or subsequent time of driving a
18 commercial motor vehicle while revoked or a county or municipal ordinance of
19 driving a commercial motor vehicle while suspended or revoked where the judge
20 in such case was an attorney and the defendant was represented by or waived the
21 right to an attorney in writing, and where the prior two driving a commercial
22 motor vehicle while revoked offenses occurred within ten years of the date of
23 occurrence of the present offense and where the person received and served a
24 sentence of ten days or more on such previous offenses is guilty of a class [D] **E**
25 felony. No court shall suspend the imposition of sentence as to such a person nor
26 sentence such person to pay a fine in lieu of a term of imprisonment, nor shall
27 such person be eligible for parole or probation until he or she has served a
28 minimum of forty-eight consecutive hours of imprisonment, unless as a condition
29 of such parole or probation, such person performs at least ten days involving at
30 least forty hours of community service under the supervision of the court in those
31 jurisdictions which have a recognized program for community service. Driving
32 a commercial motor vehicle while revoked is a class [D] **E** felony on the second
33 or subsequent conviction pursuant to section 577.010 or a fourth or subsequent

34 conviction for any other offense.

302.745. 1. All chemical tests required herein for the enforcement of
2 sections 302.700 to 302.780 shall be conducted using the same procedures,
3 methods, waivers of liability, persons and facilities as those described in chapter
4 577 except as provided in sections 302.700 to 302.780. Nothing contained in
5 chapter 577 shall be construed to require a person to be placed under arrest prior
6 to his **or her** being requested to submit to a chemical test under this section.

7 2. A person who drives a commercial motor vehicle within this state is
8 deemed to have given consent, subject to the provisions of this section, to a
9 chemical test or tests of his **or her** breath, blood, saliva or urine for the purpose
10 of determining his alcohol concentration, or the presence of controlled substances
11 in his **or her** system.

12 3. A test or tests may be administered for the purposes of enforcing
13 sections 302.700 to 302.780, at the direction of a law enforcement officer, who has
14 reason to believe that the driver was driving a commercial motor vehicle while
15 having any amount of alcohol or controlled substances in his **or her** system.

16 4. The implied consent to submit to the chemical tests listed in subsection
17 2 of this section shall be limited to not more than two such tests arising from the
18 same arrest, stop, incident, or charge.

19 5. Upon the request of a person who is tested, full information concerning
20 the test shall be made available to him **or her**.

21 6. Upon the trial of any person for violation of this section or upon the
22 trial of any criminal action or violations of county or municipal ordinances arising
23 out of acts alleged to have been committed by any person while driving a
24 commercial motor vehicle under the influence of alcohol or controlled substances,
25 the amount of alcohol or controlled substance in the person's blood at the time of
26 the act alleged as shown by chemical analysis of the person's blood, breath, saliva
27 or urine is admissible in evidence and the provisions of subdivision (5) of section
28 491.060 shall not prevent the admissibility or introduction of such evidence, if
29 otherwise admissible. Nothing contained in this section shall be construed as
30 limiting the introduction of any other competent evidence bearing upon the
31 question whether the person was operating a commercial motor vehicle while
32 under the influence of alcohol or controlled substances.

302.750. 1. If a person refuses, upon the request of a law enforcement
2 officer pursuant to section 302.745, to submit to any test allowed under that
3 section, evidence of the refusal shall be admissible in any proceeding to determine

4 whether a person was operating a commercial motor vehicle while under the
5 influence of alcohol or controlled substances. In this event, the officer shall make
6 a sworn report to the director that he **or she** requested a test pursuant to section
7 302.745 and that the person refused to submit to such testing.

8 2. A person requested to submit to a test as provided by section 302.745
9 shall be warned by the law enforcement officer requesting the test that a refusal
10 to submit to the test will result in that person being immediately placed out of
11 service for a period of twenty-four hours and being disqualified from operating a
12 commercial motor vehicle for a period of not less than one year if for a first
13 refusal to submit to the test and for life if for a second or subsequent refusal to
14 submit to the test. The director may issue rules and regulations, in accordance
15 with guidelines established by the secretary, under which a disqualification for
16 life under this section may be reduced to a period of not less than ten years.

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

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

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

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

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

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

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance, or of an alcohol-related enforcement contact as defined in subsection
5 3 of section 302.525;

6 (2) Driving a commercial motor vehicle which causes a fatality through
7 the negligent operation of the commercial motor vehicle, including but not limited
8 to the [crimes] **offenses** of vehicular manslaughter, homicide by motor vehicle,
9 and negligent homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission
15 of any felony, as defined in section 302.700, except a felony as provided in
16 subsection 4 of this section.

17 2. If any of the violations described in subsection 1 of this section occur
18 while transporting a hazardous material the person is disqualified for a period
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle
21 for life if convicted of two or more violations of any of the offenses specified in
22 subsection 1 of this section, or any combination of those offenses, arising from two
23 or more separate incidents. The director may issue rules and regulations, in
24 accordance with guidelines established by the Secretary, under which a
25 disqualification for life under this section may be reduced to a period of not less
26 than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for
28 life who uses a commercial or noncommercial motor vehicle in the commission of
29 any felony involving the manufacture, distribution, or dispensing of a controlled
30 substance, or possession with intent to manufacture, distribute, or dispense a
31 controlled substance.

32 5. Any person is disqualified from operating a commercial motor vehicle
33 for a period of not less than sixty days if convicted of two serious traffic violations
34 or one hundred twenty days if convicted of three serious traffic violations, arising
35 from separate incidents occurring within a three-year period.

36 6. Any person found to be operating a commercial motor vehicle while
37 having any measurable alcohol concentration shall immediately be issued a
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in
39 this state.

40 7. Any person who is convicted of operating a commercial motor vehicle
41 beginning at the time of issuance of the out-of-service order until its expiration

42 is guilty of a class A misdemeanor.

43 8. Any person convicted for the first time of driving while out of service
44 shall be disqualified from driving a commercial motor vehicle in the manner
45 prescribed in 49 CFR 383, or as amended by the Secretary.

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified in the manner prescribed in 49 CFR 383, or as amended by the
49 Secretary.

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to
60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations
63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, cancelling, or disqualifying a driver, the
66 director shall update records to reflect such action and notify a nonresident's
67 licensing authority and the commercial driver's license information system within
68 ten days in the manner prescribed in 49 CFR 384, or as amended by the
69 Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license cancelled, and upon conclusion of the period of disqualification
73 shall take the written and driving tests and meet all other requirements of
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
75 withdrawn by the director until such person reapplies for a commercial driver's
76 license in this or any other state after meeting all requirements of sections
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR 383.52. Due process of a disqualification determined by the Secretary
81 pursuant to this section shall be held in accordance with regulations promulgated
82 by the Secretary. The period of disqualification determined by the Secretary
83 pursuant to this section shall be served concurrently to any other period of
84 disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 17. The director shall disqualify a commercial license holder or operator
87 of a commercial motor vehicle from operation of any commercial motor vehicle
88 upon receipt of a conviction for an offense of failure to appear or pay, and such
89 disqualification shall remain in effect until the director receives notice that the
90 person has complied with the requirement to appear or pay.

91 18. The disqualification period must be in addition to any other previous
92 periods of disqualification in the manner prescribed in 49 CFR 383, or as
93 amended by the Secretary, except when the major or serious violations are a
94 result of the same incident.

302.780. 1. It shall be unlawful for a person to:

2 (1) Drive a commercial motor vehicle in a willful or wanton disregard for
3 the safety of persons or property; **or**

4 (2) [Drive a commercial motor vehicle while having an alcohol
5 concentration of four one-hundredths of a percent or more as prescribed by the
6 secretary or such other alcohol concentration as may be later determined by the
7 secretary by regulation; or

8 (3)] Drive a commercial motor vehicle while under the influence of any
9 substance so classified under section 102(6) of the Controlled Substances Act (21
10 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR
11 part 1308, as they may be revised from time to time.

12 2. Except as otherwise provided for in sections 302.700 to 302.780,
13 whenever the doing of anything is required or is prohibited or is declared to be
14 unlawful, any person who shall be convicted of a violation thereof shall be guilty
15 of a class B misdemeanor.

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

5 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370. Such insurance
6 identification card may be produced in either paper or electronic
7 format. Acceptable electronic forms include display of electronic images on a
8 cellular phone or any other type of portable electronic device.

9 2. The insurance identification card shall include all of the following
10 information:

- 11 (1) The name and address of the insurer;
- 12 (2) The name of the named insured;
- 13 (3) The policy number;
- 14 (4) The effective dates of the policy, including month, day and year;
- 15 (5) A description of the insured motor vehicle, including year and make
16 or at least five digits of the vehicle identification number or the word Fleet if the
17 insurance policy covers five or more motor vehicles; and
- 18 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED
19 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed
20 on the card.

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

26 4. The director shall furnish each self-insurer, as provided for in section
27 303.220, an insurance identification card for each motor vehicle so insured. The
28 insurance identification card shall include all of the following information:

- 29 (1) Name of the self-insurer;
- 30 (2) The word self-insured; and
- 31 (3) The statement "THIS CARD MUST BE CARRIED IN THE
32 SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND"
33 prominently displayed on the card.

34 5. An insurance identification card shall be carried in the insured motor
35 vehicle at all times. The operator of an insured motor vehicle shall exhibit the
36 insurance identification card on the demand of any peace officer, commercial
37 vehicle enforcement officer or commercial vehicle inspector who lawfully stops
38 such operator or investigates an accident while that officer or inspector is
39 engaged in the performance of the officer's or inspector's duties. If the operator
40 fails to exhibit an insurance identification card, the officer or inspector shall issue

41 a citation to the operator for a violation of section 303.025. A motor vehicle
42 liability insurance policy, a motor vehicle liability insurance binder, receipt, or
43 a photocopy or an image displayed on a mobile electronic device which contains
44 the policy information required in subsection 2 of this section shall be satisfactory
45 evidence of insurance in lieu of an insurance identification card. The display of
46 an image of the insurance card on a mobile electronic device shall not serve as
47 consent for such officer, inspector, or other person to access other contents of the
48 mobile electronic device in any manner other than to verify the image of the
49 insurance card. As used in this section, the term "mobile electronic device" means
50 any small handheld computing or communications device that has a display
51 screen with a touch input or a miniature keyboard. Whenever a person presents
52 a mobile electronic device as proof of financial responsibility to any peace officer,
53 commercial vehicle enforcement officer, or commercial vehicle inspector pursuant
54 to this section, that person shall assume all liability for any damage to the mobile
55 electronic device, except for damage willfully or maliciously caused by a peace
56 officer, commercial vehicle enforcement officer, or commercial vehicle inspector.

57 6. Any person who knowingly or intentionally produces, manufactures,
58 sells, or otherwise distributes a fraudulent document, photocopy, or image
59 displayed on a mobile electronic device intended to serve as an insurance
60 identification card is guilty of a class [D] E felony. Any person who knowingly
61 or intentionally possesses a fraudulent document or photocopy intended to serve
62 as an insurance identification card or knowingly or intentionally uses a
63 fraudulent image displayed on a mobile electronic device is guilty of a class B
64 misdemeanor.

303.025. 1. No owner of a motor vehicle registered in this state, or
2 required to be registered in this state, shall operate, register or maintain
3 registration of a motor vehicle, or permit another person to operate such vehicle,
4 unless the owner maintains the financial responsibility which conforms to the
5 requirements of the laws of this state. No nonresident shall operate or permit
6 another person to operate in this state a motor vehicle registered to such
7 nonresident unless the nonresident maintains the financial responsibility which
8 conforms to the requirements of the laws of the nonresident's state of
9 residence. Furthermore, no person shall operate a motor vehicle owned by
10 another with the knowledge that the owner has not maintained financial
11 responsibility unless such person has financial responsibility which covers the
12 person's operation of the other's vehicle; however, no owner or nonresident shall

13 be in violation of this subsection if he or she fails to maintain financial
14 responsibility on a motor vehicle which is inoperable or being stored and not in
15 operation. The director may prescribe rules and regulations for the
16 implementation of this section.

17 2. A motor vehicle owner shall maintain the owner's financial
18 responsibility in a manner provided for in section 303.160, or with a motor vehicle
19 liability policy which conforms to the requirements of the laws of this state. A
20 nonresident motor vehicle owner shall maintain the owner's financial
21 responsibility which conforms to the requirements of the laws of the nonresident's
22 state of residence.

23 3. Any person who violates this section is guilty of a misdemeanor. A first
24 violation of this section shall be punishable [by a fine not to exceed three hundred
25 dollars] as a class D misdemeanor. A second or subsequent violation of this
26 section shall be punishable by imprisonment in the county jail for a term not to
27 exceed fifteen days and/or a fine not to exceed [three] five hundred dollars. Prior
28 pleas of guilty and prior findings of guilty shall be pleaded and proven in the
29 same manner as required by section 558.021. However, no person shall be found
30 guilty of violating this section if the operator demonstrates to the court that he
31 or she met the financial responsibility requirements of this section at the time the
32 peace officer, commercial vehicle enforcement officer or commercial vehicle
33 inspector wrote the citation. In addition to any other authorized punishment, the
34 court shall notify the director of revenue of any person convicted pursuant to this
35 section and shall do one of the following:

36 (1) Enter an order suspending the driving privilege as of the date of the
37 court order. If the court orders the suspension of the driving privilege, the court
38 shall require the defendant to surrender to it any driver's license then held by
39 such person. The length of the suspension shall be as prescribed in subsection
40 2 of section 303.042. The court shall forward to the director of revenue the order
41 of suspension of driving privilege and any license surrendered within ten days;

42 (2) Forward the record of the conviction for an assessment of four points;

43 (3) In lieu of an assessment of points, render an order of supervision as
44 provided in section 302.303. An order of supervision shall not be used in lieu of
45 points more than one time in any thirty-six-month period. Every court having
46 jurisdiction pursuant to the provisions of this section shall forward a record of
47 conviction to the Missouri state highway patrol, or at the written direction of the
48 Missouri state highway patrol, to the department of revenue, in a manner

49 approved by the director of the department of public safety. The director shall
50 establish procedures for the record keeping and administration of this section; or

51 (4) For a nonresident, suspend the nonresident's driving privileges in this
52 state in accordance with section 303.030 and notify the official in charge of the
53 issuance of licenses and registration certificates in the state in which such
54 nonresident resides in accordance with section 303.080.

55 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220,
56 303.290, 303.330 and 303.370 shall be construed as prohibiting the department
57 of insurance, financial institutions and professional registration from approving
58 or authorizing those exclusions and limitations which are contained in automobile
59 liability insurance policies and the uninsured motorist provisions of automobile
60 liability insurance policies.

61 5. If a court enters an order of suspension, the offender may appeal such
62 order directly pursuant to chapter 512 and the provisions of section 302.311 shall
63 not apply.

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,
3 [beginning July 1, 2005,] the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for ninety days for a first
6 offense of subsection 1 of section 304.050, and one hundred twenty days for a
7 second or subsequent offense of subsection 1 of section 304.050. Any person who
8 violates subsection 1 of section 304.050 where such violation results in the injury
9 of any child shall be guilty of a class [D] E felony. Any person who violates
10 subsection 1 of section 304.050 where such violation causes the death of any child
11 shall be guilty of a class [C] D felony.

12 2. Any appeal of a suspension imposed under subsection 1 of this section
13 shall be a direct appeal of the court order and subject to review by the presiding
14 judge of the circuit court or another judge within the circuit other than the judge
15 who issued the original order to suspend the driver's license. The director of
16 revenue's entry of the court-ordered suspension on the driving record is not a
17 decision subject to review pursuant to section 302.311. Any suspension of the
18 driver's license ordered by the court under this section shall be in addition to any
19 other suspension that may occur as a result of the conviction pursuant to other
20 provisions of law.

[577.217.] **305.125.** If a person refuses upon the request of the officer to

2 submit to a chemical test **under section 577.041**, then no test shall be
3 given. Any refusal to submit to a test shall be an infraction which may be
4 punished by a fine of up to one thousand dollars. The officer shall inform the
5 person that his or her failure to submit to the test may result in a fine and
6 administrative penalties by the Federal Aviation Administration.

[577.221.] **305.126.** [All positive test results and test refusals]
2 **Whenever a person operating an aircraft or acting as a flight crew**
3 **member of any aircraft has a positive chemical test under chapter 577**
4 **or refuses a chemical test under section 577.041, the test result and**
5 **refusal** shall be reported by law enforcement agencies to the Federal Aviation
6 Administration. If a person pleads guilty to or is found guilty of a violation of
7 sections [577.201 and 577.203] **577.015 and 577.016**, a report of the conviction
8 shall be forwarded by the court in which the conviction occurred to the Federal
9 Aviation Administration.

306.110. 1. No person shall [operate any motorboat or watercraft, or]
2 manipulate any water skis, surfboard or other waterborne device in a reckless or
3 negligent manner so as to endanger the life or property of any person.

4 2. No person shall [operate any motorboat or watercraft, or] manipulate
5 any water skis, surfboard or other waterborne device while intoxicated or under
6 the influence of any narcotic drug, barbiturate or marijuana.

306.111. [1.] A person commits the crime of negligent operation of a
2 vessel if when operating a vessel he or she acts with criminal negligence, as
3 defined in subsection 5 of section 562.016, to cause physical injury to any other
4 person or damage to the property of any other person. A person convicted of
5 negligent operation of a vessel is guilty of a class B misdemeanor upon conviction
6 for the first violation, guilty of a class A misdemeanor upon conviction for the
7 second violation, and guilty of a class [D] E felony for conviction for the third and
8 subsequent violations.

9 [2. A person commits the crime of operating a vessel while intoxicated if
10 he or she operates a vessel on the Mississippi River, Missouri River or the lakes
11 of this state while in an intoxicated condition. Operating a vessel while
12 intoxicated is a class B misdemeanor.

13 3. A person commits the crime of involuntary manslaughter with a vessel
14 if, while in an intoxicated condition, he or she operates any vessel and, when so
15 operating, acts with criminal negligence to cause the death of any
16 person. Involuntary manslaughter with a vessel is a class C felony.

17 4. A person commits the crime of assault with a vessel in the second
18 degree if, while in an intoxicated condition, he or she operates any vessel and,
19 when so operating, acts with criminal negligence to cause physical injury to any
20 other person. Assault with a vessel in the second degree is a class D felony.

21 5. For purposes of this section, a person is in an intoxicated condition
22 when he or she is under the influence of alcohol, a controlled substance or drug,
23 or any combination thereof.]

306.420. 1. Upon the satisfaction of a lien or encumbrance on an outboard
2 motor, motorboat, vessel, or watercraft, the lienholder shall within ten days
3 execute a release of his or her lien or encumbrance, on the certificate or separate
4 document, and mail or deliver the certificate or separate document to the owner
5 or any person who delivers to the lienholder an authorization from the owner to
6 receive the documentation. The release on the certificate or separate document
7 shall be notarized. Each perfected subordinate lienholder, if any, shall release
8 such lien or encumbrance as provided in this section for the first lienholder. The
9 owner may cause the certificate of title, the release, and the required fee to be
10 mailed or delivered to the director of revenue, who shall release the lienholder's
11 rights on the certificate and issue a new certificate of title.

12 2. If the electronic certificate of title is in the possession of the director
13 of revenue, the lienholder shall notify the director within ten business days of any
14 release of lien and provide the director with the most current address of the
15 owner. The director shall note such release on the electronic certificate and if no
16 other lien exists, the director shall mail or deliver the certificate free of any lien
17 to the owner.

18 3. Any person who knowingly and intentionally sends in a separate
19 document releasing a lien of another without authority to do so shall be guilty of
20 a class [C] D felony.

**311.315. 1. A person commits the offense of manufacturing a
2 false identification if he or she possesses any means of identification
3 for the purpose of manufacturing and providing or selling a false
4 identification card to a person under the age of twenty-one for the
5 purpose of purchasing or obtaining alcohol.**

6 **2. The offense of manufacturing a false identification is a class
7 A misdemeanor.**

311.325. 1. Any person under the age of twenty-one years, who purchases
2 or attempts to purchase, or has in his or her possession, any intoxicating liquor

3 as defined in section 311.020 or who is visibly in an intoxicated condition as
4 defined in section 577.001, or has a detectable blood alcohol content of more than
5 two-hundredths of one percent or more by weight of alcohol in such person's blood
6 is guilty of a misdemeanor. A first violation of this section shall be punishable
7 [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A
8 second or subsequent violation of this section shall be punishable [by
9 imprisonment in the county jail for a term not to exceed one year and/or a fine
10 not to exceed one thousand dollars] **as a class A misdemeanor**. Prior pleas of
11 guilty and prior findings of guilty shall be pleaded and proven in the same
12 manner as required by section 558.021. For purposes of prosecution under this
13 section or any other provision of this chapter involving an alleged illegal sale or
14 transfer of intoxicating liquor to a person under twenty-one years of age, a
15 manufacturer-sealed container describing that there is intoxicating liquor therein
16 need not be opened or the contents therein tested to verify that there is
17 intoxicating liquor in such container. The alleged violator may allege that there
18 was not intoxicating liquor in such container, but the burden of proof of such
19 allegation is on such person, as it shall be presumed that such a sealed container
20 describing that there is intoxicating liquor therein contains intoxicating liquor.

21 2. For purposes of determining violations of any provision of this chapter,
22 or of any rule or regulation of the supervisor of alcohol and tobacco control, a
23 manufacturer-sealed container describing that there is intoxicating liquor therein
24 need not be opened or the contents therein tested to verify that there is
25 intoxicating liquor in such container. The alleged violator may allege that there
26 was not intoxicating liquor in such container, but the burden of proof of such
27 allegation is on such person, as it shall be presumed that such a sealed container
28 describing that there is intoxicating liquor therein contains intoxicating liquor.

29 3. Any person under the age of twenty-one years who purchases or
30 attempts to purchase, or has in his or her possession, any intoxicating liquor, or
31 who is visibly in an intoxicated condition as defined in section 577.001, shall be
32 deemed to have given consent to a chemical test or tests of the person's breath,
33 blood, saliva, or urine for the purpose of determining the alcohol or drug content
34 of the person's blood. The implied consent to submit to the chemical tests listed
35 in this subsection shall be limited to not more than two such tests arising from
36 the same arrest, incident, or charge. Chemical analysis of the person's breath,
37 blood, saliva, or urine shall be performed according to methods approved by the
38 state department of health and senior services by licensed medical personnel or

39 by a person possessing a valid permit issued by the state department of health
40 and senior services for this purpose. The state department of health and senior
41 services shall approve satisfactory techniques, devices, equipment, or methods to
42 be considered valid and shall establish standards to ascertain the qualifications
43 and competence of individuals to conduct analyses and to issue permits which
44 shall be subject to termination or revocation by the state department of health
45 and senior services. The person tested may have a physician, or a qualified
46 technician, chemist, registered nurse, or other qualified person at the choosing
47 and expense of the person to be tested, administer a test in addition to any
48 administered at the direction of a law enforcement officer. The failure or inability
49 to obtain an additional test by a person shall not preclude the admission of
50 evidence relating to the test taken at the direction of a law enforcement
51 officer. Upon the request of the person who is tested, full information concerning
52 the test shall be made available to such person. Full information is limited to the
53 following:

54 (1) The type of test administered and the procedures followed;
55 (2) The time of the collection of the blood or breath sample or urine
56 analyzed;
57 (3) The numerical results of the test indicating the alcohol content of the
58 blood and breath and urine;
59 (4) The type and status of any permit which was held by the person who
60 performed the test;
61 (5) If the test was administered by means of a breath-testing instrument,
62 the date of performance of the most recent required maintenance of such
63 instrument. Full information does not include manuals, schematics, or software
64 of the instrument used to test the person or any other material that is not in the
65 actual possession of the state. Additionally, full information does not include
66 information in the possession of the manufacturer of the test instrument.

67 4. The provisions of this section shall not apply to a student who:
68 (1) Is eighteen years of age or older;
69 (2) Is enrolled in an accredited college or university and is a student in
70 a culinary course;
71 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter,
72 wine, or other similar malt or fermented beverage as part of the required
73 curriculum; and
74 (4) Tastes a beverage under subdivision (3) of this subsection only for

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

313.004. 1. There is hereby created the "Missouri Gaming Commission"
2 consisting of five members appointed by the governor, with the advice and
3 consent of the senate. Each member of the Missouri gaming commission shall be
4 a resident of this state. No member shall have pled guilty to or shall have been
5 convicted of a felony or gambling-related offense. Not more than three members
6 shall be affiliated with the same political party. No member of the commission
7 shall be an elected official. The overall membership of the commission shall
8 reflect experience in law enforcement, civil and criminal investigation and
9 financial principles.

10 2. The initial members of the commission shall be appointed within thirty
11 days of April 29, 1993. Of the members first appointed, one shall be appointed
12 for a one-year term, two shall be appointed for a two-year term and two shall be
13 appointed for a three-year term. Thereafter, all members appointed shall serve
14 for a three-year term. No person shall serve as a member more than six
15 years. The governor shall designate one of the members as the chair. The
16 governor may remove any member of the commission from office for malfeasance
17 or neglect of duty in office. The governor may also replace any member of the
18 commission, with the advice and consent of the senate, when any responsibility
19 concerning the state lottery, pari-mutuel wagering or any other form of gaming
20 is placed under the jurisdiction of the commission.

21 3. The commission shall meet at least quarterly in accordance with its
22 rules. In addition, special meetings may be called by the chair or any two
23 members of the commission upon twenty-four-hour written notice to each member.
24 No action of the commission shall be binding unless taken at a meeting at which
25 at least three of the five members are present and shall vote in favor thereof.

26 4. The commission shall perform all duties and have all the powers and
27 responsibilities conferred and imposed upon it relating to excursion gambling

28 boats and, after June 30, 1994, the lawful operation of the game of bingo under
29 this chapter. Within the commission, there shall be established a division of
30 gambling and after June 30, 1994, the division of bingo. Subject to
31 appropriations, the commission may hire an executive director and any employees
32 as it may deem necessary to carry out the commission's duties. The commission
33 shall have authority to require investigations of any employee or applicant for
34 employment as deemed necessary and use such information or any other
35 information in the determination of employment. The commission shall
36 promulgate rules and regulations establishing a code of ethics for its employees
37 which shall include, but not be limited to, restrictions on which employees shall
38 be prohibited from participating in or wagering on any game or gaming operation
39 subject to the jurisdiction of the commission. The commission shall determine if
40 any other employees of the commission or any licensee of the commission shall
41 participate or wager in any operation under the jurisdiction of the commission.

42 5. On April 29, 1993, all the authority, powers, duties, functions, records,
43 personnel, property, matters pending and all other pertinent vestiges of the state
44 tourism commission relating to the regulation of excursion gambling boats and,
45 after June 30, 1994, of the department of revenue relating to the regulation of the
46 game of bingo shall be transferred to the Missouri gaming commission.

47 6. The commission shall be assigned to the department of public safety as
48 a type III division, but the director of the department of public safety has no
49 supervision, authority or control over the actions or decisions of the commission.

50 7. Members of the Missouri gaming commission shall receive as
51 compensation, the amount of one hundred dollars for every day in which the
52 commission holds a meeting, when such meeting is subject to the recording of
53 minutes as provided in chapter 610, and shall be reimbursed for reasonable
54 expenses incurred in the performance of their duties. The chair shall receive as
55 additional compensation one hundred dollars for each month such person serves
56 on the commission in that capacity.

57 8. No member or employee of the commission shall be appointed or
58 continue to be a member or employee who is licensed by the commission as an
59 excursion gambling boat operator or supplier and no member or employee of the
60 commission shall be appointed or continue to be a member or employee who is
61 related to any person within the second degree of consanguinity or affinity who
62 is licensed by the commission as an excursion gambling boat operator or
63 supplier. The commission shall determine by rule and regulation appropriate

64 restrictions on the relationship of members and employees of the commission to
65 persons holding or applying for occupational licenses from the commission or to
66 employees of any licensee of the commission. No peace officer, as defined by
67 section 590.100, who is designated to have direct regulator authority related to
68 excursion gambling boats shall be employed by any excursion gambling boat or
69 supplier licensed by the commission while employed as a peace officer. No
70 member or employee of the commission or any employee of the state attorney
71 general's office or the state highway patrol who has direct authority over the
72 regulation or investigation of any applicant or licensee of the commission or any
73 peace officer of any city or county which has approved excursion boat gambling
74 shall accept any gift or gratuity from an applicant or licensee while serving as a
75 member or while under such employment. Any person knowingly in violation of
76 the provisions of this subsection is guilty of a class A misdemeanor. Any such
77 member, officer or employee who personally or whose prohibited relative
78 knowingly violates the provisions of this subsection, in addition to the foregoing
79 penalty, shall, upon conviction, immediately and thereupon forfeit his office or
80 employment.

81 9. The commission may enter into agreements with the Federal Bureau
82 of Investigation, the Federal Internal Revenue Service, the state attorney general
83 or any state, federal or local agency the commission deems necessary to carry out
84 the duties of the commission. No state agency shall count employees used in any
85 agreements entered into with the commission against any personnel cap
86 authorized by any statute. Any consideration paid by the commission for the
87 purpose of entering into, or to carry out, any agreement shall be considered an
88 administrative expense of the commission. When such agreements are entered
89 into for responsibilities relating to excursion gambling boats, the commission
90 shall require excursion gambling boat licensees to pay for such services under
91 rules and regulations of the commission. The commission may provide by rules
92 and regulations for the offset of any prize or winnings won by any person making
93 a wager subject to the jurisdiction of the commission, when practical, when such
94 person has an outstanding debt owed the state of Missouri.

95 10. No person who has served as a member or employee of the
96 commission, as a member of the general assembly, as an elected or appointed
97 official of the state or of any city or county of this state in which the licensing of
98 excursion gambling boats has been approved in either the city or county or both
99 or any employee of the state highway patrol designated by the superintendent of

100 the highway patrol or any employee of the state attorney general's office
101 designated by the state attorney general to have direct regulatory authority
102 related to excursion gambling boats shall, while in such office or during such
103 employment and during the first two years after termination of his office or
104 position, obtain direct ownership interest in or be employed by any excursion
105 gambling boat licensed by the commission or which has applied for a license to
106 the commission or enter into a contractual relationship related to direct gaming
107 activity. A "direct ownership interest" shall be defined as any financial interest,
108 equitable interest, beneficial interest, or ownership control held by the public
109 official or employee, or such person's family member related within the second
110 degree of consanguinity or affinity, in any excursion gambling boat operation or
111 any parent or subsidiary company which owns or operates an excursion gambling
112 boat or as a supplier to any excursion gambling boat which has applied for or
113 been granted a license by the commission, provided that a direct ownership
114 interest shall not include any equity interest purchased at fair market value or
115 equity interest received as consideration for goods and services provided at fair
116 market value of less than one percent of the total outstanding shares of stock of
117 any publicly traded corporation or certificates of partnership of any limited
118 partnership which is listed on a regulated stock exchange or automated quotation
119 system. Any person who knowingly violates the provisions of this subsection is
120 guilty of a class [D] E felony. Any such member, officer or employee who
121 personally and knowingly violates the provisions of this subsection, in addition
122 to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit
123 his office or employment. For purposes of this subsection, "appointed official"
124 shall mean any official of this state or of any city or county authorized under
125 subsection 10 of section 313.812 appointed to a position which has discretionary
126 powers over the operations of any licensee or applicant for licensure by the
127 commission. This shall only apply if the appointed official has a direct ownership
128 interest in an excursion gambling boat licensed by the commission or which has
129 applied for a license to the commission to be docked within the jurisdiction of his
130 or her appointment. No elected or appointed official, his or her spouse or
131 dependent child shall, while in such office or within two years after termination
132 of his or her office or position, be employed by an applicant for an excursion
133 gambling boat license or an excursion gambling boat licensed by the
134 commission. Any other person related to an elected or appointed official within
135 the second degree of consanguinity or affinity employed by an applicant for an

136 excursion gambling boat license or excursion gambling boat licensed by the
137 commission shall disclose this relationship to the commission. Such disclosure
138 shall be in writing and shall include who is employing such individual, that
139 person's relationship to the elected or appointed official, and a job description for
140 which the person is being employed. The commission may require additional
141 information as it may determine necessary.

142 11. The commission may enter into contracts with any private entity the
143 commission deems necessary to carry out the duties of the commission, other than
144 criminal law enforcement, provision of legal counsel before the courts and other
145 agencies of this state, and the enforcement of liquor laws. The commission may
146 require provisions for special auditing requirements, investigations and
147 restrictions on the employees of any private entity with which a contract is
148 entered into by the commission.

149 12. Notwithstanding the provisions of chapter 610 to the contrary, all
150 criminal justice records shall be available to any agency or commission
151 responsible for licensing or investigating applicants or licensees applying to any
152 gaming commission of this state.

313.040. The conducting of bingo is subject to the following restrictions:

2 (1) (a) The entire net receipts over and above the actual cost of
3 conducting the game shall be exclusively devoted to the lawful, charitable,
4 religious or philanthropic purposes of the organization permitted to conduct that
5 game and no receipts shall be used to compensate in any manner any person who
6 works for or is in any way affiliated with the licensed organization. Any person
7 who violates the provisions of this paragraph shall be guilty of a class [D] E
8 felony;

9 (b) Proceeds from the game of bingo may not be loaned to any person,
10 except that this provision shall not prohibit the investment of the proceeds in any
11 licensed banking or savings institution, instrument of the United States,
12 Missouri, or any political subdivision thereof. Any person who violates the
13 provisions of this paragraph shall be guilty of a class C misdemeanor; and

14 (c) The actual cost of conducting the game shall only include the following:
15 a. The cost of the prizes;
16 b. The purchasing of the bingo cards from a licensed supplier;
17 c. The purchasing or leasing of the equipment used in conducting the
18 game;

19 d. The lease rental on the premises in which the game is conducted to

20 include an allocation of utility costs, if applicable, costs of providing security,
21 including the employment of a reasonable number of security personnel at a
22 compensation level which complies with rules and regulations promulgated by the
23 commission and such personnel is actually present and engaged in security
24 duties, and bookkeeping and accounting expenses;

25 e. The actual cost of providing reasonable janitorial services. The cost of
26 such services shall not be above the fair market rate charged for similar services
27 in the community where the bingo game is being conducted;

28 f. Subject to constitutional restrictions, if any, the fair market cost of
29 advertising each bingo occasion. Such advertising shall be procured in accordance
30 with the rules and regulations of the commission;

31 (2) No person shall participate in conducting or managing the game of
32 bingo except a person who has been a bona fide member of the licensed
33 organization for at least two years immediately preceding such participation, who
34 is not a paid staff person of the licensed organization employed and compensated
35 specifically for conducting or managing the game of bingo and who volunteers the
36 time and service necessary to conduct the game. Subject to constitutional
37 restrictions, if any, no person shall participate in the actual operation of the game
38 of bingo under the direction of a person conducting or managing the game of
39 bingo, except a person who has been a bona fide member of the licensed
40 organization for at least one year immediately preceding such participation, who
41 is not a paid staff person of the licensed organization employed and compensated
42 specifically for operating the game of bingo and who volunteers the time and
43 service necessary to operate the game. If any post or organization, by its national
44 charter, has established an auxiliary organization for spouses, then members of
45 the auxiliary organization shall be considered bona fide members of the licensed
46 organization and members of the post or organization shall be considered bona
47 fide members of the auxiliary organization for the purposes of this
48 subdivision. Any person who is a duly ordained member of the clergy and any
49 person who is a full-time employee or staff member of the licensed organization
50 employed for at least two years by that organization in a capacity not directly
51 related to the conducting or managing of the game of bingo, who has specific
52 assigned duties under a definite job description with the licensed organization,
53 and who volunteers time and assistance to the organization without compensation
54 for such time and assistance in the conducting and managing of the game of bingo
55 by the organization shall not be considered a paid staff person for the purposes

56 of this subdivision. No full-time employee or staff member shall volunteer such
57 time and assistance to more than one organization nor more than one day in any
58 week. The commission shall establish guidelines for the determination of
59 whether a person is a paid staff person within the meaning of this subdivision
60 and shall specifically approve any full-time employee or staff member of the
61 organization before such employee or staff member may volunteer time and
62 assistance in the conducting and managing of bingo games for any
63 organization. The commission may suspend the approval of any employee or staff
64 member;

65 (3) No person, firm, partnership or corporation shall receive any
66 remuneration, profit or gift for participating in the management, conduct or
67 operation of the game, including the granting or use of bingo cards without charge
68 or at a reduced charge from the licensed organization or from any other source;

69 (4) The aggregate retail value of all prizes or merchandise awarded,
70 except prizes or merchandise awarded by pull-tab cards and progressive bingo
71 games, in any single day of bingo may not exceed the amount set by the
72 commission per regulation;

73 (5) The number of games may not exceed sixty-two in any one day,
74 including regular and special games. For purposes of this subdivision, the use
75 of a pull-tab card and progressive bingo games shall not count as one of the
76 sixty-two games per day, as limited by this subdivision, but no pull-tab card may
77 be used except in conjunction with one of such sixty-two games;

78 (6) The price paid for a single bingo card under the license may not exceed
79 one dollar. The commission may establish by rule or regulation the number of
80 bingo cards which may be placed on a single bingo sheet. The price for a single
81 pull-tab card may not exceed one dollar. A licensee may not require a player to
82 purchase more than a standard pack in order to participate in the bingo occasion;

83 (7) The number of bingo days conducted by a licensee under the provisions
84 of sections 313.005 to 313.080 shall be limited to two days per week;

85 (8) Any person, officer or director of any firm or corporation, and any
86 partner of any partnership renting or leasing to a licensed organization
87 equipment or premises for use in a game shall meet all the qualifications set forth
88 in subdivisions (1) to (5) and (8) of section 313.035 and shall not be a paid staff
89 person of the licensee. Proof of compliance with this subdivision shall be
90 submitted to the commission by the licensee in the manner required by the
91 commission;

92 (9) Subject to constitutional restrictions, if any, an organization licensed
93 to conduct bingo in the state of Missouri may advertise a bingo occasion or special
94 event bingo if expenditures for advertisement do not exceed ten percent of the
95 total amount expended from receipts of bingo conducted by the licensed
96 organization for charitable, religious or philanthropic purposes;

97 (10) No person under the age of sixteen years may play or participate in
98 the conducting of bingo. Any person under the age of sixteen years may be within
99 the area where bingo is being played only when accompanied by his parent or
100 guardian;

101 (11) No licensee shall lease premises in which it conducts bingo games
102 from someone who is not a hall provider licensed by the commission;

103 (12) No licensee shall pay any consulting fees to any person for any
104 service performed in relation to the bingo game;

105 (13) No licensee shall pay concession fees to any person who provides
106 refreshments to the participants in the bingo game;

107 (14) No licensee shall conduct a bingo session at any time during the
108 period between 1:00 a.m. and 7:00 a.m.;

109 (15) No licensee, while a bingo game is being conducted, shall knowingly
110 permit entry to any part of the licensed premises to any person of notorious or
111 unsavory reputation or who has an extensive police record or who has been
112 convicted of a felony;

113 (16) No vending machine or any mechanized coin-operated machine may
114 be used to sell pull-tab cards or to pay prize money, merchandise gifts or any
115 other form of a prize;

116 (17) No rented or reusable bingo cards may be used to conduct any game.
117 All games must be conducted with disposable paper bingo cards that are marked
118 by permanent ink as prescribed by the rules and regulations of the commission,
119 or by electronic bingo card monitoring device as approved by the commission;

120 (18) No licensee shall purchase or use any bingo supplies from a person
121 who is not licensed by the state of Missouri as a bingo supplier.

313.290. 1. No person shall sell a ticket or share at a price other than
2 that fixed by rule or regulation of the commission. No person other than a
3 licensed lottery game retailer shall sell lottery tickets or shares, but nothing in
4 this section shall be construed to prevent any person from giving lottery tickets
5 or shares to another as a gift. Any violation of this section is a class A
6 misdemeanor.

7 2. Any person who falsely or fraudulently makes, forges, alters or
8 counterfeits, or causes or procures to be made, forged, altered or counterfeited,
9 any state lottery ticket, or any part thereof, or who knowingly and willfully
10 utters, publishes, passes or tenders as true, any forged, altered or counterfeited
11 state lottery ticket is guilty of a class [C] **D** felony. Any person who with intent
12 to defraud secures, manufactures, or causes to be secured or manufactured, or has
13 in his possession any counterfeit state lottery ticket or device, is guilty of a class
14 [D] **E** felony.

313.550. 1. The commission may issue subpoenas for the attendance of
2 witnesses or the production of any records, books, memoranda, documents, or
3 other papers or things, to enable any of them to effectually discharge its or his
4 duties, and may administer oaths or affirmations as necessary in connection
5 therewith. In addition, the commission shall have the authority to issue
6 subpoenas under section 536.077 in contested cases.

7 2. Any person subpoenaed who fails to appear at the time and place
8 specified in answer to the subpoena and to bring any papers or things specified
9 in the subpoena, or who upon such appearance, refuses to testify or produce such
10 records or things, upon conviction, is guilty of a class A misdemeanor.

11 3. Any person who testifies falsely under oath in any proceeding before,
12 or any investigation by, the commission, its secretary, or the stewards, upon
13 conviction, shall be guilty of a class [D] **E** felony.

313.660. 1. No individual shall for a fee, directly or indirectly, accept
2 anything of value to be wagered or to be transmitted or delivered for wager in any
3 pari-mutuel system of wagering on horse racing or for a fee deliver anything of
4 value which has been received outside of the enclosure of a race track holding a
5 horse race licensed under sections 313.500 to 313.710 to be placed as wagers in
6 the pari-mutuel pool within such enclosure.

7 2. Any individual violating the provisions of this section shall upon
8 conviction be guilty of a class [C] **D** felony.

313.830. 1. A person is guilty of a class [D] **E** felony for any of the
2 following:

3 (1) Operating a gambling excursion where wagering is used or to be used
4 without a license issued by the commission;

5 (2) Operating a gambling excursion where wagering is permitted other
6 than in the manner specified by section 313.817; or

7 (3) Acting, or employing a person to act, as a shill or decoy to encourage

8 participation in a gambling game.

9 2. A person is guilty of a class B misdemeanor for the first offense and a
10 class A misdemeanor for the second and subsequent offenses for any of the
11 following:

12 (1) Permitting a person under the age of twenty-one to make a wager
13 while on an excursion gambling boat;

14 (2) Making or attempting to make a wager while on an excursion
15 gambling boat when such person is under the age of twenty-one years; or

16 (3) Aiding a person who is under the age of twenty-one in entering an
17 excursion gambling boat or in making or attempting to make a wager while on an
18 excursion gambling boat.

19 3. A person wagering or accepting a wager at any location outside the
20 excursion gambling boat is in violation of section 572.040.

21 4. A person commits a class [D] E felony and, in addition, shall be barred
22 for life from excursion gambling boats under the jurisdiction of the commission,
23 if the person:

24 (1) Offers, promises, or gives anything of value or benefit to a person who
25 is connected with an excursion gambling boat operator including, but not limited
26 to, an officer or employee of a licensee or holder of an occupational license
27 pursuant to an agreement or arrangement or with the intent that the promise or
28 thing of value or benefit will influence the actions of the person to whom the
29 offer, promise, or gift was made in order to affect or attempt to affect the outcome
30 of a gambling game, or to influence official action of a member of the commission;

31 (2) Solicits or knowingly accepts or receives a promise of anything of value
32 or benefit while the person is connected with an excursion gambling boat
33 including, but not limited to, an officer or employee of a licensee, or holder of an
34 occupational license, pursuant to an understanding or arrangement or with the
35 intent that the promise or thing of value or benefit will influence the actions of
36 the person to affect or attempt to affect the outcome of a gambling game, or to
37 influence official action of a member of the commission;

38 (3) Uses a device to assist in any of the following:

39 (a) In projecting the outcome of the game;

40 (b) In keeping track of the cards played;

41 (c) In analyzing the probability of the occurrence of an event relating to
42 the gambling game; or

43 (d) In analyzing the strategy for playing or betting to be used in the game,

44 except as permitted by the commission;

45 (4) Cheats at a gambling game;

46 (5) Manufactures, sells, or distributes any cards, chips, dice, game or
47 device which is intended to be used to violate any provision of sections 313.800
48 to 313.850;

49 (6) Instructs a person in cheating or in the use of a device for that
50 purpose with the knowledge or intent that the information or use conveyed may
51 be employed to violate any provision of sections 313.800 to 313.850;

52 (7) Alters or misrepresents the outcome of a gambling game on which
53 wagers have been made after the outcome is made sure but before it is revealed
54 to the players;

55 (8) Places a bet after acquiring knowledge, not available to all players, of
56 the outcome of the gambling game which is the subject of the bet or to aid a
57 person in acquiring the knowledge for the purpose of placing a bet contingent on
58 that outcome;

59 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money
60 or anything of value in or from the gambling games, with intent to defraud,
61 without having made a wager contingent on winning a gambling game, or claims,
62 collects, or takes an amount of money or thing of value of greater value than the
63 amount won;

64 (10) Knowingly entices or induces a person to go to any place where a
65 gambling game is being conducted or operated in violation of the provisions of
66 sections 313.800 to 313.850 with the intent that the other person plays or
67 participates in that gambling game;

68 (11) Uses counterfeit chips or tokens in a gambling game;

69 (12) Knowingly uses, other than chips, tokens, coin, or other methods of
70 credit approved by the commission, legal tender of the United States of America,
71 or to use coin not of the denomination as the coin intended to be used in the
72 gambling games;

73 (13) Has in the person's possession any device intended to be used to
74 violate a provision of sections 313.800 to 313.850;

75 (14) Has in the person's possession, except a gambling licensee or
76 employee of a gambling licensee acting in furtherance of the employee's
77 employment, any key or device designed for the purpose of opening, entering, or
78 affecting the operation of a gambling game, drop box, or an electronic or
79 mechanical device connected with the gambling game or for removing coins,

80 tokens, chips or other contents of the gambling game; or
81 (15) Knowingly makes a false statement of any material fact to the
82 commission, its agents or employees.

83 5. The possession of one or more of the devices described in subdivision
84 (3), (5), (13) or (14) of subsection 4 of this section permits a rebuttable inference
85 that the possessor intended to use the devices for cheating.

86 6. Except for wagers on gambling games or exchanges for money as
87 provided in section 313.817, or as payment for food or beverages on the excursion
88 gambling boat, a licensee who exchanges tokens, chips, or other forms of credit
89 to be used on gambling games for anything of value commits a class B
90 misdemeanor.

91 7. If the commission determines that reasonable grounds to believe that
92 a violation of sections 313.800 to 313.850 has occurred or is occurring which is a
93 criminal offense, the commission shall refer such matter to both the state
94 attorney general and the prosecuting attorney or circuit attorney having
95 jurisdiction. The state attorney general and the prosecuting attorney or circuit
96 attorney with such jurisdiction shall have concurrent jurisdiction to commence
97 actions for violations of sections 313.800 to 313.850 where such violations have
98 occurred.

99 8. Venue for all crimes committed on an excursion gambling boat shall be
100 the jurisdiction of the home dock city or county or such county where a home dock
101 city is located.

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2 2. Anyone who promotes or participates in combative fighting, or anyone
3 who serves as an agent, principal partner, publicist, vendor, producer, referee, or
4 contractor of or for combative fighting is guilty of a class [D] E felony.

5 3. Any medical personnel who administers to, treats or assists any
6 participants of combative fighting shall not be subject to the provisions of this
7 section.

8 4. Nothing in section 317.001 or this section is intended to regulate, or
9 interfere with or make illegal, traditional, sanctioned amateur or scholastic
10 boxing, amateur or scholastic wrestling, amateur or scholastic kickboxing, or
11 amateur or scholastic full-contact karate or amateur or scholastic mixed martial
12 arts.

[571.085.] **319.1000.** Residents of the state of Missouri may purchase
2 firearms in any state, provided that such residents conform to the applicable

3 provisions of the Federal Gun Control Act of 1968, and regulations thereunder,
4 and provided further that such residents conform to the provisions of law
5 applicable to such purchase in the state of Missouri and in the state in which the
6 purchase is made.

[571.087.] **319.1005.** Residents of any state may purchase firearms in the
2 state of Missouri, provided that such residents conform to the applicable
3 provisions of the Federal Gun Control Act of 1968, and regulations thereunder,
4 and provided further that such residents conform to the provisions of law
5 applicable to such purchase in the state of Missouri and in the state in which
6 such persons reside.

[571.093.] **319.1007.** If any sheriff retains records of permits to obtain
2 concealable firearms issued under former section 571.090, as repealed by senate
3 bills nos. 62 and 41 of the ninety-fourth general assembly, then such records shall
4 be closed to the public. No such record shall be made available for any purpose
5 whatsoever unless its disclosure is mandated by a valid court order relating to a
6 criminal investigation.

[571.095.] **319.1010.** Upon conviction for or attempting to commit a
2 felony in violation of any law perpetrated in whole or in part by the use of a
3 firearm, the court may, in addition to the penalty provided by law for such
4 offense, order the confiscation and disposal or sale or trade to a licensed firearms
5 dealer of firearms and ammunition used in the commission of the crime or found
6 in the possession or under the immediate control of the defendant at the time of
7 his or her arrest. The proceeds of any sale or gains from trade shall be the
8 property of the police department or sheriff's department responsible for the
9 defendant's arrest or the confiscation of the firearms and ammunition. If such
10 firearms or ammunition are not the property of the convicted felon, they shall be
11 returned to their rightful owner if he or she is known and was not a participant
12 in the crime. Any proceeds collected under this section shall be deposited with
13 the municipality or by the county treasurer into the county sheriff's revolving
14 fund established in section 50.535.

[571.037.] **319.1013.** Any person who has a valid concealed carry
2 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,
3 and who is lawfully carrying a firearm in a concealed manner, may briefly and
4 openly display the firearm to the ordinary sight of another person, unless the
5 firearm is intentionally displayed in an angry or threatening manner, not in
6 necessary self defense.

[571.067.] **319.1015.** No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.

[571.101.] **319.1025.** 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections [571.101 to 571.121] **319.1025 to 319.1043.** If the said applicant can show qualification as provided by sections [571.101 to 571.121] **319.1025 to 319.1043**, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid for a period of five years from the date of issuance or renewal. The concealed carry permit is valid throughout this state. A concealed carry endorsement issued prior to August 28, 2013, shall continue for a period of three years from the date of issuance or renewal to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-one years [of age] **old**, is a citizen or permanent

- 18 resident of the United States and either:
- 19 (a) Has assumed residency in this state; or
- 20 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse
21 of such member of the military;
- 22 (2) Is at least twenty-one years [of age] **old**, or is at least eighteen years
23 [of age] **old** and a member of the United States Armed Forces or honorably
24 discharged from the United States Armed Forces, and is a citizen of the United
25 States and either:
- 26 (a) Has assumed residency in this state;
- 27 (b) Is a member of the Armed Forces stationed in Missouri; or
- 28 (c) The spouse of such member of the military stationed in Missouri and
29 twenty-one years [of age] **old**;
- 30 (3) Has not [pled guilty to or entered a plea of nolo contendere or been
31 convicted of a crime] **been found guilty of an offense** punishable by
32 imprisonment for a term exceeding one year under the laws of any state or of the
33 United States other than a crime classified as a misdemeanor under the laws of
34 any state and punishable by a term of imprisonment of two years or less that does
35 not involve an explosive weapon, firearm, firearm silencer or gas gun;
- 36 (4) Has not been [convicted of, pled guilty to or entered a plea of nolo
37 contendere to] **found guilty of** one or more misdemeanor offenses involving
38 crimes of violence within a five-year period immediately preceding application for
39 a concealed carry permit or if the applicant has not been [convicted] **found**
40 **guilty** of two or more misdemeanor offenses involving driving while under the
41 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
42 substance within a five-year period immediately preceding application for a
43 concealed carry permit;
- 44 (5) Is not a fugitive from justice or currently charged in an information
45 or indictment with the commission of a crime punishable by imprisonment for a
46 term exceeding one year under the laws of any state of the United States other
47 than a crime classified as a misdemeanor under the laws of any state and
48 punishable by a term of imprisonment of two years or less that does not involve
49 an explosive weapon, firearm, firearm silencer, or gas gun;
- 50 (6) Has not been discharged under dishonorable conditions from the
51 United States Armed Forces;
- 52 (7) Has not engaged in a pattern of behavior, documented in public or
53 closed records, that causes the sheriff to have a reasonable belief that the

54 applicant presents a danger to himself **or herself** or others;

55 (8) Is not adjudged mentally incompetent at the time of application or for
56 five years prior to application, or has not been committed to a mental health
57 facility, as defined in section 632.005, or a similar institution located in another
58 state following a hearing at which the defendant was represented by counsel or
59 a representative;

60 (9) Submits a completed application for a permit as described in
61 subsection 3 of this section;

62 (10) Submits an affidavit attesting that the applicant complies with the
63 concealed carry safety training requirement pursuant to subsections 1 and 2 of
64 section [571.111] **319.1034**;

65 (11) Is not the respondent of a valid full order of protection which is still
66 in effect;

67 (12) Is not otherwise prohibited from possessing a firearm under section
68 571.070 or 18 U.S.C. 922(g).

69 3. The application for a concealed carry permit issued by the sheriff of the
70 county of the applicant's residence shall contain only the following information:

71 (1) The applicant's name, address, telephone number, gender, date and
72 place of birth, and, if the applicant is not a United States citizen, the applicant's
73 country of citizenship and any alien or admission number issued by the Federal
74 Bureau of Customs and Immigration Enforcement or any successor agency;

75 (2) An affirmation that the applicant has assumed residency in Missouri
76 or is a member of the Armed Forces stationed in Missouri or the spouse of such
77 a member of the Armed Forces and is a citizen or permanent resident of the
78 United States;

79 (3) An affirmation that the applicant is at least twenty-one years [of age]
80 **old** or is eighteen years [of age] **old** or older and a member of the United States
81 Armed Forces or honorably discharged from the United States Armed Forces;

82 (4) An affirmation that the applicant has not [pled guilty to or been
83 convicted of a crime] **been found guilty of an offense** punishable by
84 imprisonment for a term exceeding one year under the laws of any state or of the
85 United States other than a crime classified as a misdemeanor under the laws of
86 any state and punishable by a term of imprisonment of two years or less that does
87 not involve an explosive weapon, firearm, firearm silencer, or gas gun;

88 (5) An affirmation that the applicant has not been [convicted of, pled
89 guilty to, or entered a plea of nolo contendere to] **found guilty of** one or more

90 misdemeanor offenses involving crimes of violence within a five-year period
91 immediately preceding application for a permit or if the applicant has not been
92 [convicted] **found guilty** of two or more misdemeanor offenses involving driving
93 while under the influence of intoxicating liquor or drugs or the possession or
94 abuse of a controlled substance within a five-year period immediately preceding
95 application for a permit;

96 (6) An affirmation that the applicant is not a fugitive from justice or
97 currently charged in an information or indictment with the commission of a crime
98 punishable by imprisonment for a term exceeding one year under the laws of any
99 state or of the United States other than a crime classified as a misdemeanor
100 under the laws of any state and punishable by a term of imprisonment of two
101 years or less that does not involve an explosive weapon, firearm, firearm silencer
102 or gas gun;

103 (7) An affirmation that the applicant has not been discharged under
104 dishonorable conditions from the United States Armed Forces;

105 (8) An affirmation that the applicant is not adjudged mentally
106 incompetent at the time of application or for five years prior to application, or has
107 not been committed to a mental health facility, as defined in section 632.005, or
108 a similar institution located in another state, except that a person whose release
109 or discharge from a facility in this state pursuant to chapter 632, or a similar
110 discharge from a facility in another state, occurred more than five years ago
111 without subsequent recommitment may apply;

112 (9) An affirmation that the applicant has received firearms safety training
113 that meets the standards of applicant firearms safety training defined in
114 subsection 1 or 2 of section [571.111] **319.1034**;

115 (10) An affirmation that the applicant, to the applicant's best knowledge
116 and belief, is not the respondent of a valid full order of protection which is still
117 in effect;

118 (11) A conspicuous warning that false statements made by the applicant
119 will result in prosecution for perjury pursuant to the laws of the state of
120 Missouri; and

121 (12) A government-issued photo identification. This photograph shall not
122 be included on the permit and shall only be used to verify the person's identity
123 for permit renewal, or for the issuance of a new permit due to change of address,
124 or for a lost or destroyed permit.

125 4. An application for a concealed carry permit shall be made to the sheriff

126 of the county or any city not within a county in which the applicant resides. An
127 application shall be filed in writing, signed under oath and under the penalties
128 of perjury, and shall state whether the applicant complies with each of the
129 requirements specified in subsection 2 of this section. In addition to the
130 completed application, the applicant for a concealed carry permit must also
131 submit the following:

132 (1) A photocopy of a firearms safety training certificate of completion or
133 other evidence of completion of a firearms safety training course that meets the
134 standards established in subsection 1 or 2 of section [571.111] **319.1034**; and

135 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this
136 section.

137 5. (1) Before an application for a concealed carry permit is approved, the
138 sheriff shall make only such inquiries as he or she deems necessary into the
139 accuracy of the statements made in the application. The sheriff may require that
140 the applicant display a Missouri driver's license or nondriver's license or military
141 identification and orders showing the person being stationed in Missouri. In
142 order to determine the applicant's suitability for a concealed carry permit, the
143 applicant shall be fingerprinted. No other biometric data shall be collected from
144 the applicant. The sheriff shall request a criminal background check, including
145 an inquiry of the National Instant Criminal Background Check System, through
146 the appropriate law enforcement agency within three working days after
147 submission of the properly completed application for a concealed carry permit. If
148 no disqualifying record is identified by these checks at the state level, the
149 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
150 national criminal history record check. Upon receipt of the completed background
151 checks, the sheriff shall examine the results and, if no disqualifying information
152 is identified, shall issue a concealed carry permit within three working days.

153 (2) In the event the background checks prescribed by subdivision (1) of
154 this subsection are not completed within forty-five calendar days and no
155 disqualifying information concerning the applicant has otherwise come to the
156 sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
157 on the certificate as such, which the applicant shall sign in the presence of the
158 sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
159 driver's or nondriver's license or a valid military identification, shall permit the
160 applicant to exercise the same rights in accordance with the same conditions as
161 pertain to a concealed carry permit issued under this section, provided that it

162 shall not serve as an alternative to an national instant criminal background
163 check required by 18 U.S.C. 922(t). The provisional permit shall remain valid
164 until such time as the sheriff either issues or denies the [certificate of
165 qualification] **permit** under subsection 6 or 7 **of this section**. The sheriff shall
166 revoke a provisional permit issued under this subsection within twenty-four hours
167 of receipt of any background check that identifies a disqualifying record, and shall
168 notify the Missouri uniform law enforcement system. The revocation of a
169 provisional permit issued under this section shall be proscribed in a manner
170 consistent to the denial and review of an application under subsection 6 of this
171 section.

172 6. The sheriff may refuse to approve an application for a concealed carry
173 permit if he or she determines that any of the requirements specified in
174 subsection 2 of this section have not been met, or if he or she has a substantial
175 and demonstrable reason to believe that the applicant has rendered a false
176 statement regarding any of the provisions of sections [571.101 to 571.121]
177 **319.1025 to 319.1043**. If the applicant is found to be ineligible, the sheriff is
178 required to deny the application, and notify the applicant in writing, stating the
179 grounds for denial and informing the applicant of the right to submit, within
180 thirty days, any additional documentation relating to the grounds of the
181 denial. Upon receiving any additional documentation, the sheriff shall reconsider
182 his or her decision and inform the applicant within thirty days of the result of the
183 reconsideration. The applicant shall further be informed in writing of the right
184 to appeal the denial pursuant to [subsections 2, 3, 4, and 5 of] section [571.114]
185 **319.1037**. After two additional reviews and denials by the sheriff, the person
186 submitting the application [shall] **may** appeal the denial pursuant to
187 [subsections 2, 3, 4, and 5 of] section [571.114] **319.1037**.

188 7. If the application is approved, the sheriff shall issue a concealed carry
189 permit to the applicant within a period not to exceed three working days after his
190 or her approval of the application. The applicant shall sign the concealed carry
191 permit in the presence of the sheriff or his or her designee and shall within seven
192 days of receipt of the certificate of qualification take the certificate of
193 qualification to the department of revenue. Upon verification of the certificate of
194 qualification and completion of a driver's license or nondriver's license application
195 pursuant to chapter 302, the director of revenue shall issue a new driver's license
196 or nondriver's license with an endorsement which identifies that the applicant
197 has received a certificate of qualification to carry concealed weapons issued

198 pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the applicant
199 is otherwise qualified to receive such driver's license or nondriver's
200 license. Notwithstanding any other provision of chapter 302, a nondriver's license
201 with a concealed carry endorsement shall expire three years from the date the
202 certificate of qualification was issued pursuant to this section.

203 8. The concealed carry permit shall specify only the following information:

204 (1) Name, address, date of birth, gender, height, weight, color of hair,
205 color of eyes, and signature of the permit holder;

206 (2) The signature of the sheriff issuing the permit;

207 (3) The date of issuance; and

208 (4) The expiration date.

209 The permit shall be no larger than two inches wide by three and one-fourth
210 inches long and shall be of a uniform style prescribed by the department of public
211 safety. The permit shall also be assigned a Missouri uniform law enforcement
212 system county code and shall be stored in sequential number.

213 9. (1) The sheriff shall keep a record of all applications for a concealed
214 carry permit or a provisional permit and his or her action thereon. Any record
215 of an application that is incomplete or denied for any reason shall be kept for a
216 period not to exceed one year. Any record of an application that was approved
217 shall be kept for a period of one year after the expiration and nonrenewal of the
218 permit. Beginning August 28, 2013, the department of revenue shall not keep
219 any record of an application for a concealed carry permit. Any information
220 collected by the department of revenue related to an application for a concealed
221 carry endorsement prior to August 28, 2013, shall be given to the members of
222 MoSMART, created under section 650.350, for the dissemination of the
223 information to the sheriff of any county or city not within a county in which the
224 applicant resides to keep in accordance with the provisions of this subsection.

225 (2) The sheriff shall report the issuance of a concealed carry permit or
226 provisional permit to the Missouri uniform law enforcement system. All
227 information on any such permit that is protected information on any driver's or
228 nondriver's license shall have the same personal protection for purposes of
229 sections [571.101 to 571.121] **319.1025 to 319.1043**. An applicant's status as a
230 holder of a concealed carry permit, provisional permit, or a concealed carry
231 endorsement issued prior to August 28, 2013, shall not be public information and
232 shall be considered personal protected information. Information retained under
233 this subsection shall not be batch processed for query and shall only be made

234 available for a single entry query of an individual in the event the individual is
235 a subject of interest in an active criminal investigation or is arrested for a
236 crime. Any person who violates the provisions of this subsection by disclosing
237 protected information shall be guilty of a class A misdemeanor.

238 10. Information regarding any holder of a concealed carry permit, or a
239 concealed carry endorsement issued prior to August 28, 2013, is a closed record.
240 No bulk download or batch data shall be performed or distributed to any federal,
241 state, or private entity, except to MoSMART as provided under subsection 9 of
242 this section. Any state agency that has retained any documents or records,
243 including fingerprint records provided by an applicant for a concealed carry
244 endorsement prior to August 28, 2013, shall destroy such documents or records,
245 upon successful issuance of a permit.

246 11. For processing an application for a concealed carry permit pursuant
247 to sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each county
248 shall charge a nonrefundable fee not to exceed one hundred dollars which shall
249 be paid to the treasury of the county to the credit of the sheriff's revolving fund.

250 12. For processing a renewal for a concealed carry permit pursuant to
251 sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each county
252 shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid
253 to the treasury of the county to the credit of the sheriff's revolving fund.

254 13. For the purposes of sections [571.101 to 571.121] **319.1025 to
255 319.1043**, the term "sheriff" shall include the sheriff of any county or city not
256 within a county or his or her designee and in counties of the first classification
257 the sheriff may designate the chief of police of any city, town, or municipality
258 within such county.

259 14. For the purposes of this chapter, "concealed carry permit" shall
260 include any concealed carry endorsement issued by the department of revenue
261 before January 1, 2014, and any concealed carry document issued by any sheriff
262 or under the authority of any sheriff after December 31, 2013.

[571.104.] **319.1028.** 1. (1) A concealed carry permit issued pursuant
2 to sections [571.101 to 571.121] **319.1025 to 319.1043**, and, if applicable, a
3 concealed carry endorsement issued prior to August 28, 2013, shall be suspended
4 or revoked if the concealed carry permit or endorsement holder becomes ineligible
5 for such permit or endorsement under the criteria established in subdivisions (2),
6 (3), (4), (5), (7), and (11) of subsection 2 of section [571.101] **319.1025** or upon the
7 issuance of a valid full order of protection.

8 (2) When a valid full order of protection, or any arrest warrant, discharge,
9 or commitment for the reasons listed in subdivision (2), (3), (4), (5), (7), or (11) of
10 subsection 2 of section [571.101] **319.1025**, is issued against a person holding a
11 concealed carry permit issued pursuant to sections [571.101 to 571.121] **319.1025**
12 **to 319.1043**, or a concealed carry endorsement issued prior to August 28, 2013,
13 upon notification of said order, warrant, discharge or commitment or upon an
14 order of a court of competent jurisdiction in a criminal proceeding, a commitment
15 proceeding or a full order of protection proceeding ruling that a person holding
16 a concealed carry permit or endorsement presents a risk of harm to themselves
17 or others, then upon notification of such order, the holder of the concealed carry
18 permit or endorsement shall surrender the permit, and, if applicable, the driver's
19 license or nondriver's license containing the concealed carry endorsement to the
20 court, officer, or other official serving the order, warrant, discharge, or
21 commitment.

22 (3) In cases involving a concealed carry endorsement issued prior to
23 August 28, 2013, the official to whom the driver's license or nondriver's license
24 containing the concealed carry endorsement is surrendered shall issue a receipt
25 to the licensee for the license upon a form, approved by the director of revenue,
26 that serves as a driver's license or a nondriver's license and clearly states the
27 concealed carry endorsement has been suspended. The official shall then
28 transmit the driver's license or a nondriver's license containing the concealed
29 carry endorsement to the circuit court of the county issuing the order, warrant,
30 discharge, or commitment. The concealed carry permit issued pursuant to
31 sections [571.101 to 571.121] **319.1025 to 319.1043**, and, if applicable, the
32 concealed carry endorsement issued prior to August 28, 2013, shall be suspended
33 until the order is terminated or until the arrest results in a dismissal of all
34 charges. Upon dismissal, the court holding the permit and, if applicable, the
35 driver's license or nondriver's license containing the concealed carry endorsement
36 shall return such permit or license to the individual.

37 (4) Any conviction, discharge, or commitment specified in sections
38 [571.101 to 571.121] **319.1025 to 319.1043** shall result in a revocation. Upon
39 conviction, the court shall forward a notice of conviction or action and the permit
40 to the issuing county sheriff. If a concealed carry endorsement issued prior to
41 August 28, 2013, is revoked, the court shall forward the notice and the driver's
42 license or nondriver's license with the concealed carry endorsement to the
43 department of revenue. The department of revenue shall notify the sheriff of the

44 county which issued the certificate of qualification for a concealed carry
45 endorsement. The sheriff who issued the concealed carry permit, or the
46 certificate of qualification prior to August 28, 2013, shall report the change in
47 status of the concealed carry permit or endorsement to the Missouri uniform law
48 enforcement system. The director of revenue shall immediately remove the
49 endorsement issued prior to August 28, 2013, from the individual's driving record
50 within three days of the receipt of the notice from the court. The director of
51 revenue shall notify the licensee that he or she must apply for a new license
52 pursuant to chapter 302 which does not contain such endorsement. This
53 requirement does not affect the driving privileges of the licensee. The notice
54 issued by the department of revenue shall be mailed to the last known address
55 shown on the individual's driving record. The notice is deemed received three
56 days after mailing.

57 2. A concealed carry permit shall be renewed for a qualified applicant
58 upon receipt of the properly completed renewal application and the required
59 renewal fee by the sheriff of the county of the applicant's residence. The renewal
60 application shall contain the same required information as set forth in subsection
61 3 of section [571.101] **319.1025**, except that in lieu of the fingerprint requirement
62 of subsection 5 of section [571.101] **319.1025** and the firearms safety training, the
63 applicant need only display his or her current concealed carry permit. A
64 name-based background check, including an inquiry of the National Instant
65 Criminal Background Check System, shall be completed for each renewal
66 application. The sheriff shall review the results of the background check, and
67 when the sheriff has determined the applicant has successfully completed all
68 renewal requirements and is not disqualified under any provision of section
69 [571.101] **319.1025**, the sheriff shall issue a new concealed carry permit which
70 contains the date such permit was renewed. The process for renewing a concealed
71 carry endorsement issued prior to August 28, 2013, shall be the same as the
72 process for renewing a permit, except that in lieu of the fingerprint requirement
73 of subsection 5 of section [571.101] **319.1025** and the firearms safety training, the
74 applicant need only display his or her current driver's license or nondriver's
75 license containing an endorsement. Upon successful completion of all renewal
76 requirements, the sheriff shall issue a new concealed carry permit as provided
77 under this subsection.

78 3. A person who has been issued a concealed carry permit, or a certificate
79 of qualification for a concealed carry endorsement prior to August 28, 2013, who

80 fails to file a renewal application for a concealed carry permit on or before its
81 expiration date must pay an additional late fee of ten dollars per month for each
82 month it is expired for up to six months. After six months, the sheriff who issued
83 the expired concealed carry permit or certificate of qualification shall notify the
84 Missouri uniform law enforcement system and the individual that such permit is
85 expired and cancelled. If the person has a concealed carry endorsement issued
86 prior to August 28, 2013, the sheriff who issued the certificate of qualification for
87 the endorsement shall notify the director of revenue that such certificate is
88 expired regardless of whether the endorsement holder has applied for a concealed
89 carry permit under subsection 2 of this section. The director of revenue shall
90 immediately remove such endorsement from the individual's driving record and
91 notify the individual that his or her driver's license or nondriver's license has
92 expired. The notice shall be conducted in the same manner as described in
93 subsection 1 of this section. Any person who has been issued a concealed carry
94 permit pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, or a
95 concealed carry endorsement issued prior to August 28, 2013, who fails to renew
96 his or her application within the six-month period must reapply for a new
97 concealed carry permit and pay the fee for a new application.

98 4. Any person issued a concealed carry permit pursuant to sections
99 [571.101 to 571.121] **319.1025 to 319.1043**, or a concealed carry endorsement
100 issued prior to August 28, 2013, shall notify the sheriffs of both the old and new
101 jurisdictions of the permit or endorsement holder's change of residence within
102 thirty days after the changing of a permanent residence. The permit or
103 endorsement holder shall furnish proof to the sheriff in the new jurisdiction that
104 the permit or endorsement holder has changed his or her residence. The sheriff
105 of the new jurisdiction may charge a processing fee of not more than ten dollars
106 for any costs associated with notification of a change in residence. If the person
107 has a concealed carry endorsement issued prior to August 28, 2013, the
108 endorsement holder shall also furnish proof to the department of revenue of his
109 or her residence change. In such cases, the change of residence shall be made by
110 the department of revenue onto the individual's driving record. The sheriff shall
111 report the residence change to the Missouri uniform law enforcement system, and
112 the new address shall be accessible by the Missouri uniform law enforcement
113 system within three days of receipt of the information.

114 5. Any person issued a concealed carry permit pursuant to sections
115 [571.101 to 571.121] **319.1025 to 319.1043**, or a concealed carry endorsement

116 issued prior to August 28, 2013, shall notify the sheriff or his or her designee of
117 the permit or endorsement holder's county or city of residence within seven days
118 after actual knowledge of the loss or destruction of his or her permit or driver's
119 license or nondriver's license containing a concealed carry endorsement. The
120 permit or endorsement holder shall furnish a statement to the sheriff that the
121 permit or driver's license or nondriver's license containing the concealed carry
122 endorsement has been lost or destroyed. After notification of the loss or
123 destruction of a permit or driver's license or nondriver's license containing a
124 concealed carry endorsement, the sheriff may charge a processing fee of ten
125 dollars for costs associated with placing a lost or destroyed permit or driver's
126 license or nondriver's license containing a concealed carry endorsement and shall
127 reissue a new concealed carry permit within three working days of being notified
128 by the concealed carry permit or endorsement holder of its loss or
129 destruction. The new concealed carry permit shall contain the same personal
130 information, including expiration date, as the original concealed carry permit.

131 6. If a person issued a concealed carry permit, or endorsement issued
132 prior to August 28, 2013, changes his or her name, the person to whom the permit
133 or endorsement was issued shall obtain a corrected or new concealed carry permit
134 with a change of name from the sheriff who issued the original concealed carry
135 permit or the original certificate of qualification for an endorsement upon the
136 sheriff's verification of the name change. The sheriff may charge a processing fee
137 of not more than ten dollars for any costs associated with obtaining a corrected
138 or new concealed carry permit. The permit or endorsement holder shall furnish
139 proof of the name change to the sheriff within thirty days of changing his or her
140 name and display his or her concealed carry permit or current driver's license or
141 nondriver's license containing a concealed carry endorsement. The sheriff shall
142 report the name change to the Missouri uniform law enforcement system, and the
143 new name shall be accessible by the Missouri uniform law enforcement system
144 within three days of receipt of the information.

145 7. A concealed carry permit and, if applicable, endorsement shall be
146 automatically invalid after thirty days if the permit or endorsement holder has
147 changed his or her name or changed his or her residence and not notified the
148 sheriff as required in subsections 4 and 6 of this section.

[571.107.] **319.1031.** 1. A concealed carry permit issued pursuant to
2 sections [571.101 to 571.121] **319.1025 to 319.1043**, a valid concealed carry
3 endorsement issued prior to August 28, 2013, or a concealed carry endorsement

4 or permit issued by another state or political subdivision of another state shall
5 authorize the person in whose name the permit or endorsement is issued to carry
6 concealed firearms on or about his or her person or vehicle throughout the state.
7 No concealed carry permit issued pursuant to sections [571.101 to 571.121]
8 **319.1025 to 319.1043**, valid concealed carry endorsement issued prior to August
9 28, 2013, or a concealed carry endorsement or permit issued by another state or
10 political subdivision of another state shall authorize any person to carry
11 concealed firearms into:

12 (1) Any police, sheriff, or highway patrol office or station without the
13 consent of the chief law enforcement officer in charge of that office or
14 station. Possession of a firearm in a vehicle on the premises of the office or
15 station shall not be a criminal offense so long as the firearm is not removed from
16 the vehicle or brandished while the vehicle is on the premises;

17 (2) Within twenty-five feet of any polling place on any election
18 day. Possession of a firearm in a vehicle on the premises of the polling place
19 shall not be a criminal offense so long as the firearm is not removed from the
20 vehicle or brandished while the vehicle is on the premises;

21 (3) The facility of any adult or juvenile detention or correctional
22 institution, prison or jail. Possession of a firearm in a vehicle on the premises of
23 any adult, juvenile detention, or correctional institution, prison or jail shall not
24 be a criminal offense so long as the firearm is not removed from the vehicle or
25 brandished while the vehicle is on the premises;

26 (4) Any courthouse solely occupied by the circuit, appellate or supreme
27 court, or any courtrooms, administrative offices, libraries or other rooms of any
28 such court whether or not such court solely occupies the building in
29 question. This subdivision shall also include, but not be limited to, any juvenile,
30 family, drug, or other court offices, any room or office wherein any of the courts
31 or offices listed in this subdivision are temporarily conducting any business
32 within the jurisdiction of such courts or offices, and such other locations in such
33 manner as may be specified by supreme court rule pursuant to subdivision (6) of
34 this subsection. Nothing in this subdivision shall preclude those persons listed
35 in subdivision (1) of subsection [2 of section 571.030] **1 of section 571.041** while
36 within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),
37 and [(10)] **(9)** of subsection [2 of section 571.030] **1 of section 571.041**, or such
38 other persons who serve in a law enforcement capacity for a court as may be
39 specified by supreme court rule pursuant to subdivision (6) of this subsection from

40 carrying a concealed firearm within any of the areas described in this
41 subdivision. Possession of a firearm in a vehicle on the premises of any of the
42 areas listed in this subdivision shall not be a criminal offense so long as the
43 firearm is not removed from the vehicle or brandished while the vehicle is on the
44 premises;

45 (5) Any meeting of the governing body of a unit of local government; or
46 any meeting of the general assembly or a committee of the general assembly,
47 except that nothing in this subdivision shall preclude a member of the body
48 holding a valid concealed carry permit or endorsement from carrying a concealed
49 firearm at a meeting of the body which he or she is a member. Possession of a
50 firearm in a vehicle on the premises shall not be a criminal offense so long as the
51 firearm is not removed from the vehicle or brandished while the vehicle is on the
52 premises. Nothing in this subdivision shall preclude a member of the general
53 assembly, a full-time employee of the general assembly employed under Section
54 17, Article III, Constitution of Missouri, legislative employees of the general
55 assembly as determined under section 21.155, or statewide elected officials and
56 their employees, holding a valid concealed carry permit or endorsement, from
57 carrying a concealed firearm in the state capitol building or at a meeting whether
58 of the full body of a house of the general assembly or a committee thereof, that
59 is held in the state capitol building;

60 (6) The general assembly, supreme court, county or municipality may by
61 rule, administrative regulation, or ordinance prohibit or limit the carrying of
62 concealed firearms by permit or endorsement holders in that portion of a building
63 owned, leased or controlled by that unit of government. Any portion of a building
64 in which the carrying of concealed firearms is prohibited or limited shall be
65 clearly identified by signs posted at the entrance to the restricted area. The
66 statute, rule or ordinance shall exempt any building used for public housing by
67 private persons, highways or rest areas, firing ranges, and private dwellings
68 owned, leased, or controlled by that unit of government from any restriction on
69 the carrying or possession of a firearm. The statute, rule or ordinance shall not
70 specify any criminal penalty for its violation but may specify that persons
71 violating the statute, rule or ordinance may be denied entrance to the building,
72 ordered to leave the building and if employees of the unit of government, be
73 subjected to disciplinary measures for violation of the provisions of the statute,
74 rule or ordinance. The provisions of this subdivision shall not apply to any other
75 unit of government;

76 (7) Any establishment licensed to dispense intoxicating liquor for
77 consumption on the premises, which portion is primarily devoted to that purpose,
78 without the consent of the owner or manager. The provisions of this subdivision
79 shall not apply to the licensee of said establishment. The provisions of this
80 subdivision shall not apply to any bona fide restaurant open to the general public
81 having dining facilities for not less than fifty persons and that receives at least
82 fifty-one percent of its gross annual income from the dining facilities by the sale
83 of food. This subdivision does not prohibit the possession of a firearm in a vehicle
84 on the premises of the establishment and shall not be a criminal offense so long
85 as the firearm is not removed from the vehicle or brandished while the vehicle is
86 on the premises. Nothing in this subdivision authorizes any individual who has
87 been issued a concealed carry permit or endorsement to possess any firearm while
88 intoxicated;

89 (8) Any area of an airport to which access is controlled by the inspection
90 of persons and property. Possession of a firearm in a vehicle on the premises of
91 the airport shall not be a criminal offense so long as the firearm is not removed
92 from the vehicle or brandished while the vehicle is on the premises;

93 (9) Any place where the carrying of a firearm is prohibited by federal law;

94 (10) Any higher education institution or elementary or secondary school
95 facility without the consent of the governing body of the higher education
96 institution or a school official or the district school board. Possession of a firearm
97 in a vehicle on the premises of any higher education institution or elementary or
98 secondary school facility shall not be a criminal offense so long as the firearm is
99 not removed from the vehicle or brandished while the vehicle is on the premises;

100 (11) Any portion of a building used as a child care facility without the
101 consent of the manager. Nothing in this subdivision shall prevent the operator
102 of a child care facility in a family home from owning or possessing a firearm or
103 a concealed carry permit or endorsement;

104 (12) Any riverboat gambling operation accessible by the public without the
105 consent of the owner or manager pursuant to rules promulgated by the gaming
106 commission. Possession of a firearm in a vehicle on the premises of a riverboat
107 gambling operation shall not be a criminal offense so long as the firearm is not
108 removed from the vehicle or brandished while the vehicle is on the premises;

109 (13) Any gated area of an amusement park. Possession of a firearm in a
110 vehicle on the premises of the amusement park shall not be a criminal offense so
111 long as the firearm is not removed from the vehicle or brandished while the

112 vehicle is on the premises;

113 (14) Any church or other place of religious worship without the consent
114 of the minister or person or persons representing the religious organization that
115 exercises control over the place of religious worship. Possession of a firearm in
116 a vehicle on the premises shall not be a criminal offense so long as the firearm
117 is not removed from the vehicle or brandished while the vehicle is on the
118 premises;

119 (15) Any private property whose owner has posted the premises as being
120 off-limits to concealed firearms by means of one or more signs displayed in a
121 conspicuous place of a minimum size of eleven inches by fourteen inches with the
122 writing thereon in letters of not less than one inch. The owner, business or
123 commercial lessee, manager of a private business enterprise, or any other
124 organization, entity, or person may prohibit persons holding a concealed carry
125 permit or endorsement from carrying concealed firearms on the premises and may
126 prohibit employees, not authorized by the employer, holding a concealed carry
127 permit or endorsement from carrying concealed firearms on the property of the
128 employer. If the building or the premises are open to the public, the employer of
129 the business enterprise shall post signs on or about the premises if carrying a
130 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
131 premises shall not be a criminal offense so long as the firearm is not removed
132 from the vehicle or brandished while the vehicle is on the premises. An employer
133 may prohibit employees or other persons holding a concealed carry permit or
134 endorsement from carrying a concealed firearm in vehicles owned by the
135 employer;

136 (16) Any sports arena or stadium with a seating capacity of five thousand
137 or more. Possession of a firearm in a vehicle on the premises shall not be a
138 criminal offense so long as the firearm is not removed from the vehicle or
139 brandished while the vehicle is on the premises;

140 (17) Any hospital accessible by the public. Possession of a firearm in a
141 vehicle on the premises of a hospital shall not be a criminal offense so long as the
142 firearm is not removed from the vehicle or brandished while the vehicle is on the
143 premises.

144 2. Carrying of a concealed firearm in a location specified in subdivisions
145 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
146 carry permit issued pursuant to sections [571.101 to 571.121] **319.1025 to**
147 **319.1043**, or a concealed carry endorsement issued prior to August 28, 2013, shall

148 not be a criminal act but may subject the person to denial to the premises or
149 removal from the premises. If such person refuses to leave the premises and a
150 peace officer is summoned, such person may be issued a citation for an amount
151 not to exceed one hundred dollars for the first offense. If a second citation for a
152 similar violation occurs within a six-month period, such person shall be fined an
153 amount not to exceed two hundred dollars and his or her permit, and, if
154 applicable, endorsement to carry concealed firearms shall be suspended for a
155 period of one year. If a third citation for a similar violation is issued within one
156 year of the first citation, such person shall be fined an amount not to exceed five
157 hundred dollars and shall have his or her concealed carry permit, and, if
158 applicable, endorsement revoked and such person shall not be eligible for a
159 concealed carry permit for a period of three years. Upon conviction of charges
160 arising from a citation issued pursuant to this subsection, the court shall notify
161 the sheriff of the county which issued the concealed carry permit, or, if the person
162 is a holder of a concealed carry endorsement issued prior to August 28, 2013, the
163 court shall notify the sheriff of the county which issued the certificate of
164 qualification for a concealed carry endorsement and the department of
165 revenue. The sheriff shall suspend or revoke the concealed carry permit or, if
166 applicable, the certificate of qualification for a concealed carry endorsement. If
167 the person holds an endorsement, the department of revenue shall issue a notice
168 of such suspension or revocation of the concealed carry endorsement and take
169 action to remove the concealed carry endorsement from the individual's driving
170 record. The director of revenue shall notify the licensee that he or she must
171 apply for a new license pursuant to chapter 302 which does not contain such
172 endorsement. The notice issued by the department of revenue shall be mailed to
173 the last known address shown on the individual's driving record. The notice is
174 deemed received three days after mailing.

[571.111.] **319.1034.** 1. An applicant for a concealed carry permit shall
2 demonstrate knowledge of firearms safety training. This requirement shall be
3 fully satisfied if the applicant for a concealed carry permit:

4 (1) Submits a photocopy of a certificate of firearms safety training course
5 completion, as defined in subsection 2 of this section, signed by a qualified
6 firearms safety instructor as defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant
8 completed a firearms safety course given by or under the supervision of any state,
9 county, municipal, or federal law enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of
11 this section; or

12 (4) Submits proof that the applicant currently holds any type of valid
13 peace officer license issued under the requirements of chapter 590; or

14 (5) Submits proof that the applicant is currently allowed to carry firearms
15 in accordance with the certification requirements of section 217.710; or

16 (6) Submits proof that the applicant is currently certified as any class of
17 corrections officer by the Missouri department of corrections and has passed at
18 least one eight-hour firearms training course, approved by the director of the
19 Missouri department of corrections under the authority granted to him or her,
20 that includes instruction on the justifiable use of force as prescribed in chapter
21 563; or

22 (7) Submits a photocopy of a certificate of firearms safety training course
23 completion that was issued on August 27, 2011, or earlier so long as the
24 certificate met the requirements of subsection 2 of this section that were in effect
25 on the date it was issued.

26 2. A certificate of firearms safety training course completion may be
27 issued to any applicant by any qualified firearms safety instructor. On the
28 certificate of course completion the qualified firearms safety instructor shall
29 affirm that the individual receiving instruction has taken and passed a firearms
30 safety course of at least eight hours in length taught by the instructor that
31 included:

32 (1) Handgun safety in the classroom, at home, on the firing range and
33 while carrying the firearm;

34 (2) A physical demonstration performed by the applicant that
35 demonstrated his or her ability to safely load and unload a revolver and a
36 semiautomatic pistol and demonstrated his or her marksmanship with both;

37 (3) The basic principles of marksmanship;

38 (4) Care and cleaning of concealable firearms;

39 (5) Safe storage of firearms at home;

40 (6) The requirements of this state for obtaining a concealed carry permit
41 from the sheriff of the individual's county of residence;

42 (7) The laws relating to firearms as prescribed in this chapter;

43 (8) The laws relating to the justifiable use of force as prescribed in
44 chapter 563;

45 (9) A live firing exercise of sufficient duration for each applicant to fire

46 both a revolver and a semiautomatic pistol, from a standing position or its
47 equivalent, a minimum of twenty rounds from each handgun at a distance of
48 seven yards from a B-27 silhouette target or an equivalent target;

49 (10) A live fire test administered to the applicant while the instructor was
50 present of twenty rounds from each handgun from a standing position or its
51 equivalent at a distance from a B-27 silhouette target, or an equivalent target,
52 of seven yards.

53 3. A qualified firearms safety instructor shall not give a grade of passing
54 to an applicant for a concealed carry permit who:

55 (1) Does not follow the orders of the qualified firearms instructor or
56 cognizant range officer; or

57 (2) Handles a firearm in a manner that, in the judgment of the qualified
58 firearm safety instructor, poses a danger to the applicant or to others; or

59 (3) During the live fire testing portion of the course fails to hit the
60 silhouette portion of the targets with at least fifteen rounds, with both handguns.

61 4. Qualified firearms safety instructors who provide firearms safety
62 instruction to any person who applies for a concealed carry permit shall:

63 (1) Make the applicant's course records available upon request to the
64 sheriff of the county in which the applicant resides;

65 (2) Maintain all course records on students for a period of no less than
66 four years from course completion date; and

67 (3) Not have more than forty students in the classroom portion of the
68 course or more than five students per range officer engaged in range firing.

69 5. A firearms safety instructor shall be considered to be a qualified
70 firearms safety instructor by any sheriff issuing a concealed carry permit
71 pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the instructor:

72 (1) Is a valid firearms safety instructor certified by the National Rifle
73 Association holding a rating as a personal protection instructor or pistol
74 marksmanship instructor; or

75 (2) Submits a photocopy of a notarized certificate from a firearms safety
76 instructor's course offered by a local, state, or federal governmental agency; or

77 (3) Submits a photocopy of a notarized certificate from a firearms safety
78 instructor course approved by the department of public safety; or

79 (4) Has successfully completed a firearms safety instructor course given
80 by or under the supervision of any state, county, municipal, or federal law
81 enforcement agency; or

82 (5) Is a certified police officer firearms safety instructor.

83 6. Any firearms safety instructor qualified under subsection 5 of this

84 section may submit a copy of a training instructor certificate, course outline

85 bearing notarized signature of instructor, and recent photograph of his or herself

86 to the sheriff of the county in which he or she resides. Each sheriff shall collect

87 an annual registration fee of ten dollars from each qualified instructor who

88 chooses to submit such information and shall retain a database of qualified

89 instructors. This information shall be a closed record except for access by any

90 sheriff.

91 7. Any firearms safety instructor who knowingly provides any sheriff with
92 any false information concerning an applicant's performance on any portion of the
93 required training and qualification shall be guilty of a class C misdemeanor. A
94 violation of the provisions of this section shall result in the person being
95 prohibited from instructing concealed carry permit classes and issuing
96 certificates.

[571.114.] 319.1037. 1. In any case when the sheriff refuses to issue a concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

7 2. A denial of or refusal to act on an application for a concealed carry
8 permit may be appealed by filing with the clerk of the small claims court a copy
9 of the sheriff's written refusal and a form substantially similar to the appeal form
10 provided in this section. Appeal forms shall be provided by the clerk of the small
11 claims court free of charge to any person:

SMALL CLAIMS COURT

13 In the Circuit Court of Missouri

14 Denied Applicant

15)

16)

17 vs.) Case Number

18)

19) Sheriff

20 Return Date

22 OF A CONCEALED CARRY PERMIT

23 The denied applicant states that his or her properly completed application for a
24 concealed carry permit was denied by the sheriff of County, Missouri,
25 without just cause. The denied applicant affirms that all of the statements in the
26 application are true., Denied Applicant

27 3. The notice of appeal in a denial of a concealed carry permit appeal shall
28 be made to the sheriff in a manner and form determined by the small claims
29 court judge.

30 4. If at the hearing the person shows he or she is entitled to the requested
31 concealed carry permit, the court shall issue an appropriate order to cause the
32 issuance of the concealed carry permit. Costs shall not be assessed against the
33 sheriff unless the action of the sheriff is determined by the judge to be arbitrary
34 and capricious.

35 5. Any person aggrieved by any final judgment rendered by a small claims
36 court in a denial of a concealed carry permit appeal may have a right to trial de
37 novo as provided in sections 512.180 to 512.320.

[571.117.] **319.1040.** 1. Any person who has knowledge that another person, who was issued a concealed carry permit pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, or concealed carry endorsement prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under the criteria established in sections [571.101] **319.1025** to [571.121] **319.1043** may file a petition with the clerk of the small claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

12 In the Circuit Court of Missouri

13 PLAINTIFF

14)

15)

16 vs.)

17)

Case Number

18 DEFENDANT.

19 Carry Permit or Endorsement Holder

20 DEFENDANT.

21 Sheriff of Issuance

22 PETITION FOR REVOCATION

23 OF A CONCEALED CARRY PERMIT

24 OR CONCEALED CARRY ENDORSEMENT

25 Plaintiff states to the court that the defendant,, has a concealed
26 carry permit issued pursuant to sections [571.101 to 571.121] **319.1025 to**
27 **319.1043**, RSMo, or a concealed carry endorsement issued prior to August 28,
28 2013, and that the defendant's concealed carry permit or concealed carry
29 endorsement should now be revoked because the defendant either never was or
30 no longer is eligible for such a permit or endorsement pursuant to the provisions
31 of sections [571.101 to 571.121] **319.1025 to 319.1043**, RSMo, specifically
32 plaintiff states that defendant,, never was or no longer is eligible for
33 such permit or endorsement for one or more of the following reasons:

34 (CHECK BELOW EACH REASON

35 THAT APPLIES TO THIS DEFENDANT)

- 36 Defendant is not at least twenty-one years [of age] **old** or at least eighteen
37 years [of age] **old** and a member of the United States Armed Forces or
38 honorably discharged from the United States Armed Forces.
- 39 Defendant is not a citizen or permanent resident of the United States.
- 40 Defendant had not resided in this state prior to issuance of the permit and
41 does not qualify as a military member or spouse of a military member
42 stationed in Missouri.
- 43 Defendant has [pled guilty to or been convicted of a crime] **been found**
44 **guilty of an offense** punishable by imprisonment for a term exceeding
45 two years under the laws of any state or of the United States other than
46 a crime classified as a misdemeanor under the laws of any state and
47 punishable by a term of imprisonment of one year or less that does not
48 involve an explosive weapon, firearm, firearm silencer, or gas gun.
- 49 Defendant has been [convicted of, pled guilty to or entered a plea of nolo
50 contendere to] **found guilty of** one or more misdemeanor offenses
51 involving crimes of violence within a five-year period immediately
52 preceding application for a concealed carry permit issued pursuant to
53 sections [571.101 to 571.121] **319.1025 to 319.1043**, RSMo, or a concealed
54 carry endorsement issued prior to August 28, 2013, or if the applicant has
55 been convicted of two or more misdemeanor offenses involving driving
56 while under the influence of intoxicating liquor or drugs or the possession

57 or abuse of a controlled substance within a five-year period immediately
58 preceding application for a concealed carry permit issued pursuant to
59 sections [571.101 to 571.121] **319.1025 to 319.1043**, RSMo, or a concealed
60 carry endorsement issued prior to August 28, 2013.

61 Defendant is a fugitive from justice or currently charged in an information
62 or indictment with the commission of a crime punishable by imprisonment
63 for a term exceeding one year under the laws of any state of the United
64 States other than a crime classified as a misdemeanor under the laws of
65 any state and punishable by a term of imprisonment of two years or less
66 that does not involve an explosive weapon, firearm, firearm silencer, or
67 gas gun.

68 Defendant has been discharged under dishonorable conditions from the
69 United States Armed Forces.

70 Defendant is reasonably believed by the sheriff to be a danger to self or
71 others based on previous, documented pattern.

72 Defendant is adjudged mentally incompetent at the time of application or
73 for five years prior to application, or has been committed to a mental
74 health facility, as defined in section 632.005, RSMo, or a similar
75 institution located in another state, except that a person whose release or
76 discharge from a facility in this state pursuant to chapter 632, RSMo, or
77 a similar discharge from a facility in another state, occurred more than
78 five years ago without subsequent recommitment may apply.

79 Defendant failed to submit a completed application for a concealed carry
80 permit issued pursuant to sections [571.101 to 571.121] **319.1025 to**
81 **319.1043**, RSMo, or a concealed carry endorsement issued prior to August
82 28, 2013.

83 Defendant failed to submit to or failed to clear the required background
84 check. (Note: This does not apply if the defendant has submitted to a
85 background check and been issued a provisional permit pursuant to
86 subdivision (2) of subsection 5 of section [571.101] **319.1025**, and the
87 results of the background check are still pending.)

88 Defendant failed to submit an affidavit attesting that the applicant
89 complies with the concealed carry safety training requirement pursuant
90 to subsection 1 of section [571.111] **319.1034**, RSMo.

91 Defendant is otherwise disqualified from possessing a firearm pursuant to
92 18 U.S.C. 922(g) because (specify reason):

93 The plaintiff subject to penalty for perjury states that the information contained
94 in this petition is true and correct to the best of the plaintiff's knowledge, is
95 reasonably based upon the petitioner's personal knowledge and is not primarily
96 intended to harass the defendant/respondent named herein.

97 PLAINTIFF

98 2. If at the hearing the plaintiff shows that the defendant was not eligible
99 for the concealed carry permit issued pursuant to sections [571.101 to 571.121]
100 **319.1025 to 319.1043**, or a concealed carry endorsement issued prior to August
101 28, 2013, at the time of issuance or renewal or is no longer eligible for a concealed
102 carry permit or the concealed carry endorsement, the court shall issue an
103 appropriate order to cause the revocation of the concealed carry permit and, if
104 applicable, the concealed carry endorsement. Costs shall not be assessed against
105 the sheriff.

106 3. The finder of fact, in any action brought against a permit or
107 endorsement holder pursuant to subsection 1 of this section, shall make findings
108 of fact and the court shall make conclusions of law addressing the issues at
109 dispute. If it is determined that the plaintiff in such an action acted without
110 justification or with malice or primarily with an intent to harass the permit or
111 endorsement holder or that there was no reasonable basis to bring the action, the
112 court shall order the plaintiff to pay the defendant/respondent all reasonable
113 costs incurred in defending the action including, but not limited to, attorney's
114 fees, deposition costs, and lost wages. Once the court determines that the
115 plaintiff is liable to the defendant/respondent for costs and fees, the extent and
116 type of fees and costs to be awarded should be liberally calculated in
117 defendant/respondent's favor. Notwithstanding any other provision of law,
118 reasonable attorney's fees shall be presumed to be at least one hundred fifty
119 dollars per hour.

120 4. Any person aggrieved by any final judgment rendered by a small claims
121 court in a petition for revocation of a concealed carry permit or concealed carry
122 endorsement may have a right to trial de novo as provided in sections 512.180 to
123 512.320.

124 5. The office of the county sheriff or any employee or agent of the county
125 sheriff shall not be liable for damages in any civil action arising from alleged
126 wrongful or improper granting, renewing, or failure to revoke a concealed carry
127 permit issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**,
128 or a certificate of qualification for a concealed carry endorsement issued prior to

129 August 28, 2013, so long as the sheriff acted in good faith.

[571.121.] **319.1043.** 1. Any person issued a concealed carry permit pursuant to sections [571.101] **319.1025** to [571.121] **319.1043**, or a concealed carry endorsement issued prior to August 28, 2013, shall carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry permit and a state or federal government-issued photo identification or the endorsement or permit upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry permit or endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.

10 2. Notwithstanding any other provisions of law, the director of revenue, by carrying out his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry permit has been granted under the law as it existed prior to August 28, 2013, shall bear no liability and shall be immune from any claims for damages resulting from any determination made regarding the qualification of any person for such permit or for any actions stemming from the conduct of any person issued such a permit. By issuing the permit on the driver's or nondriver's license, the director of revenue was merely acting as a scrivener for any determination made by the sheriff that the person was qualified for the permit.

[571.126.] **319.1046.** Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

[571.500.] **319.1049.** No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate with or enable the state or federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

320.089. 1. No person or other legal entity shall label personal protective equipment as meeting the standards set forth in subsection 2 of section 320.088 unless such equipment does in fact meet such standards.

4 2. Any person who violates the provisions of subsection 1 of this section

5 is guilty of a class [D] **E** felony.

320.161. Any person violating any provision of sections 320.106 to 320.161
2 is guilty of a class A misdemeanor, except that a person violating section 320.136
3 is guilty of a class [C] **D** felony.

324.1142. Any person who knowingly falsifies the fingerprints or
2 photographs or other information required to be submitted under sections
3 324.1100 to 324.1148 is guilty of a class [D] **E** felony; and any person who
4 violates any of the other provisions of sections 324.1100 to 324.1148 is guilty of
5 a class A misdemeanor.

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty
2 of a class A misdemeanor. Any second or subsequent violation of sections
3 324.1100 to 324.1148 is a class [D] **E** felony.

334.250. 1. Any person who violates section 334.010 shall, upon
2 conviction, be adjudged guilty of a class [C] **D** felony for each and every offense;
3 and treating each patient is considered a separate offense.

4 2. Any person filing or attempting to file as his own a license of another,
5 or forged affidavit of identification, shall be guilty of a class [C] **D** felony and
6 upon conviction thereof shall be subjected to such fine and imprisonment as is
7 provided by the statutes of this state for the crime of forgery.

335.096. Any person who violates any of the provisions of chapter 335 is
2 guilty of a class [D] **E** felony and, upon conviction, shall be punished as provided
3 by law.

338.195. Any person, who is not licensed under this chapter, who violates
2 any provision of sections 338.010 to 338.315 shall, upon conviction, be adjudged
3 guilty of a class [C] **D** felony.

338.315. 1. Except as otherwise provided by the board by rule, it shall be
2 unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy
3 to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353
4 from other than a licensed or registered drug distributor or licensed
5 pharmacy. Any person who violates the provisions of this section shall, upon
6 conviction, be adjudged guilty of a class A misdemeanor. Any subsequent
7 conviction shall constitute a class [D] **E** felony.

8 2. Notwithstanding any other provision of law to the contrary, the sale,
9 purchase, or trade of a prescription drug by a pharmacy to other pharmacies is
10 permissible if the total dollar volume of such sales, purchases, or trades are in
11 compliance with the rules of the board and do not exceed five percent of the

12 pharmacy's total annual prescription drug sales.

13 3. Pharmacies shall establish and maintain inventories and records of all
14 transactions regarding the receipt and distribution or other disposition of legend
15 drugs. Such records shall be maintained for two years and be readily available
16 upon request by the board or its representatives.

17 4. The board shall promulgate rules to implement the provisions of this
18 section. Any rule or portion of a rule, as that term is defined in section 536.010,
19 that is created under the authority delegated in this section shall become effective
20 only if it complies with and is subject to all of the provisions of chapter 536 and,
21 if applicable, section 536.028. This section and chapter 536 are nonseverable and
22 if any of the powers vested with the general assembly pursuant to chapter 536 to
23 review, to delay the effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking authority and
25 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

338.370. Every person who violates any provision of sections 338.333,
2 338.337, and 338.340 shall, upon conviction thereof, be adjudged guilty of a class
3 [C] D felony.

566.265.] 351.493. If a corporation or other business [pleads guilty to
2 or] is found guilty of violating section 566.203, 566.206, 566.209, [566.212,
3 566.213,] 566.210, 566.211, or 566.215, in addition to the criminal penalties
4 described in such sections and other remedies provided for by law, the court may:

5 (1) Order its dissolution or reorganization;

6 (2) Order the suspension or revocation of any license, permit, or prior
7 approval granted to it by the state;

8 (3) Order the surrender of its charter if it is organized under Missouri law
9 or the revocation of its certificate to conduct business in Missouri if it is not
10 organized under Missouri law.

354.320. No officer, enrollment representative or employee of any
2 corporation subject to the provisions of sections 354.010 to 354.380, formed under
3 the laws of this state, or doing business herein, shall, directly or indirectly, use
4 or employ, or permit others to use or employ, any of the money, funds or
5 securities of such corporation for private profit or gain, except for reasonable
6 compensation for services performed and reimbursement for expenses incurred,
7 and any such use shall, upon conviction thereof, be a class [D] E felony.

362.170. 1. As used in this section, the term "unimpaired capital"
2 includes common and preferred stock, capital notes, the surplus fund, undivided

3 profits and any reserves, not subject to known charges as shown on the next
4 preceding published report of the bank or trust company to the director of finance
5 or obtained by the director pursuant to subsection 3 of section 361.130. For
6 purposes of lending limitations, goodwill may comprise no more than ten percent
7 of unimpaired capital.

8 2. No bank or trust company subject to the provisions of this chapter
9 shall:

10 (1) Directly or indirectly, lend to any individual, partnership, corporation,
11 limited liability company or body politic, either by means of letters of credit, by
12 acceptance of drafts, or by discount or purchase of notes, bills of exchange, or
13 other obligations of the individual, partnership, corporation, limited liability
14 company or body politic an amount or amounts in the aggregate which will exceed
15 the greater of: (i) twenty-five percent of the unimpaired capital of the bank or
16 trust company, provided such bank or trust company has a composite rating of 1
17 or 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity
18 (CAMELS) rating system of the Federal Financial Institute Examination Counsel
19 (FFIEC); (ii) fifteen percent of the unimpaired capital of the bank or trust
20 company if located in a city having a population of one hundred thousand or over;
21 twenty percent of the unimpaired capital of the bank or trust company if located
22 in a city having a population of less than one hundred thousand and over seven
23 thousand; and twenty-five percent of the unimpaired capital of the bank or trust
24 company if located elsewhere in the state, with the following exceptions:

- 25 (a) The restrictions in this subdivision shall not apply to:
26 a. Bonds or other evidences of debt of the government of the United States
27 or its territorial and insular possessions, or of the state of Missouri, or of any city,
28 county, town, village, or political subdivision of this state;
29 b. Bonds or other evidences of debt, the issuance of which is authorized
30 under the laws of the United States, and as to which the government of the
31 United States has guaranteed or contracted to provide funds to pay both principal
32 and interest;
33 c. Bonds or other evidences of debt of any state of the United States other
34 than the state of Missouri, or of any county, city or school district of the foreign
35 state, which county, city, or school district shall have a population of fifty
36 thousand or more inhabitants, and which shall not have defaulted for more than
37 one hundred twenty days in the payment of any of its general obligation bonds
38 or other evidences of debt, either principal or interest, for a period of ten years

39 prior to the time of purchase of the investment and provided that the bonds or
40 other evidences of debt shall be a direct general obligation of the county, city, or
41 school district;

42 d. Loans to the extent that they are insured or covered by guaranties or
43 by commitments or agreements to take over or purchase made by any department,
44 bureau, board, commission, or establishment of the United States or of the state
45 of Missouri, including any corporation, wholly owned, directly or indirectly, by the
46 United States or of the state of Missouri, pursuant to the authority of any act of
47 Congress or the Missouri general assembly heretofore or hereafter adopted or
48 amended or pursuant to the authority of any executive order of the President of
49 the United States or the governor of Missouri heretofore or hereafter made or
50 amended under the authority of any act of Congress heretofore or hereafter
51 adopted or amended, and the part of the loan not so agreed to be purchased or
52 discounted is within the restrictive provisions of this section;

53 e. Obligations to any bank or trust company in the form of notes of any
54 person, copartnership, association, corporation or limited liability company,
55 secured by not less than a like amount of direct obligations of the United States
56 which will mature in not exceeding five years from the date the obligations to the
57 bank are entered into;

58 f. Loans to the extent they are secured by a segregated deposit account in
59 the lending bank if the lending bank has obtained a perfected security interest
60 in such account;

61 g. Evidences of debt which are direct obligations of, or which are
62 guaranteed by, the Government National Mortgage Association, the Federal
63 National Mortgage Association, the Student Loan Marketing Association, the
64 Federal Home Loan Banks, the Federal Farm Credit Bank or the Federal Home
65 Loan Mortgage Corporation, or evidences of debt which are fully collateralized by
66 direct obligations of, and which are issued by, the Government National Mortgage
67 Association, the Federal National Mortgage Association, the Student Loan
68 Marketing Association, a Federal Home Loan Bank, the Federal Farm Credit
69 Bank or the Federal Home Loan Mortgage Corporation;

70 (b) The total liabilities to the bank or trust company of any individual,
71 partnership, corporation or limited liability company may equal but not exceed
72 thirty-five percent of the unimpaired capital of the bank or trust company;
73 provided, that all of the total liabilities in excess of the legal loan limit of the
74 bank or trust company as defined in this subdivision are upon paper based upon

75 the collateral security of warehouse receipts covering agricultural products or the
76 manufactured or processed derivatives of agricultural products in public elevators
77 and public warehouses subject to state supervision and regulation in this state
78 or in any other state of the United States, under the following conditions: first,
79 that the actual market value of the property held in store and covered by the
80 receipt shall at all times exceed by at least fifteen percent the amount loaned
81 upon it; and second, that the property covered by the receipts shall be insured to
82 the full market value thereof against loss by fire and lightning, the insurance
83 policies to be issued by corporations or individuals licensed to do business by the
84 state in which the property is located, and when the insurance has been used to
85 the limit that it can be secured, then in corporations or with individuals licensed
86 to do an insurance business by the state or country of their incorporation or
87 residence; and all policies covering property on which the loan is made shall have
88 endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts";
89 and provided further, that in arriving at the amount that may be loaned by any
90 bank or trust company to any individual, partnership, corporation or limited
91 liability company on elevator or warehouse receipts there shall be deducted from
92 the thirty-five percent of its unimpaired capital the total of all other liabilities of
93 the individual, partnership, corporation or limited liability company to the bank
94 or trust company;

95 (c) In computing the total liabilities of any individual to a bank or trust
96 company there shall be included all liabilities to the bank or trust company of any
97 partnership of which the individual is a member, and any loans made for the
98 individual's benefit or for the benefit of the partnership; of any partnership to a
99 bank or trust company there shall be included all liabilities of and all loans made
100 for the benefit of the partnership; of any corporation to a bank or trust company
101 there shall be included all loans made for the benefit of the corporation and of
102 any limited liability company to a bank or trust company there shall be included
103 all loans made for the benefit of the limited liability company;

104 (d) The purchase or discount of drafts, or bills of exchange drawn in good
105 faith against actually existing values, shall not be considered as money borrowed
106 within the meaning of this section; and the purchase or discount of negotiable or
107 nonnegotiable paper which carries the full recourse endorsements or guaranty or
108 agreement to repurchase of the person, copartnership, association, corporation or
109 limited liability company negotiating the same shall not be considered as money
110 borrowed by the endorser or guarantor or the repurchaser within the meaning of

111 this section, provided that the files of the bank or trust company acquiring the
112 paper contain the written certification by an officer designated for this purpose
113 by its board of directors that the responsibility of the makers has been evaluated
114 and the acquiring bank or trust company is relying primarily upon the makers
115 thereof for the payment of the paper;

116 (e) For the purpose of this section, a loan guaranteed by an individual
117 who does not receive the proceeds of the loan shall not be considered a loan to the
118 guarantor;

119 (f) Investments in mortgage-related securities, as described in the
120 Secondary Mortgage Market Enhancement Act of 1984, P.L. 98-440, excluding
121 those described in subparagraph g. of paragraph (a) of subdivision (1) of this
122 subsection, shall be subject to the restrictions of this section, provided that a
123 bank or trust company may invest up to two times its legal loan limit in any such
124 securities that are rated in one of the two highest rating categories by at least
125 one nationally recognized statistical rating organization;

126 (2) Nor shall any of its directors, officers, agents, or employees, directly
127 or indirectly purchase or be interested in the purchase of any certificate of
128 deposit, pass book, promissory note, or other evidence of debt issued by it, for less
129 than the principal amount of the debt, without interest, for which it was
130 issued. Every bank or trust company or person violating the provisions of this
131 subdivision shall forfeit to the state the face value of the note or other evidence
132 of debt so purchased;

133 (3) Make any loan or discount on the security of the shares of its own
134 capital stock, or be the purchaser or holder of these shares, unless the security
135 or purchase shall be necessary to prevent loss upon a debt previously contracted
136 in good faith, and stock so purchased or acquired shall be sold at public or private
137 sale, or otherwise disposed of, within six months from the time of its purchase or
138 acquisition unless the time is extended by the finance director. Any bank or trust
139 company violating any of the provisions of this subdivision shall forfeit to the
140 state the amount of the loan or purchase;

141 (4) Knowingly lend, directly or indirectly, any money or property for the
142 purpose of enabling any person to pay for or hold shares of its stock, unless the
143 loan is made upon security having an ascertained or market value of at least
144 fifteen percent more than the amount of the loan. Any bank or trust company
145 violating the provision of this subdivision shall forfeit to the state the amount of
146 the loan;

147 (5) Loans or other extensions of credit to officers and directors shall be in
148 accordance with Federal Reserve Board Regulation O (12 CFR 215.1, et
149 seq.). Every bank or trust company or officer thereof knowingly violating the
150 provisions of this subdivision shall, for each offense, forfeit to the state the
151 amount of the loan or extension of credit;

152 (6) Invest or keep invested in the stock of any private corporation,
153 provided however, a bank or trust company may invest in equity stock in the
154 Federal Home Loan Bank up to twice the limit described in subdivision (1) of this
155 subsection and except as otherwise provided in this chapter.

156 3. Provided, that the provisions in this section shall not be so construed
157 as in any way to interfere with the rules and regulations of any clearinghouse
158 association in this state in reference to the daily balances; and provided, that this
159 section shall not apply to balances due from any correspondent subject to draft.

160 4. Provided, that a trust company which does not accept demand deposits
161 shall be permitted to make loans secured by a first mortgage or deed of trust on
162 real estate to any individual, partnership, corporation or limited liability
163 company, and to deal and invest in the interest-bearing obligations of any state,
164 or any city, county, town, village, or political subdivision thereof, in an amount
165 not to exceed its unimpaired capital, the loans on real estate not to exceed
166 sixty-six and two-thirds percent of the appraised value of the real estate.

167 5. Any officer, director, agent, clerk, or employee of any bank or trust
168 company who willfully and knowingly makes or concurs in making any loan,
169 either directly or indirectly, to any individual, partnership, corporation or limited
170 liability company or by means of letters of credit, by acceptance of drafts, or by
171 discount or purchase of notes, bills of exchange or other obligation of any person,
172 partnership, corporation or limited liability company, in excess of the amounts set
173 out in this section, shall be deemed guilty of a class **[C] D** felony.

174 6. A trust company in existence on October 15, 1967, or a trust company
175 incorporated thereafter which does not accept demand deposits, may invest in but
176 shall not invest or keep invested in the stock of any private corporation an
177 amount in excess of fifteen percent of the capital and surplus fund of the trust
178 company; provided, however, that this limitation shall not apply to the ownership
179 of the capital stock of a safe deposit company as provided in section 362.105; nor
180 to the ownership by a trust company in existence on October 15, 1967, or its
181 stockholders of a part or all of the capital stock of one bank organized under the
182 laws of the United States or of this state, nor to the ownership of a part or all of

183 the capital of one corporation organized under the laws of this state for the
184 principal purpose of receiving savings deposits or issuing debentures or loaning
185 money on real estate or dealing in or guaranteeing the payment of real estate
186 securities, or investing in other securities in which trust companies may invest
187 under this chapter; nor to the continued ownership of stocks lawfully acquired
188 prior to January 1, 1915, and the prohibition for investments in this subsection
189 shall not apply to investments otherwise provided by law other than subdivision
190 (4) of subsection 3 of section 362.105.

191 7. Any bank or trust company to which the provisions of subsection 2 of
192 this section apply may continue to make loans pursuant to the provisions of
193 subsection 2 of this section for up to five years after the appropriate decennial
194 census indicates that the population of the city in which such bank or trust
195 company is located has exceeded the limits provided in subsection 2 of this
196 section.

367.031. 1. At the time of making any secured personal credit loan, the
2 lender shall execute and deliver to the borrower a receipt for and describing the
3 tangible personal property subjected to the security interest to secure the
4 payment of the loan. The receipt shall contain the following:

5 (1) The name and address of the pawnshop;

6 (2) The name and address of the pledgor, the pledgor's description, and
7 the driver's license number, military identification number, identification
8 certificate number, or other official number capable of identifying the pledgor;

9 (3) The date of the transaction;

10 (4) An identification and description of the pledged goods, including serial
11 numbers if reasonably available;

12 (5) The amount of cash advanced or credit extended to the pledgor;

13 (6) The amount of the pawn service charge;

14 (7) The total amount which must be paid to redeem the pledged goods on
15 the maturity date;

16 (8) The maturity date of the pawn transaction; and

17 (9) A statement to the effect that the pledgor is not obligated to redeem
18 the pledged goods, and that the pledged goods may be forfeited to the pawnbroker
19 sixty days after the specified maturity date.

20 2. The pawnbroker may be required, in accordance with local ordinances,
21 to furnish appropriate law enforcement authorities with copies of information
22 contained in subdivisions (1) to (4) of subsection 1 of this section and information

23 contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker
24 may satisfy such requirements by transmitting such information electronically to
25 a database in accordance with this section, except that paper copies shall be made
26 available for an on-site inspection upon request of any appropriate law
27 enforcement authority.

28 3. As used in this section, the following terms mean: (1) "Database", a
29 computer database established and maintained by a third party engaged in the
30 business of establishing and maintaining one or more databases; (2) "Permitted
31 user", persons authorized by law enforcement personnel to access the database;
32 (3) "Reportable data", the information required to be recorded by pawnbrokers
33 for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this
34 section and the information required to be recorded by pawnbrokers for purchase
35 transactions pursuant to subdivision (6) of subsection 4 of section 367.040;
36 (4) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable
37 data electronically to the database; (5) "Search", the accessing of a single
38 database record.

39 4. The database shall provide appropriate law enforcement officials with
40 the information contained in subdivisions (1) to (4) of subsection 1 of this section
41 and other useful information to facilitate the investigation of alleged property
42 crimes while protecting the privacy rights of pawnbrokers and pawnshop
43 customers with regard to their transactions.

44 5. The database shall contain the pawn and purchase transaction
45 information recorded by reporting pawnbrokers pursuant to this section and
46 section 367.040 and shall be updated as requested. The database shall also
47 contain such security features and protections as may be necessary to ensure that
48 the reportable data maintained in the database can only be accessed by permitted
49 users in accordance with the provisions of this section.

50 6. The third party's charge for the database shall be based on the number
51 of permitted users. Law enforcement agencies shall be charged directly for access
52 to the database, and the charge shall be reasonable in relation to the costs of the
53 third party in establishing and maintaining the database. No reporting
54 pawnbroker or customer of a reporting pawnbroker shall be charged any costs for
55 the creation or utilization of the database.

56 7. (1) The information in the database shall only be accessible through
57 the internet to permitted users who have provided a secure identification or
58 access code to the database but shall allow such permitted users to access

59 database information from any jurisdiction transmitting such information to that
60 database. Such permitted users shall provide the database with an identifier
61 number of a criminal action for which the identity of the pawn or purchase
62 transaction customer is needed and a representation that the information is
63 connected to an inquiry or to the investigation of a complaint or alleged crime
64 involving goods delivered by that customer in that transaction. The database
65 shall record, for each search, the identity of the permitted user, the pawn or
66 purchase transaction involved in the search, and the identity of any customer
67 accessed through the search. Each search record shall be made available to other
68 permitted users regardless of their jurisdiction. The database shall enable
69 reporting pawnbrokers to transmit to the database through the internet
70 reportable data for each pawn and purchase transaction.

71 (2) Any person who gains access to information in the database through
72 fraud or false pretenses shall be guilty of a class **[C] D** felony.

73 8. Any pawnbroker licensed under section 367.043 shall meet the
74 following requirements:

75 (1) Provide all reportable data to appropriate users by transmitting it
76 through the internet to the database;

77 (2) Transmit all reportable data for one business day to the database prior
78 to the end of the following business day;

79 (3) Make available for on-site inspection to any appropriate law
80 enforcement official, upon request, paper copies of any pawn or purchase
81 transaction documents.

82 9. If a reporting pawnbroker or permitted user discovers any error in the
83 reportable data, notice of such error shall be given to the database, which shall
84 have a period of thirty days in which to correct the error. Any reporting
85 pawnbroker experiencing a computer malfunction preventing the transmission of
86 reportable data or receipt of search requests shall be allowed a period of at least
87 thirty but no more than sixty days to repair such malfunction, and during such
88 period such pawnbroker shall not be deemed to be in violation of this section if
89 good faith efforts are made to correct the malfunction. During the periods
90 specified in this subsection, the reporting pawnbroker and permitted user shall
91 arrange an alternative method or methods by which the reportable data shall be
92 made available.

93 10. No reporting pawnbroker shall be obligated to incur any cost, other
94 than internet service costs, in preparing, converting, or delivering its reportable

95 data to the database.

96 11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so
97 notify the pawnbroker in writing, and receipt of such notice shall invalidate such
98 pawn ticket, if the pledged goods have not previously been redeemed. Before
99 delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall
100 require the pledgor to make a written affidavit of the loss, destruction or theft of
101 the ticket. The pawnbroker shall record on the written statement the identifying
102 information required, the date the statement is given, and the number of the
103 pawn ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary
104 public appointed by the secretary of state pursuant to section 486.205 to perform
105 notarial acts in this state.

367.045. 1. When the tangible personal property subject to the pawn or
2 sales transaction has been delivered or awarded to a claimant pursuant to section
3 367.044, and within ten business days after a written demand for payment and
4 notice is deposited by the pawnbroker as certified or registered mail in the United
5 States mail and addressed to the conveying customer, the conveying customer
6 fails to repay the pawnbroker the full amount incurred by the pawnbroker in
7 connection with such property and the procedure described in section 367.044, the
8 conveying customer shall have committed the crime of fraudulently pledging or
9 selling misappropriated property.

10 2. Fraudulently pledging or selling property is a class B misdemeanor if
11 the amount received by the conveying customer from the pawnbroker was less
12 than fifty dollars. Fraudulently pledging or selling property is a class A
13 misdemeanor if the amount received by the conveying customer from the
14 pawnbroker was more than fifty dollars and less than one hundred fifty
15 dollars. Fraudulently pledging or selling property is a class [C] **D** felony if the
16 amount received by the conveying customer from the pawnbroker was one
17 hundred fifty dollars or more.

374.210. 1. It is unlawful for any person in any investigation,
2 examination, inquiry, or other proceeding under this chapter, chapter 354, and
3 chapters 375 to 385, to:

4 (1) Knowingly make or cause to be made a false statement upon oath or
5 affirmation or in any record that is submitted to the director or used in any
6 proceeding under this chapter, chapter 354, and chapters 375 to 385; or
7 (2) Make any false certificate or entry or memorandum upon any of the
8 books or papers of any insurance company, or upon any statement or exhibit

9 offered, filed or offered to be filed in the department, or used in the course of any
10 examination, inquiry, or investigation under this chapter, chapter 354 and
11 chapters 375 to 385.

12 2. If a person does not appear or refuses to testify, file a statement,
13 produce records, or otherwise does not obey a subpoena as required by the
14 director, the director may apply to the circuit court of any county of the state or
15 any city not within a county, or a court of another state to enforce
16 compliance. The court may:

17 (1) Hold the person in contempt;
18 (2) Order the person to appear before the director;
19 (3) Order the person to testify about the matter under investigation or in
20 question;

21 (4) Order the production of records;
22 (5) Grant injunctive relief;
23 (6) Impose a civil penalty of up to fifty thousand dollars for each violation;
24 and

25 (7) Grant any other necessary or appropriate relief. The director may also
26 suspend, revoke or refuse any license or certificate of authority issued by the
27 director to any person who does not appear or refuses to testify, file a statement,
28 produce records, or does not obey a subpoena.

29 3. This section does not preclude a person from applying to the circuit
30 court of any county of the state or any city not within a county for relief from a
31 request to appear, testify, file a statement, produce records, or obey a subpoena.

32 4. A person is not excused from attending, testifying, filing a statement,
33 producing a record or other evidence, or obeying a subpoena of the director under
34 an action or proceeding instituted by the director on the grounds that the
35 required testimony, statement, record, or other evidence, directly or indirectly,
36 may tend to incriminate the individual or subject the individual to a criminal
37 fine, penalty, or forfeiture. If the person refuses to testify, file a statement, or
38 produce a record or other evidence on the basis of the individual's privilege
39 against self-incrimination, the director may apply to the circuit court of any
40 county of the state or any city not within a county to compel the testimony, the
41 filing of the statement, the production of the record, or the giving of other
42 evidence. The testimony, record, or other evidence compelled under such an order
43 may not be used as evidence against the person in a criminal case, except in a
44 prosecution for perjury or contempt or otherwise failing to comply with the order.

45 5. If the director determines that a person has engaged, is engaging in,
46 or has taken a substantial step toward engaging in an act, practice or course of
47 business constituting a violation of this section, or a rule adopted or order issued
48 pursuant thereto, or that a person has materially aided or is materially aiding an
49 act, practice, omission, or course of business constituting a violation of this
50 section or a rule adopted or order issued pursuant thereto, the director may issue
51 such administrative orders as authorized under section 374.046. A violation of
52 subsection 1 of this section is a level four violation under section 374.049. The
53 director may also suspend or revoke the license or certificate of authority of such
54 person for any willful violation.

55 6. If the director believes that a person has engaged, is engaging in, or
56 has taken a substantial step toward engaging in an act, practice or course of
57 business constituting a violation of this section or a rule adopted or order issued
58 pursuant thereto, or that a person has materially aided or is materially aiding an
59 act, practice, omission, or course of business constituting a violation of this
60 section or a rule adopted or order issued pursuant thereto, the director may
61 maintain a civil action for relief authorized under section 374.048. A violation of
62 subsection 1 of this section is a level four violation under section 374.049.

63 7. Any person who knowingly engages in any act, practice, omission, or
64 course of business in violation of subsection 1 of this section is guilty of a class
65 [D] E felony. If the offender holds a license or certificate of authority under the
66 insurance laws of this state, the court imposing sentence shall order the
67 department to revoke such license or certificate of authority.

68 8. The director may refer such evidence as is available concerning
69 violations of this section to the proper prosecuting attorney, who with or without
70 a criminal reference, or the attorney general under section 27.030, may institute
71 the appropriate criminal proceedings.

72 9. Nothing in this section shall limit the power of the state to punish any
73 person for any conduct that constitutes a crime under any other state statute.

374.216. 1. A person commits the [crime] **offense** of filing a false
2 insurance statement if he prepares, makes, submits or files a financial report or
3 statement with the department of insurance, financial institutions and
4 professional registration with the purpose to misrepresent the financial condition
5 of the company in whose behalf such report or statement is prepared, made,
6 submitted or filed. The crime shall require no mental state other than that
7 specifically provided herein.

8 2. The [crime] **offense** of filing a false insurance statement is a class [C]
9 **D** felony.

374.702. 1. No person shall engage in the bail bond business as a bail
2 bond agent or a general bail bond agent without being licensed as provided in
3 sections 374.695 to 374.775.

4 2. No judge, attorney, court official, law enforcement officer, state, county,
5 or municipal employee who is either elected or appointed shall be licensed as a
6 bail bond agent or a general bail bond agent.

7 3. A licensed bail bond agent shall not execute or issue an appearance
8 bond in this state without holding a valid appointment from a general bail bond
9 agent and without attaching to the appearance bond an executed and
10 prenumbered power of attorney referencing the general bail bond agent or
11 insurer.

12 4. A person licensed as an active bail bond agent shall hold the license for
13 at least two years prior to owning or being an officer of a licensed general bail
14 bond agent.

15 5. A general bail bond agent shall not engage in the bail bond business:
16 (1) Without having been licensed as a general bail bond agent pursuant
17 to sections 374.695 to 374.775; or

18 (2) Except through an agent licensed as a bail bond agent pursuant to
19 sections 374.695 to 374.775.

20 6. A general bail bond agent shall not permit any unlicensed person to
21 solicit or engage in the bail bond business on the general bail bond agent's behalf,
22 except for individuals who are employed solely for the performance of clerical,
23 stenographic, investigative, or other administrative duties which do not require
24 a license pursuant to sections 374.695 to 374.789.

25 7. Any person who is convicted of a violation of this section is guilty of a
26 class A misdemeanor. For any subsequent convictions, a person who is convicted
27 of a violation of this section is guilty of a class [D] **E** felony.

374.757. 1. Any agent licensed by sections 374.695 to 374.775 who
2 intends to apprehend any person in this state shall inform law enforcement
3 authorities in the city or county in which such agent intends such apprehension,
4 before attempting such apprehension. Such agent shall present to the local law
5 enforcement authorities a certified copy of the bond and all other appropriate
6 paperwork identifying the principal and the person to be apprehended. Local law
7 enforcement may accompany the agent. Failure of any agent to whom this section

8 applies to comply with the provisions of this section shall be a class A
9 misdemeanor for the first violation and a class [D] E felony for subsequent
10 violations; and shall also be a violation of section 374.755 and may in addition be
11 punished pursuant to that section.

12 2. The surety recovery agent shall inform the local law enforcement in the
13 county or city where such agent is planning to enter a residence. Such agent
14 shall have a certified copy of the bond and all appropriate paperwork to identify
15 the principal. Local law enforcement, when notified, may accompany the surety
16 recovery agent to that location to keep the peace if an active warrant is effective
17 for a felony or misdemeanor. If a warrant is not active, the local law enforcement
18 officers may accompany the surety recovery agent to such location. Failure to
19 report to the local law enforcement agency is a class A misdemeanor. For any
20 subsequent violations, failure to report to the local law enforcement agency is a
21 class [D] E felony.

374.789. 1. A person is guilty of a class [D] E felony if he or she does not
2 hold a valid surety recovery agent license or a bail bond license and commits any
3 of the following acts:

- 4 (1) Holds himself or herself out to be a licensed surety recovery agent
5 within this state;
- 6 (2) Claims that he or she can render surety recovery agent services; or
- 7 (3) Engages in fugitive recovery in this state.

8 2. Any person who engages in fugitive recovery in this state and
9 wrongfully causes damage to any person or property, including, but not limited
10 to, unlawful apprehension, unlawful detainment, or assault, shall be liable for
11 such damages and may be liable for punitive damages.

375.310. 1. It is unlawful for any person, association of individuals, or
2 any corporation to transact in this state any insurance business unless the
3 person, association, or corporation is duly authorized by the director under a
4 certificate of authority or appropriate licensure, or is an insurance company
5 exempt from certification under section 375.786.

6 2. If the director determines that a person has engaged, is engaging in,
7 or has taken a substantial step toward engaging in an act, practice or course of
8 business constituting a violation of this section or a rule adopted or order issued
9 pursuant thereto, or that a person has materially aided or is materially aiding an
10 act, practice, omission, or course of business constituting a violation of this
11 section or a rule adopted or order issued pursuant thereto, the director may issue

12 such administrative orders as authorized under section 374.046. A violation of
13 this section is a level four violation under section 374.049.

14 3. If the director believes that a person has engaged, is engaging in, or
15 has taken a substantial step toward engaging in an act, practice or course of
16 business constituting a violation of this section or a rule adopted or order issued
17 pursuant thereto, or that a person has materially aided or is materially aiding an
18 act, practice, omission, or course of business constituting a violation of this
19 section or a rule adopted or order issued pursuant thereto, the director may
20 maintain a civil action for relief authorized under section 374.048. A violation of
21 this section is a level four violation under section 374.049.

22 4. Any person who knowingly engages in any act, practice, omission, or
23 course of business in violation of this section is guilty of a class [D] E felony.

24 5. The director may refer such evidence as is available concerning
25 violations of this chapter to the proper prosecuting attorney, who with or without
26 a criminal reference, or the attorney general under section 27.030, may institute
27 the appropriate criminal proceedings.

28 6. Nothing in this section shall limit the power of the state to punish any
29 person for any conduct that constitutes a crime under any other state statute.

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

2 (1) "Chief executive officer", the person, irrespective of his title,
3 designated by the board of directors or trustees of an insurer as the person
4 charged with the responsibility of administering and implementing the insurer's
5 policies and procedures;

6 (2) "Director", the director of the department of insurance, financial
7 institutions and professional registration;

8 (3) "Impaired", a financial situation in which the assets of an insurer are
9 less than the sum of the insurer's minimum required capital, minimum required
10 surplus and all liabilities as determined in accordance with the requirements for
11 the preparation and filing of the annual statement of an insurer;

12 (4) "Insurer", any insurance company or other insurer licensed to do
13 business in this state.

14 2. Whenever an insurer is impaired, its chief executive officer shall
15 immediately notify the director in writing of such impairment and shall also
16 immediately notify in writing all of the board of directors or trustees of the
17 insurer.

18 3. Any officer, director or trustee of an insurer shall notify the person

19 serving as chief executive officer of the impairment of such insurer in the event
20 such officer, director or trustee knows or has reason to know that the insurer is
21 impaired.

22 4. Any person who knowingly or recklessly violates subsection 2 or 3 of
23 this section shall, upon conviction thereof, be fined not more than fifty thousand
24 dollars or be imprisoned for not more than one year, or both. Any person who
25 knowingly does any of the following shall be guilty of a class [D] E felony:

26 (1) Conceals any property belonging to an insurer;

27 (2) Transfers or conceals in contemplation of a state insolvency proceeding
28 his own property or property belonging to an insurer;

29 (3) Conceals, destroys, mutilates, alters or makes a false entry in any
30 document which affects or relates to the property of an insurer or withholds any
31 such document from a receiver, trustee or other officer of a court entitled to its
32 possession;

33 (4) Gives, obtains or receives a thing of value for acting or forbearing to
34 act in any court proceedings; and any such act or acts results in or contributes to
35 an insurer's becoming impaired or insolvent.

375.720. 1. Whenever, by this chapter, or by any other law of this state,
2 the director is authorized or required to take possession of any of the general
3 assets of any insurer, it is unlawful for any person or company to knowingly
4 neglect or refuse to deliver to the director, on order or demand of the director, any
5 books, papers, evidences of title or debt, or any property belonging to any such
6 insurer in its, his or their possession, or under his, its or their control.

7 2. If the director determines that a person has engaged, is engaging in,
8 or has taken a substantial step toward engaging in an act, practice or course of
9 business constituting a violation of this section or a rule adopted or order issued
10 pursuant thereto, or that a person has materially aided or is materially aiding an
11 act, practice, omission, or course of business constituting a violation of this
12 section or a rule adopted or order issued pursuant thereto, the director may issue
13 such administrative orders as authorized under section 374.046. A violation of
14 this section is a level three violation under section 374.049. The director may
15 also suspend or revoke the license or certificate of authority of such person for
16 any willful violation.

17 3. If the director believes that a person has engaged, is engaging in, or
18 has taken a substantial step toward engaging in an act, practice or course of
19 business constituting a violation of this section or a rule adopted or order issued

20 pursuant thereto, or that a person has materially aided or is materially aiding an
21 act, practice, omission, or course of business constituting a violation of this
22 section or a rule adopted or order issued pursuant thereto, the director may
23 maintain a civil action for relief authorized under section 374.048. A violation of
24 this section is a level three violation under section 374.049.

25 4. Any person who knowingly engages in any act, practice, omission, or
26 course of business in violation of this section is guilty of a class **[C] D** felony. If
27 the offender holds a license or certificate of authority under the insurance laws
28 of this state, the court imposing sentence shall order the director to revoke such
29 license.

30 5. The director may refer such evidence as is available concerning
31 violations of this section to the proper prosecuting attorney, who with or without
32 a criminal reference, or the attorney general under section 27.030, may institute
33 the appropriate criminal proceedings.

34 6. Nothing in this section shall limit the power of the state to punish any
35 person for any conduct that constitutes a crime under any other state statute.

375.786. 1. It is unlawful for any insurance company to transact
2 insurance business in this state, as set forth in subsection 2, without a certificate
3 of authority from the director; provided, however, that this section shall not apply
4 to:

5 (1) The lawful transaction of insurance as provided in chapter 384;

6 (2) The lawful transaction of reinsurance by insurance companies;

7 (3) Transactions in this state involving a policy lawfully solicited, written
8 and delivered outside of this state covering only subjects of insurance not
9 resident, located or expressly to be performed in this state at the time of issuance,
10 and which transactions are subsequent to the issuance of such policy;

11 (4) Attorneys acting in the ordinary relation of attorney and client in the
12 adjustment of claims or losses;

13 (5) Transactions in this state involving group life and group sickness and
14 accident or blanket sickness and accident insurance or group annuities where the
15 master policy of such groups was lawfully issued and delivered in and pursuant
16 to the laws of a state in which the insurance company was authorized to do an
17 insurance business, to a group organized for purposes other than the procurement
18 of insurance, and where the policyholder is domiciled or otherwise has a bona fide
19 situs;

20 (6) Transactions in this state involving any policy of insurance or annuity

21 contract issued prior to August 13, 1972;

22 (7) Transactions in this state relative to a policy issued or to be issued
23 outside this state involving insurance on vessels, craft or hulls, cargoes, marine
24 builder's risk, marine protection and indemnity or other risk, including strikes
25 and war risks commonly insured under ocean or wet marine forms of policy;

26 (8) Except as provided in chapter 384, transactions in this state involving
27 contracts of insurance issued to one or more industrial insureds; provided that
28 nothing herein shall relieve an industrial insured from taxation imposed upon
29 independently procured insurance. An "industrial insured" is hereby defined as
30 an insured:

31 (a) Which procures the insurance of any risk or risks other than life,
32 health and annuity contracts by use of the services of a full-time employee acting
33 as an insurance manager or buyer or the services of an insurance producer whose
34 services are wholly compensated by such insured and not by the insurer;

35 (b) Whose aggregate annual premiums for insurance excluding workers'
36 compensation insurance premiums total at least one hundred thousand dollars;
37 and

38 (c) Which has at least twenty-five full-time employees;

39 (9) Transactions in this state involving life insurance, health insurance
40 or annuities provided to educational or religious or charitable institutions
41 organized and operated without profit to any private shareholder or individual
42 for the benefit of such institutions and individuals engaged in the service of such
43 institutions, provided that any company issuing such contracts under this
44 paragraph shall:

45 (a) File a copy of any policy or contract issued to Missouri residents with
46 the director;

47 (b) File a copy of its annual statement prepared pursuant to the laws of
48 its state of domicile, as well as such other financial material as may be requested,
49 with the director; and

50 (c) Provide, in such form as may be acceptable to the director, for the
51 appointment of the director as its true and lawful attorney upon whom may be
52 served all lawful process in any action or proceeding against such company
53 arising out of any policy or contract it has issued to, or which is currently held
54 by, a Missouri citizen, and process so served against such company shall have the
55 same form and validity as if served upon the company;

56 (10) Transactions in this state involving accident, health, personal effects,

57 liability or any other travel or auto-related products or coverages provided or sold
58 by a rental company after January 1, 1994, to a renter in connection with and
59 incidental to the rental of motor vehicles.

60 2. Any of the following acts in this state effected by mail or otherwise by
61 or on behalf of an unauthorized insurance company is deemed to constitute the
62 transaction of an insurance business in this state: (The venue of an act
63 committed by mail is at the point where the matter transmitted by mail is
64 delivered and takes effect. Unless otherwise indicated, the term "insurance
65 company" as used in sections 375.786 to 375.790 includes all corporations,
66 associations, partnerships and individuals engaged as principals in the business
67 of insurance and also includes interinsurance exchanges and mutual benefit
68 societies.)

69 (1) The making of or proposing to make an insurance contract;
70 (2) The making of or proposing to make, as guarantor or surety, any
71 contract of guaranty or suretyship as a vocation and not merely incidental to any
72 other legitimate business or activity of the guarantor or surety;

73 (3) The taking or receiving of any application for insurance;
74 (4) The receiving or collection of any premium, commission, membership
75 fees, assessments, dues or other consideration for any insurance or any part
76 thereof;

77 (5) The issuance or delivery of contracts of insurance to residents of this
78 state or to persons authorized to do business in this state;

79 (6) Directly or indirectly acting as an agent for or otherwise representing
80 or aiding on behalf of another any person or insurance company in the
81 solicitation, negotiation, procurement or effectuation of insurance or renewals
82 thereof or in the dissemination of information as to coverage or rates, or
83 forwarding of applications, or delivery of policies or contracts, or inspection of
84 risks, a fixing of rates or investigation or adjustment of claims or losses or in the
85 transaction of matters subsequent to effectuation of the contract and arising out
86 of it, or in any other manner representing or assisting a person or insurance
87 company in the transaction of insurance with respect to subjects of insurance
88 resident, located or to be performed in this state. The provisions of this
89 subsection shall not operate to prohibit full-time salaried employees of a corporate
90 insured from acting in the capacity of an insurance manager or buyer in placing
91 insurance in behalf of such employer;

92 (7) The transaction of any kind of insurance business specifically

93 recognized as transacting an insurance business within the meaning of the
94 statutes relating to insurance;

95 (8) The transacting or proposing to transact any insurance business in
96 substance equivalent to any of the foregoing in a manner designed to evade the
97 provisions of the statutes.

98 3. (1) The failure of an insurance company transacting insurance
99 business in this state to obtain a certificate of authority shall not impair the
100 validity of any act or contract of such insurance company and shall not prevent
101 such insurance company from defending any action at law or suit in equity in any
102 court of this state, but no insurance company transacting insurance business in
103 this state without a certificate of authority shall be permitted to maintain an
104 action in any court of this state to enforce any right, claim or demand arising out
105 of the transaction of such business until such insurance company shall have
106 obtained a certificate of authority.

107 (2) In the event of failure of any such unauthorized insurance company
108 to pay any claim or loss within the provisions of such insurance contract, any
109 person who assisted or in any manner aided directly or indirectly in the
110 procurement of such insurance contract shall be liable to the insured for the full
111 amount of the claim or loss in the manner provided by the provisions of such
112 insurance contract.

113 4. If the director determines that a person has engaged, is engaging in,
114 or has taken a substantial step toward engaging in an act, practice or course of
115 business constituting a violation of this section or a rule adopted or order issued
116 pursuant thereto, or that a person has materially aided or is materially aiding an
117 act, practice, omission, or course of business constituting a violation of this
118 section or a rule adopted or order issued pursuant thereto, the director may issue
119 such administrative orders as authorized under section 374.046. A violation of
120 this section is a level four violation under section 374.049.

121 5. If the director believes that a person has engaged, is engaging in, or
122 has taken a substantial step toward engaging in an act, practice or course of
123 business constituting a violation of this section or a rule adopted or order issued
124 pursuant thereto, or that a person has materially aided or is materially aiding an
125 act, practice, omission, or course of business constituting a violation of this
126 section or a rule adopted or order issued pursuant thereto, the director may
127 maintain a civil action for relief authorized under section 374.048. A violation of
128 this section is a level four violation under section 374.049.

129 6. Any person who transacts insurance business without a certificate of
130 authority, as provided in this section, is guilty of a class [C] **D** felony.

131 7. The director may refer such evidence as is available concerning
132 violations of this chapter to the proper prosecuting attorney, who with or without
133 a criminal reference, or the attorney general under section 27.030, may institute
134 the appropriate criminal proceedings.

135 8. Nothing in this section shall limit the power of the state to punish any
136 person for any conduct that constitutes a crime in any other state statute.

375.991. 1. As used in sections 375.991 to 375.994, the term "statement"
2 means any communication, notice statement, proof of loss, bill of lading, receipt
3 for payment, invoice, account, estimate of damages, bills for services, diagnosis,
4 prescription, hospital or doctor records, x-rays, test results or other evidence of
5 loss, injury or expense.

6 2. For the purposes of sections 375.991 to 375.994, a person commits a
7 "fraudulent insurance act" if such person knowingly presents, causes to be
8 presented, or prepares with knowledge or belief that it will be presented, to or by
9 an insurer, purported insurer, broker, or any agent thereof, any oral or written
10 statement including computer generated documents as part of, or in support of,
11 an application for the issuance of, or the rating of, an insurance policy for
12 commercial or personal insurance, or a claim for payment or other benefit
13 pursuant to an insurance policy for commercial or personal insurance, which such
14 person knows to contain materially false information concerning any fact material
15 thereto or if such person conceals, for the purpose of misleading another,
16 information concerning any fact material thereto.

17 3. A "fraudulent insurance act" shall also include but not be limited to
18 knowingly filing false insurance claims with an insurer, health services
19 corporation, or health maintenance organization by engaging in any one or more
20 of the following false billing practices:

21 (1) "Unbundling", an insurance claim by claiming a number of medical
22 procedures were performed instead of a single comprehensive procedure;

23 (2) "Upcoding", an insurance claim by claiming that a more serious or
24 extensive procedure was performed than was actually performed;

25 (3) "Exploding", an insurance claim by claiming a series of tests was
26 performed on a single sample of blood, urine, or other bodily fluid, when actually
27 the series of tests was part of one battery of tests; or

28 (4) "Duplicating", a medical, hospital or rehabilitative insurance claim

29 made by a health care provider by resubmitting the claim through another health
30 care provider in which the original health care provider has an ownership
31 interest.

32 Nothing in sections 375.991 to 375.994 shall prohibit providers from making good
33 faith efforts to ensure that claims for reimbursement are coded to reflect the
34 proper diagnosis and treatment.

35 4. If, by its own inquiries or as a result of complaints, the department of
36 insurance, financial institutions and professional registration has reason to
37 believe that a person has engaged in, or is engaging in, any fraudulent insurance
38 act or has violated any provision of chapters 375 to 385, it may administer oaths
39 and affirmations, serve subpoenas ordering the attendance of witnesses or
40 proffering of matter, and collect evidence. The director may refer such evidence
41 as is available concerning violations of this chapter to the proper prosecuting
42 attorney or circuit attorney who may, with or without such reference, initiate the
43 appropriate criminal proceedings.

44 5. If the matter that the department of insurance, financial institutions
45 and professional registration seeks to obtain by request is located outside the
46 state, the person so requested may make it available to the department or its
47 representative to examine the matter at the place where it is located. The
48 department may designate representatives, including officials of the state in
49 which the matter is located, to inspect the matter on its behalf, and it may
50 respond to similar requests from officials of other states.

51 6. A fraudulent insurance act for a first offense is a class [D] E
52 felony. Any person who pleads guilty to or is found guilty of a fraudulent
53 insurance act who has previously pled guilty to or has been found guilty of a
54 fraudulent insurance act shall be guilty of a class [C] D felony.

55 7. Any person who pleads guilty or is found guilty of a fraudulent
56 insurance act shall be ordered by the court to make restitution to any person or
57 insurer for any financial loss sustained as a result of such violation. The court
58 shall determine the extent and method of restitution.

59 8. Nothing in this section shall limit the power of the state to punish any
60 person for any conduct that constitutes a crime by any other state statute.

375.1176. 1. An order to liquidate the business of a domestic insurer shall
2 appoint the director and his successors as liquidator and shall direct the
3 liquidator forthwith to take immediate possession of the assets of the insurer and
4 to administer them subject to the supervision of the court until the liquidator is

5 discharged by the court. The liquidation of any insurer shall be considered to be
6 the business of insurance for purposes of application of any law of this state. The
7 liquidator shall be vested by operation of law with the title to all of the property,
8 contracts and rights of action, and all of the books and records of the insurer
9 ordered liquidated, wherever located, as of the entry of the order of
10 liquidation. The order shall require the liquidator to take immediate possession
11 of and to secure all of the records and property of the insurer wherever it is
12 located, and to take all measures necessary to preserve the integrity of the
13 insurer's records. The filing or recording of the order with the clerk of the court
14 and the recorder of deeds of the county in which its principal office or place of
15 business is located or, in the case of real estate, with the recorder of deeds of the
16 county where the property is located, shall impart the same notice as a deed, bill
17 of sale or other evidence of title duly filed or recorded with that recorder of deeds
18 would have imparted.

19 2. With the approval of the court, the director as liquidator may appoint
20 a special deputy or deputies to act for him under sections 375.1175 to
21 375.1230. The special deputy shall not be an employee of the department of
22 insurance, financial institutions and professional registration. The special deputy
23 shall have all powers of the liquidator granted by sections 375.1175 to
24 375.1230. The special deputy shall administer and liquidate the insolvent insurer
25 subject to the general supervision of the director and the specific supervision of
26 the court as provided in sections 375.1175 to 375.1230.

27 3. Upon issuance of the order of liquidation, the rights and liabilities of
28 any such insurer and of its creditors, policyholders, shareholders, members and
29 any other persons interested in its estate shall become fixed and the termination
30 of any period fixed by any statute of limitations provided by law shall be
31 suspended as of the date of entry of the order of liquidation, except as provided
32 in sections 375.1178, 375.1206 and 375.1210. Rights of shareholders provided by
33 any law other than as provided by sections 375.1150 to 375.1246 shall be
34 suspended upon issuance of the order of liquidation.

35 4. An order to liquidate the business of an alien insurer domiciled in this
36 state shall be in the same terms and have the same legal effect as an order to
37 liquidate a domestic insurer, except that the assets and the business in the
38 United States shall be the only assets and business included therein.

39 5. At the time of petitioning for an order of liquidation, or at any time
40 thereafter, the director, after making determination of an insurer's insolvency,

41 may petition the court for a judicial declaration of such insolvency. After
42 providing such notice and hearing as it deems proper, the court may make the
43 declaration.

44 6. (1) Any order issued under this section shall require periodic financial
45 reports to the court by the liquidator. Financial reports shall include, at a
46 minimum, the assets and liabilities of the insurer and all funds received or
47 disbursed by the liquidator during the current period. Financial reports shall be
48 filed within one year of the liquidation order and at least annually thereafter.

49 (2) After an order of liquidation has been entered, the liquidator of such
50 insurer shall file with the director a statement which shall reflect the claims
51 reserves, including losses incurred but not reported, and unearned premium
52 reserves which have been established by the liquidator and which shall also set
53 forth the amounts of such reserves that are allocable to particular reinsurers of
54 the insolvent company. A similar statement shall be filed by each liquidator not
55 less frequently than annually and shall be considered for all intents and purposes
56 as the annual statement which was required to be filed by the insurer with the
57 director prior to the liquidation proceedings. To the extent that any reinsurer of
58 an insurer in liquidation would have been required under any agreement
59 pertaining to reinsurance to post letters of credit or other security prior to an
60 order of liquidation to cover such reserves reflected upon a statement filed with
61 a regulatory authority, such reinsurer shall be required to post letters of credit
62 or other security to cover such reserves after an insurer has been placed in
63 liquidation. If a reinsurer shall fail to post letters of credit or other security
64 required by a reinsurance agreement or the provisions of this section, the director
65 may issue an order barring such reinsurer from thereafter reinsuring any insurer
66 which is incorporated under the laws of the state of Missouri.

67 7. (1) Within five days after the initiation of an appeal of an order of
68 liquidation, the liquidator shall present for the court's approval a plan for the
69 continued performance of the defendant company's policy claims obligations,
70 including the duty to defend insureds under liability insurance policies, during
71 the pendency of an appeal. Such plan shall provide for the continued
72 performance and payment of policy claims obligations in the normal course of
73 events, notwithstanding the grounds alleged in support of the order of liquidation
74 including the ground of insolvency. In the event the defendant company's
75 financial condition, in the judgment of the liquidator, will not support the full
76 performance of all policy claims obligations during the appeal pendency period,

77 the plan may prefer the claims of certain policyholders and claimants over
78 creditors and interested parties as well as other policyholders and claimants, as
79 the liquidator finds to be fair and equitable considering the relative
80 circumstances of such policyholders and claimants. The court shall examine the
81 plan submitted by the liquidator and if it finds the plan to be in the best interests
82 of the parties, the court shall approve the plan. No action shall lie against the
83 liquidator or any of his deputies, agents, clerks, assistants or attorneys by any
84 party based on preference in an appeal pendency plan approved by the court.

85 (2) The appeal pendency plan shall not supersede or affect the obligations
86 of any insurance guaranty association.

87 (3) Any such plans shall provide for equitable adjustments to be made by
88 the liquidator to any distributions of assets to guaranty associations, in the event
89 that the liquidator pays claims from assets of the estate, which would otherwise
90 be the obligations of any particular guaranty association but for the appeal of the
91 order of liquidation, such that all guaranty associations equally benefit on a pro
92 rata basis from the assets of the estate. Further, in the event an order of
93 liquidation is set aside upon any appeal, the company shall not be released from
94 delinquency proceedings unless and until all funds advanced by any guaranty
95 association, including reasonable allocated loss adjustment expenses in
96 connection therewith relating to obligations of the company, shall be repaid in
97 full, together with interest at the judgment rate of interest or unless an
98 arrangement for repayment thereof has been made with the consent of all
99 applicable guaranty associations.

100 8. Any person who shall knowingly destroy, conceal, convert or alter any
101 records or property of an insurer after entry of an order of liquidation, without
102 having received prior written permission of the liquidator or of the court, or who
103 shall knowingly neglect or refuse, upon the order or demand of the liquidator, to
104 deliver to the liquidator any records or property of an insurer in his possession
105 or control, shall be guilty of a class [C] **D** felony.

375.1287. 1. A notice of transfer regarding an assumption reinsurance
2 agreement shall be provided to the policyholders of a transferring insurer in the
3 following manner:

4 (1) The transferring insurer shall provide or cause to be provided to each
5 policyholder a notice of transfer by first class mail, addressed to the policyholder's
6 last known address or to the address to which premium notices or other policy
7 documents are sent or, with respect to home service business, by personal

8 delivery with acknowledged receipt. A notice of transfer shall also be sent to the
9 transferring insurer's agents and brokers of record on the affected policies;

10 (2) The notice of transfer shall state or provide:

11 (a) The date on which the transfer and novation of the policyholder's
12 contract of insurance is proposed to take place;

13 (b) The name and addresses and telephone numbers of the transferring
14 insurer and assuming insurer;

15 (c) That the policyholder has the right to either consent to or reject the
16 transfer and novation;

17 (d) The procedures and time limit for consenting to or rejecting the
18 transfer and novation;

19 (e) A summary of any effect that consenting to or rejecting the transfer
20 and novation will have on the policyholder's rights;

21 (f) A statement that the assuming insurer is licensed to write the type of
22 business being assumed in the state where the policyholder resides, or is
23 otherwise authorized, as provided herein, to assume such business;

24 (g) The name and address of the person at the transferring insurer to
25 whom the policyholder should send its written statement of acceptance or
26 rejection of the transfer and novation;

27 (h) The address and phone number of the insurance department where the
28 policyholder resides so that the policyholder may write or call its insurance
29 department for further information regarding the financial condition of the
30 assuming insurer; and

31 (i) The following financial data for both companies:

32 a. Ratings for the last five years if available or for such lesser period as
33 is available from two nationally recognized insurance rating services acceptable
34 to the director including the rating service's explanation of the rating's meaning.
35 If ratings are unavailable for any year of the five-year period, this shall also be
36 disclosed;

37 b. A balance sheet as of December thirty-first for the previous three years
38 if available or for such lesser period as is available and as of the date of the most
39 recent quarterly statement;

40 c. A copy of the management's discussion and analysis that was filed as
41 a supplement to the previous year's annual statement; and

42 d. An explanation of the reason for the transfer;

43 (3) Notice in a form identical or substantially similar to the following, or

44 as specified by the director of the department of insurance, financial institutions
45 and professional registration by regulation, shall be deemed to comply with the
46 requirements of this subsection:

47 (FIRST, SECOND OR THIRD AND FINAL)

48 NOTICE OF TRANSFER

49 IMPORTANT: THIS NOTICE AFFECTS YOUR CONTRACT

50 RIGHTS. PLEASE READ IT CAREFULLY.

51 TRANSFER OF POLICY

52 The (name of assuming insurance company) has agreed to replace us as your
53 insurer under (insert policy/certificate name and number) effective (insert
54 date). The (assuming insurance company's) principal place of business is (insert
55 address) and certain financial information concerning both companies are
56 attached, including: (1) ratings for the last five years if available or for such
57 lesser period as is available from two nationally recognized insurance rating
58 services; (2) balance sheets for the previous three years if available or for such
59 lesser period as is available and as of a date no later than ninety days prior to
60 the current date; (3) a copy of the management's discussion and analysis that was
61 filed as a supplement to the previous year's annual statement; and (4) an
62 explanation of the reason for the transfer. You may obtain additional information
63 concerning (name of assuming insurance company) from reference materials in
64 your local library or by contacting your state insurance director at (insert
65 address). The (name of assuming insurance company) is licensed to write this
66 coverage in your state.

67 Your Rights

68 You may choose to accept or reject the transfer of your policy to (name of
69 assuming insurance company). If you want your policy transferred, you must
70 notify us in writing immediately by signing and returning the enclosed
71 preaddressed, postage-paid or by writing to us at: (Insert name, address and
72 facsimile number of contact person.) Payment of your premiums to the assuming
73 company will also constitute acceptance of the transaction. However, a method
74 will be provided to allow you to pay the premium while reserving the right to
75 reject the transfer. If you reject the transfer, you may keep your policy with us
76 or exercise any option under your policy. If we do not receive a written rejection
77 from you within thirty months of our first notice of transfer, (insert date of initial
78 mailing), you will, as a matter of law, have consented to the transfer. However,
79 before this consent is final, you will be provided a second notice, twelve months

80 after our first notice, and a third and final notice, twenty-four months after our
81 first notice. After the third and final notice is provided, you will have only six
82 months to reply. If you have paid your premium to (the assuming insurance
83 company) without reserving your right to reject the transfer, you will not receive
84 a subsequent notice.

Effect of Transfer

86 If you accept this transfer, (name of assuming insurance company) will be your
87 insurer. It will have direct responsibility to you for the payment of all claims,
88 benefits and for all other policy obligations. We will no longer have any
89 obligations to you. If you accept this transfer, you should make all premium
90 payments and claims submissions to (name of assuming insurance company) and
91 direct all questions to (name of assuming insurance company). If you have any
92 further questions about this agreement, you may contact (name of transferring
93 insurance company) or (name of assuming insurance company).

94 Sincerely,.....

95 (Name of Transferring
96 Insurance Company
97 Address
98 Telephone Number) (Name of Assuming
Insurance Company
Address
Telephone Number)

99 For your convenience, we have enclosed a preaddressed postage-paid response
100 card. Please take time now to read the enclosed notice and complete and return
101 the response card to us.

102 (Notice Date)

RESPONSE CARD

104 Yes, I accept the transfer of my policy from (name of transferring company)
105 to (name of assuming company).

106 No, I reject the proposed transfer of my policy from (name of transferring
107 company) to (name of assuming company) and wish to retain my policy with
108 (name of transferring company).

109 (Signature)

110 (Date)

111 Name:

112 Street Address:

113 City, State, Zip:

114 (4) The notice to transfer shall include a preaddressed, postage-paid
115 response card which a policyholder may return as its written statement of

116 acceptance or rejection of the transfer and novation;

117 (5) The notice of transfer proposed to be used shall be filed as part of the
118 prior approval requirement set forth below in subdivision (1) of subsection 2 of
119 this section.

120 2. (1) Prior approval by the director is required for any transaction where
121 an insurer domiciled in this state assumes or transfers obligations or risks on
122 contracts of insurance under an assumption reinsurance agreement. No insurer
123 licensed in this state shall transfer obligations or risks on contracts of insurance
124 owned by policyholders residing in this state to any insurer that is not licensed
125 in this state. An insurer domiciled in this state shall not assume obligations or
126 risks on contracts of insurance owned by policyholders residing in any other state
127 unless it is licensed in the other state, or the insurance regulatory official of that
128 state has approved such assumption in writing;

129 (2) Any licensed foreign insurer that enters into an assumption
130 reinsurance agreement, which transfers the obligations or risks on contracts of
131 insurance owned by policyholders residing in this state, shall file or cause to be
132 filed the assumption certificate with the director of the department of insurance,
133 financial institutions and professional registration of this state, a copy of the
134 notice of transfer, and an affidavit that the transaction is subject to substantially
135 similar requirements in the state of domicile of both the transferring and
136 assuming insurer;

137 (3) Any licensed foreign insurer that enters into an assumption
138 reinsurance agreement, which transfers the obligations or risks on contracts of
139 insurance owned by policyholders residing in this state, shall obtain the prior
140 approval of the director of the department of insurance, financial institutions and
141 professional registration of this state and shall be subject to all other
142 requirements of sections 375.1280 to 375.1295 unless the transferring and
143 assuming insurers are subject to assumption reinsurance requirements adopted
144 by statute or regulation in the jurisdiction of their domicile which are
145 substantially similar to sections 375.1280 to 375.1295;

146 (4) No insurer required to receive approval of assumption reinsurance
147 transactions under this section shall enter into an assumption reinsurance
148 transaction until:

149 (a) Thirty days after the director has received a request for approval and
150 has not within such period disapproved such transaction; or

151 (b) The director shall have approved the transaction within the thirty-day

152 period;

153 (5) The following factors, along with such other factors as the director
154 deems appropriate under the circumstances, shall be considered by the director
155 in reviewing the request for approval:

156 (a) The financial condition of the transferring and assuming insurer and
157 the effect the transaction will have on the financial condition of each company;

158 (b) The competence, experience and integrity of those persons who control
159 the operation of the assuming insurer;

160 (c) The plans or proposals the assuming party has with respect to the
161 administration of the policies subject to the proposed transfer;

162 (d) Whether the transfer is fair and reasonable to the policyholders of
163 both companies;

164 (e) Whether the notice of transfer to be provided by the insurer is fair,
165 adequate and not misleading; and

166 (f) Whether the transfer lessens competition or restrains trade.

167 3. Any officer, director or stockholder of any insurer violating or
168 consenting to the violation of any provision of subsection 2 of this section is guilty
169 of a class [D] E felony.

380.391. 1. It is unlawful for any officer, director, member, agent or
2 employee of any company operating under the provisions of sections 380.201 to
3 380.611 to directly or indirectly use or employ, or permit others to use or employ,
4 any of the money, funds or securities of the company for private profit or gain.

5 2. Any person who willfully engages in any act, practice, omission, or
6 course of business in violation of this section is guilty of a class [D] E felony.

7 3. The director may refer such evidence as is available concerning
8 violations of this section to the proper prosecuting attorney, who with or without
9 a criminal reference, or the attorney general under section 27.030, may institute
10 the appropriate criminal proceedings.

11 4. Nothing in this section shall limit the power of the state to punish any
12 person for any conduct that constitutes a crime in any other state statute.

382.275. Any officer, director, or employee of an insurance holding
2 company system who knowingly subscribes to or makes or causes to be made any
3 false statements or false reports or false filings with the intent to deceive the
4 director in the performance of his duties under this chapter, upon conviction
5 thereof, shall be guilty of a class [D] E felony. Any fines imposed shall be paid
6 by the officer, director, or employee in his individual capacity.

389.653. 1. [Any person who commits the following acts shall be deemed
2 guilty of a "trespass to railroad property"] **A person commits the offense of**
3 **trespass to railroad property if such person:**

4 (1) [Throwing] **Throws** an object at a railroad train or rail-mounted work
5 equipment; or

6 (2) Maliciously or wantonly [causing] **causes** in any manner the
7 derailment of a railroad train, railroad car or rail-mounted work equipment.

8 2. [Any person committing a] **The offense of** trespass to railroad
9 property [pursuant to this section shall be deemed guilty of] **is** a class A
10 misdemeanor[.]

11 3. Notwithstanding subsection 2 of this section, any person committing a
12 trespass to railroad property pursuant to this section resulting] **unless the**
13 **trespass results** in the damage or destruction of railroad property in an amount
14 exceeding one thousand five hundred dollars [or resulting], **results** in the injury
15 or death of any person [shall be deemed guilty of a class D felony].

16 4. Notwithstanding subsection 2 of this section, any person], **or the**
17 **person** committing [a trespass to railroad property pursuant to this section
18 who] **the offense** discharges a firearm or a weapon at a railroad train or
19 rail-mounted work equipment [shall be deemed guilty of], **in which case it is**
20 a class [D] **E** felony.

21 [5.] 3. Nothing in this section shall be construed to interfere with either
22 the lawful use of a public or private railroad crossing, or as limiting a
23 representative of a labor organization which represents or is seeking to represent
24 the employees of the railroad, from conducting such business as provided by the
25 Railway Labor Act.

26 [6.] 4. As used in this section, "railroad property" includes, but is not
27 limited to, any train, locomotive, railroad car, caboose, rail-mounted work
28 equipment, rolling stock, work equipment, safety device, switch, electronic signal,
29 microwave communication equipment, connection, railroad track, rail, bridge,
30 trestle, right-of-way or any other property owned, leased, operated or possessed
31 by a railroad.

407.020. 1. The act, use or employment by any person of any deception,
2 fraud, false pretense, false promise, misrepresentation, unfair practice or the
3 concealment, suppression, or omission of any material fact in connection with the
4 sale or advertisement of any merchandise in trade or commerce or the solicitation
5 of any funds for any charitable purpose, as defined in section 407.453, in or from

6 the state of Missouri, is declared to be an unlawful practice. The use by any
7 person, in connection with the sale or advertisement of any merchandise in trade
8 or commerce or the solicitation of any funds for any charitable purpose, as defined
9 in section 407.453, in or from the state of Missouri of the fact that the attorney
10 general has approved any filing required by this chapter as the approval, sanction
11 or endorsement of any activity, project or action of such person, is declared to be
12 an unlawful practice. Any act, use or employment declared unlawful by this
13 subsection violates this subsection whether committed before, during or after the
14 sale, advertisement or solicitation.

15 2. Nothing contained in this section shall apply to:

16 (1) The owner or publisher of any newspaper, magazine, publication or
17 printed matter wherein such advertisement appears, or the owner or operator of
18 a radio or television station which disseminates such advertisement when the
19 owner, publisher or operator has no knowledge of the intent, design or purpose
20 of the advertiser; or

21 (2) Any institution, company, or entity that is subject to chartering,
22 licensing, or regulation by the director of the department of insurance, financial
23 institutions and professional registration under chapter 354 or chapters 374 to
24 385, the director of the division of credit unions under chapter 370, or director of
25 the division of finance under chapters 361 to 369, or chapter 371, unless such
26 directors specifically authorize the attorney general to implement the powers of
27 this chapter or such powers are provided to either the attorney general or a
28 private citizen by statute.

29 3. Any person who willfully and knowingly engages in any act, use,
30 employment or practice declared to be unlawful by this section with the intent to
31 defraud shall be guilty of a class [D] E felony.

32 4. It shall be the duty of each prosecuting attorney and circuit attorney
33 in their respective jurisdictions to commence any criminal actions under this
34 section, and the attorney general shall have concurrent original jurisdiction to
35 commence such criminal actions throughout the state where such violations have
36 occurred.

37 5. It shall be an unlawful practice for any long-term care facility, as
38 defined in section 660.600, except a facility which is a residential care facility or
39 an assisted living facility, as defined in section 198.006, which makes, either
40 orally or in writing, representation to residents, prospective residents, their
41 families or representatives regarding the quality of care provided, or systems or

42 methods utilized for assurance or maintenance of standards of care to refuse to
43 provide copies of documents which reflect the facility's evaluation of the quality
44 of care, except that the facility may remove information that would allow
45 identification of any resident. If the facility is requested to provide any copies,
46 a reasonable amount, as established by departmental rule, may be charged.

47 6. Any long-term care facility, as defined in section 660.600, which
48 commits an unlawful practice under this section shall be liable for damages in a
49 civil action of up to one thousand dollars for each violation, and attorney's fees
50 and costs incurred by a prevailing plaintiff, as allowed by the circuit court.

407.095. 1. Whenever it appears to the attorney general that a person has
2 engaged in, is engaging in or is about to engage in any method, act, use, practice
3 or solicitation declared to be unlawful by any provision of this chapter, he may
4 issue and cause to be served upon such person, and any other person or persons
5 concerned with or who, in any way, have participated, are participating or are
6 about to participate in such unlawful method, act, use, practice or solicitation, an
7 order prohibiting such person or persons from engaging or continuing to engage
8 in such unlawful method, act, use, practice or solicitation. Such order shall not
9 be issued until the attorney general has notified each person who will be subject
10 to such order of the statutory section which such person is alleged to have
11 violated, be violating or be about to violate, and the nature of the method, act,
12 use, practice or solicitation which is the basis of such alleged violation. The
13 person to whom such notice is given shall have two business days from the receipt
14 of such notice to file an answer to such notice with the attorney general before the
15 order authorized by this subsection may be issued.

16 2. All orders issued by the attorney general under subsection 1 of this
17 section shall be signed by the attorney general or, in the event of his absence, his
18 duly authorized representative, and shall be served in the manner provided in
19 section 407.040, for the service of civil investigative demands and shall expire of
20 their own force ten days after being served.

21 3. Any person who has been duly served with an order issued under
22 subsection 1 of this section and who willfully and knowingly violates any
23 provision of such order while such order remains in effect, either as originally
24 issued or as modified, is guilty of a class [D] **E** felony. The attorney general shall
25 have original jurisdiction to commence all criminal actions necessary to enforce
26 this section.

407.420. Any person willfully violating any of the provisions of section

2 407.405 is guilty of a class [D] **E** felony. It shall be the duty of each prosecuting
3 attorney and circuit attorney in their respective jurisdictions to commence any
4 criminal actions under this section, and the attorney general shall have
5 concurrent original jurisdiction to commence such criminal actions throughout the
6 state where such violations have occurred.

407.436. 1. Any person who willfully and knowingly, and with the intent
2 to defraud, engages in any practice declared to be an unlawful practice in sections
3 407.430 to 407.436 of this credit user protection law shall be guilty of a class [D]
4 **E** felony.

5 2. The violation of any provision of sections 407.430 to 407.436 of this
6 credit user protection law constitutes an unlawful practice pursuant to sections
7 407.010 to 407.130, and the violator shall be subject to all penalties, remedies and
8 procedures provided in sections 407.010 to 407.130. The attorney general shall
9 have all powers, rights, and duties regarding violations of sections 407.430 to
10 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking
11 authority as provided in section 407.145.

407.516. 1. A person commits the [crime] **offense** of odometer fraud in
2 the first degree if he **or she** advertises for sale, sells, installs or has installed any
3 device which causes an odometer to register any mileage other than the true
4 mileage driven.

5 2. For purposes of this section, the true mileage driven is that mileage
6 driven by the vehicle as registered by the odometer within the manufacturer's
7 designed tolerance.

8 3. Odometer fraud in the first degree is a class A misdemeanor.

407.521. 1. A person commits the [crime] **offense** of odometer fraud in
2 the second degree if he **or she**, with the intent to defraud disconnects, resets, or
3 alters the odometer of any motor vehicle with the intent to change the number of
4 miles indicated thereon.

5 2. The disconnection, resetting, or altering of any odometer while in the
6 possession of the person shall be *prima facie* evidence of intent to defraud.

7 3. Odometer fraud in the second degree is a class [D] **E** felony.

407.536. 1. Any person transferring ownership of a motor vehicle
2 previously titled in this or any other state shall do so by assignment of title and
3 shall place the mileage registered on the odometer at the time of transfer above
4 the signature of the transferor. The signature of the transferor below the mileage
5 shall constitute an odometer mileage statement. The transferee shall sign such

6 odometer mileage statement before an application for certificate of ownership may
7 be made. If the true mileage is known to the transferor to be different from the
8 number of miles shown on the odometer or the true mileage is unknown, a
9 statement from the transferor shall accompany the assignment of title which shall
10 contain all facts known by the transferor concerning the true mileage of the motor
11 vehicle. That statement shall become a part of the permanent record of the motor
12 vehicle with the Missouri department of revenue. The department of revenue
13 shall place on all new titles issued after September 28, 1977, a box titled "mileage
14 at the time of transfer".

15 2. Any person transferring the ownership of a motor vehicle previously
16 untitled in this or any other state to another person shall give an odometer
17 mileage statement to the transferee. The statement shall include above the
18 signature of the transferor and transferee the cumulative mileage registered on
19 the odometer at the time of transfer. If the true mileage is known to the
20 transferor to be different from the number of miles shown on the odometer or the
21 true mileage is unknown, a statement from the transferor shall accompany the
22 assignment of title which shall contain all facts known by the transferor
23 concerning the true mileage of the motor vehicle. That statement shall become
24 a permanent part of the records of the Missouri department of revenue.

25 3. If, upon receiving an application for registration or for a certificate of
26 ownership of a motor vehicle, the director of revenue has credible evidence that
27 the odometer reading provided by a transferor is materially inaccurate, he may
28 place an asterisk on the face of the title document issued by the Missouri
29 department of revenue, provided that the process required thereby does not
30 interfere with his obligations under subdivision (2) of subsection 3 of section
31 301.190. The asterisk shall refer to a statement on the face and at the bottom of
32 the title document which shall read as follows: "This may not be the true and
33 accurate mileage of this motor vehicle. Consult the documents on file with the
34 Missouri department of revenue for an explanation of the inaccuracy." Nothing
35 in this section shall prevent any person from challenging the determination by
36 the director of revenue in the circuit courts of the state of Missouri. The burden
37 of proof shall be on the director of the department of revenue in all such
38 proceedings.

39 4. The mileage disclosed by the odometer mileage statement for a new or
40 used motor vehicle as described in subsections 1 and 2 of this section shall be
41 placed by the transferor on any title or document evidencing

42 ownership. Additional statements shall be placed on the title document as
43 follows:

44 (1) If the transferor states that to the best of his knowledge the mileage
45 disclosed is the actual mileage of the motor vehicle, an asterisk shall follow the
46 mileage on the face of the title or document of ownership issued by the Missouri
47 department of revenue. The asterisk shall reference to a statement on the face
48 and bottom of the title document which shall read as follows: "Actual Mileage".

49 (2) Where the transferor has submitted an explanation why this mileage
50 is incorrect, an asterisk shall follow the mileage on the face of the title or
51 document of ownership issued by the Missouri department of revenue. The
52 asterisk shall reference to a statement on the face and at the bottom of the title
53 document which shall read as follows: "This is not the true and accurate mileage
54 of this motor vehicle. Consult the documents on file with the Missouri
55 department of revenue for an explanation of the inaccuracy." Further wording
56 shall be included as follows:

57 (a) If the transferor states that the odometer reflects the amount of
58 mileage in excess of the designed mechanical odometer limit, the above statement
59 on the face of the title document shall be followed by the words: "Mileage exceeds
60 the mechanical limits";

61 (b) If the transferor states that the odometer reading differs from the
62 mileage and that the difference is greater than that caused by odometer
63 calibration error and the odometer reading does not reflect the actual mileage and
64 should not be relied upon, the above statement on the face of the title document
65 shall be preceded by the words: "Warning Odometer Discrepancy".

66 5. The department of revenue shall notify all motor vehicle ownership
67 transferees of the civil and criminal penalties involving odometer fraud.

68 6. Any person defacing or obscuring or otherwise falsifying any odometer
69 reading on any document required by this section shall be guilty of a class [D] E
70 felony.

71 7. The granting or creation of a security interest or lien shall not be
72 considered a change of ownership for the purpose of this section, and the grantor
73 of such lien or security interest shall not be required to make an odometer
74 mileage statement. The release of a lien by a mortgage holder shall not be
75 considered a change of ownership of the motor vehicle for the purposes of this
76 section. The mortgage holder or lienholder shall not be required to make an
77 odometer disclosure statement or state the current odometer setting at the time

78 of the release of the lien where there is no change of ownership.

79 8. For the purposes of the mileage disclosure requirements of this section,
80 if a certificate of ownership is held by a lienholder, if the transferor makes
81 application for a duplicate certificate of ownership, or as otherwise provided in
82 the federal Motor Vehicle Information and Cost Savings Act and related federal
83 regulations, the transferor may execute a written power of attorney authorizing
84 a transfer of ownership. The person granted such power of attorney shall restate
85 exactly on the assignment of title the actual mileage disclosed at the time of
86 transfer. The power of attorney shall accompany the certificate of ownership and
87 the original power of attorney and a copy of the certificate of ownership shall be
88 returned to the issuing state in the manner prescribed by the director of revenue,
89 unless otherwise provided by federal law, rule or regulation. The department of
90 revenue may prescribe a secure document for use in executing a written power of
91 attorney. The department shall collect a fee for each form issued, not to exceed
92 the cost of procuring the form.

407.544. Notwithstanding any provision of law to the contrary, a court
2 may enhance the sentence for any person convicted of violating section 407.516,
3 407.521, 407.526, 407.536, 407.542 or 407.543 who has a prior conviction for any
4 one of the foregoing sections to a fine and to a time of imprisonment within the
5 department of corrections [and human resources] for a term not to exceed that
6 otherwise authorized by law for violation of a class **[D] E** felony.

407.740. 1. Any person who willfully and knowingly engages in unlawful
2 subleasing of a motor vehicle, as defined in section 407.742, shall be guilty of a
3 class **[D] E** felony. It shall be the duty of each prosecuting attorney and circuit
4 attorney in their respective jurisdictions to commence any criminal actions under
5 sections 407.738 to 407.745, and the attorney general shall have concurrent
6 original jurisdiction to commence such criminal actions throughout the state
7 where such violations have occurred.

8 2. Whenever it appears to the attorney general that a person has engaged
9 in, is engaging in, or is about to engage in unlawful subleasing of a motor vehicle,
10 he may bring an action pursuant to section 407.100 for an injunction prohibiting
11 such person from continuing such methods, uses, acts, or practices, or engaging
12 therein, or doing anything in furtherance thereof. In any action brought by the
13 attorney general under this subsection, all of the provisions of sections 407.100
14 to 407.140 shall apply thereto.

407.1082. 1. It is unlawful pursuant to section 407.020 to violate any

2 provision of sections 407.1070 to 407.1085 or to misrepresent or omit the required
3 disclosures of section 407.1073 or 407.1076, and pursuant to sections 407.010 to
4 407.130, the violator shall be subject to all penalties, remedies and procedures
5 provided in sections 407.010 to 407.130. The remedies available in this section
6 are cumulative and in addition to any other remedies available by law.

7 2. Any person who willfully and knowingly engages in any act or practice
8 declared to be unlawful by any provision of subdivisions (2) to (5) of section
9 407.1076 shall be guilty of a class A misdemeanor. Any person who willfully and
10 knowingly engages in any act or practice declared to be unlawful by any provision
11 of subdivision (1) of section 407.1076, or of subdivisions (6) to (11) of section
12 407.1076, shall be guilty of a class [D] E felony. Any person previously convicted
13 of a class [D] E felony pursuant to this subsection shall, for each subsequent
14 conviction, be guilty of a class [D] E felony punishable by the term of years set
15 out for a class [D] E felony, but with a fine of not more than five thousand dollars
16 or a fine equal to triple the gain, with no limit on the amount recoverable
17 pursuant to any triple-the-gain penalty. Any person who willfully and knowingly
18 fails to keep the records required in section 407.1079 shall be guilty of a class A
19 misdemeanor.

20 3. In addition to the remedies already provided in sections 407.1070 to
21 407.1085, any consumer that suffers a loss or harm as a result of any unlawful
22 telemarketing act or practice pursuant to section 407.1076 may recover actual
23 and punitive damages, reasonable attorney's fees, court costs and any other
24 remedies provided by law.

407.1252. 1. Any individual who purchases a travel club membership
2 from a travel club and has a complaint resulting from that purchase transaction
3 has the option, in addition to filing a civil suit, to file a written complaint with
4 the office of the state attorney general, or the county prosecuting attorney. The
5 office which receives the complaint shall deliver to the travel club that is the
6 subject of the complaint, by registered mail within ten working days, all written
7 complaints received under this section in their entirety. Should the office
8 receiving the complaint, including the attorney general, fail to deliver the
9 complaint as stated herein, any action subsequently filed on the complaint shall
10 be stayed for a period of thirty business days from the date the club is first
11 notified and provided the written complaint, thereby allowing the travel club that
12 is the subject of the complaint an opportunity to cure the complaint as provided
13 in subsection 2 of this section.

14 2. Prior to being subject to any remedies available under sections
15 407.1240 to 407.1252, a travel club shall have thirty business days following the
16 date that a filed complaint is provided to the travel club to cure any grievances
17 stated in the complaint. The parties shall not seek other forms of redress during
18 this period. Upon satisfaction or settlement of any complaint, the parties shall
19 execute a written mutual release which shall contain the terms of the settlement
20 and operate to remove the matters contained in the release as a basis for further
21 action by any entity or person under this chapter. Any payments to be made
22 under a settlement shall be made within fifteen business days of the signing date
23 of the settlement.

24 3. (1) The attorney general, prosecuting attorney, or complainant may
25 bring an action in a court of competent jurisdiction to enjoin a violation of
26 sections 407.1240 to 407.1252 if the conditions for a violation of sections 407.1240
27 to 407.1252 have been met.

28 (2) A person who violates any provision of sections 407.1240 to 407.1252
29 is guilty of a class [D] E felony and shall be subject to a penalty of ten thousand
30 dollars. Any fines collected under this subsection shall be transferred to the state
31 school moneys fund as established in section 166.051 and distributed to the public
32 schools of this state in the manner provided in section 163.031.

33 4. Any travel club registered to operate in this state which has been
34 adjudged to have failed to provide a refund equal to the purchase price of the
35 unused travel benefits of a person who has validly exercised his or her rights of
36 rescission under sections 407.1240 to 407.1252 within fifteen business days of
37 such valid exercise or has been adjudged to have failed to honor a settlement
38 agreement entered into under the provisions of sections 407.1240 to 407.1252
39 shall post a surety bond upon the earlier of a judgment entered on said violations
40 or its next annual registration.

41 5. Any travel club registered to operate in this state which has been
42 adjudged to have engaged in fraud in the procurement or sale of contracts shall
43 be required to post a security bond upon the earlier of the judgment finding such
44 or its next annual registration.

411.260. 1. Each person owning, operating, or desiring to own or operate
2 a grain warehouse who is required to be licensed, shall apply for a license for
3 each such warehouse he owns or operates. The application for a license shall be
4 subscribed and sworn to under oath by the applicant or a duly authorized
5 representative of the applicant. The application shall be in a form prescribed by

6 the director. All items on the application must be completed or marked "not
7 applicable" as appropriate.

8 2. All applications shall be accompanied by a true and accurate financial
9 statement of the applicant, prepared within six months of the date of the
10 application, setting forth the assets, liabilities and the net worth of the applicant.
11 All applications shall also be accompanied by a true and accurate statement of
12 income and expenses for the applicant's most recently completed fiscal year. The
13 financial statements required by this chapter shall be prepared in conformity
14 with generally accepted accounting principles; except that, the director may
15 promulgate rules allowing for the valuation of assets by competent appraisal.

16 3. The financial statements required by subsection 2 of this section shall
17 be audited or reviewed by a certified public accountant. The financial statement
18 may not be audited, reviewed or prepared by the applicant, if an individual, or,
19 if the applicant is a corporation or partnership, by any officer, shareholder,
20 partner, or employee of the applicant.

21 4. The director may require any additional information or verification
22 with respect to the financial resources of the applicant as he deems necessary for
23 the effective administration of this chapter. The director may promulgate rules
24 setting forth minimum standards of acceptance for the various types of financial
25 statements filed in accordance with the provisions of this chapter. The director
26 may promulgate rules requiring a statement of retained earnings, a statement of
27 changes in financial position, and notes and disclosures to the financial
28 statements for all licensed warehousemen or all warehousemen required to be
29 licensed. The additional information or verification referred to herein may
30 include, but is not limited to, requiring that the financial statement information
31 be reviewed or audited in accordance with standards established by the American
32 Institute of Certified Public Accountants.

33 5. All warehousemen shall provide the director with a copy of all financial
34 statements and updates to financial statements utilized to secure the bonds
35 required by this chapter. Also, all warehousemen maintaining a uniform grain
36 storage agreement with the Commodity Credit Corporation or a United States
37 Warehouse Act license shall provide the director with a copy of all financial
38 statements and updates to financial statements utilized to secure and maintain
39 such agreement or license.

40 6. All financial statements submitted to the director for the purposes of
41 this chapter shall be accompanied by a certification by the applicant or the chief

42 executive officer of the applicant, subject to the penalty provision set forth in
43 section 411.517 that to the best of his knowledge and belief the financial
44 statement accurately reflects the financial condition of the applicant for the fiscal
45 period covered in the statement.

46 7. Any person who knowingly prepares or assists in the preparation of an
47 inaccurate or false financial statement which is submitted to the director for the
48 purposes of this chapter, or who during the course of providing bookkeeping
49 services or in reviewing or auditing a financial statement which is submitted to
50 the director for the purposes of this chapter, becomes aware of false information
51 in the financial statement and does not disclose in notes accompanying the
52 financial statements that such false information exists, or does not disassociate
53 himself from the financial statements prior to submission, is guilty of a class [C]
54 **D** felony. Additionally, such persons are liable for any damages incurred by
55 depositors of grain with a warehouseman who is licensed or allowed to maintain
56 his license based upon inaccuracies or falsifications contained in the financial
57 statement.

411.287. 1. If a license is suspended, revoked or a shortage is known to
2 exist and the director determines that there is danger of loss to depositors, the
3 director or his authorized agents may enter the premises of the warehouseman,
4 monitor the activities of the warehouseman and take any actions authorized by
5 this chapter which are necessary to protect the interests of depositors of
6 grain. Additionally, when a shortage exists, the director or his designated
7 representative may order, verbally or in writing, the warehouseman to cease
8 shipping any grain until such shortage is corrected. Should the warehouseman
9 continue to ship grain after being advised of such order to cease shipping, such
10 action of the warehouseman shall constitute a class [C] **D** felony. The director
11 and his designated representative shall notify local law enforcement officials and
12 request the immediate arrest of the warehouseman.

13 2. Whenever the director or his authorized agents monitor the operation
14 of any warehouse, the warehouseman, upon a finding by a court of competent
15 jurisdiction that the director had reasonable grounds to believe that this action
16 was necessary to protect the depositors, may be assessed and shall pay a fee of
17 one hundred dollars per person for each day or part thereof that the director or
18 his authorized agents monitored the operations.

411.371. 1. Warehouse receipts shall be issued by any licensed public
2 warehouseman as herein defined upon the request of any depositor, and must be

3 issued in manner and form as provided by this chapter or prescribed by rule, and
4 the form of all receipts shall be approved by the director. The director shall be
5 authorized to have printed all warehouse receipts, grade certificates, and weight
6 certificates issued by public warehousemen licensed under this chapter.

7 2. It shall be unlawful for any public warehouseman to issue any
8 warehouse receipts for any grain received except upon warehouse receipts
9 approved by the director. Any person who shall issue or cause to be issued any
10 counterfeit warehouse receipt, or any warehouse receipt for grain, other than as
11 authorized and prescribed by the director, shall be guilty of a class [C] **D** felony.

12 3. Whenever the license of a public warehouseman expires or is revoked
13 or suspended, he shall return all unused warehouse receipts to the director; the
14 director shall immediately notify the holders of all outstanding receipts of the
15 expiration or revocation of the license.

16 4. It shall be unlawful for any person, other than a licensed public grain
17 warehouseman, to issue any negotiable warehouse receipt for grain, or any
18 warehouse receipt for grain for collateral purposes. Any person who violates this
19 subsection is, upon conviction, guilty of a class [C] **D** felony.

411.517. 1. The warehouseman shall maintain in a place of safety at each
2 licensed warehouse facility current and complete records with respect to all grain
3 delivered to, withdrawn from and received, stored or processed at that
4 warehouse. The director may allow the warehouseman to maintain said records
5 at the warehouseman's headquarters office on a case-by-case basis taking into
6 consideration the location from which grain payments are made. Such records
7 shall include but not be limited to the following:

8 (1) A perpetual inventory showing the total quantity of each kind and
9 class of grain received and loaded out, the quantity of each kind and class of
10 grain remaining in the warehouse and the total storage obligations for each kind
11 and class of grain. This record shall be kept current as of the close of each
12 business day; except that, if no transaction takes place during a business day, a
13 record showing the actual status as to quantity and storage obligations at the
14 close of the next preceding business day during which recordable transactions
15 occurred shall be deemed to be current;

16 (2) A register which records all grain transactions not evidenced by the
17 warehouseman's own scale ticket, i.e., direct farm to market shipments. This
18 register shall be updated daily showing, at a minimum, customer name, type of
19 grain, quantity of grain, date of shipment, name of terminal or other business

20 accepting the physical commodity, destination scale ticket number and whether
21 the grain was delivered for storage, sale or other specified purpose;

22 (3) A current copy of the periodic insurance report submitted to the
23 insurer.

24 2. In addition to the records required by section 411.383 and subsection
25 1 of this section, the warehouseman shall maintain such adequate financial
26 records as will clearly reflect his current financial position and will clearly
27 support any financial information required to be submitted to the director from
28 time to time.

29 3. Each grain warehouseman may also be required to keep such records
30 or make such reports as deemed necessary by the director to protect the depositor
31 or seller of grain as set forth in this chapter and the regulations promulgated
32 hereunder.

33 4. All books, records and accounts of warehousemen shall be kept and
34 held available for examination for a period of not less than three years after the
35 close of the period for which such book or record was required; except that,
36 canceled or voided warehouse receipts and the warehouse receipt register
37 required by section 411.383 shall be kept and held available for examination for
38 a period of not less than six years from the date of cancellation or voiding of
39 receipts or, in the case of the register, from the last date upon which a receipt
40 referred to therein shall have been canceled or voided.

41 5. A warehouseman licensed or required to be licensed under this chapter
42 shall keep available for examination all books, records and accounts required by
43 this chapter and any other books, records and accounts relevant to his operating
44 a public grain warehouse. An examination may be performed by the director or
45 a warehouse auditor, and may take place at any time during the normal business
46 hours of the warehouseman or, if prior notice of the examination is given to the
47 warehouseman, at such time as is prescribed in that notice.

48 6. Any warehouseman licensed or required to be licensed under this
49 chapter, or any officer, agent, employee, servant or associate of such
50 warehouseman, who files with the director false records, scale tickets, financial
51 statements, accounts, or withholds records, scale tickets, financial statements or
52 accounts from the director, or who alters records, scale tickets, financial
53 statements or accounts in order to conceal outstanding storage obligations or to
54 conceal actual amounts of grain received for storage or for purchase, whether or
55 not paid for, or to conceal warehouse obligations or for the purpose of misleading

56 in any way department warehouse auditors or officials, is guilty of a class [C] D
57 felony.

411.770. A warehouseman commits the [crime of "stealing grain"] offense
2 **of stealing grain** if he **or she** sells grain owned by another person which has
3 been delivered to him **or her** for the purpose of storage without the owner's
4 consent, or by means of deceit or coercion, with the intent to deprive the owner
5 of the grain either permanently or temporarily. Stealing grain by a
6 warehouseman is a class **C** **D** felony.

413.229. 1. Any person found in violation of any provisions of this chapter
2 shall be [deemed] guilty of a class A misdemeanor.

3 2. Any person found to have purposely violated any provisions of this
4 chapter, has been previously convicted twice for the same offense under the
5 misdemeanor provisions of this section, or uses or has in his or her possession for
6 use a commercial device which has been altered to facilitate the commission of
7 fraud shall be [deemed] guilty of a class [D] E felony.

8 3. The prosecutor of each county in which a violation occurs shall be
9 empowered to bring an action hereunder. If a prosecutor declines to bring such
10 action, the attorney general may bring an action instead, and in so doing shall
11 have all of the powers and jurisdiction of such prosecutor.

429.012. 1. Every original contractor, who shall do or perform any work
2 or labor upon, or furnish any material, fixtures, engine, boiler or machinery for
3 any building, erection or improvements upon land, or for repairing the same,
4 under or by virtue of any contract, or without a contract if ordered by a city,
5 town, village or county having a charter form of government to abate the
6 conditions that caused a structure on that property to be deemed a dangerous
7 building under local ordinances pursuant to section 67.410, shall provide to the
8 person with whom the contract is made or to the owner if there is no contract,
9 prior to receiving payment in any form of any kind from such person, (a) either
10 at the time of the execution of the contract, (b) when the materials are delivered,
11 (c) when the work is commenced, or (d) delivered with first invoice, a written
12 notice which shall include the following disclosure language in ten-point bold
13 type:

NOTICE TO OWNER

15 FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS
16 SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT
17 CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY

18 WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER
19 429, RSMO. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR
20 FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR
21 SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO
22 SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND
23 MATERIAL TWICE.

24 2. Compliance with subsection 1 of this section shall be a condition
25 precedent to the creation, existence or validity of any mechanic's lien in favor of
26 such original contractor.

27 3. Any original contractor who fails to provide the written notice set out
28 in subsection 1 of this section, with intent to defraud, shall be guilty of a class B
29 misdemeanor and any contractor who knowingly issues a fraudulent lien waiver
30 or a false affidavit shall be guilty of a class **[C] D** felony.

31 4. The provisions of subsections 1 and 2 of this section shall not apply to
32 new residences for which the buyer has been furnished mechanics' and suppliers'
33 lien protection through a title insurance company registered in the state of
34 Missouri.

35 5. Any settlement agent, including but not limited to any title insurance
36 company, title insurance agency, title insurance agent or escrow agent who
37 knowingly accepts, with intent to defraud, a fraudulent lien waiver or a false
38 affidavit shall be guilty of a class **[C] D** felony if the acceptance of the fraudulent
39 lien waiver or false affidavit results in a matter of financial gain to:

40 (1) The settlement agent or to its officer, director or employee other than
41 a financial gain from the charges regularly made in the course of its business;

42 (2) A person related as closely as the fourth degree of consanguinity to the
43 settlement agent or to an officer, director or employee of the settlement agent;

44 (3) A spouse of the settlement agent, officer, director or employee of the
45 settlement agent; or

46 (4) A person related as closely as the fourth degree of consanguinity to the
47 spouse of the settlement agent, officer, director or employee of the settlement
48 agent.

429.013. 1. The provisions of this section shall apply only to the repair
2 or remodeling of or addition to owner-occupied residential property of four units
3 or less. The term "owner" means the owner of record at the time any contractor,
4 laborer or materialman agrees or is requested to furnish any work, labor,
5 material, fixture, engine, boiler or machinery. The term "owner-occupied" means

6 that property which the owner currently occupies, or intends to occupy and does
7 occupy as a residence within a reasonable time after the completion of the repair,
8 remodeling or addition which is the basis for the lien sought, pursuant to this
9 section. The term "residential property" means property consisting of four or less
10 existing units to which repairs, remodeling or additions are undertaken. This
11 section shall not apply to the building, construction or erection of any
12 improvements constituting the initial or original residential unit or units or other
13 improvements or appurtenances forming a part of the original development of the
14 property. The provisions added to this subsection in 1990 are intended to clarify
15 the scope and meaning of this section as originally enacted.

16 2. No person, other than an original contractor, who performs any work
17 or labor or furnishes any material, fixtures, engine, boiler or machinery for any
18 building or structure shall have a lien under this section on such building or
19 structure for any work or labor performed or for any material, fixtures, engine,
20 boiler, or machinery furnished unless an owner of the building or structure
21 pursuant to a written contract has agreed to be liable for such costs in the event
22 that the costs are not paid. Such consent shall be printed in ten point bold type
23 and signed separately from the notice required by section 429.012 and shall
24 contain the following words:

25 CONSENT OF OWNER

26 CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS
27 BY ANY PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE
28 WORK DESCRIBED IN THIS CONTRACT ON THE PROPERTY ON WHICH IT
29 IS LOCATED IF HE IS NOT PAID.

30 3. In addition to complying with the provisions of section 429.012, every
31 original contractor shall retain a copy of the notice required by that section and
32 any consent signed by an owner and shall furnish a copy to any person
33 performing work or labor or furnishing material, fixtures, engines, boilers or
34 machinery upon his request for such copy of the notice or consent. It shall be a
35 condition precedent to the creation, existence or validity of any lien by anyone
36 other than an original contractor that a copy of a consent in the form prescribed
37 in subsection 2 of this section, signed by an owner, be attached to the recording
38 of a claim of lien. The signature of one or more of the owners shall be binding
39 upon all owners. Nothing in this section shall relieve the requirements of any
40 original contractor under sections 429.010 and 429.012.

41 4. In the absence of a consent described in subsection 2 of this section, full

42 payment of the amount due under a contract to the contractor shall be a complete
43 defense to all liens filed by any person performing work or labor or furnishing
44 material, fixtures, engines, boilers or machinery. Partial payment to the
45 contractor shall only act as an offset to the extent of such payment.

46 5. Any person falsifying the signature of an owner, with intent to defraud,
47 in the consent of owner provided in subsection 2 of this section shall be guilty of
48 a class [C] D felony. Any original contractor who knowingly issues a fraudulent
49 consent of owner shall be guilty of a class [C] D felony.

429.014. 1. Any original contractor, subcontractor or supplier who fails
2 or refuses to pay any subcontractor, materialman, supplier or laborer for any
3 services or materials provided pursuant to any contract referred to in section
4 429.010, 429.012 or 429.013 for which the original contractor, subcontractor or
5 supplier has been paid, with the intent to defraud, commits the [crime] offense
6 of lien fraud, regardless of whether the lien was perfected or filed within the time
7 allowed by law.

8 2. A property owner or lessee who pays a subcontractor, materialman,
9 supplier or laborer for the services or goods claimed pursuant to a lien, for which
10 the original contractor, subcontractor or supplier has been paid, shall have a
11 claim against the original contractor, subcontractor or supplier who failed or
12 refused to pay the subcontractor, materialman, supplier or laborer.

13 3. Lien fraud is a class [C] D felony if the amount of the lien filed or the
14 aggregate amount of all liens filed on the subject property as a result of the
15 conduct described in subsection 1 of this section is in excess of five hundred
16 dollars, otherwise lien fraud is a class A misdemeanor. If no liens are filed, lien
17 fraud is a class A misdemeanor.

436.485. 1. Any person, including the officers, directors, partners, agents,
2 or employees of such person, who shall knowingly and willfully violate or assist
3 or enable any person to violate any provision of sections 436.400 to 436.520 by
4 incompetence, misconduct, gross negligence, fraud, misrepresentation, or
5 dishonesty is guilty of a class [C] D felony. Each violation of any provision of
6 sections 436.400 to 436.520 constitutes a separate offense and may be prosecuted
7 individually. The attorney general shall have concurrent jurisdiction with any
8 local prosecutor to prosecute under this section.

9 2. Any violation of the provisions of sections 436.400 to 436.520 shall
10 constitute a violation of the provisions of section 407.020. In any proceeding
11 brought by the attorney general for a violation of the provisions of sections

12 436.400 to 436.520, the court may order all relief and penalties authorized under
13 chapter 407 and, in addition to imposing the penalties provided for in sections
14 436.400 to 436.520, order the revocation or suspension of the license or
15 registration of a defendant seller, provider, or preneed agent.

443.810. Any person who violates any provision of sections 443.805 to
2 443.812 [shall be deemed] is guilty of a class [C] **D** felony. In addition, in any
3 contested case proceeding, the director or board may assess a civil penalty of up
4 to twenty-five thousand dollars per violation for any violation of any of the
5 provisions of sections 443.701 to 443.893.

443.819. 1. No person engaged in a business regulated by sections
2 443.701 to 443.893 shall operate or engage in such business under a name other
3 than the real names of the persons conducting such business, a corporate name
4 adopted pursuant to law, or a fictitious name registered with the secretary of
5 state's office.

6 2. Any person who knowingly violates this section [shall be deemed] is
7 guilty of a class A misdemeanor. A person who is convicted of a second or
8 subsequent violation of this section [shall be deemed] is guilty of a class [C] **D**
9 felony.

453.110. 1. No person, agency, organization or institution shall surrender
2 custody of a minor child, or transfer the custody of such a child to another, and
3 no person, agency, organization or institution shall take possession or charge of
4 a minor child so transferred, without first having filed a petition before the
5 circuit court sitting as a juvenile court of the county where the child may be,
6 praying that such surrender or transfer may be made, and having obtained such
7 an order from such court approving or ordering transfer of custody.

8 2. If any such surrender or transfer is made without first obtaining such
9 an order, such court shall, on petition of any public official or interested person,
10 agency, organization or institution, order an investigation and report as described
11 in section 453.070 to be completed by the division of family services and shall
12 make such order as to the custody of such child in the best interest of such child.

13 3. Any person [violating] **who violates** the terms of this section [shall
14 be] is guilty of a class [D] **E** felony.

15 4. The investigation required by subsection 2 of this section shall be
16 initiated by the division of family services within forty-eight hours of the filing
17 of the court order requesting the investigation and report and shall be completed
18 within thirty days. The court shall order the person having custody in violation

19 of the provisions of this section to pay the costs of the investigation and report.

20 5. This section shall not be construed to prohibit any parent, agency,
21 organization or institution from placing a child with another individual for care
22 if the right to supervise the care of the child and to resume custody thereof is
23 retained, or from placing a child with a licensed foster home within the state
24 through a child-placing agency licensed by this state as part of a preadoption
25 placement.

26 6. After the filing of a petition for the transfer of custody for the purpose
27 of adoption, the court may enter an order of transfer of custody if the court finds
28 all of the following:

29 (1) A family assessment has been made as required in section 453.070 and
30 has been reviewed by the court;

31 (2) A recommendation has been made by the guardian ad litem;

32 (3) A petition for transfer of custody for adoption has been properly filed
33 or an order terminating parental rights has been properly filed;

34 (4) The financial affidavit has been filed as required under section
35 453.075;

36 (5) The written report regarding the child who is the subject of the
37 petition containing the information has been submitted as required by section
38 453.026;

39 (6) Compliance with the Indian Child Welfare Act, if applicable; and

40 (7) Compliance with the Interstate Compact on the Placement of Children
41 pursuant to section 210.620.

42 7. A hearing on the transfer of custody for the purpose of adoption is not
43 required if:

44 (1) The conditions set forth in subsection 6 of this section are met;

45 (2) The parties agree and the court grants leave; and

46 (3) Parental rights have been terminated pursuant to section 211.444 or
47 211.447.

455.085. 1. When a law enforcement officer has probable cause to believe
2 a party has committed a violation of law amounting to domestic violence, as
3 defined in section 455.010, against a family or household member, the officer may
4 arrest the offending party whether or not the violation occurred in the presence
5 of the arresting officer. When the officer declines to make arrest pursuant to this
6 subsection, the officer shall make a written report of the incident completely
7 describing the offending party, giving the victim's name, time, address, reason

8 why no arrest was made and any other pertinent information. Any law
9 enforcement officer subsequently called to the same address within a twelve-hour
10 period, who shall find probable cause to believe the same offender has again
11 committed a violation as stated in this subsection against the same or any other
12 family or household member, shall arrest the offending party for this subsequent
13 offense. The primary report of nonarrest in the preceding twelve-hour period may
14 be considered as evidence of the defendant's intent in the violation for which
15 arrest occurred. The refusal of the victim to sign an official complaint against the
16 violator shall not prevent an arrest under this subsection.

17 2. When a law enforcement officer has probable cause to believe that a
18 party, against whom a protective order has been entered and who has notice of
19 such order entered, has committed an act of abuse in violation of such order, the
20 officer shall arrest the offending party-respondent whether or not the violation
21 occurred in the presence of the arresting officer. Refusal of the victim to sign an
22 official complaint against the violator shall not prevent an arrest under this
23 subsection.

24 3. When an officer makes an arrest, the officer is not required to arrest
25 two parties involved in an assault when both parties claim to have been
26 assaulted. The arresting officer shall attempt to identify and shall arrest the
27 party the officer believes is the primary physical aggressor. The term "primary
28 physical aggressor" is defined as the most significant, rather than the first,
29 aggressor. The law enforcement officer shall consider any or all of the following
30 in determining the primary physical aggressor:

31 (1) The intent of the law to protect victims from continuing domestic
32 violence;

33 (2) The comparative extent of injuries inflicted or serious threats creating
34 fear of physical injury;

35 (3) The history of domestic violence between the persons involved.

36 No law enforcement officer investigating an incident of domestic violence shall
37 threaten the arrest of all parties for the purpose of discouraging requests or law
38 enforcement intervention by any party. Where complaints are received from two
39 or more opposing parties, the officer shall evaluate each complaint separately to
40 determine whether the officer should seek a warrant for an arrest.

41 4. In an arrest in which a law enforcement officer acted in good faith
42 reliance on this section, the arresting and assisting law enforcement officers and
43 their employing entities and superiors shall be immune from liability in any civil

44 action alleging false arrest, false imprisonment or malicious prosecution.

45 5. When a person against whom an order of protection has been entered
46 fails to surrender custody of minor children to the person to whom custody was
47 awarded in an order of protection, the law enforcement officer shall arrest the
48 respondent, and shall turn the minor children over to the care and custody of the
49 party to whom such care and custody was awarded.

50 6. The same procedures, including those designed to protect constitutional
51 rights, shall be applied to the respondent as those applied to any individual
52 detained in police custody.

53 7. A violation of the terms and conditions, with regard to domestic
54 violence, stalking, child custody, communication initiated by the respondent or
55 entrance upon the premises of the petitioner's dwelling unit or place of
56 employment or school, or being within a certain distance of the petitioner or a
57 child of the petitioner, of an ex parte order of protection of which the respondent
58 has notice, shall be a class A misdemeanor unless the respondent has previously
59 pleaded guilty to or has been found guilty in any division of the circuit court of
60 violating an ex parte order of protection or a full order of protection within five
61 years of the date of the subsequent violation, in which case the subsequent
62 violation shall be a class [D] E felony. Evidence of prior pleas of guilty or
63 findings of guilt shall be heard by the court out of the presence of the jury prior
64 to submission of the case to the jury. If the court finds the existence of such prior
65 pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall
66 decide the extent or duration of sentence or other disposition and shall not
67 instruct the jury as to the range of punishment or allow the jury to assess and
68 declare the punishment as a part of its verdict.

69 8. A violation of the terms and conditions, with regard to domestic
70 violence, stalking, child custody, communication initiated by the respondent or
71 entrance upon the premises of the petitioner's dwelling unit or place of
72 employment or school, or being within a certain distance of the petitioner or a
73 child of the petitioner, of a full order of protection shall be a class A
74 misdemeanor, unless the respondent has previously pleaded guilty to or has been
75 found guilty in any division of the circuit court of violating an ex parte order of
76 protection or a full order of protection within five years of the date of the
77 subsequent violation, in which case the subsequent violation shall be a class [D]
78 E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by
79 the court out of the presence of the jury prior to submission of the case to the

80 jury. If the court finds the existence of such prior plea of guilty or finding of guilt
81 beyond a reasonable doubt, the court shall decide the extent or duration of the
82 sentence or other disposition and shall not instruct the jury as to the range of
83 punishment or allow the jury to assess and declare the punishment as a part of
84 its verdict. For the purposes of this subsection, in addition to the notice provided
85 by actual service of the order, a party is deemed to have notice of an order of
86 protection if the law enforcement officer responding to a call of a reported
87 incident of domestic violence, stalking, or violation of an order of protection
88 presented a copy of the order of protection to the respondent.

89 9. Good faith attempts to effect a reconciliation of a marriage shall not be
90 deemed tampering with a witness or victim tampering under section 575.270.

91 10. Nothing in this section shall be interpreted as creating a private cause
92 of action for damages to enforce the provisions set forth herein.

455.538. 1. When a law enforcement officer has probable cause to believe
2 that a party, against whom a protective order for a child has been entered, has
3 committed an act in violation of that order, the officer shall have the authority
4 to arrest the respondent whether or not the violation occurred in the presence of
5 the arresting officer.

6 2. When a person, against whom an order of protection for a child has
7 been entered, fails to surrender custody of minor children to the person to whom
8 custody was awarded in an order of protection, the law enforcement officer shall
9 arrest the respondent, and shall turn the minor children over to the care and
10 custody of the party to whom such care and custody was awarded.

11 3. The same procedures, including those designed to protect constitutional
12 rights, shall be applied to the respondent as those applied to any individual
13 detained in police custody.

14 4. (1) Violation of the terms and conditions of an ex parte or full order of
15 protection with regard to domestic violence, stalking, child custody,
16 communication initiated by the respondent, or entrance upon the premises of the
17 victim's dwelling unit or place of employment or school, or being within a certain
18 distance of the petitioner or a child of the petitioner, of which the respondent has
19 notice, shall be a class A misdemeanor, unless the respondent has previously
20 pleaded guilty to or has been found guilty in any division of the circuit court of
21 violating an ex parte order of protection or a full order of protection within five
22 years of the date of the subsequent violation, in which case the subsequent
23 violation shall be a class [D] **E** felony. Evidence of a prior plea of guilty or

24 finding of guilt shall be heard by the court out of the presence of the jury prior
25 to submission of the case to the jury. If the court finds the existence of a prior
26 plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide
27 the extent or duration of sentence or other disposition and shall not instruct the
28 jury as to the range of punishment or allow the jury to assess and declare the
29 punishment as a part of its verdict.

30 (2) For purposes of this subsection, in addition to the notice provided by
31 actual service of the order, a party is deemed to have notice of an order of
32 protection for a child if the law enforcement officer responding to a call of a
33 reported incident of domestic violence or stalking or violation of an order of
34 protection for a child presents a copy of the order of protection to the respondent.

35 5. The fact that an act by a respondent is a violation of a valid order of
36 protection for a child shall not preclude prosecution of the respondent for other
37 crimes arising out of the incident in which the protection order is alleged to have
38 been violated.

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, as well as gifts, contributions, devises, bequests, and grants received
4 relating to automation of judicial record keeping, and moneys received by the
5 judicial system for the dissemination of information and sales of publications
6 developed relating to automation of judicial record keeping, shall be credited to
7 the fund. Moneys credited to this fund may only be used for the purposes set
8 forth in this section and as appropriated by the general assembly. Any
9 unexpended balance remaining in the statewide court automation fund at the end
10 of each biennium shall not be subject to the provisions of section 33.080 requiring
11 the transfer of such unexpended balance to general revenue; except that, any
12 unexpended balance remaining in the fund on September 1, 2018, shall be
13 transferred to general revenue.

14 2. The statewide court automation fund shall be administered by a court
15 automation committee consisting of the following: the chief justice of the supreme
16 court, a judge from the court of appeals, four circuit judges, four associate circuit
17 judges, four employees of the circuit court, the commissioner of administration,
18 two members of the house of representatives appointed by the speaker of the
19 house, two members of the senate appointed by the president pro tem of the
20 senate and two members of the Missouri Bar. The judge members and employee
21 members shall be appointed by the chief justice. The commissioner of

22 administration shall serve ex officio. The members of the Missouri Bar shall be
23 appointed by the board of governors of the Missouri Bar. Any member of the
24 committee may designate another person to serve on the committee in place of the
25 committee member.

26 3. The committee shall develop and implement a plan for a statewide
27 court automation system. The committee shall have the authority to hire
28 consultants, review systems in other jurisdictions and purchase goods and
29 services to administer the provisions of this section. The committee may
30 implement one or more pilot projects in the state for the purposes of determining
31 the feasibility of developing and implementing such plan. The members of the
32 committee shall be reimbursed from the court automation fund for their actual
33 expenses in performing their official duties on the committee.

34 4. Any purchase of computer software or computer hardware that exceeds
35 five thousand dollars shall be made pursuant to the requirements of the office of
36 administration for lowest and best bid. Such bids shall be subject to acceptance
37 by the office of administration. The court automation committee shall determine
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to
40 change any operating system in such court, unless the committee provides all
41 necessary personnel, funds and equipment necessary to effectuate the required
42 changes. No judicial circuit or county may be reimbursed for any costs incurred
43 pursuant to this subsection unless such judicial circuit or county has the approval
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be
46 implemented, operated and maintained in accordance with strict standards for
47 the security and privacy of confidential judicial records. Any person who
48 knowingly releases information from a confidential judicial record is guilty of a
49 class B misdemeanor. Any person who, knowing that a judicial record is
50 confidential, uses information from such confidential record for financial gain is
51 guilty of a class [D] E felony.

52 7. On the first day of February, May, August and November of each year,
53 the court automation committee shall file a report on the progress of the
54 statewide automation system with the joint legislative committee on court
55 automation. Such committee shall consist of the following:

- 56 (1) The chair of the house budget committee;
57 (2) The chair of the senate appropriations committee;

58 (3) The chair of the house judiciary committee;
59 (4) The chair of the senate judiciary committee;
60 (5) One member of the minority party of the house appointed by the
61 speaker of the house of representatives; and

62 (6) One member of the minority party of the senate appointed by the
63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed
65 from the court automation fund for their actual expenses incurred in the
66 performance of their official duties as members of the joint legislative committee
67 on court automation.

68 9. Section 488.027 shall expire on September 1, 2018. The court
69 automation committee established pursuant to this section may continue to
70 function until completion of its duties prescribed by this section, but shall
71 complete its duties prior to September 1, 2020.

72 10. This section shall expire on September 1, 2020.

[476.055.] 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall be transferred to general revenue.

17 2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of

22 administration, two members of the house of representatives
23 appointed by the speaker of the house, two members of the senate
24 appointed by the president pro tem of the senate and two members
25 of the Missouri Bar. The judge members and employee members
26 shall be appointed by the chief justice. The commissioner of
27 administration shall serve ex officio. The members of the Missouri
28 Bar shall be appointed by the board of governors of the Missouri
29 Bar. Any member of the committee may designate another person
30 to serve on the committee in place of the committee member.

31 3. The committee shall develop and implement a plan for a
32 statewide court automation system. The committee shall have the
33 authority to hire consultants, review systems in other jurisdictions
34 and purchase goods and services to administer the provisions of
35 this section. The committee may implement one or more pilot
36 projects in the state for the purposes of determining the feasibility
37 of developing and implementing such plan. The members of the
38 committee shall be reimbursed from the court automation fund for
39 their actual expenses in performing their official duties on the
40 committee.

41 4. Any purchase of computer software or computer
42 hardware that exceeds five thousand dollars shall be made
43 pursuant to the requirements of the office of administration for
44 lowest and best bid. Such bids shall be subject to acceptance by
45 the office of administration. The court automation committee shall
46 determine the specifications for such bids.

47 5. The court automation committee shall not require any
48 circuit court to change any operating system in such court, unless
49 the committee provides all necessary personnel, funds and
50 equipment necessary to effectuate the required changes. No
51 judicial circuit or county may be reimbursed for any costs incurred
52 pursuant to this subsection unless such judicial circuit or county
53 has the approval of the court automation committee prior to
54 incurring the specific cost.

55 6. Any court automation system, including any pilot project,
56 shall be implemented, operated and maintained in accordance with
57 strict standards for the security and privacy of confidential judicial

records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with the joint legislative committee on court automation. Such committee shall consist of the following:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee;
- (4) The chair of the senate judiciary committee;
- (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
- (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, 2015. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2017.

10. This section shall expire on September 1, 2017.]

[577.006.] **479.172.** 1. Each municipal judge shall receive adequate instruction on the laws related to intoxication-related traffic offenses as defined in section [577.023] **577.001** including jurisdictional issues related to such offenses, reporting requirements to the highway patrol central repository as set out in section 43.503 and required assessment for offenders under the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a written policy requiring that municipal court personnel timely report all dispositions of all charges for intoxication-related traffic offenses to the central

9 repository.

10 2. Each municipal court shall provide a copy of its written policy for
11 reporting dispositions of intoxication-related traffic offenses to the office of state
12 courts administrator and the highway patrol. To assist municipal courts, the
13 office of state courts administrator may create a model policy for the reporting of
14 dispositions of all charges for intoxication-related traffic offenses.

15 3. Each municipal division of every circuit court in the state of Missouri
16 shall prepare a report every six months. The report shall include, but shall not
17 be limited to, the total number and disposition of every intoxication-related traffic
18 offense adjudicated, dismissed or pending in its municipal court division. The
19 municipal court division shall submit said report to the circuit court en
20 banc. The report shall include the six-month period beginning January first and
21 ending June thirtieth and the six-month period beginning July first and ending
22 December thirty-first of each year. The report shall be submitted to the circuit
23 court en banc no later than sixty days following the end of the reporting
24 period. The circuit court en banc shall make recommendations or take any action
25 it deems appropriate based on its review of said reports.

[572.120.] **513.660.** Any gambling device or gambling record, or any
2 money used as bets or stakes in unlawful gambling activity, possessed or used in
3 violation of this chapter may be seized by any [peace] **law enforcement** officer
4 and is forfeited to the state. Forfeiture procedures shall be conducted as provided
5 by rule of court. Forfeited money and the proceeds from the sale of forfeited
6 property shall be paid into the school fund of the county. Any forfeited gambling
7 device or record not needed in connection with any proceedings under this chapter
8 and which has no legitimate use shall be ordered publicly destroyed.

[570.123.] **537.123.** In addition to all other penalties provided by law,
2 any person who makes, utters, draws, or delivers any check, draft, or order for
3 the payment of money upon any bank, savings and loan association, credit union,
4 or other depositary, financial institution, person, firm, or corporation which is not
5 honored because of lack of funds or credit to pay or because of not having an
6 account with the drawee and who fails to pay the amount for which such check,
7 draft, or order was made in cash to the holder within thirty days after notice and
8 a written demand for payment, deposited as certified or registered mail in the
9 United States mail, or by regular mail, supported by an affidavit of service by
10 mailing, notice deemed conclusive three days following the date the affidavit is
11 executed, and addressed to the maker and to the endorser, if any, of the check,

12 draft, or order at each of their addresses as it appears on the check, draft, or
13 order or to the last known address, shall, in addition to the face amount owing
14 upon such check, draft, or order, be liable to the holder for three times the face
15 amount owed or one hundred dollars, whichever is greater, plus reasonable
16 attorney fees incurred in bringing an action pursuant to this section. Only the
17 original holder, whether the holder is a person, bank, savings and loan
18 association, credit union, or other depository, financial institution, firm or
19 corporation, may bring an action pursuant to this section. No original holder
20 shall bring an action pursuant to this section if the original holder has been paid
21 the face amount of the check and costs recovered by the prosecuting attorney or
22 circuit attorney pursuant to subsection 6 of section 570.120. If the issuer of the
23 check has paid the face amount of the check and costs pursuant to subsection 6
24 of section 570.120, such payment shall be an affirmative defense to any action
25 brought pursuant to this section. The original holder shall elect to bring an
26 action pursuant to this section or section 570.120, but may not bring an action
27 pursuant to both sections. In no event shall the damages allowed pursuant to
28 this section exceed five hundred dollars, exclusive of reasonable attorney fees. In
29 situations involving payroll checks, the damages allowed pursuant to this section
30 shall only be assessed against the employer who issued the payroll check and not
31 against the employee to whom the payroll check was issued. The provisions of
32 sections 408.140 and 408.233 to the contrary notwithstanding, a lender may bring
33 an action pursuant to this section. The provisions of this section will not apply
34 in cases where there exists a bona fide dispute over the quality of goods sold or
35 services rendered.

[570.087.] **537.127.** 1. As used in this section, the following terms mean:

2 (1) "Actual damages", the full retail value of any merchandise which is
3 taken or which has its price altered in a manner described in subsection 2 of this
4 section, plus any proven incidental costs to the owner of the merchandise not to
5 exceed one hundred dollars;

6 (2) "Mercantile establishment", any place where merchandise is displayed,
7 held or offered for sale either at retail or at wholesale;

8 (3) "Merchandise", all things movable and capable of manual delivery and
9 offered for sale either at retail or wholesale;

10 (4) "Unemancipated minor", an individual under the age of eighteen years
11 whose parents or guardian have not surrendered the right to the care, custody
12 and earnings of such individual, and are under a duty to support or maintain

13 such individual.

14 2. An adult or a minor who takes possession of any merchandise from any
15 mercantile establishment without the consent of the owner, without paying the
16 purchase price and with the intention of converting such merchandise to his own
17 use, or the use of another, or who purchases merchandise after altering the price
18 indicia of such merchandise, shall be civilly liable to the owner for actual
19 damages plus a penalty payable to the owner of not less than one hundred dollars
20 nor more than two hundred fifty dollars and all court costs and reasonable
21 attorney fees.

22 3. The parents or guardian having physical custody of an unemancipated
23 minor, who takes possession of any merchandise from any mercantile
24 establishment without the consent of the owner, without paying the purchase
25 price and with the intention of converting such merchandise to his own use, or
26 the use of another, or who purchases merchandise after altering the price indicia
27 of such merchandise, shall be civilly liable to the owner for actual damages,
28 provided that a parent or guardian shall not be liable if they have not had
29 physical custody for a period in excess of one year.

30 4. Notwithstanding the provisions of subsections 2 and 3 of this section,
31 any person who, without the consent of the owner, takes possession of a shopping
32 cart from any mercantile establishment with the intent to convert such shopping
33 cart to his own use or the use of another shall be civilly liable to the owner for
34 actual damages plus a penalty payable to the owner of one hundred dollars and
35 all court costs and reasonable attorney fees.

36 5. A conviction under section 570.030 [or 570.040] shall not be a condition
37 precedent to maintaining a civil action pursuant to the provisions of this section.

38 6. No owner or agent or employee of the owner may attempt to gain an
39 advantage in a civil action by threatening to initiate a criminal prosecution
40 pertaining to the same incident.

41 542.402. 1. Except as otherwise specifically provided in sections 542.400
42 to 542.422, a person is guilty of a class [D] E felony and upon conviction shall be
43 punished as provided by law, if such person:

44 (1) Knowingly intercepts, endeavors to intercept, or procures any other
45 person to intercept or endeavor to intercept, any wire communication;

46 (2) Knowingly uses, endeavors to use, or procures any other person to use
47 or endeavor to use any electronic, mechanical, or other device to intercept any
48 oral communication when such device transmits communications by radio or

49 interferes with the transmission of such communication; provided, however, that
50 nothing in sections 542.400 to 542.422 shall be construed to prohibit the use by
51 law enforcement officers of body microphones and transmitters in undercover
52 investigations for the acquisition of evidence and the protection of law
53 enforcement officers and others working under their direction in such
54 investigations;

55 (3) Knowingly discloses, or endeavors to disclose, to any other person the
56 contents of any wire communication, when he knows or has reason to know that
57 the information was obtained through the interception of a wire communication
58 in violation of this subsection; or

59 (4) Knowingly uses, or endeavors to use, the contents of any wire
60 communication, when he knows or has reason to know that the information was
61 obtained through the interception of a wire communication in violation of this
62 subsection.

63 2. It is not unlawful under the provisions of sections 542.400 to 542.422:

64 (1) For an operator of a switchboard, or an officer, employee, or agent of
65 any communication common carrier, whose facilities are used in the transmission
66 of a wire communication, to intercept, disclose, or use that communication in the
67 normal course of his employment while engaged in any activity which is a
68 necessary incident to the rendition of his service or to the protection of the rights
69 or property of the carrier of such communication, however, communication
70 common carriers shall not utilize service observing or random monitoring except
71 for mechanical or service quality control checks;

72 (2) For a person acting under law to intercept a wire or oral
73 communication, where such person is a party to the communication or where one
74 of the parties to the communication has given prior consent to such interception;

75 (3) For a person not acting under law to intercept a wire communication
76 where such person is a party to the communication or where one of the parties
77 to the communication has given prior consent to such interception unless such
78 communication is intercepted for the purpose of committing any criminal or
79 tortious act.

80 [566.013.] **542.425.** In the course of a criminal investigation under [this]
81 chapter **566 or 573**, when the venue of the alleged criminal conduct cannot be
82 readily determined without further investigation, the attorney general may
83 request the prosecuting attorney of Cole County to request a circuit or associate
84 circuit judge of Cole County to issue a subpoena to any witness who may have

6 information for the purpose of oral examination under oath or to require access
7 to data or the production of books, papers, records, or other material of
8 evidentiary nature at the office of the attorney general. If, upon review of the
9 evidence produced pursuant to the subpoenas, it appears that a violation of [this]
10 chapter **566 or 573** may have been committed, the attorney general shall provide
11 the evidence produced pursuant to subpoena to an appropriate county prosecuting
12 attorney or circuit attorney having venue over the criminal offense.

[577.039.] **544.218.** An arrest without a warrant by a law enforcement
2 officer, including a uniformed member of the state highway patrol, for a violation
3 of section 577.010 or 577.012 is lawful whenever the arresting officer has
4 reasonable grounds to believe that the person to be arrested has violated the
5 section, whether or not the violation occurred in the presence of the arresting
6 officer.

[577.680.] **544.472.** 1. If verification of the nationality or lawful
2 immigration status of any person who is charged and confined to jail for any
3 period of time cannot be made from documents in the possession of the prisoner
4 or after a reasonable effort on the part of the arresting agency to determine the
5 nationality or immigration status of the person so confined, verification shall be
6 made by the arresting agency within forty-eight hours through a query to the Law
7 Enforcement Support Center (LESC) of the United States Department of
8 Homeland Security or other office or agency designated for that purpose by the
9 United States Department of Homeland Security. If it is determined that the
10 prisoner is in the United States unlawfully, the arresting agency shall notify the
11 United States Department of Homeland Security. Until August 28, 2009, this
12 section shall only apply to officers employed by the department of public safety
13 to include: the highway patrol, water patrol, capitol police, fire marshal's office,
14 and division of alcohol and tobacco control.

15 2. Nothing in this section shall be construed to deny any person bond or
16 prevent a person from being released from confinement if such person is
17 otherwise eligible for release.

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

7 failure to appear.

8 2. Failure to appear is:

9 (1) A class [D] E felony if the criminal matter for which the person was
10 released included a felony;

11 (2) A class A misdemeanor if the criminal matter for which the person was
12 released includes a misdemeanor or misdemeanors but no felony or felonies;

13 (3) An infraction if the criminal matter for which the person was released
14 includes only an infraction or infractions;

15 (4) An infraction if the criminal matter for which the person was released
16 includes only the violation of a municipal ordinance, provided that the sentence
17 imposed shall not exceed the maximum fine which could be imposed for the
18 municipal ordinance for which the accused was arrested.

19 3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by
20 any court of its power to punish for contempt.

[566.135.] **545.940.** 1. Pursuant to a motion filed by the prosecuting
2 attorney or circuit attorney with notice given to the defense attorney and for good
3 cause shown, in any criminal case in which a defendant has been charged by the
4 prosecuting attorney's office or circuit attorney's office with any offense under
5 [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,]
6 **chapter 566 or section 565.050, assault in the first degree; 565.052,**
7 **assault in the second degree; 565.054, assault in the third degree;**
8 **565.056, assault in the fourth degree; section 565.072, domestic assault**
9 **in the first degree; section 565.073, domestic assault in the second**
10 **degree; section 565.074, [565.075, 565.081, 565.082, 565.083,]** **domestic**
11 **assault in the third degree; section 565.076, domestic assault in the**
12 **fourth degree; section 567.020, prostitution; section 568.045, endangering**
13 **the welfare of a child in the first degree; section 568.050, [or]**
14 **endangering the welfare of a child in the second degree; section 568.060,**
15 **abuse of a child; section 575.150, resisting or interfering with an arrest;**
16 **or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677,**
17 **recklessly exposing a person to HIV,** the court may order that the defendant
18 be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV,
19 hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the
20 defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia]
21 **such** tests shall be released to the victim and his or her parent or legal guardian
22 if the victim is a minor. The results of [the defendant's HIV, hepatitis B,

23 hepatitis C, syphilis, gonorrhea, and chlamydia] **such** tests shall also be released
24 to the prosecuting attorney or circuit attorney and the defendant's attorney. The
25 state's motion to obtain said testing, the court's order of the same, and the test
26 results shall be sealed in the court file.

27 2. As used in this section, "HIV" means the human immunodeficiency
28 virus that causes acquired immunodeficiency syndrome.

556.011. [This code] **Chapters 556 to 580** shall be known and may be
2 cited as "The Criminal Code".

556.021. 1. [An offense defined by this code or by any other statute of this
2 state constitutes an infraction if it is so designated or if no other sentence than
3 a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

4 2.] An infraction does not constitute [a crime] **a criminal offense** and
5 conviction of an infraction shall not give rise to any disability or legal
6 disadvantage based on conviction of a [crime] **criminal offense**.

7 [3.] 2. Except as otherwise provided by law, the procedure for infractions
8 shall be the same as for a misdemeanor.

9 [4.] 3. If a [defendant] **person** fails to appear in court either solely for
10 an infraction or for an infraction which is committed in the same course of
11 conduct as a criminal offense for which the [defendant] **person** is charged, or if
12 a [defendant] **person** fails to respond to notice of an infraction from the central
13 violations bureau established in section 476.385, the court may issue a default
14 judgment for court costs and fines for the infraction which shall be enforced in
15 the same manner as other default judgments, including enforcement under
16 sections 488.5028 and 488.5030, unless the court determines that good cause or
17 excusable neglect exists for the [defendant's] **person's** failure to appear for the
18 infraction. The notice of entry of default judgment and the amount of fines and
19 costs imposed shall be sent to the [defendant] **person** by first class mail. The
20 default judgment may be set aside for good cause if the [defendant] **person** files
21 a motion to set aside the judgment within six months of the date the notice of
22 entry of default judgment is mailed.

23 [5.] 4. Notwithstanding subsection [4] 3 of this section or any provisions
24 of law to the contrary, a court may issue a warrant for failure to appear for any
25 violation which is classified as an infraction.

26 [6.] 5. Judgment against the defendant for an infraction shall be in the
27 amount of the fine authorized by law and the court costs for the offense.

28 [7. Subsections 3 to 6 of this section shall become effective January 1,

29 2012.]

556.026. No conduct constitutes an offense **or infraction** unless made so
2 by this code or by other applicable statute.

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

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

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

9 (2) For any misdemeanor, one year;

10 (3) For any infraction, six months;

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

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

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

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

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

32 4. An offense is committed either when every element occurs, or, if a
33 legislative purpose to prohibit a continuing course of conduct plainly appears, at

34 the time when the course of conduct or the [defendant's] **person's** complicity
35 therein is terminated. Time starts to run on the day after the offense is
36 committed.

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

39 6. The period of limitation does not run:

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

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

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

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

5 [565.255.] **556.038.** Notwithstanding the provisions of section 556.036,
2 either misdemeanor or felony prosecutions under sections [565.250] **565.252** to
3 565.257 shall be commenced within the following periods of limitation:

4 (1) Three years from the date the viewing, photographing or filming
5 occurred; or

6 (2) If the person who was viewed, photographed or filmed did not realize
7 at the time that he was being viewed, photographed or filmed, within three years
8 of the time the person who was viewed or in the photograph or film first learns
9 that he was viewed, photographed or filmed.

556.041. When the same conduct of a person may establish the
2 commission of more than one offense he **or she** may be prosecuted for each such
3 offense. [He] **Such person** may not, however, be convicted of more than one
4 offense if:

5 (1) One offense is included in the other, as defined in section 556.046; or

6 (2) Inconsistent findings of fact are required to establish the commission
7 of the offenses; or

8 (3) The offenses differ only in that one is defined to prohibit a designated
9 kind of conduct generally and the other to prohibit a specific instance of such
10 conduct; or

11 (4) The offense is defined as a continuing course of conduct and the
12 person's course of conduct was uninterrupted, unless the law provides that

13 specific periods of such conduct constitute separate offenses.

556.046. 1. A [defendant] **person** may be convicted of an offense included
2 in an offense charged in the indictment or information. An offense is so included
3 when:

4 (1) It is established by proof of the same or less than all the facts required
5 to establish the commission of the offense charged; or

6 (2) It is specifically denominated by statute as a lesser degree of the
7 offense charged; or

8 (3) It consists of an attempt to commit the offense charged or to commit
9 an offense otherwise included therein.

10 2. The court shall not be obligated to charge the jury with respect to an
11 included offense unless there is a basis for a verdict acquitting the [defendant]
12 **person** of the offense charged and convicting him of the included offense. An
13 offense is charged for purposes of this section if:

14 (1) It is in an indictment or information; or

15 (2) It is an offense submitted to the jury because there is a basis for a
16 verdict acquitting the [defendant] **person** of the offense charged and convicting
17 the [defendant] **person** of the included offense.

18 3. The court shall be obligated to instruct the jury with respect to a
19 particular included offense only if there is a basis in the evidence for acquitting
20 the [defendant] **person** of the immediately higher included offense and there is
21 a basis in the evidence for convicting the [defendant] **person** of that particular
22 included offense.

556.061. In this code, unless the context requires a different definition,
2 the following [shall apply] **terms shall mean**:

3 (1) "Access", **to instruct, communicate with, store data in, retrieve**
4 **or extract data from, or otherwise make any use of any resources of, a**
5 **computer, computer system, or computer network;**

6 (2) "Affirmative defense" [has the meaning specified in section 556.056]:

7 (a) **The defense referred to is not submitted to the trier of fact**
8 **unless supported by evidence; and**

9 (b) **If the defense is submitted to the trier of fact the defendant**
10 **has the burden of persuasion that the defense is more probably true**
11 **than not;**

12 [(2)] (3) "Burden of injecting the issue" [has the meaning specified in
13 section 556.051]:

14 (a) The issue referred to is not submitted to the trier of fact
15 unless supported by evidence; and

16 (b) If the issue is submitted to the trier of fact any reasonable
17 doubt on the issue requires a finding for the defendant on that issue;

18 [(3)] (4) "Commercial film and photographic print processor", any person
19 who develops exposed photographic film into negatives, slides or prints, or who
20 makes prints from negatives or slides, for compensation. The term commercial
21 film and photographic print processor shall include all employees of such persons
22 but shall not include a person who develops film or makes prints for a public
23 agency;

24 (5) "Computer", the box that houses the central processing unit
25 (cpu), along with any internal storage devices, such as internal hard
26 drives, and internal communication devices, such as internal modems
27 capable of sending or receiving electronic mail or fax cards, along with
28 any other hardware stored or housed internally. Thus, computer refers
29 to hardware, software and data contained in the main unit. Printers,
30 external modems attached by cable to the main unit, monitors, and
31 other external attachments will be referred to collectively as
32 peripherals and discussed individually when appropriate. When the
33 computer and all peripherals are referred to as a package, the term
34 "computer system" is used. Information refers to all the information on
35 a computer system including both software applications and data;

36 (6) "Computer equipment", includes computers, terminals, data
37 storage devices, and all other computer hardware associated with a
38 computer system or network;

39 (7) "Computer hardware", includes all equipment which can
40 collect, analyze, create, display, convert, store, conceal or transmit
41 electronic, magnetic, optical or similar computer impulses or
42 data. Hardware includes, but is not limited to, any data processing
43 devices, such as central processing units, memory typewriters and self-
44 contained laptop or notebook computers; internal and peripheral
45 storage devices, transistor-like binary devices and other memory
46 storage devices, such as floppy disks, removable disks, compact disks,
47 digital video disks, magnetic tape, hard drive, optical disks and digital
48 memory; local area networks, such as two or more computers connected
49 together to a central computer server via cable or modem; peripheral

50 **input or output devices, such as keyboards, printers, scanners, plotters,**
51 **video display monitors and optical readers; and related communication**
52 **devices, such as modems, cables and connections, recording equipment,**
53 **RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,**
54 **programmable telephone dialing or signaling devices and electronic**
55 **tone-generating devices; as well as any devices, mechanisms or parts**
56 **that can be used to restrict access to computer hardware, such as**
57 **physical keys and locks;**

58 (8) "Computer network", a complex consisting of two or more
59 interconnected computers or computer systems;

60 (9) "Computer program", a set of instructions, statements, or
61 related data that directs or is intended to direct a computer to perform
62 certain functions;

63 (10) "Computer software", digital information which can be
64 interpreted by a computer and any of its related components to direct
65 the way they work. Software is stored in electronic, magnetic, optical
66 or other digital form. The term commonly includes programs to run
67 operating systems and applications, such as word processing, graphic,
68 or spreadsheet programs, utilities, compilers, interpreters and
69 communications programs;

70 (11) "Computer-related documentation", includes written,
71 recorded, printed or electronically stored material which explains or
72 illustrates how to configure or use computer hardware, software or
73 other related items;

74 (12) "Computer system", a set of related, connected or
75 unconnected, computer equipment, data, or software;

76 [(4)] (13) "Confinement":

77 (a) A person is in confinement when [such person] **he or she** is held in
78 a place of confinement pursuant to arrest or order of a court, and remains in
79 confinement until:

80 a. A court orders the person's release; or

81 b. The person is released on bail, bond, or recognizance, personal or
82 otherwise; or

83 c. A public servant having the legal power and duty to confine the person
84 authorizes his release without guard and without condition that he return to
85 confinement;

86 (b) A person is not in confinement if:
87 a. The person is on probation or parole, temporary or otherwise; or
88 b. The person is under sentence to serve a term of confinement which is
89 not continuous, or is serving a sentence under a work-release program, and in
90 either such case is not being held in a place of confinement or is not being held
91 under guard by a person having the legal power and duty to transport the person
92 to or from a place of confinement;

93 [(5)] (14) "Consent": consent or lack of consent may be expressed or
94 implied. Assent does not constitute consent if:

95 (a) It is given by a person who lacks the mental capacity to authorize the
96 conduct charged to constitute the offense and such mental incapacity is manifest
97 or known to the actor; or

98 (b) It is given by a person who by reason of youth, mental disease or
99 defect, intoxication, a drug-induced state, or any other reason is manifestly
100 unable or known by the actor to be unable to make a reasonable judgment as to
101 the nature or harmfulness of the conduct charged to constitute the offense; or

102 (c) It is induced by force, duress or deception;

103 (15) "Controlled substance", a drug substance, or immediate
104 precursor in schedules I through V as defined in chapter 195;

105 [(6)] (16) "Criminal negligence" [has the meaning specified in section
106 562.016], failure to be aware of a substantial and unjustifiable risk that
107 circumstances exist or a result will follow, and such failure constitutes
108 a gross deviation from the standard of care which a reasonable person
109 would exercise in the situation;

110 [(7)] (17) "Custody", a person is in custody when [the person] he or she
111 has been arrested but has not been delivered to a place of confinement;

112 (18) "Damage", when used in relation to a computer system or
113 network, means any alteration, deletion, or destruction of any part of
114 the computer system or network;

115 [(8)] (19) "Dangerous felony" [means], the felonies of arson in the first
116 degree, assault in the first degree, attempted rape in the first degree if physical
117 injury results, attempted forcible rape if physical injury results, attempted
118 sodomy in the first degree if physical injury results, attempted forcible sodomy
119 if physical injury results, rape in the first degree, forcible rape, sodomy in the
120 first degree, forcible sodomy, assault in the second degree if the victim of
121 such assault is a special victim as defined in subdivision (14) of section

122 **565.002**, kidnapping, murder in the second degree, assault of a law enforcement
123 officer in the first degree, domestic assault in the first degree, elder abuse in the
124 first degree, robbery in the first degree, statutory rape in the first degree when
125 the victim is a child less than twelve years of age at the time of the commission
126 of the act giving rise to the offense, statutory sodomy in the first degree when the
127 victim is a child less than twelve years of age at the time of the commission of the
128 act giving rise to the offense, **child molestation in the first degree**, and,
129 abuse of a child if the child dies as a result of injuries sustained from conduct
130 chargeable under section 568.060, child kidnapping, and [parental kidnapping
131 committed by detaining or concealing the whereabouts of the child for not less
132 than one hundred twenty days under section 565.153] an "**intoxication-related**
133 **traffic offense**" or "**intoxication-related boating offense**" as defined in
134 **section 577.001 if the person is found to be a "habitual offender"** as
135 **defined under subdivision (11) of subsection 5 of section 577.001**;

136 [(9)] **(20)** "Dangerous instrument" [means], any instrument, article or
137 substance, which, under the circumstances in which it is used, is readily capable
138 of causing death or other serious physical injury;

139 **(21)** "Data", a representation of information, facts, knowledge,
140 concepts, or instructions prepared in a formalized or other manner and
141 intended for use in a computer or computer network. Data may be in
142 any form including, but not limited to, printouts, microfiche, magnetic
143 storage media, punched cards and as may be stored in the memory of
144 a computer;

145 [(10)] **(22)** "Deadly weapon" [means], any firearm, loaded or unloaded,
146 or any weapon from which a shot, readily capable of producing death or serious
147 physical injury, may be discharged, or a switchblade knife, dagger, billy,
148 blackjack or metal knuckles;

149 **(23)** "Digital camera", a camera that records images in a format
150 which enables the images to be downloaded into a computer;

151 **(24)** "Disabled person", any person suffering from a mental or
152 physical impairment that substantially limits one or more major life
153 activities, whether the impairment is congenital or acquired by
154 accident, injury or disease, where such impairment is verified by
155 medical findings;

156 [(11)] **(25)** "Felony" [has the meaning specified in section 556.016], an
157 offense so designated or an offense for which persons found guilty

158 **thereof may be sentenced to death or imprisonment for a term of more
159 than one year;**

160 **(26) "Elderly person", a person seventy years of age or older;**

161 **[(12)] (27) "Forcible compulsion" means either:**

162 (a) Physical force that overcomes reasonable resistance; or

163 (b) A threat, express or implied, that places a person in reasonable fear
164 of death, serious physical injury or kidnapping of such person or another person;

165 **[(13)] (28) "Incapacitated" [means that], a temporary or permanent
166 physical or mental condition[, temporary or permanent,] in which a person is
167 unconscious, unable to appraise the nature of [such person's] his or her conduct,
168 or unable to communicate unwillingness to an act;**

169 **[(14)] (29) "Infraction" [has the meaning specified in section 556.021],
170 a violation defined by this code or by any other statute of this state
171 constitutes an infraction if it is so designated or if no other sentence
172 than a fine, or fine and forfeiture or other civil penalty is authorized
173 upon conviction;**

174 **[(15)] (30) "Inhabitable structure" [has the meaning specified in section
175 569.010], a vehicle, vessel or structure:**

176 **(a) Where any person lives or carries on business or other
177 calling; or**

178 **(b) Where people assemble for purposes of business, government,
179 education, religion, entertainment, or public transportation; or**

180 **(c) Which is used for overnight accommodation of persons. Any
181 such vehicle or structure is "inhabitable" regardless of whether a
182 person is actually present;**

183 **(d) If a building or structure is divided into separately occupied
184 units, any unit not occupied by the actor is an "inhabitable structure of
185 another";**

186 **[(16)] (31) "Knowingly" [has the meaning specified in section 562.016],
187 when used with respect to:**

188 **(a) Conduct or to attendant circumstances, means a person is
189 aware of the nature of his or conduct or that those circumstances exist;
190 or**

191 **(b) A result of conduct, means a person is aware that his or her
192 conduct is practically certain to cause that result;**

193 **[(17)] (32) "Law enforcement officer" [means], any public servant having**

194 both the power and duty to make arrests for violations of the laws of this state,
195 and federal law enforcement officers authorized to carry firearms and to make
196 arrests for violations of the laws of the United States;

197 **[(18)] (33)** "Misdemeanor" [has the meaning specified in section 556.016],
198 **an offense so designated or an offense for which persons found guilty**
199 **thereof may be sentenced to imprisonment for a term of which the**
200 **maximum is one year or less;**

201 **[(19)] (34)** "Offense" [means], any felony[,] **or** misdemeanor [or
202 infraction];

203 **(35) "Of another", property that any entity, including but not**
204 **limited to any natural person, corporation, limited liability company,**
205 **partnership, association, governmental subdivision or instrumentality,**
206 **other than the actor, has a possessory or proprietary interest therein,**
207 **except that property shall not be deemed property of another who has**
208 **only a security interest therein, even if legal title is in the creditor**
209 **pursuant to a conditional sales contract or other security arrangement;**

210 **[(20)] (36)** "Physical injury" [means physical pain, illness, or any
211 impairment of physical condition], **slight impairment of any function of the**
212 **body or temporary loss of use of any part of the body;**

213 **[(21)] (37)** "Place of confinement" [means], any building or facility and
214 the grounds thereof wherein a court is legally authorized to order that a person
215 charged with or convicted of a crime be held;

216 **[(22)] (38)** "Possess" or "possessed" [means], having actual or
217 constructive possession of an object with knowledge of its presence. A person has
218 actual possession if such person has the object on his or her person or within easy
219 reach and convenient control. A person has constructive possession if such person
220 has the power and the intention at a given time to exercise dominion or control
221 over the object either directly or through another person or persons. Possession
222 may also be sole or joint. If one person alone has possession of an object,
223 possession is sole. If two or more persons share possession of an object,
224 possession is joint;

225 **(39) "Property", anything of value, whether real or personal,**
226 **tangible or intangible, in possession or in action;**

227 **[(23)] (40)** "Public servant" [means], any person employed in any way by
228 a government of this state who is compensated by the government by reason of
229 such person's employment, any person appointed to a position with any

230 government of this state, or any person elected to a position with any government
231 of this state. It includes, but is not limited to, legislators, jurors, members of the
232 judiciary and law enforcement officers. It does not include witnesses;

233 **[(24)] (41)** "Purposely" [has the meaning specified in section 562.016],
234 **when used with respect to a person's conduct or to a result thereof,**
235 **means when it is his or her conscious object to engage in that conduct**
236 **or to cause that result;**

237 **[(25)] (42)** "Recklessly" [has the meaning specified in section 562.016],
238 **consciously disregarding a substantial and unjustifiable risk that**
239 **circumstances exist or that a result will follow, and such disregard**
240 **constitutes a gross deviation from the standard of care which a**
241 **reasonable person would exercise in the situation;**

242 **[(26)] (43)** "Ritual" or "ceremony" means an act or series of acts performed by
243 two or more persons as part of an established or prescribed pattern of activity;

244 **[(27)] (43)** "Serious emotional injury", an injury that creates a substantial
245 risk of temporary or permanent medical or psychological damage, manifested by
246 impairment of a behavioral, cognitive or physical condition. Serious emotional
247 injury shall be established by testimony of qualified experts upon the reasonable
248 expectation of probable harm to a reasonable degree of medical or psychological
249 certainty;

250 **[(28)] (44)** "Serious physical injury" [means], physical injury that creates
251 a substantial risk of death or that causes serious disfigurement or protracted loss
252 or impairment of the function of any part of the body;

253 **[(29)] (45)** "Sexual conduct" means acts of human masturbation; deviate sexual
254 intercourse; sexual intercourse; or physical contact with a person's clothed or
255 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of
256 apparent sexual stimulation or gratification;

257 **(30)** "Sexual contact" means any touching of the genitals or anus of any
258 person, or the breast of any female person, or any such touching through the
259 clothing, for the purpose of arousing or gratifying sexual desire of any person;

260 **(31)** "Sexual performance", any performance, or part thereof, which
261 includes sexual conduct by a child who is less than seventeen years of age;]

262 **(45) "Services", when used in relation to a computer system or**
263 **network, means use of a computer, computer system, or computer**
264 **network and includes, but is not limited to, computer time, data**
265 **processing, and storage or retrieval functions;**

266 **(46) "Sexual orientation", male or female heterosexuality,**
267 **homosexuality or bisexuality by inclination, practice, identity or**
268 **expression, or having a self-image or identity not traditionally**
269 **associated with one's gender;**

270 **(47) "Vehicle", a self-propelled mechanical device designed to**
271 **carry a person or persons, excluding vessels or aircraft;**

272 **(48) "Vessel", any boat or craft propelled by a motor or by**
273 **machinery, whether or not such motor or machinery is a principal**
274 **source of propulsion used or capable of being used as a means of**
275 **transportation on water, or any boat or craft more than twelve feet in**
276 **length which is powered by sail alone or by a combination of sail and**
277 **machinery, and used or capable of being used as a means of**
278 **transportation on water, but not any boat or craft having, as the only**
279 **means of propulsion, a paddle or oars;**

280 [(32)] **(49) "Voluntary act"** [has the meaning specified in section
281 562.011]:

282 **(a) A bodily movement performed while conscious as a result of**
283 **effort or determination.** Possession is a voluntary act if the possessor
284 knowingly procures or receives the thing possessed, or having acquired
285 control of it was aware of his control for a sufficient time to have
286 enabled him to dispose of it or terminate his control; or

287 **(b) An omission to perform an act of which the actor is**
288 **physically capable.** A person is not guilty of an offense based solely
289 upon an omission to perform an act unless the law defining the offense
290 expressly so provides, or a duty to perform the omitted act is otherwise
291 imposed by law.

2 [565.100.] **556.101.** 1. It is an element of the offenses described in
3 sections 565.110 [through 565.130 of this chapter] **to 565.130** that the
4 confinement, movement or restraint be committed without the consent of the
5 victim.

6 2. Lack of consent results from:

- 6 (1) Forcible compulsion; or
- 7 (2) Incapacity to consent.

8 3. A person is deemed incapable of consent if he is

- 9 (1) Less than fourteen years [old] **of age**; or
- 10 (2) Incapacitated.

557.016. 1. Felonies are classified for the purpose of sentencing into the
2 following [four] **five** categories:

- 3 (1) Class A felonies;
- 4 (2) Class B felonies;
- 5 (3) Class C felonies; [and]
- 6 (4) Class D felonies; **and**
- 7 **(5) Class E felonies.**

8 2. Misdemeanors are classified for the purpose of sentencing into the
9 following [three] **four** categories:

- 10 (1) Class A misdemeanors;
- 11 (2) Class B misdemeanors; [and]
- 12 (3) Class C misdemeanors; **and**
- 13 **(4) Class D misdemeanors.**

14 3. Infractions are not further classified.

557.021. 1. Any offense defined outside this code which is declared to be
2 a misdemeanor without specification of the penalty therefor is a class A
3 misdemeanor.

4 2. Any offense defined outside this code which is declared to be a felony
5 without specification of the penalty therefor is a class **[D] E** felony.

6 3. For the purpose of applying the extended term provisions of section
7 558.016 and the minimum prison term provisions of section 558.019 and for
8 determining the penalty for attempts and conspiracies, offenses defined outside
9 of this code shall be classified as follows:

- 10 (1) If the offense is a felony:
 - 11 (a) It is a class A felony if the authorized penalty includes death, life
12 imprisonment or imprisonment for a term of twenty years or more;
 - 13 (b) It is a class B felony if the maximum term of imprisonment authorized
14 exceeds ten years but is less than twenty years;
 - 15 (c) It is a class C felony if the maximum term of imprisonment authorized
16 is ten years;
 - 17 (d) It is a class D felony if the maximum term of imprisonment is less
18 than ten years;
- 19 **(e) It is a class E felony if the maximum term of imprisonment is
20 four years;**

21 (2) If the offense is a misdemeanor:

22 (a) It is a class A misdemeanor if the authorized imprisonment exceeds

23 six months in jail;

24 (b) It is a class B misdemeanor if the authorized imprisonment exceeds
25 thirty days but is not more than six months;

26 (c) It is a class C misdemeanor if the authorized imprisonment is thirty
27 days or less;

28 (d) **It is a class D misdemeanor if it includes a mental state as an
29 element of the offense and there is no authorized imprisonment;**

30 (e) It is an infraction if there is no authorized imprisonment.

557.026. 1. When a probation officer is available to any court, such
2 probation officer shall, unless waived by the defendant, [make] **conduct** a
3 presentence investigation in all felony cases and **make a sentencing**
4 **assessment** report to the court before any authorized disposition **is made** under
5 section 557.011. In all class A misdemeanor cases a probation officer shall, if
6 directed by the court, [make] **conduct** a presentence investigation and **make a**
7 **sentencing assessment** report to the court before any authorized disposition **is**
8 **made** under section 557.011. The report shall not be submitted to the court or
9 its contents disclosed to anyone until the defendant has [pledged guilty or] been
10 found guilty.

11 2. The [presentence investigation] **sentencing assessment** report shall
12 be prepared, presented and utilized as provided by rule of court, except that no
13 court shall prevent the defendant or the attorney for the defendant from having
14 access to the complete [presentence investigation] **sentencing assessment**
15 report and recommendations before any authorized disposition **is made** under
16 section 557.011.

17 3. The defendant shall not be obligated to make any statement to a
18 probation officer in connection with any [presentence investigation hereunder]
19 **sentencing assessment report**.

20 4. When the jury enters a finding of [guilty] **guilt** and assesses
21 punishment, the probation officer shall, as part of the presentence investigation,
22 inquire of the victim of the offense for which such punishment was assessed of the
23 facts of the offense and any personal injury or financial loss incurred by the
24 victim. If the victim is dead or otherwise unable to make a statement, the
25 probation officer shall attempt to obtain such information from a member of the
26 immediate family of the victim.

557.031. 1. In felony cases where the circumstances surrounding the
2 commission of the [crime] **offense** or other circumstances brought to the

3 attention of the court indicate a strong likelihood that the defendant is suffering
4 from a mental disease or disorder, and the court desires more detailed
5 information about the defendant's mental condition before making an authorized
6 disposition under section 557.011, it may order the commitment of the defendant
7 for mental examination.

8 2. The court may commit the defendant to a facility of the department of
9 mental health or to a hospital and order the defendant examined by such person
10 or persons as the court or that department or hospital may designate. The cost
11 of guarding and transporting any confined defendant to and from any such facility
12 or other place of examination shall be borne by the county. Any commitment
13 shall be for a period not exceeding thirty days unless extended by the order of the
14 court.

15 3. Within forty days after the order the person or persons making such
16 examination or examinations shall transmit to the court a report thereof
17 including answers to any specific questions submitted by the court. The clerk of
18 the court shall immediately supply copies of the report to the prosecuting
19 attorney and to the defendant or his attorney.

20 4. Any period of commitment to a facility of the department of mental
21 health or to a hospital for the purpose of this section shall be credited against any
22 term of imprisonment imposed upon the defendants.

557.035. 1. For all violations of subdivision (1) of subsection 1 of section
2 569.100 or [subdivision (1), (2), (3), (4), (6), (7) or (8) of] subsection 1 of section
3 [571.030] **571.031, subdivision (2) of subsection 1 of section 571.033,**
4 **subsection 1 of section 571.034, section 571.036, or subdivision (2) of**
5 **subsection 1 of section 571.038**, which the state believes to be knowingly
6 motivated because of race, color, religion, national origin, sex, sexual orientation
7 or disability of the victim or victims, the state may charge the [crime or crimes]
8 **offense or offenses** under this section, and the violation is a class **[C] D** felony.

9 2. For all violations of section [565.070] **565.054**; subdivisions (1), (3) and
10 (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section
11 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or
12 section 574.050; which the state believes to be knowingly motivated because of
13 race, color, religion, national origin, sex, sexual orientation or disability of the
14 victim or victims, the state may charge the [crime or crimes] **offense or**
15 **offenses** under this section, and the violation is a class **[D] E** felony.

16 3. The court shall assess punishment in all of the cases in which the state

17 pleads and proves any of the motivating factors listed in this section.

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

19 (1) "Disability", a physical or mental impairment which substantially
20 limits one or more of a person's major life activities, being regarded as having
21 such an impairment, or a record of having such an impairment; and

22 (2) "Sexual orientation", male or female heterosexuality, homosexuality
23 or bisexuality by inclination, practice, identity or expression, or having a
24 self-image or identity not traditionally associated with one's gender.]

557.036. 1. Upon a finding of guilt [upon verdict or plea], the court shall
2 decide the extent or duration of sentence or other disposition to be imposed under
3 all the circumstances, having regard to the nature and circumstances of the
4 offense and the history and character of the defendant and render judgment
5 accordingly.

6 2. Where an offense is submitted to the jury, the trial shall proceed in two
7 stages. At the first stage, the jury shall decide only whether the defendant is
8 guilty or not guilty of any submitted offense. The issue of punishment shall not
9 be submitted to the jury at the first stage.

10 3. If the jury at the first stage of a trial finds the defendant guilty of the
11 submitted offense, the second stage of the trial shall proceed. The issue at the
12 second stage of the trial shall be the punishment to be assessed and
13 declared. Evidence supporting or mitigating punishment may be presented. Such
14 evidence may include, within the discretion of the court, evidence concerning the
15 impact of the [crime] **offense** upon the victim, the victim's family and others, the
16 nature and circumstances of the offense, and the history and character of the
17 defendant. Rebuttal and surrebuttal evidence may be presented. The state shall
18 be the first to proceed. The court shall instruct the jury as to the range of
19 punishment authorized by statute for each submitted offense. The attorneys may
20 argue the issue of punishment to the jury, and the state shall have the right to
21 open and close the argument. The jury shall assess and declare the punishment
22 as authorized by statute.

23 4. A second stage of the trial shall not proceed and the court, and not the
24 jury, shall assess punishment if:

25 (1) The defendant requests in writing, prior to voir dire, that the court
26 assess the punishment in case of a finding of guilt; or

27 (2) The state pleads and proves the defendant is a prior offender,
28 persistent offender, dangerous offender, or persistent misdemeanor offender as

29 defined in section 558.016, or a persistent sexual offender or predatory sexual
30 offender as defined in section [558.018, or a predatory sexual offender as defined
31 in section 558.018] **566.125**. If the jury cannot agree on the punishment to be
32 assessed, the court shall proceed as provided in subsection 1 of this section. If,
33 after due deliberation by the jury, the court finds the jury cannot agree on
34 punishment, then the court may instruct the jury that if it cannot agree on
35 punishment that the court will assess punishment.

36 5. If the jury returns a verdict of guilty in the first stage and declares a
37 term of imprisonment in the second stage, the court shall proceed as provided in
38 subsection 1 of this section except that any term of imprisonment imposed cannot
39 exceed the term declared by the jury unless the term declared by the jury is less
40 than the authorized lowest term for the offense, in which event the court cannot
41 impose a term of imprisonment greater than the lowest term provided for the
42 offense.

43 6. If the defendant is found to be a prior offender, persistent offender,
44 dangerous offender or persistent misdemeanor offender as defined in section
45 558.016:

46 (1) If he has been found guilty of an offense, the court shall proceed as
47 provided in section 558.016; or

48 (2) If he has been found guilty of a class A felony, the court may impose
49 any sentence authorized for the class A felony.

50 7. The court shall not seek an advisory verdict from the jury in cases of
51 prior offenders, persistent offenders, dangerous offenders, persistent sexual
52 offenders or predatory sexual offenders; if an advisory verdict is rendered, the
53 court shall not deem it advisory, but shall consider it as mere surplusage.

557.051. 1. **A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapters 568 and 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.**

11 2. **A person who provides assessment services or who makes a**

12 report, finding, or recommendation for any offender to attend any
13 counseling or program of treatment, education or rehabilitation as a
14 condition or requirement of probation following a finding of guilt for
15 an offense under chapter 566, or any sex offense involving a child
16 under chapters 568 and 573, shall not be related within the third degree
17 of consanguinity or affinity to any person who has a financial interest,
18 whether direct or indirect, in the counseling or program of treatment,
19 education or rehabilitation or any financial interest, whether direct or
20 indirect, in any private entity which provides the counseling or
21 program of treatment, education or rehabilitation. A person who
22 violates this subsection shall thereafter:

23 (1) Immediately remit to the state of Missouri any financial
24 income gained as a direct or indirect result of the action constituting
25 the violation;

26 (2) Be prohibited from providing assessment or counseling
27 services or any program of treatment, education or rehabilitation to,
28 for, on behalf of, at the direction of, or in contract with the state board
29 of probation and parole or any office thereof; and

30 (3) Be prohibited from having any financial interest, whether
31 direct or indirect, in any private entity which provides assessment or
32 counseling services or any program of treatment, education or
33 rehabilitation to, for, on behalf of, at the direction of, or in contract
34 with the state board of probation and parole or any office thereof.

35 3. The provisions of subsection 2 of this section shall not apply
36 when the department of corrections has identified only one qualified
37 service provider within reasonably accessible distance from the
38 offender or when the only providers available within a reasonable
39 distance are related within the third degree of consanguinity or affinity
40 to any person who has a financial interest in the service provider.

41 [560.011.] 558.002. 1. Except as otherwise provided for an offense
2 outside this code, a person who has been convicted of [a class C or D felony]
3 an offense may be sentenced

4 [(1)] to pay a fine which does not exceed [five thousand dollars; or
5 (2)]:

6 (1) For a class C, D, or E felony, ten thousand dollars;
7 (2) For a class A misdemeanor, two thousand dollars;

8 **(3) For a class B misdemeanor, one thousand dollars;**
9 **(4) For a class C misdemeanor, seven hundred fifty dollars;**
10 **(5) For a class D misdemeanor, five hundred dollars;**
11 **(6) For an infraction, four hundred dollars; or**
12 **(7) If the [offender] person has gained money or property through the**
13 **commission of the [crime] offense, to pay an amount, fixed by the court, not**
14 **exceeding double the amount of the [offender's] person's gain from the**
15 **commission of the [crime]. An individual offender may be fined not more than**
16 **twenty thousand dollars under this provision] offense.**

17 **2. A sentence to pay a fine, when imposed on a corporation for**
18 **an offense defined in this code or for any offense defined outside this**
19 **code for which no specific corporate fine is specified, shall be a**
20 **sentence to pay an amount, fixed by the court, which does not exceed:**
21 **(1) For a felony, twenty thousand dollars;**
22 **(2) For a misdemeanor, ten thousand dollars;**
23 **(3) For an infraction, one thousand dollars; or**
24 **(4) If the corporation has gained money or property through the**
25 **commission of the offense, to pay an amount, fixed by the court, not**
26 **exceeding double the amount of the corporation's gain from the**
27 **commission of the offense.**

28 **3. As used in this section the term "gain" means the amount of money or**
29 **the value of property derived from the commission of the [crime] offense. The**
30 **amount of money or value of property returned to the victim of the [crime]**
31 **offense or seized by or surrendered to lawful authority prior to the time sentence**
32 **is imposed shall be deducted from the fine. When the court imposes a fine based**
33 **on gain the court shall make a finding as to the amount of the offender's gain**
34 **from the crime. If the record does not contain sufficient evidence to support such**
35 **a finding, the court may conduct a hearing upon the issue.**

36 **[3. The provisions of this section shall not apply to corporations.]**

1 **[560.026.] 558.004.** 1. In determining the amount and the method of
2 payment of a fine, the court shall, insofar as practicable, proportion the fine to
3 the burden that payment will impose in view of the financial resources of an
4 individual. The court shall not sentence an offender to pay a fine in any amount
5 which will prevent him **or her** from making restitution or reparation to the
6 victim of the offense.

7 2. When any other disposition is authorized by statute, the court shall not

8 sentence an individual to pay a fine only unless, having regard to the nature and
9 circumstances of the offense and the history and character of the offender, it is
10 of the opinion that the fine alone will suffice for the protection of the public.

11 3. The court shall not sentence an individual to pay a fine in addition to
12 any other sentence authorized by section 557.011 unless

13 (1) He **or she** has derived a pecuniary gain from the offense; or
14 (2) The court is of the opinion that a fine is uniquely adapted to
15 deterrence of the type of offense involved or to the correction of the defendant.

16 4. When an offender is sentenced to pay a fine, the court may provide for
17 the payment to be made within a specified period of time or in specified
18 installments. If no such provision is made a part of the sentence, the fine shall
19 be payable forthwith.

20 5. When an offender is sentenced to pay a fine, the court shall not impose
21 at the same time an alternative sentence to be served in the event that the fine
22 is not paid. The response of the court to nonpayment shall be determined only
23 after the fine has not been paid, as provided in section [560.031] **558.006**.

24 [560.031.] **558.006.** 1. When an offender sentenced to pay a fine defaults
2 in the payment of the fine or in any installment, the court upon motion of the
3 prosecuting attorney or upon its own motion may require him **or her** to show
4 cause why he **or she** should not be imprisoned for nonpayment. The court may
5 issue a warrant of arrest or a summons for his **or her** appearance.

6 2. Following an order to show cause under subsection 1 **of this section**,
7 unless the offender shows that his **or her** default was not attributable to an
8 intentional refusal to obey the sentence of the court, or not attributable to a
9 failure on his **or her** part to make a good faith effort to obtain the necessary
10 funds for payment, the court may order the defendant imprisoned for a term not
11 to exceed one hundred eighty days if the fine was imposed for conviction of a
12 felony or thirty days if the fine was imposed for conviction of a misdemeanor or
13 infraction. The court may provide in its order that payment or satisfaction of the
14 fine at any time will entitle the offender to his **or her** release from such
15 imprisonment or, after entering the order, may at any time reduce the sentence
16 for good cause shown, including payment or satisfaction of the fine.

17 3. If it appears that the default in the payment of a fine is excusable
18 under the standards set forth in subsection 2 **of this section**, the court may
19 enter an order allowing the offender additional time for payment, reducing the
20 amount of the fine or of each installment, or revoking the fine or the unpaid

21 portion in whole or in part.

22 4. When a fine is imposed on a corporation it is the duty of the person or
23 persons authorized to make disbursement of the assets of the corporation and
24 their superiors to pay the fine from the assets of the corporation. The failure of
25 such persons to do so shall render them subject to imprisonment under
26 subsections 1 and 2 **of this section.**

27 5. Upon default in the payment of a fine or any installment thereof, the
28 fine may be collected by any means authorized for the enforcement of money
29 judgments.

[560.036.] **558.008.** A defendant who has been sentenced to pay a fine
2 may at any time petition the sentencing court for a revocation of a fine or any
3 unpaid portion thereof. If it appears to the satisfaction of the court that the
4 circumstances which warranted the imposition of the fine no longer exist or that
5 it would otherwise be unjust to require payment of the fine, the court may revoke
6 the fine or the unpaid portion in whole or in part or may modify the method of
7 payment.

558.011. 1. The authorized terms of imprisonment, including both prison
2 and conditional release terms, are:

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

5 (2) For a class B felony, a term of years not less than five years and not
6 to exceed fifteen years;

7 (3) For a class C felony, a term of years **not less than three years and**
8 not to exceed [seven] **ten** years;

9 (4) For a class D felony, a term of years not to exceed [four] **seven** years;

10 (5) **For a class E felony, a term of years not to exceed four years;**

11 (6) For a class A misdemeanor, a term not to exceed one year;

12 [(6)] (7) For a class B misdemeanor, a term not to exceed six months;

13 [(7)] (8) For a class C misdemeanor, a term not to exceed fifteen days.

14 2. In cases of class **[C and] D and E** felonies, the court shall have
15 discretion to imprison for a special term not to exceed one year in the county jail
16 or other authorized penal institution, and the place of confinement shall be fixed
17 by the court. If the court imposes a sentence of imprisonment for a term longer
18 than one year upon a person convicted of a class **[C or] D or E** felony, it shall
19 commit the person to the custody of the department of corrections **[for a term of**
20 **years not less than two years and not exceeding the maximum authorized terms**

21 provided in subdivisions (3) and (4) of subsection 1 of this section].

22 3. (1) When a regular sentence of imprisonment for a felony is imposed,
23 the court shall commit the person to the custody of the department of corrections
24 for the term imposed under section 557.036, or until released under procedures
25 established elsewhere by law.

26 (2) A sentence of imprisonment for a misdemeanor shall be for a definite
27 term and the court shall commit the person to the county jail or other authorized
28 penal institution for the term of his or her sentence or until released under
29 procedure established elsewhere by law.

30 4. (1) **Except as otherwise provided**, a sentence of imprisonment for
31 a term of years for felonies other than dangerous felonies as defined in section
32 556.061, and other than sentences of imprisonment which involve the individual's
33 fourth or subsequent remand to the department of corrections shall consist of a
34 prison term and a conditional release term. The conditional release term of any
35 term imposed under section 557.036 shall be:

36 (a) One-third for terms of nine years or less;

37 (b) Three years for terms between nine and fifteen years;

38 (c) Five years for terms more than fifteen years; and the prison term shall
39 be the remainder of such term. The prison term may be extended by the board
40 of probation and parole pursuant to subsection 5 of this section.

41 (2) "Conditional release" means the conditional discharge of an offender
42 by the board of probation and parole, subject to conditions of release that the
43 board deems reasonable to assist the offender to lead a law-abiding life, and
44 subject to the supervision under the state board of probation and parole. The
45 conditions of release shall include avoidance by the offender of any other [crime]
46 **offense**, federal or state, and other conditions that the board in its discretion
47 deems reasonably necessary to assist the releasee in avoiding further violation
48 of the law.

49 5. The date of conditional release from the prison term may be extended
50 up to a maximum of the entire sentence of imprisonment by the board of
51 probation and parole. The director of any division of the department of
52 corrections except the board of probation and parole may file with the board of
53 probation and parole a petition to extend the conditional release date when an
54 offender fails to follow the rules and regulations of the division or commits an act
55 in violation of such rules. Within ten working days of receipt of the petition to
56 extend the conditional release date, the board of probation and parole shall

57 convene a hearing on the petition. The offender shall be present and may call
58 witnesses in his or her behalf and cross-examine witnesses appearing against the
59 offender. The hearing shall be conducted as provided in section 217.670. If the
60 violation occurs in close proximity to the conditional release date, the conditional
61 release may be held for a maximum of fifteen working days to permit necessary
62 time for the division director to file a petition for an extension with the board and
63 for the board to conduct a hearing, provided some affirmative manifestation of an
64 intent to extend the conditional release has occurred prior to the conditional
65 release date. If at the end of a fifteen-working-day period a board decision has not
66 been reached, the offender shall be released conditionally. The decision of the
67 board shall be final.

558.016. 1. The court may sentence a person who has [pledged guilty to
2 or has] been found guilty of an offense to a term of imprisonment as authorized
3 by section 558.011 or to a term of imprisonment authorized by a statute governing
4 the offense if it finds the defendant is a prior offender or a persistent
5 misdemeanor offender[, or to]. **The court may sentence a person to an**
6 extended term of imprisonment if [it finds]:

7 **(1) The defendant is a persistent offender or a dangerous offender, and**
8 **the person is sentenced under subsection 7 of this section;**

9 **(2) The statute under which the person was found guilty contains**
10 **a sentencing enhancement provision that is based on a prior finding of**
11 **guilt or a finding of prior criminal conduct and the person is sentenced**
12 **according to the statute; or**

13 **(3) A more specific sentencing enhancement provision applies**
14 **that is based on a prior finding of guilt or a finding of prior criminal**
15 **conduct.**

16 2. A "prior offender" is one who has [pledged guilty to or has] been found
17 guilty of one felony.

18 3. A "persistent offender" is one who has [pledged guilty to or has] been
19 found guilty of two or more felonies committed at different times.

20 4. A "dangerous offender" is one who:

21 (1) Is being sentenced for a felony during the commission of which he
22 knowingly murdered or endangered or threatened the life of another person or
23 knowingly inflicted or attempted or threatened to inflict serious physical injury
24 on another person; and

25 (2) Has [pledged guilty to or has] been found guilty of a class A or B

26 felony or a dangerous felony.

27 5. A "persistent misdemeanor offender" is one who [has pleaded guilty to
28 or] has been found guilty of two or more [class A or B misdemeanors] **offenses**,
29 committed at different times[, which] **that** are [defined as offenses under
30 chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576]
31 **classified as A or B misdemeanors under the laws of this state.**

32 6. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of
33 commission of the present offense.

34 7. [The total authorized maximum terms of imprisonment for a persistent
35 offender or a dangerous offender are:

36 (1) For a class A felony, any sentence authorized for a class A felony;
37 (2) For a class B felony, any sentence authorized for a class A felony;
38 (3) For a class C felony, any sentence authorized for a class B felony;
39 (4) For a class D felony, any sentence authorized for a class C felony] **The
40 court shall sentence a person, who has been found to be a persistent
41 offender or a dangerous offender, and is found guilty of a class B, C, D,
42 or E felony to the authorized term of imprisonment for the offense that
43 is one class higher than the offense for which the person is found
44 guilty.**

558.019. 1. This section shall not be construed to affect the powers of the
2 governor under article IV, section 7, of the Missouri Constitution. This statute
3 shall not affect those provisions of section 565.020, section [558.018] **566.125**, or
4 section 571.015, which set minimum terms of sentences, or the provisions of
5 section 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall be applicable
7 to all classes of felonies except those set forth in chapter [195] **579**, and those
8 otherwise excluded in subsection 1 of this section. For the purposes of this
9 section, "prison commitment" means and is the receipt by the department of
10 corrections of an offender after sentencing. For purposes of this section, prior
11 prison commitments to the department of corrections shall not include
12 commitment to a regimented discipline program established pursuant to section
13 217.378, **a one hundred twenty day program as described under section**
14 **559.115, or a post-conviction drug treatment program established under**
15 **section 217.785.** Other provisions of the law to the contrary notwithstanding,
16 any offender who has [pledged guilty to or has] been found guilty of a felony
17 other than a dangerous felony as defined in section 556.061 and is committed to

18 the department of corrections shall be required to serve the following minimum
19 prison terms:

20 (1) If the offender has one previous prison commitment to the department
21 of corrections for a felony offense, the minimum prison term which the offender
22 must serve shall be forty percent of his or her sentence or until the offender
23 attains seventy years of age, and has served at least thirty percent of the
24 sentence imposed, whichever occurs first;

25 (2) If the offender has two previous prison commitments to the
26 department of corrections for felonies unrelated to the present offense, the
27 minimum prison term which the offender must serve shall be fifty percent of his
28 or her sentence or until the offender attains seventy years of age, and has served
29 at least forty percent of the sentence imposed, whichever occurs first;

30 (3) If the offender has three or more previous prison commitments to the
31 department of corrections for felonies unrelated to the present offense, the
32 minimum prison term which the offender must serve shall be eighty percent of
33 his or her sentence or until the offender attains seventy years of age, and has
34 served at least forty percent of the sentence imposed, whichever occurs first.

35 3. Other provisions of the law to the contrary notwithstanding, any
36 offender who has pleaded guilty to or has been found guilty of a dangerous felony
37 as defined in section 556.061 and is committed to the department of corrections
38 shall be required to serve a minimum prison term of eighty-five percent of the
39 sentence imposed by the court or until the offender attains seventy years of age,
40 and has served at least forty percent of the sentence imposed, whichever occurs
41 first.

42 4. For the purpose of determining the minimum prison term to be served,
43 the following calculations shall apply:

44 (1) A sentence of life shall be calculated to be thirty years;
45 (2) Any sentence either alone or in the aggregate with other consecutive
46 sentences for [crimes] offenses committed at or near the same time which is over
47 seventy-five years shall be calculated to be seventy-five years.

48 5. For purposes of this section, the term "minimum prison term" shall
49 mean time required to be served by the offender before he or she is eligible for
50 parole, conditional release or other early release by the department of corrections.

51 6. (1) A sentencing advisory commission is hereby created to consist of
52 eleven members. One member shall be appointed by the speaker of the
53 house. One member shall be appointed by the president pro tem of the

54 senate. One member shall be the director of the department of corrections. Six
55 members shall be appointed by and serve at the pleasure of the governor from
56 among the following: the public defender commission; private citizens; a private
57 member of the Missouri Bar; the board of probation and parole; and a
58 prosecutor. Two members shall be appointed by the supreme court, one from a
59 metropolitan area and one from a rural area. All members shall be appointed to
60 a four-year term. All members of the sentencing commission appointed prior to
61 August 28, 1994, shall continue to serve on the sentencing advisory commission
62 at the pleasure of the governor.

63 (2) The commission shall study sentencing practices in the circuit courts
64 throughout the state for the purpose of determining whether and to what extent
65 disparities exist among the various circuit courts with respect to the length of
66 sentences imposed and the use of probation for offenders convicted of the same
67 or similar [crimes] offenses and with similar criminal histories. The commission
68 shall also study and examine whether and to what extent sentencing disparity
69 among economic and social classes exists in relation to the sentence of death and
70 if so, the reasons therefor, if sentences are comparable to other states, if the
71 length of the sentence is appropriate, and the rate of rehabilitation based on
72 sentence. It shall compile statistics, examine cases, draw conclusions, and
73 perform other duties relevant to the research and investigation of disparities in
74 death penalty sentencing among economic and social classes.

75 (3) The commission shall study alternative sentences, prison work
76 programs, work release, home-based incarceration, probation and parole options,
77 and any other programs and report the feasibility of these options in Missouri.

78 (4) The governor shall select a chairperson who shall call meetings of the
79 commission as required or permitted pursuant to the purpose of the sentencing
80 commission.

81 (5) The members of the commission shall not receive compensation for
82 their duties on the commission, but shall be reimbursed for actual and necessary
83 expenses incurred in the performance of these duties and for which they are not
84 reimbursed by reason of their other paid positions.

85 (6) The circuit and associate circuit courts of this state, the office of the
86 state courts administrator, the department of public safety, and the department
87 of corrections shall cooperate with the commission by providing information or
88 access to information needed by the commission. The office of the state courts
89 administrator will provide needed staffing resources.

90 7. Courts shall retain discretion to lower or exceed the sentence
91 recommended by the commission as otherwise allowable by law, and to order
92 restorative justice methods, when applicable.

93 8. If the imposition or execution of a sentence is suspended, the court may
94 order any or all of the following restorative justice methods, or any other method
95 that the court finds just or appropriate:

- 96 (1) Restitution to any victim or a statutorily created fund for costs
97 incurred as a result of the offender's actions;
- 98 (2) Offender treatment programs;
- 99 (3) Mandatory community service;
- 100 (4) Work release programs in local facilities; and
- 101 (5) Community-based residential and nonresidential programs.

102 9. The provisions of this section shall apply only to offenses occurring on
103 or after August 28, 2003.

104 10. Pursuant to subdivision (1) of subsection 8 of this section, the court
105 may order the assessment and payment of a designated amount of restitution to
106 a county law enforcement restitution fund established by the county commission
107 pursuant to section 50.565. Such contribution shall not exceed three hundred
108 dollars for any charged offense. Any restitution moneys deposited into the county
109 law enforcement restitution fund pursuant to this section shall only be expended
110 pursuant to the provisions of section 50.565.

111 11. A judge may order payment to a restitution fund only if such fund had
112 been created by ordinance or resolution of a county of the state of Missouri prior
113 to sentencing. A judge shall not have any direct supervisory authority or
114 administrative control over any fund to which the judge is ordering a [defendant]
115 **person** to make payment.

116 12. A [defendant] **person** who fails to make a payment to a county law
117 enforcement restitution fund may not have his or her probation revoked solely for
118 failing to make such payment unless the judge, after evidentiary hearing, makes
119 a finding supported by a preponderance of the evidence that the [defendant]
120 **person** either willfully refused to make the payment or that the [defendant]
121 **person** willfully, intentionally, and purposefully failed to make sufficient bona
122 fide efforts to acquire the resources to pay.

123 13. Nothing in this section shall be construed to allow the sentencing
124 advisory commission to issue recommended sentences in specific cases pending
125 in the courts of this state.

558.031. 1. A sentence of imprisonment shall commence when a person
2 convicted of [a crime] **an offense** in this state is received into the custody of the
3 department of corrections or other place of confinement where the offender is
4 sentenced. Such person shall receive credit toward the service of a sentence of
5 imprisonment for all time in prison, jail or custody after the offense occurred and
6 before the commencement of the sentence, when the time in custody was related
7 to that offense, except:

- 8 (1) Such credit shall only be applied once when sentences are consecutive;
9 (2) Such credit shall only be applied if the person convicted was in custody
10 in the state of Missouri, unless such custody was compelled exclusively by the
11 state of Missouri's action; and

12 (3) As provided in section 559.100.

13 2. The officer required by law to deliver a person convicted of [a crime]
14 **an offense** in this state to the department of corrections shall endorse upon the
15 papers required by section 217.305 both the dates the offender was in custody and
16 the period of time to be credited toward the service of the sentence of
17 imprisonment, except as endorsed by such officer.

18 3. If a person convicted of [a crime] **an offense** escapes from custody,
19 such escape shall interrupt the sentence. The interruption shall continue until
20 such person is returned to the correctional center where the sentence was being
21 served, or in the case of a person committed to the custody of the department of
22 corrections, to any correctional center operated by the department of corrections.
23 An escape shall also interrupt the jail time credit to be applied to a sentence
24 which had not commenced when the escape occurred.

25 4. If a sentence of imprisonment is vacated and a new sentence imposed
26 upon the offender for that offense, all time served under the vacated sentence
27 shall be credited against the new sentence, unless the time has already been
28 credited to another sentence as provided in subsection 1 of this section.

29 5. If a person released from imprisonment on parole or serving a
30 conditional release term violates any of the conditions of his **or her** parole or
31 release, he **or she** may be treated as a parole violator. If the board of probation
32 and parole revokes the parole or conditional release, the paroled person shall
33 serve the remainder of the prison term and conditional release term, as an
34 additional prison term, and the conditionally released person shall serve the
35 remainder of the conditional release term as a prison term, unless released on
36 parole.

558.041. 1. Any offender committed to the department of corrections,
2 except those persons committed pursuant to subsection [6] **7** of section 558.016,
3 or subsection 3 of section [558.018] **566.125**, may receive additional credit in
4 terms of days spent in confinement upon recommendation for such credit by the
5 offender's institutional superintendent when the offender meets the requirements
6 for such credit as provided in subsections 3 and 4 of this section. Good time
7 credit may be rescinded by the director or his **or her** designee pursuant to the
8 divisional policy issued pursuant to subsection 3 of this section.

9 2. Any credit extended to an offender shall only apply to the sentence
10 which the offender is currently serving.

11 3. The director of the department of corrections shall issue a policy for
12 awarding credit. The policy may reward an inmate who has served his **or her**
13 sentence in an orderly and peaceable manner and has taken advantage of the
14 rehabilitation programs available to him **or her**. Any violation of institutional
15 rules or the laws of this state may result in the loss of all or a portion of any
16 credit earned by the inmate pursuant to this section.

17 4. The department shall cause the policy to be published in the code of
18 state regulations.

19 5. No rule or portion of a rule promulgated under the authority of this
20 chapter shall become effective unless it has been promulgated pursuant to the
21 provisions of section 536.024.

558.046. The sentencing court may, upon petition, reduce any term of
2 sentence or probation pronounced by the court or a term of conditional release or
3 parole pronounced by the state board of probation and parole if the court
4 determines that:

5 (1) The convicted person was:

6 (a) Convicted of [a crime] **an offense** that did not involve violence or the
7 threat of violence; and

8 (b) Convicted of [a crime] **an offense** that involved alcohol or illegal
9 drugs; and

10 (2) Since the commission of such [crime] **offense**, the convicted person
11 has successfully completed a detoxification and rehabilitation program; and

12 (3) The convicted person is not:

13 (a) A prior offender, a persistent offender, a dangerous offender or a
14 persistent misdemeanor offender as defined by section 558.016; or

15 (b) A persistent sexual offender as defined in section [558.018] **566.125**;

16 or

17 (c) A prior offender, a persistent offender or a class X offender as defined
18 in section 558.019.

559.012. The court may place a person on probation for a specific period
2 upon conviction of any offense or upon suspending imposition of sentence if,
3 having regard to the nature and circumstances of the offense and to the history
4 and character of the defendant, the court is of the opinion that:

5 (1) Institutional confinement of the defendant is not necessary for the
6 protection of the public; and

7 (2) The defendant is in need of guidance, training or other assistance
8 which, in his **or her** case, can be effectively administered through probation
9 supervision.

559.021. 1. The conditions of probation shall be such as the court in its
2 discretion deems reasonably necessary to ensure that the defendant will not again
3 violate the law. When a defendant is placed on probation he **or she** shall be
4 given a certificate explicitly stating the conditions on which he **or she** is being
5 released.

6 2. In addition to such other authority as exists to order conditions of
7 probation, the court may order such conditions as the court believes will serve to
8 compensate the victim, any dependent of the victim, any statutorily created fund
9 for costs incurred as a result of the offender's actions, or society. Such conditions
10 may include restorative justice methods pursuant to section 217.777, or any other
11 method that the court finds just or appropriate including, but not limited to:

12 (1) Restitution to the victim or any dependent of the victim, or statutorily
13 created fund for costs incurred as a result of the offender's actions in an amount
14 to be determined by the judge;

15 (2) The performance of a designated amount of free work for a public or
16 charitable purpose, or purposes, as determined by the judge;

17 (3) Offender treatment programs;

18 (4) Work release programs in local facilities; and

19 (5) Community-based residential and nonresidential programs.

20 3. The defendant may refuse probation conditioned on the performance of
21 free work. If he **or she** does so, the court shall decide the extent or duration of
22 sentence or other disposition to be imposed and render judgment
23 accordingly. Any county, city, person, organization, or agency, or employee of a
24 county, city, organization or agency charged with the supervision of such free

25 work or who benefits from its performance shall be immune from any suit by the
26 defendant or any person deriving a cause of action from him **or her** if such cause
27 of action arises from such supervision of performance, except for an intentional
28 tort or gross negligence. The services performed by the defendant shall not be
29 deemed employment within the meaning of the provisions of chapter 288. A
30 defendant performing services pursuant to this section shall not be deemed an
31 employee within the meaning of the provisions of chapter 287.

32 4. In addition to such other authority as exists to order conditions of
33 probation, in the case of a [plea of guilty or a] finding of guilt, the court may
34 order the assessment and payment of a designated amount of restitution to a
35 county law enforcement restitution fund established by the county commission
36 pursuant to section 50.565. Such contribution shall not exceed three hundred
37 dollars for any charged offense. Any restitution moneys deposited into the county
38 law enforcement restitution fund pursuant to this section shall only be expended
39 pursuant to the provisions of section 50.565.

40 5. A judge may order payment to a restitution fund only if such fund had
41 been created by ordinance or resolution of a county of the state of Missouri prior
42 to sentencing. A judge shall not have any direct supervisory authority or
43 administrative control over any fund to which the judge is ordering a defendant
44 to make payment.

45 6. A defendant who fails to make a payment to a county law enforcement
46 restitution fund may not have his or her probation revoked solely for failing to
47 make such payment unless the judge, after evidentiary hearing, makes a finding
48 supported by a preponderance of the evidence that the defendant either willfully
49 refused to make the payment or that the defendant willfully, intentionally, and
50 purposefully failed to make sufficient bona fide efforts to acquire the resources
51 to pay.

52 7. The court may modify or enlarge the conditions of probation at any time
53 prior to the expiration or termination of the probation term.

559.036. 1. A term of probation commences on the day it is
2 imposed. Multiple terms of Missouri probation, whether imposed at the same
3 time or at different times, shall run concurrently. Terms of probation shall also
4 run concurrently with any federal or other state jail, prison, probation or parole
5 term for another offense to which the defendant is or becomes subject during the
6 period, unless otherwise specified by the Missouri court.

7 2. The court may terminate a period of probation and discharge the

8 defendant at any time before completion of the specific term fixed under section
9 559.016 if warranted by the conduct of the defendant and the ends of justice. The
10 court may extend the term of the probation, but no more than one extension of
11 any probation may be ordered except that the court may extend the term of
12 probation by one additional year by order of the court if the defendant admits he
13 or she has violated the conditions of probation or is found by the court to have
14 violated the conditions of his or her probation. Total time on any probation term,
15 including any extension shall not exceed the maximum term established in
16 section 559.016. Procedures for termination, discharge and extension may be
17 established by rule of court.

18 3. If the defendant violates a condition of probation at any time prior to
19 the expiration or termination of the probation term, the court may continue him
20 on the existing conditions, with or without modifying or enlarging the conditions
21 or extending the term.

22 4. (1) Unless the defendant consents to the revocation of probation, if a
23 continuation, modification, enlargement or extension is not appropriate under this
24 section, the court shall order placement of the offender in one of the department
25 of corrections' one hundred twenty-day programs so long as:

26 (a) The underlying offense for the probation is a class C [or], D, **or E**
27 felony or an offense listed in chapter [195] **579**; except that, the court may, upon
28 its own motion or a motion of the prosecuting or circuit attorney, make a finding
29 that an offender is not eligible if the underlying offense is involuntary
30 manslaughter in the first degree, involuntary manslaughter in the second degree,
31 [aggravated] stalking **in the first degree**, assault in the second degree, sexual
32 assault, rape in the second degree, domestic assault in the second degree, assault
33 [of a law enforcement officer in the second degree] **in the third degree when**
34 **the victim is a special victim**, statutory rape in the second degree, statutory
35 sodomy in the second degree, deviate sexual assault, sodomy in the second degree,
36 sexual misconduct involving a child, incest, endangering the welfare of a child in
37 the first degree under subdivision (1) or (2) of subsection 1 of section 568.045,
38 abuse of a child, invasion of privacy or any case in which the defendant is found
39 guilty of a felony offense under chapter 571;

40 (b) The probation violation is not the result of the defendant being an
41 absconder or being found guilty of, pleading guilty to, or being arrested on
42 suspicion of any felony, misdemeanor, or infraction. For purposes of this
43 subsection, "absconder" shall mean an offender under supervision who has left

44 such offender's place of residency without the permission of the offender's
45 supervising officer for the purpose of avoiding supervision;

46 (c) The defendant has not violated any conditions of probation involving
47 the possession or use of weapons, or a stay-away condition prohibiting the
48 defendant from contacting a certain individual; and

49 (d) The defendant has not already been placed in one of the programs by
50 the court for the same underlying offense or during the same probation term.

51 (2) Upon receiving the order, the department of corrections shall conduct
52 an assessment of the offender and place such offender in the appropriate one
53 hundred twenty-day program under subsection 3 of section 559.115.

54 (3) Notwithstanding any of the provisions of subsection 3 of section
55 559.115 to the contrary, once the defendant has successfully completed the
56 program under this subsection, the court shall release the defendant to continue
57 to serve the term of probation, which shall not be modified, enlarged, or extended
58 based on the same incident of violation. Time served in the program shall be
59 credited as time served on any sentence imposed for the underlying offense.

60 5. If the defendant consents to the revocation of probation or if the
61 defendant is not eligible under subsection 4 of this section for placement in a
62 program and a continuation, modification, enlargement, or extension of the term
63 under this section is not appropriate, the court may revoke probation and order
64 that any sentence previously imposed be executed. If imposition of sentence was
65 suspended, the court may revoke probation and impose any sentence available
66 under section 557.011. The court may mitigate any sentence of imprisonment by
67 reducing the prison or jail term by all or part of the time the defendant was on
68 probation. The court may, upon revocation of probation, place an offender on a
69 second term of probation. Such probation shall be for a term of probation as
70 provided by section 559.016, notwithstanding any amount of time served by the
71 offender on the first term of probation.

72 6. Probation shall not be revoked without giving the probationer notice
73 and an opportunity to be heard on the issues of whether such probationer violated
74 a condition of probation and, if a condition was violated, whether revocation is
75 warranted under all the circumstances. Not less than five business days prior to
76 the date set for a hearing on the violation, except for a good cause shown, the
77 judge shall inform the probationer that he or she may have the right to request
78 the appointment of counsel if the probationer is unable to retain counsel. If the
79 probationer requests counsel, the judge shall determine whether counsel is

80 necessary to protect the probationer's due process rights. If the judge determines
81 that counsel is not necessary, the judge shall state the grounds for the decision
82 in the record.

83 7. The prosecuting or circuit attorney may file a motion to revoke
84 probation or at any time during the term of probation, the court may issue a
85 notice to the probationer to appear to answer a charge of a violation, and the
86 court may issue a warrant of arrest for the violation. Such notice shall be
87 personally served upon the probationer. The warrant shall authorize the return
88 of the probationer to the custody of the court or to any suitable detention facility
89 designated by the court. Upon the filing of the prosecutor's or circuit attorney's
90 motion or on the court's own motion, the court may immediately enter an order
91 suspending the period of probation and may order a warrant for the defendant's
92 arrest. The probation shall remain suspended until the court rules on the
93 prosecutor's or circuit attorney's motion, or until the court otherwise orders the
94 probation reinstated.

95 8. The power of the court to revoke probation shall extend for the duration
96 of the term of probation designated by the court and for any further period which
97 is reasonably necessary for the adjudication of matters arising before its
98 expiration, provided that some affirmative manifestation of an intent to conduct
99 a revocation hearing occurs prior to the expiration of the period and that every
100 reasonable effort is made to notify the probationer and to conduct the hearing
101 prior to the expiration of the period.

559.100. 1. The circuit courts of this state shall have power, herein
2 provided, to place on probation or to parole persons convicted of any offense over
3 which they have jurisdiction, except as otherwise provided in [sections 195.275
4 to 195.296, section 558.018,] section 559.115, section 565.020, sections 566.030,
5 566.060, 566.067, **566.125**, 566.151, and [566.213] **566.210**, section 571.015,
6 **section 579.170**, and subsection 3 of section 589.425.

7 2. The circuit court shall have the power to revoke the probation or parole
8 previously granted under section 559.036 and commit the person to the
9 department of corrections. The circuit court shall determine any conditions of
10 probation or parole for the defendant that it deems necessary to ensure the
11 successful completion of the probation or parole term, including the extension of
12 any term of supervision for any person while on probation or parole. The circuit
13 court may require that the defendant pay restitution for his crime. The probation
14 or parole may be revoked under section 559.036 for failure to pay restitution or

15 for failure to conform his behavior to the conditions imposed by the circuit
16 court. The circuit court may, in its discretion, credit any period of probation or
17 parole as time served on a sentence.

18 3. Restitution, whether court-ordered as provided in subsection 2 of this
19 section or agreed to by the parties, or as enforced under section 558.019, shall be
20 paid through the office of the prosecuting attorney or circuit attorney. Nothing
21 in this section shall prohibit the prosecuting attorney or circuit attorney from
22 contracting with or utilizing another entity for the collection of restitution and
23 costs under this section. When ordered by the court, interest shall be allowed
24 under subsection 1 of section 408.040. In addition to all other costs and fees
25 allowed by law, each prosecuting attorney or circuit attorney who takes any
26 action to collect restitution shall collect from the person paying restitution an
27 administrative handling cost. The cost shall be twenty-five dollars for restitution
28 of less than one hundred dollars and fifty dollars for restitution of at least one
29 hundred dollars but less than two hundred fifty dollars. For restitution of two
30 hundred fifty dollars or more an additional fee of ten percent of the total
31 restitution shall be assessed, with a maximum fee for administrative handling
32 costs not to exceed seventy-five dollars total. Notwithstanding the provisions of
33 sections 50.525 to 50.745, the costs provided for in this subsection shall be
34 deposited by the county treasurer into a separate interest-bearing fund to be
35 expended by the prosecuting attorney or circuit attorney. This fund shall be
36 known as the "Administrative Handling Cost Fund", and it shall be the fund for
37 deposits under this section and under section 570.120. The funds shall be
38 expended, upon warrants issued by the prosecuting attorney or circuit attorney
39 directing the treasurer to issue checks thereon, only for purposes related to that
40 authorized by subsection 4 of this section.

41 4. The moneys deposited in the fund may be used by the prosecuting
42 attorney or circuit attorney for office supplies, postage, books, training, office
43 equipment, capital outlay, expenses of trial and witness preparation, additional
44 employees for the staff of the prosecuting or circuit attorney, employees' salaries,
45 and for other lawful expenses incurred by the prosecuting or circuit attorney in
46 the operation of that office.

47 5. This fund may be audited by the state auditor's office or the
48 appropriate auditing agency.

49 6. If the moneys collected and deposited into this fund are not totally
50 expended annually, then the unexpended balance shall remain in the fund and

51 the balance shall be kept in the fund to accumulate from year to year.

52 7. Nothing in this section shall be construed to prohibit a crime victim
53 from pursuing other lawful remedies against a defendant for restitution.

559.106. 1. Notwithstanding any statutory provision to the contrary,
2 when a court grants probation to an offender who has [pleaded guilty to or has]
3 been found guilty of an offense in section 566.030, 566.032, 566.060, or 566.062,
4 based on an act committed on or after August 28, 2006, or the offender has
5 [pleaded guilty to or has] been found guilty of an offense under section 566.067,
6 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based
7 on an act committed on or after August 28, 2006, **or the offender has been**
8 **found guilty of an offense under section 566.210, 566.211, 573.200, or**
9 **573.205 based on an act committed on or after January 1, 2016,** against
10 a victim who was less than fourteen years [old] **of age** and the offender is a prior
11 sex offender as defined in subsection 2 of this section, the court shall order that
12 the offender be supervised by the board of probation and parole for the duration
13 of his or her natural life.

14 2. For the purpose of this section, a prior sex offender is a person who has
15 previously pleaded guilty to or has been found guilty of an offense contained in
16 chapter 566, or violating section 568.020, when the person had sexual intercourse
17 or deviate sexual intercourse with the victim, or of violating subdivision (2) of
18 subsection 1 of section 568.045.

19 3. When probation for the duration of the offender's natural life has been
20 ordered, a mandatory condition of such probation is that the offender be
21 electronically monitored. Electronic monitoring shall be based on a global
22 positioning system or other technology that identifies and records the offender's
23 location at all times.

24 4. In appropriate cases as determined by a risk assessment, the court may
25 terminate the probation of an offender who is being supervised under this section
26 when the offender is sixty-five years [of age] **old** or older.

559.107. 1. The department of corrections shall notify the highway patrol
2 of any offender who is required as a mandatory condition of lifetime supervision
3 to be electronically monitored, under section 217.735 and section 559.106, and
4 shall notify the highway patrol when the supervision of the offender has been
5 terminated in appropriate cases as determined by a risk assessment when the
6 offender is sixty-five years [of age] **old** or older.

7 2. The highway patrol shall enter the electronic monitoring of the offender

8 into the Missouri law enforcement system (MULES) and sexual offender registry
9 where it is available to members of the criminal justice system, and other entities
10 as provided by law, upon inquiry.

559.110. When the defendant is granted probation or parole by the court,
2 the court before or at the time of granting the probation or parole, may in its
3 discretion require the defendant, with one or more sureties, to enter into bond to
4 the state of Missouri in a sum to be fixed by the court, conditioned that he **or she**
5 will appear in court as directed during the continuance of the probation or parole,
6 and not depart without leave of court. The bond shall be approved by the court
7 or by the clerk at the direction of the court and forfeiture may be taken and
8 prosecuted to final judgment on the bond in the manner as provided by law in
9 cases of bonds taken for appearance of persons awaiting trial upon information
10 or indictment.

559.115. 1. Neither probation nor parole shall be granted by the circuit
2 court between the time the transcript on appeal from the offender's conviction has
3 been filed in appellate court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit
5 court only upon its own motion and not that of the state or the offender shall
6 have the power to grant probation to an offender anytime up to one hundred
7 twenty days after such offender has been delivered to the department of
8 corrections but not thereafter. The court may request information and a
9 recommendation from the department concerning the offender and such offender's
10 behavior during the period of incarceration. Except as provided in this section,
11 the court may place the offender on probation in a program created pursuant to
12 section 217.777, or may place the offender on probation with any other conditions
13 authorized by law.

14 3. The court may recommend placement of an offender in a department
15 of corrections one hundred twenty-day program under this subsection or order
16 such placement under subsection 4 of section 559.036. Upon the recommendation
17 or order of the court, the department of corrections shall assess each offender to
18 determine the appropriate one hundred twenty-day program in which to place the
19 offender, which may include placement in the shock incarceration program or
20 institutional treatment program. When the court recommends and receives
21 placement of an offender in a department of corrections one hundred twenty-day
22 program, the offender shall be released on probation if the department of
23 corrections determines that the offender has successfully completed the program

24 except as follows. Upon successful completion of a program under this subsection,
25 the board of probation and parole shall advise the sentencing court of an
26 offender's probationary release date thirty days prior to release. The court shall
27 follow the recommendation of the department unless the court determines that
28 probation is not appropriate. If the court determines that probation is not
29 appropriate, the court may order the execution of the offender's sentence only
30 after conducting a hearing on the matter within ninety to one hundred twenty
31 days from the date the offender was delivered to the department of corrections. If
32 the department determines the offender has not successfully completed a one
33 hundred twenty-day program under this subsection, the offender shall be removed
34 from the program and the court shall be advised of the removal. The department
35 shall report on the offender's participation in the program and may provide
36 recommendations for terms and conditions of an offender's probation. The court
37 shall then have the power to grant probation or order the execution of the
38 offender's sentence.

39 4. If the court is advised that an offender is not eligible for placement in
40 a one hundred twenty-day program under subsection 3 of this section, the court
41 shall consider other authorized dispositions. If the department of corrections one
42 hundred twenty-day program under subsection 3 of this section is full, the court
43 may place the offender in a private program approved by the department of
44 corrections or the court, the expenses of such program to be paid by the offender,
45 or in an available program offered by another organization. If the offender is
46 convicted of a class C [or], class D, **or class E** nonviolent felony, the court may
47 order probation while awaiting appointment to treatment.

48 5. Except when the offender has been found to be a predatory sexual
49 offender pursuant to section [558.018] **566.125**, the court shall request the
50 department of corrections to conduct a sexual offender assessment if the
51 defendant [has pleaded guilty to or] has been found guilty of sexual abuse when
52 classified as a class B felony. Upon completion of the assessment, the department
53 shall provide to the court a report on the offender and may provide
54 recommendations for terms and conditions of an offender's probation. The
55 assessment shall not be considered a one hundred twenty-day program as
56 provided under subsection 3 of this section. The process for granting probation
57 to an offender who has completed the assessment shall be as provided under
58 subsections 2 and 6 of this section.

59 6. Unless the offender is being granted probation pursuant to successful

60 completion of a one hundred twenty-day program the circuit court shall notify the
61 state in writing when the court intends to grant probation to the offender
62 pursuant to the provisions of this section. The state may, in writing, request a
63 hearing within ten days of receipt of the court's notification that the court intends
64 to grant probation. Upon the state's request for a hearing, the court shall grant
65 a hearing as soon as reasonably possible. If the state does not respond to the
66 court's notice in writing within ten days, the court may proceed upon its own
67 motion to grant probation.

68 7. An offender's [first] incarceration under this section prior to release on
69 probation shall not be considered a previous prison commitment for the purpose
70 of determining a minimum prison term under the provisions of section 558.019.

71 8. Notwithstanding any other provision of law, probation may not be
72 granted pursuant to this section to offenders who have been convicted of murder
73 in the second degree pursuant to section 565.021; forcible rape pursuant to
74 section 566.030 as it existed prior to August 28, 2013; rape in the first degree
75 under section 566.030; forcible sodomy pursuant to section 566.060 as it existed
76 prior to August 28, 2013; sodomy in the first degree under section 566.060;
77 statutory rape in the first degree pursuant to section 566.032; statutory sodomy
78 in the first degree pursuant to section 566.062; child molestation in the first
79 degree pursuant to section 566.067 when classified as a class A felony; abuse of
80 a child pursuant to section 568.060 when classified as a class A felony; or an
81 offender who has been found to be a predatory sexual offender pursuant to section
82 [558.018] **566.125**; or any offense in which there exists a statutory prohibition
83 against either probation or parole.

559.120. The circuit court may place a defendant on probation and require
2 his **or her** participation in a program established pursuant to section 217.777 if,
3 having regard to the nature and circumstances of the offense and to the history
4 and character of the defendant, the court is of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary
6 for the protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training or other assistance
8 which, in his **or her** case, can be effectively administered through participation
9 in a community-based treatment program.

559.125. 1. The clerk of the court shall keep in a permanent file all
2 applications for probation or parole by the court, and shall keep in such manner
3 as may be prescribed by the court complete and full records of all presentence

4 investigations requested, probations or paroles granted, revoked or terminated
5 and all discharges from probations or paroles. All court orders relating to any
6 presentence investigation requested and probation or parole granted under the
7 provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like
8 manner, and, if the defendant subject to any such order is subject to an
9 investigation or is under the supervision of the state board of probation and
10 parole, a copy of the order shall be sent to the board. In any county where a
11 parole board ceases to exist, the clerk of the court shall preserve the records of
12 that board.

13 2. Information and data obtained by a probation or parole officer shall be
14 privileged information and shall not be receivable in any court. Such information
15 shall not be disclosed directly or indirectly to anyone other than the members of
16 a parole board and the judge entitled to receive reports, except the court or the
17 board may in its discretion permit the inspection of the report, or parts of such
18 report, by the defendant, or offender or his **or her** attorney, or other person
19 having a proper interest therein.

20 3. The provisions of subsection 2 of this section notwithstanding, the
21 presentence investigation report shall be made available to the state and all
22 information and data obtained in connection with preparation of the presentence
23 investigation report may be made available to the state at the discretion of the
24 court upon a showing that the receipt of the information and data is in the best
25 interest of the state.

559.600. In cases where the board of probation and parole is not required
2 under section 217.750 to provide probation supervision and rehabilitation services
3 for misdemeanor offenders, the circuit and associate circuit judges in a circuit
4 may contract with one or more private entities or other court-approved entity to
5 provide such services. The court-approved entity, including private or other
6 entities, shall act as a misdemeanor probation office in that circuit and shall,
7 pursuant to the terms of the contract, supervise persons placed on probation by
8 the judges for class A, B, [and] C, **and D** misdemeanor offenses, specifically
9 including persons placed on probation for violations of section 577.023. Nothing
10 in sections 559.600 to 559.615 shall be construed to prohibit the board of
11 probation and parole, or the court, from supervising misdemeanor offenders in a
12 circuit where the judges have entered into a contract with a probation entity.

559.604. Neither the state of Missouri nor any county of the state shall
2 be required to pay any part of the cost of probation and rehabilitation services

3 provided to misdemeanor offenders under sections 559.600 to 559.615. The
4 person placed on probation shall contribute not less than thirty dollars or more
5 than fifty dollars per month to the private entity providing him **or her** with
6 supervision and rehabilitation services. The amount of the contribution shall be
7 determined by the sentencing court. The court may exempt a person from all or
8 part of the foregoing contribution if it finds any of the following factors to exist:

9 (1) The offender has diligently attempted, but has been unable, to obtain
10 employment which provides him **or her** sufficient income to make such
11 payments;

12 (2) The offender is a student in a school, college, university or course of
13 vocational or technical training designed to fit the student for gainful
14 employment. Certification of such student status shall be supplied to the court
15 by the educational institution in which the offender is enrolled;

16 (3) The offender has an employment handicap, as determined by a
17 physical, psychological or psychiatric examination acceptable to or ordered by the
18 court;

19 (4) The offender's age prevents him **or her** from obtaining employment;

20 (5) The offender is responsible for the support of dependents, and the
21 payment of such contribution constitutes an undue hardship on the offender;

22 (6) There are other extenuating circumstances as determined by the court
23 to exempt or partially reduce such payments; or

24 (7) The offender has been transferred outside the state under an
25 interstate compact adopted pursuant to law.

559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission
2 of] **guilt for** a felony offense pursuant to chapter [195] **579**, except for those
3 offenses in which there exists a statutory prohibition against either probation or
4 parole, when placing the person on probation, the court shall order the person to
5 begin a required educational assessment and community treatment program
6 within the first sixty days of probation as a condition of probation. Persons who
7 are placed on probation after a period of incarceration pursuant to section
8 559.115 may not be required to participate in a required educational assessment
9 and community treatment program.

10 2. The fees for the required educational assessment and community
11 treatment program, or a portion of such fees, to be determined by the department
12 of corrections, shall be paid by the person receiving the assessment. Any person
13 who is assessed shall pay, in addition to any fee charged for the assessment, a

14 supplemental fee of sixty dollars. The administrator of the program shall remit
15 to the department of corrections the supplemental fees for all persons assessed,
16 less two percent for administrative costs. The supplemental fees received by the
17 department of corrections pursuant to this section shall be deposited in the
18 correctional substance abuse earnings fund created pursuant to section 559.635.

561.016. 1. No person shall suffer any legal disqualification or disability
2 because of a finding of guilt or conviction of [a crime] **an offense** or the sentence
3 on his conviction, unless the disqualification or disability involves the deprivation
4 of a right or privilege which is:

- 5 (1) Necessarily incident to execution of the sentence of the court; or
- 6 (2) Provided by the constitution or the code; or
- 7 (3) Provided by a statute other than the code, when the conviction is of [a
- 8 crime] **an offense** defined by such statute; or
- 9 (4) Provided by the judgment, order or regulation of a court, agency or
- 10 official exercising a jurisdiction conferred by law, or by the statute defining such
- 11 jurisdiction, when the commission of the [crime] **offense** or the conviction or the
- 12 sentence is reasonably related to the competency of the individual to exercise the
- 13 right or privilege of which he **or she** is deprived.

14 2. Proof of a conviction as relevant evidence upon the trial or
15 determination of any issue, or for the purpose of impeaching the convicted person
16 as a witness, is not a disqualification or disability within the meaning of this
17 chapter.

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

- 5 (1) He **or she** is convicted under the laws of this state of a felony or under
- 6 the laws of another jurisdiction of [a crime] **an offense** which, if committed
- 7 within this state, would be a felony, or he **or she** pleads guilty or nolo contendere
- 8 of such [a crime] **an offense**; or

9 (2) He **or she** is convicted of or pleads guilty or nolo contendere to [a

10 crime] **an offense** involving misconduct in office, or dishonesty; or

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

12 2. Except as provided in subsection 3 of this section, a person who pleads
13 guilty or nolo contendere or is convicted under the laws of this state of a felony
14 or under the laws of another jurisdiction of [a crime] **an offense** which, if

15 committed within this state, would be a felony, shall be ineligible to hold any
16 public office, elective or appointive, under the government of this state or any
17 agency or political subdivision thereof, until the completion of his **or her**
18 sentence or period of probation.

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

561.026. Notwithstanding any other provision of law except for section
2 610.140, a person who is convicted:

3 (1) Of any [crime] **offense** shall be disqualified from registering and
4 voting in any election under the laws of this state while confined under a
5 sentence of imprisonment;

6 (2) Of a felony or misdemeanor connected with the exercise of the right
7 of suffrage shall be forever disqualified from registering and voting;

8 (3) Of any felony shall be forever disqualified from serving as a juror.

562.011. 1. A person is not guilty of an offense unless his **or her** liability
2 is based on conduct which includes a voluntary act.

3 2. A "voluntary act" is

4 (1) A bodily movement performed while conscious as a result of effort or
5 determination; or

6 (2) An omission to perform an act of which the actor is physically capable.

7 3. Possession is a voluntary act if the possessor knowingly procures or
8 receives the thing possessed, or having acquired control of it was aware of his **or**
9 **her** control for a sufficient time to have enabled him **or her** to dispose of it or
10 terminate his **or her** control.

11 4. A person is not guilty of an offense based solely upon an omission to
12 perform an act unless the law defining the offense expressly so provides, or a duty
13 to perform the omitted act is otherwise imposed by law.

[564.011.] **562.012.** 1. [A person is guilty of attempt to commit an
2 offense when, with the purpose of committing the offense, he does] **Guilt for an**
3 **offense may be based upon an attempt to commit an offense if, with the**
4 **purpose of committing the offense, a person performs** any act which is a
5 substantial step towards the commission of the offense. A "substantial step" is
6 conduct which is strongly corroborative of the firmness of the actor's purpose to

7 complete the commission of the offense.

8 2. It is no defense to a prosecution [under this section] that the offense
9 attempted was, under the actual attendant circumstances, factually or legally
10 impossible of commission, if such offense could have been committed had the
11 attendant circumstances been as the actor believed them to be.

12 3. Unless otherwise [provided, an attempt to commit an offense is a:

13 (1) Class B felony if the offense attempted is a class A felony.

14 (2) Class C felony if the offense attempted is a class B felony.

15 (3) Class D felony if the offense attempted is a class C felony.

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

17 (5) Class C misdemeanor if the offense attempted is a misdemeanor of any
18 degree] set forth in the statute creating the offense, when guilt for a
19 felony or misdemeanor is based upon an attempt to commit that
20 offense, the felony or misdemeanor shall be classified one step lower
21 than the class provided for the felony or misdemeanor in the statute
22 creating the offense.

1 [564.016.] **562.014.** 1. [A person is guilty of conspiracy with another
2 person or persons to commit an offense if] **Guilt for an offense may be based**
3 **upon a conspiracy to commit an offense when a person**, with the purpose
4 of promoting or facilitating [its commission he] **the commission of an offense**,
5 agrees with [such other] **another** person or persons that they or one or more of
6 them will engage in conduct which constitutes such offense.

7 2. [If a person guilty of conspiracy knows that a person with whom he
8 conspires to commit an offense has conspired with another person or persons to
9 commit the same offense, he is guilty of conspiring with such other person or
10 persons to commit such offense, whether or not he knows their identity] **It is no**
11 **defense to a prosecution for conspiring to commit an offense that a**
12 **person who knows that a person with whom he or she conspires to**
13 **commit an offense has conspired with another person or persons to**
14 **commit the same offense, does not know the identity of such other**
15 **person or persons.**

16 3. If a person conspires to commit a number of offenses, he [is] **or she**
17 **can be found** guilty of only one [conspiracy] **offense** so long as such multiple
18 offenses are the object of the same agreement.

19 4. No person may be convicted of [conspiracy to commit] an offense **based**
20 **upon a conspiracy to commit an offense** unless an overt act in pursuance of

21 such conspiracy is alleged and proved to have been done by him **or her** or by a
22 person with whom he **or she** conspired.

23 5. (1) No [one] **person** shall be convicted of [conspiracy] **an offense**
24 **based upon a conspiracy to commit an offense** if, after conspiring to commit
25 the offense, he **or she** prevented the accomplishment of the objectives of the
26 conspiracy under circumstances manifesting a renunciation of his **or her** criminal
27 purpose.

28 (2) The defendant shall have the burden of injecting the issue of
29 renunciation of criminal purpose under subdivision (1) of this subsection.

30 6. For the purpose of time limitations on prosecutions:

31 (1) **[Conspiracy] A conspiracy to commit an offense** is a continuing
32 course of conduct which terminates when the offense or offenses which are its
33 object are committed or the agreement that they be committed is abandoned by
34 the defendant and by those with whom he **or she** conspired.

35 (2) If an individual abandons the agreement, the conspiracy is terminated
36 as to him **or her** only if he **or she** advises those with whom he **or she** has
37 conspired of his **or her** abandonment or he **or she** informs the law enforcement
38 authorities of the existence of the conspiracy and of his **or her** participation in
39 it.

40 7. A person **[may] shall** not be charged, convicted or sentenced on the
41 basis of the same course of conduct of both the actual commission of an offense
42 and a conspiracy to commit that offense.

43 8. Unless otherwise **[provided, a conspiracy to commit an offense is a:**

44 (1) Class B felony if the object of the conspiracy is a class A felony.

45 (2) Class C felony if the object of the conspiracy is a class B felony.

46 (3) Class D felony if the object of the conspiracy is a class C felony.

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

48 (5) Class C misdemeanor if the object of the conspiracy is a misdemeanor
49 of any degree or an infraction] **set forth in the statute creating the offense,**
50 **when guilt for a felony or misdemeanor is based upon a conspiracy to**
51 **commit that offense, the felony or misdemeanor shall be classified one**
52 **step lower than the class provided for the felony or misdemeanor in the**
53 **statute creating the offense.**

562.016. 1. Except as provided in section 562.026, a person is not guilty
2 of an offense unless he **or she** acts with a culpable mental state, that is, unless
3 he **or she** acts purposely or knowingly or recklessly or with criminal negligence,

4 as the statute defining the offense may require with respect to the conduct, the
5 result thereof or the attendant circumstances which constitute the material
6 elements of the crime.

7 2. A person "acts purposely", or with purpose, with respect to his **or her**
8 conduct or to a result thereof when it is his **or her** conscious object to engage in
9 that conduct or to cause that result.

10 3. A person "acts knowingly", or with knowledge,

11 (1) With respect to his **or her** conduct or to attendant circumstances
12 when he **or she** is aware of the nature of his **or her** conduct or that those
13 circumstances exist; or

14 (2) With respect to a result of his **or her** conduct when he **or she** is
15 aware that his **or her** conduct is practically certain to cause that result.

16 4. A person "acts recklessly" or is reckless when he **or she** consciously
17 disregards a substantial and unjustifiable risk that circumstances exist or that
18 a result will follow, and such disregard constitutes a gross deviation from the
19 standard of care which a reasonable person would exercise in the situation.

20 5. A person "acts with criminal negligence" or is criminally negligent
21 when he **or she** fails to be aware of a substantial and unjustifiable risk that
22 circumstances exist or a result will follow, and such failure constitutes a gross
23 deviation from the standard of care which a reasonable person would exercise in
24 the situation.

562.031. 1. A person is not relieved of criminal liability for conduct
2 because he **or she** engages in such conduct under a mistaken belief of fact or law
3 unless such mistake negatives the existence of the mental state required by the
4 offense.

5 2. A person is not relieved of criminal liability for conduct because he **or**
6 **she** believes his **or her** conduct does not constitute an offense unless his **or her**
7 belief is reasonable and:

8 (1) The offense is defined by an administrative regulation or order which
9 is not known to him **or her** and has not been published or otherwise made
10 reasonably available to him **or her**, and he **or she** could not have acquired such
11 knowledge by the exercise of due diligence pursuant to facts known to him **or**
12 **her**; or

13 (2) He **or she** acts in reasonable reliance upon an official statement of the
14 law, afterward determined to be invalid or erroneous, contained in

15 (a) A statute;

16 (b) An opinion or order of an appellate court;
17 (c) An official interpretation of the statute, regulation or order defining
18 the offense made by a public official or agency legally authorized to interpret such
19 statute, regulation or order.

20 3. The burden of injecting the issue of reasonable belief that conduct does
21 not constitute an offense under subdivisions (1) and (2) of subsection 2 **of this**
22 **section** is on the defendant.

562.036. A person with the required culpable mental state is guilty of an
offense if it is committed by his **or her** own conduct or by the conduct of another
person for which he **or she** is criminally responsible, or both.

562.041. 1. A person is criminally responsible for the conduct of another
when:

2 (1) The statute defining the offense makes him **or her** so responsible; or
3 (2) Either before or during the commission of an offense with the purpose
4 of promoting the commission of an offense, he **or she** aids or agrees to aid or
5 attempts to aid such other person in planning, committing or attempting to
6 commit the offense.

7 2. However, a person is not so responsible if:

8 (1) He **or she** is the victim of the offense committed or attempted;
9 (2) The offense is so defined that his **or her** conduct was necessarily
10 incident to the commission or attempt to commit the offense. If his **or her**
11 conduct constitutes a related but separate offense, he **or she** is criminally
12 responsible for that offense but not for the conduct or offense committed or
13 attempted by the other person;

14 (3) Before the commission of the offense [he] **such person** abandons his
15 **or her** purpose and gives timely warning to law enforcement authorities or
16 otherwise makes proper effort to prevent the commission of the offense.

17 3. The defense provided by subdivision (3) of subsection 2 **of this section**
18 is an affirmative defense.

562.051. Except as otherwise provided, when two or more persons are
2 criminally responsible for an offense which is divided into degrees, each person
3 is guilty of such degree as is compatible with his **or her** own culpable mental
4 state and with his **or her** own accountability for an aggravating or mitigating
5 fact or circumstance.

562.056. 1. A corporation is guilty of an offense if:

2 (1) The conduct constituting the offense consists of an omission to

3 discharge a specific duty of affirmative performance imposed on corporations by
4 law; or

5 (2) The conduct constituting the offense is engaged in by an agent of the
6 corporation while acting within the scope of his **or her** employment and in behalf
7 of the corporation, and the offense is a misdemeanor or an infraction, or the
8 offense is one defined by a statute that clearly indicates a legislative intent to
9 impose such criminal liability on a corporation; or

10 (3) The conduct constituting the offense is engaged in, authorized,
11 solicited, requested, commanded or knowingly tolerated by the board of directors
12 or by a high managerial agent acting within the scope of his **or her** employment
13 and in behalf of the corporation.

14 2. An unincorporated association is guilty of an offense if:

15 (1) The conduct constituting the offense consists of an omission to
16 discharge a specific duty of affirmative performance imposed on the association
17 by law; or

18 (2) The conduct constituting the offense is engaged in by an agent of the
19 association while acting within the scope of his **or her** employment and in behalf
20 of the association and the offense is one defined by a statute that clearly indicates
21 a legislative intent to impose such criminal liability on the association.

22 3. As used in this section:

23 (1) "Agent" means any director, officer or employee of a corporation or
24 unincorporated association or any other person who is authorized to act in behalf
25 of the corporation or unincorporated association;

26 (2) "High managerial agent" means an officer of a corporation or any other
27 agent in a position of comparable authority with respect to the formulation of
28 corporate policy or the supervision in a managerial capacity of subordinate
29 employees.

562.061. A person is criminally liable for conduct constituting an offense
2 which he **or she** performs or causes to be performed in the name of or in behalf
3 of a corporation or unincorporated association to the same extent as if such
4 conduct were performed in his **or her** own name or behalf.

562.066. 1. The commission of acts which would otherwise constitute an
2 offense is not criminal if the actor engaged in the prescribed conduct because he
3 **or she** was entrapped by a law enforcement officer or a person acting in
4 cooperation with such an officer.

5 2. An "entrapment" is perpetuated if a law enforcement officer or a person

6 acting in cooperation with such an officer, for the purpose of obtaining evidence
7 of the commission of an offense, solicits, encourages or otherwise induces another
8 person to engage in conduct when he **or she** was not ready and willing to engage
9 in such conduct.

10 3. The relief afforded by subsection 1 **of this section** is not available as
11 to any crime which involves causing physical injury to or placing in danger of
12 physical injury a person other than the person perpetrating the entrapment.

13 4. The defendant shall have the burden of injecting the issue of
14 entrapment.

562.071. 1. It is an affirmative defense that the defendant engaged in the
2 conduct charged to constitute an offense because he **or she** was coerced to do so,
3 by the use of, or threatened imminent use of, unlawful physical force upon him
4 **or her** or a third person, which force or threatened force a person of reasonable
5 firmness in his situation would have been unable to resist.

6 2. The defense of "duress" as defined in subsection 1 is not available:
7 (1) As to the crime of murder;
8 (2) As to any offense when the defendant recklessly places himself **or**
9 **herself** in a situation in which it is probable that he **or she** will be subjected to
10 the force or threatened force described in subsection 1 **of this section**.

562.076. 1. A person who is in an intoxicated or drugged condition,
2 whether from alcohol, drugs or other substance, is criminally responsible for
3 conduct unless such condition is involuntarily produced and deprived him **or her**
4 of the capacity to know or appreciate the nature, quality or wrongfulness of his
5 **or her** conduct.

6 2. The defendant shall have the burden of injecting the issue of
7 intoxicated or drugged condition.

8 3. Evidence that a person was in a voluntarily intoxicated or drugged
9 condition may be admissible when otherwise relevant on issues of conduct but in
10 no event shall it be admissible for the purpose of negating a mental state which
11 is an element of the offense. In a trial by jury, the jury shall be so instructed
12 when evidence that a person was in a voluntarily intoxicated or drugged condition
13 has been received into evidence.

562.086. 1. A person is not responsible for criminal conduct if at the time
2 of such conduct as a result of mental disease or defect he was incapable of
3 knowing and appreciating the nature, quality or wrongfulness of his **or her**
4 conduct.

5 2. The procedures for the defense of lack of responsibility because of
6 mental disease or defect are governed by the provisions of chapter 552.

563.021. 1. Unless inconsistent with the provisions of this chapter
2 defining the justifiable use of physical force, or with some other provision of law,
3 conduct which would otherwise constitute an offense is justifiable and not
4 criminal when such conduct is required or authorized by a statutory provision or
5 by a judicial decree. Among the kinds of such provisions and decrees are:

- 6 (1) Laws defining duties and functions of public servants;
- 7 (2) Laws defining duties of private persons to assist public servants in the
8 performance of their functions;
- 9 (3) Laws governing the execution of legal process;
- 10 (4) Laws governing the military services and the conduct of war;
- 11 (5) Judgments and orders of courts.

12 2. The defense of justification afforded by subsection 1 of this section
13 applies:

14 (1) When a person reasonably believes his **or her** conduct to be required
15 or authorized by the judgment or directions of a competent court or tribunal or
16 in the legal execution of legal process, notwithstanding lack of jurisdiction of the
17 court or defect in the legal process;

18 (2) When a person reasonably believes his **or her** conduct to be required
19 or authorized to assist a public servant in the performance of his **or her** duties,
20 notwithstanding that the public servant exceeded his **or her** legal authority.

21 3. The defendant shall have the burden of injecting the issue of
22 justification under this section.

563.026. 1. Unless inconsistent with other provisions of this chapter
2 defining justifiable use of physical force, or with some other provision of law,
3 conduct which would otherwise constitute any [crime] **offense** other than a class
4 A felony or murder is justifiable and not criminal when it is necessary as an
5 emergency measure to avoid an imminent public or private injury which is about
6 to occur by reason of a situation occasioned or developed through no fault of the
7 actor, and which is of such gravity that, according to ordinary standards of
8 intelligence and morality, the desirability of avoiding the injury outweighs the
9 desirability of avoiding the injury sought to be prevented by the statute defining
10 the [crime] **offense** charged.

11 2. The necessity and justifiability of conduct under subsection 1 **of this**
12 **section** may not rest upon considerations pertaining only to the morality and

13 advisability of the statute, either in its general application or with respect to its
14 application to a particular class of cases arising thereunder. Whenever evidence
15 relating to the defense of justification under this section is offered, the court shall
16 rule as a matter of law whether the claimed facts and circumstances would, if
17 established, constitute a justification.

18 3. The defense of justification under this section is an affirmative defense.

563.033. 1. Evidence that [the actor] **a person** was suffering from the
2 battered spouse syndrome shall be admissible upon the issue of whether [the
3 actor] **he or she** lawfully acted in self-defense or defense of another.

4 2. If the defendant proposes to offer evidence of the battered spouse
5 syndrome, **he or she** shall file written notice thereof with the court in advance
6 of trial. Thereafter, the court, upon motion of the state, shall appoint one or more
7 private psychiatrists or psychologists, as defined in section 632.005, or physicians
8 with a minimum of one year training or experience in providing treatment or
9 services to mentally retarded or mentally ill individuals, who are neither
10 employees nor contractors of the department of mental health for the purposes
11 of performing the examination in question, to examine the accused, or shall direct
12 the director of the department of mental health, or his **or her** designee, to have
13 the accused so examined by one or more psychiatrists or psychologists, as defined
14 in section 632.005, or physicians with a minimum of one year training or
15 experience in providing treatment or services to mentally retarded or mentally
16 ill individuals designated by the director, or his **or her** designee, for the purpose
17 of examining the defendant. No private psychiatrist, psychologist, or physician
18 shall be appointed by the court unless **he or she** has consented to act. The
19 examinations ordered shall be made at such time and place and under such
20 conditions as the court deems proper; except that if the order directs the director
21 of the department of mental health to have the accused examined, the director,
22 or his **or her** designee, shall determine the reasonable time, place and conditions
23 under which the examination shall be conducted. The order may include
24 provisions for the interview of witnesses.

25 3. No statement made by the accused in the course of any such
26 examination and no information received by any physician or other person in the
27 course thereof, whether such examination was made with or without the consent
28 of the accused or upon his **or her** motion or upon that of others, shall be
29 admitted in evidence against the accused on the issue of whether **he or she**
30 committed the act charged against him **or her** in any criminal proceeding then

31 or thereafter pending in any court, state or federal.

563.046. 1. A law enforcement officer need not retreat or desist from
2 efforts to effect the arrest, or from efforts to prevent the escape from custody, of
3 a person he **or she** reasonably believes to have committed an offense because of
4 resistance or threatened resistance of the arrestee. In addition to the use of
5 physical force authorized under other sections of this chapter, [he] **a law**
6 **enforcement officer** is, subject to the provisions of subsections 2 and 3,
7 justified in the use of such physical force as he **or she** reasonably believes is
8 immediately necessary to effect the arrest or to prevent the escape from custody.

9 2. The use of any physical force in making an arrest is not justified under
10 this section unless the arrest is lawful or the law enforcement officer reasonably
11 believes the arrest is lawful.

12 3. A law enforcement officer in effecting an arrest or in preventing an
13 escape from custody is justified in using deadly force only:

14 (1) When [such is] **deadly force is** authorized under other sections of
15 this chapter; or

16 (2) When he **or she** reasonably believes that such use of deadly force is
17 immediately necessary to effect the arrest and also reasonably believes that the
18 person to be arrested:

19 (a) Has committed or attempted to commit a felony; or

20 (b) Is attempting to escape by use of a deadly weapon; or

21 (c) May otherwise endanger life or inflict serious physical injury unless
22 arrested without delay.

23 4. The defendant shall have the burden of injecting the issue of
24 justification under this section.

563.051. 1. A private person who has been directed by a person he **or she**
2 reasonably believes to be a law enforcement officer to assist such officer to effect
3 an arrest or to prevent escape from custody may, subject to the limitations of
4 subsection 3 **of this section**, use physical force when and to the extent that he
5 **or she** reasonably believes such to be necessary to carry out such officer's
6 direction unless he **or she** knows or believes that the arrest or prospective arrest
7 is not or was not authorized.

8 2. A private person acting on his **or her** own account may, subject to the
9 limitations of subsection 3 **of this section**, use physical force to [effect] arrest
10 or prevent **the** escape [only when and to the extent such is immediately necessary
11 to effect the arrest, or to prevent escape from custody,] of a person whom [he]

12 such private person reasonably believes [to have] has committed [a crime] an
13 offense, and who in fact has committed such [crime] offense, when the
14 private person's actions are immediately necessary to arrest the
15 offender or prevent his or her escape from custody.

16 3. A private person in effecting an arrest or in preventing escape from
17 custody is justified in using deadly force only:

18 (1) When [such is] deadly force is authorized under other sections of
19 this chapter; or

20 (2) When he or she reasonably believes [such to be] deadly force is
21 authorized under the circumstances and he or she is directed or authorized by
22 a law enforcement officer to use deadly force; or

23 (3) When he or she reasonably believes such use of deadly force is
24 immediately necessary to [effect the] arrest [of] a person who at that time and
25 in his or her presence:

26 (a) Committed or attempted to commit a class A felony or murder; or
27 (b) Is attempting to escape by use of a deadly weapon.

28 4. The defendant shall have the burden of injecting the issue of
29 justification under this section.

563.056. 1. A guard or other law enforcement officer may, subject to the
2 provisions of subsection 2 of this section, use physical force when he reasonably
3 believes such to be immediately necessary to prevent escape from confinement or
4 in transit thereto or therefrom.

5 2. A guard or other law enforcement officer may use deadly force under
6 circumstances described in subsection 1 of this section only:

7 (1) When such use of deadly force is authorized under other sections of
8 this chapter; or

9 (2) When he or she reasonably believes there is a substantial risk that
10 the escapee will endanger human life or cause serious physical injury unless the
11 escape is prevented.

12 3. The defendant shall have the burden of injecting the issue of
13 justification under this section.

563.061. 1. The use of physical force by an actor upon another person is
2 justifiable when the actor is a parent, guardian or other person entrusted with
3 the care and supervision of a minor or an incompetent person or when the actor
4 is a teacher or other person entrusted with the care and supervision of a minor
5 for a special purpose; and

6 (1) The actor reasonably believes that the force used is necessary to
7 promote the welfare of a minor or incompetent person, or, if the actor's
8 responsibility for the minor is for special purposes, to further that special purpose
9 or to maintain reasonable discipline in a school, class or other group; and

10 (2) The force used is not designed to cause or believed to create a
11 substantial risk of causing death, serious physical injury, disfigurement, extreme
12 pain or extreme emotional distress.

13 2. A warden or other authorized official of a jail, prison or correctional
14 institution may, in order to maintain order and discipline, use whatever physical
15 force, including deadly force, that is authorized by law.

16 3. The use of physical force by an actor upon another person is justifiable
17 when the actor is a person responsible for the operation of or the maintenance of
18 order in a vehicle or other carrier of passengers and the actor reasonably believes
19 that such force is necessary to prevent interference with its operation or to
20 maintain order in the vehicle or other carrier, except that deadly force may be
21 used only when the actor reasonably believes it necessary to prevent death or
22 serious physical injury.

23 4. The use of physical force by an actor upon another person is justified
24 when the actor is a physician or a person assisting at his **or her** direction; and

25 (1) The force is used for the purpose of administering a medically
26 acceptable form of treatment which the actor reasonably believes to be adapted
27 to promoting the physical or mental health of the patient; and

28 (2) The treatment is administered with the consent of the patient or, if the
29 patient is a minor or an incompetent person, with the consent of the parent,
30 guardian, or other person legally competent to consent on his **or her** behalf, or
31 the treatment is administered in an emergency when the actor reasonably
32 believes that no one competent to consent can be consulted and that a reasonable
33 person, wishing to safeguard the welfare of the patient, would consent.

34 5. The use of physical force by an actor upon another person is justifiable
35 when the actor acts under the reasonable belief that

36 (1) Such other person is about to commit suicide or to inflict serious
37 physical injury upon himself **or herself**; and

38 (2) The force used is necessary to thwart such result.

39 6. The defendant shall have the burden of injecting the issue of
40 justification under this section.

2 offense under chapter 565 is excusable and not criminal when it is the result of
3 accident in any lawful act by lawful means without knowingly causing or
4 attempting to cause physical injury and without acting with criminal negligence.

5 2. The defendant shall have the burden of injecting the issue of excuse
6 authorized under this section.

565.002. As used in this chapter, unless a different meaning is otherwise
2 plainly required **the following terms mean:**

3 (1) "Adequate cause" [means], cause that would reasonably produce a
4 degree of passion in a person of ordinary temperament sufficient to substantially
5 impair an ordinary person's capacity for self-control;

6 (2) "**Child", a person under seventeen years of age;**

7 (3) "Conduct", includes any act or omission;

8 (4) "**Course of conduct", a pattern of conduct composed of two or**
9 **more acts, which may include communication by any means, over a**
10 **period of time, however short, evidencing a continuity of**
11 **purpose. Constitutionally protected activity is not included within the**
12 **meaning of course of conduct. Such constitutionally protected activity**
13 **includes picketing or other organized protests;**

14 [(3)] (5) "Deliberation" means cool reflection for any length of time no
15 matter how brief;

16 [(4) "Intoxicated condition" means under the influence of alcohol, a
17 controlled substance, or drug, or any combination thereof;

18 (5) "Operates" means physically driving or operating or being in actual
19 physical control of a motor vehicle;

20 (6) "Serious physical injury" means physical injury that creates a
21 substantial risk of death or that causes serious disfigurement or protracted loss
22 or impairment of the function of any part of the body;]

23 (6) "**Domestic victim", a household or family member as the term**
24 **"family" or "household member" is defined in section 455.010, including**
25 **any child or member of the household or family;**

26 (7) "**Emotional distress", something markedly greater than the**
27 **level of uneasiness, nervousness, unhappiness, or the like which are**
28 **commonly experienced in day-to-day living;**

29 (8) "**Full or partial nudity", the showing of all or any part of the**
30 **human genitals or pubic area or buttock, or any part of the nipple of**
31 **the breast of any female person, with less than a fully opaque covering;**

32 (9) "Legal custody", the right to the care, custody and control of
33 a child;

34 (10) "Parent", either a biological parent or a parent by adoption;

35 (11) "Person having a right of custody", a parent or legal
36 guardian of the child;

37 (12) "Photographs" or "films", the making of any photograph,
38 motion picture film, videotape, or any other recording or transmission
39 of the image of a person;

40 (13) "Place where a person would have a reasonable expectation
41 of privacy", any place where a reasonable person would believe that a
42 person could disrobe in privacy, without being concerned that the
43 person's undressing was being viewed, photographed or filmed by
44 another;

45 (14) "Special victim", includes any of the following:

46 (a) A law enforcement officer assaulted in the performance of
47 official duties or as a direct result of such official duties;

48 (b) Emergency personnel, meaning any paid or volunteer
49 firefighter, emergency room or trauma center personnel, or emergency
50 medical technician, assaulted in the performance of official duties or
51 as a direct result of such official duties;

52 (c) A probation and parole officer assaulted in the performance
53 of official duties or as a direct result of such official duties;

54 (d) An elderly person;

55 (e) A disabled person;

56 (f) Any jailer or corrections officer of the state or one of its
57 political subdivisions;

58 (g) A highway worker in a construction or work zone as the
59 terms "highway worker", "construction zone", or "work zone" are defined
60 under section 304.580;

61 (h) Any utility worker, meaning any employee of a utility that
62 provides gas, heat, electricity, water, steam, telecommunications
63 services, or sewer services, whether privately, municipally, or
64 cooperatively owned, while in performance of their job duties,
65 including any person employed under a contract;

66 (i) Any cable worker, meaning any employee of a cable operator,
67 as such term is defined in section 67.2677, including any person

68 employed under contract; and

69 (j) Any employee of a mass transit system, including any
70 employee of public bus or light rail companies;

71 [(7)] (15) "Sudden passion" [means], passion directly caused by and
72 arising out of provocation by the victim or another acting with the victim which
73 passion arises at the time of the offense and is not solely the result of former
74 provocation;

75 [(8)] (16) "Trier" [means], the judge or jurors to whom issues of fact,
76 guilt or innocence, or the assessment and declaration of punishment are
77 submitted for decision;

78 (17) "Views", the looking upon of another person, with the
79 unaided eye or with any device designed or intended to improve visual
80 acuity, for the purpose of arousing or gratifying the sexual desire of
81 any person.

565.004. 1. Each homicide offense which is lawfully joined in the same
2 indictment or information together with any homicide offense or offense other
3 than a homicide shall be charged together with such offense in separate counts.
4 A count charging any offense of homicide may only be charged and tried together
5 with one or more counts of any other homicide or offense other than a homicide
6 as provided in subsection 2 of section 545.140. Except as provided in subsections
7 2, 3, and 4 of this section, no murder in the first degree offense may be tried
8 together with any offense other than murder in the first degree. In the event of
9 a joinder of homicide offenses, all offenses charged which are supported by the
10 evidence in the case, together with all proper lesser offenses under section
11 [565.025] **565.029**, shall, when requested by one of the parties or the court, be
12 submitted to the jury or, in a jury-waived trial, considered by the judge.

13 2. A count charging any offense of homicide of a particular individual may
14 be joined in an indictment or information and tried with one or more counts
15 charging alternatively any other homicide or offense other than a homicide
16 committed against that individual. The state shall not be required to make an
17 election as to the alternative count on which it will proceed. This subsection in
18 no way limits the right to try in the conjunctive, where they are properly joined
19 under subsection 1 of this section, either separate offenses other than murder in
20 the first degree or separate offenses of murder in the first degree committed
21 against different individuals.

22 3. When a defendant has been charged and proven before trial to be a

23 prior offender pursuant to chapter 558 so that the judge shall assess punishment
24 and not a jury for an offense other than murder in the first degree, that offense
25 may be tried and submitted to the trier together with any murder in the first
26 degree charge with which it is lawfully joined. In such case the judge will assess
27 punishment on any offense joined with a murder in the first degree charge
28 according to law and, when the trier is a jury, it shall be instructed upon
29 punishment on the charge of murder in the first degree in accordance with section
30 565.030.

31 4. When the state waives the death penalty for a murder first degree
32 offense, that offense may be tried and submitted to the trier together with any
33 other charge with which it is lawfully joined.

34 [565.080.] **565.010.** 1. When conduct is charged to constitute an offense
35 because it causes or threatens physical injury, consent to that conduct or to the
36 infliction of the injury is a defense only if:

37 (1) The physical injury consented to or threatened by the conduct is not
38 serious physical injury; or
39 (2) The conduct and the harm are reasonably foreseeable hazards of
40 (a) The victim's occupation or profession; or
41 (b) Joint participation in a lawful athletic contest or competitive sport; or
42 (3) The consent establishes a justification for the conduct under chapter
43 563 of this code.

44 2. The defendant shall have the burden of injecting the issue of consent.

45 565.020. 1. A person commits the [crime] **offense** of murder in the first
46 degree if he **or she** knowingly causes the death of another person after
47 deliberation upon the matter.

48 2. **The offense of** murder in the first degree is a class A felony, and the
49 punishment shall be either death or imprisonment for life without eligibility for
50 probation or parole, or release except by act of the governor; except that, if a
51 person has not reached his [sixteenth] **or her eighteenth** birthday at the time
52 of the commission of the [crime] **offense**, the punishment shall be imprisonment
53 for life without eligibility for probation or parole, or release except by act of the
54 governor.

55 565.021. 1. A person commits the [crime] **offense** of murder in the
56 second degree if he **or she**:

57 (1) Knowingly causes the death of another person or, with the purpose of
58 causing serious physical injury to another person, causes the death of another

5 person; or
6 (2) Commits or attempts to commit any felony, and, in the perpetration
7 or the attempted perpetration of such felony or in the flight from the perpetration
8 or attempted perpetration of such felony, another person is killed as a result of
9 the perpetration or attempted perpetration of such felony or immediate flight
10 from the perpetration of such felony or attempted perpetration of such felony.

11 2. **The offense of** murder in the second degree is a class A felony, and
12 the punishment for second degree murder shall be in addition to the punishment
13 for commission of a related felony or attempted felony, other than murder or
14 manslaughter.

15 3. Notwithstanding section 556.046 and section [565.025] **565.029**, in any
16 charge of murder in the second degree, the jury shall be instructed on, or, in a
17 jury-waived trial, the judge shall consider, any and all of the subdivisions in
18 subsection 1 of this section which are supported by the evidence and requested
19 by one of the parties or the court.

565.023. 1. A person commits the [crime] **offense** of voluntary
2 manslaughter if he **or she**:

3 (1) Causes the death of another person under circumstances that would
4 constitute murder in the second degree under subdivision (1) of subsection 1 of
5 section 565.021, except that he **or she** caused the death under the influence of
6 sudden passion arising from adequate cause; or

7 (2) Knowingly assists another in the commission of self-murder.

8 2. The defendant shall have the burden of injecting the issue of influence
9 of sudden passion arising from adequate cause under subdivision (1) of subsection
10 1 of this section.

11 3. **The offense of** voluntary manslaughter is a class B felony.

565.024. 1. A person commits the [crime] **offense** of involuntary
2 manslaughter in the first degree if he or she[:]

3 (1)] recklessly causes the death of another person[; or

4 (2) While in an intoxicated condition operates a motor vehicle or vessel in
5 this state and, when so operating, acts with criminal negligence to cause the
6 death of any person; or

7 (3) While in an intoxicated condition operates a motor vehicle or vessel in
8 this state, and, when so operating, acts with criminal negligence to:

9 (a) Cause the death of any person not a passenger in the vehicle or vessel
10 operated by the defendant, including the death of an individual that results from

11 the defendant's vehicle leaving a highway, as defined by section 301.010, or the
12 highway's right-of-way; or vessel leaving the water; or

13 (b) Cause the death of two or more persons; or

14 (c) Cause the death of any person while he or she has a blood alcohol
15 content of at least eighteen-hundredths of one percent by weight of alcohol in
16 such person's blood; or

17 (4) Operates a motor vehicle in violation of subsection 2 of section
18 304.022, and when so operating, acts with criminal negligence to cause the death
19 of any person authorized to operate an emergency vehicle, as defined in section
20 304.022, while such person is in the performance of official duties;

21 (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132,
22 and when so operating acts with criminal negligence to cause the death of any
23 person authorized to operate an emergency watercraft, as defined in section
24 306.132, while such person is in the performance of official duties].

25 2. **The offense of** involuntary manslaughter in the first degree [under
26 subdivision (1) or (2) of subsection 1 of this section] is a class C
27 felony. [Involuntary manslaughter in the first degree under subdivision (3) of
28 subsection 1 of this section is a class B felony. A second or subsequent violation
29 of subdivision (3) of subsection 1 of this section is a class A felony. For any
30 violation of subdivision (3) of subsection 1 of this section, the minimum prison
31 term which the defendant must serve shall be eighty-five percent of his or her
32 sentence. Any violation of subdivisions (4) and (5) of subsection 1 of this section
33 is a class B felony.

34 3. A person commits the crime of involuntary manslaughter in the second
35 degree if he acts with criminal negligence to cause the death of any person.

36 4. Involuntary manslaughter in the second degree is a class D felony.]

**565.027. 1. A person commits the offense of involuntary
2 manslaughter in the second degree if he or she acts with criminal
3 negligence to cause the death of any person.**

4 **2. The offense of involuntary manslaughter in the second degree
5 is a class E felony.**

[565.025.] **565.029.** 1. With the exceptions provided in subsection 3 of
2 this section and subsection 3 of section 565.021, section 556.046 shall be used for
3 the purpose of consideration of lesser offenses by the trier in all homicide cases.

4 2. The following lists shall comprise, in the order listed, the lesser degree
5 offenses:

6 (1) The lesser degree offenses of murder in the first degree are:
7 (a) Murder in the second degree under subdivisions (1) and (2) of
8 subsection 1 of section 565.021;
9 (b) Voluntary manslaughter under subdivision (1) of subsection 1 of
10 section 565.023; [and]
11 (c) Involuntary manslaughter [under subdivision (1) of subsection 1 of
12 section 565.024] **in the first degree; and**
13 (d) **Involuntary manslaughter in the second degree;**
14 (2) The lesser degree offenses of murder in the second degree are:
15 (a) Voluntary manslaughter under subdivision (1) of subsection 1 of
16 section 565.023; [and]
17 (b) Involuntary manslaughter [under subdivision (1) of subsection 1 of
18 section 565.024] **in the first degree; and**
19 (c) **Involuntary manslaughter in the second degree.**
20 3. No instruction on a lesser included offense shall be submitted unless
21 requested by one of the parties or the court.

565.030. 1. [Where murder in the first degree is charged but not
2 submitted or where the state waives the death penalty, the submission to the
3 trier and all subsequent proceedings in the case shall proceed as in all other
4 criminal cases with a single stage trial in which guilt and punishment are
5 submitted together.

6 2.] Where murder in the first degree is submitted to the trier without a
7 waiver of the death penalty, the trial shall proceed in two stages before the same
8 trier. At the first stage the trier shall decide only whether the defendant is guilty
9 or not guilty of any submitted offense. The issue of punishment shall not be
10 submitted to the trier at the first stage. If an offense is charged other than
11 murder in the first degree in a count together with a count of murder in the first
12 degree, the trial judge shall assess punishment on any such offense according to
13 law, after the defendant is found guilty of such offense and after he finds the
14 defendant to be a prior offender pursuant to chapter 558.

15 [3.] 2. If murder in the first degree is submitted and the death penalty
16 was not waived but the trier finds the defendant guilty of a lesser homicide, a
17 second stage of the trial shall proceed at which the only issue shall be the
18 punishment to be assessed and declared. No further evidence shall be received. If
19 the trier is a jury it shall be instructed on the law. The attorneys may then argue
20 as in other criminal cases the issue of punishment, after which the trier shall

21 assess and declare the punishment as in all other criminal cases.

22 [4.] 3. If the trier at the first stage of a trial where the death penalty was
23 not waived finds the defendant guilty of murder in the first degree, a second stage
24 of the trial shall proceed at which the only issue shall be the punishment to be
25 assessed and declared. Evidence in aggravation and mitigation of punishment,
26 including but not limited to evidence supporting any of the aggravating or
27 mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be
28 presented subject to the rules of evidence at criminal trials. Such evidence may
29 include, within the discretion of the court, evidence concerning the murder victim
30 and the impact of the [crime] offense upon the family of the victim and
31 others. Rebuttal and surrebuttal evidence may be presented. The state shall be
32 the first to proceed. If the trier is a jury it shall be instructed on the law. The
33 attorneys may then argue the issue of punishment to the jury, and the state shall
34 have the right to open and close the argument. The trier shall assess and declare
35 the punishment at life imprisonment without eligibility for probation, parole, or
36 release except by act of the governor:

37 (1) If the trier finds by a preponderance of the evidence that the
38 defendant is mentally retarded; or

39 (2) If the trier does not find beyond a reasonable doubt at least one of the
40 statutory aggravating circumstances set out in subsection 2 of section 565.032;
41 or

42 (3) If the trier concludes that there is evidence in mitigation of
43 punishment, including but not limited to evidence supporting the statutory
44 mitigating circumstances listed in subsection 3 of section 565.032, which is
45 sufficient to outweigh the evidence in aggravation of punishment found by the
46 trier; or

47 (4) If the trier decides under all of the circumstances not to assess and
48 declare the punishment at death. If the trier is a jury it shall be so instructed.
49 If the trier assesses and declares the punishment at death it shall, in its findings
50 or verdict, set out in writing the aggravating circumstance or circumstances listed
51 in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If
52 the trier is a jury it shall be instructed before the case is submitted that if it is
53 unable to decide or agree upon the punishment the court shall assess and declare
54 the punishment at life imprisonment without eligibility for probation, parole, or
55 release except by act of the governor or death. The court shall follow the same
56 procedure as set out in this section whenever it is required to determine

57 punishment for murder in the first degree.

58 [5.] 4. Upon written agreement of the parties and with leave of the court,
59 the issue of the defendant's mental retardation may be taken up by the court and
60 decided prior to trial without prejudicing the defendant's right to have the issue
61 submitted to the trier of fact as provided in subsection 4 of this section.

62 [6.] 5. As used in this section, the terms "mental retardation" or
63 "mentally retarded" refer to a condition involving substantial limitations in
64 general functioning characterized by significantly subaverage intellectual
65 functioning with continual extensive related deficits and limitations in two or
66 more adaptive behaviors such as communication, self-care, home living, social
67 skills, community use, self-direction, health and safety, functional academics,
68 leisure and work, which conditions are manifested and documented before
69 eighteen years of age.

70 [7.] 6. The provisions of this section shall only govern offenses committed
71 on or after August 28, 2001.

565.032. 1. In all cases of murder in the first degree for which the death
2 penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall
3 include in his **or her** instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances
5 enumerated in subsection 2 of this section is established by the evidence beyond
6 a reasonable doubt; and

7 (2) If a statutory aggravating circumstance or circumstances is proven
8 beyond a reasonable doubt, whether the evidence as a whole justifies a sentence
9 of death or a sentence of life imprisonment without eligibility for probation,
10 parole, or release except by act of the governor. In determining the issues
11 enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider
12 all evidence which it finds to be in aggravation or mitigation of punishment,
13 including evidence received during the first stage of the trial and evidence
14 supporting any of the statutory aggravating or mitigating circumstances set out
15 in subsections 2 and 3 of this section. If the trier is a jury, it shall not be
16 instructed upon any specific evidence which may be in aggravation or mitigation
17 of punishment, but shall be instructed that each juror shall consider any evidence
18 which he **or she** considers to be aggravating or mitigating.

19 2. Statutory aggravating circumstances for a murder in the first degree
20 offense shall be limited to the following:

21 (1) The offense was committed by a person with a prior record of

22 conviction for murder in the first degree, or the offense was committed by a
23 person who has one or more serious assaultive criminal convictions;

24 (2) The murder in the first degree offense was committed while the
25 offender was engaged in the commission or attempted commission of another
26 unlawful homicide;

27 (3) The offender by his **or her** act of murder in the first degree knowingly
28 created a great risk of death to more than one person by means of a weapon or
29 device which would normally be hazardous to the lives of more than one person;

30 (4) The offender committed the offense of murder in the first degree for
31 himself **or herself** or another, for the purpose of receiving money or any other
32 thing of monetary value from the victim of the murder or another;

33 (5) The murder in the first degree was committed against a judicial
34 officer, former judicial officer, prosecuting attorney or former prosecuting
35 attorney, circuit attorney or former circuit attorney, assistant prosecuting
36 attorney or former assistant prosecuting attorney, assistant circuit attorney or
37 former assistant circuit attorney, peace officer or former peace officer, elected
38 official or former elected official during or because of the exercise of his official
39 duty;

40 (6) The offender caused or directed another to commit murder in the first
41 degree or committed murder in the first degree as an agent or employee of
42 another person;

43 (7) The murder in the first degree was outrageously or wantonly vile,
44 horrible or inhuman in that it involved torture, or depravity of mind;

45 (8) The murder in the first degree was committed against any peace
46 officer, or fireman while engaged in the performance of his **or her** official duty;

47 (9) The murder in the first degree was committed by a person in, or who
48 has escaped from, the lawful custody of a peace officer or place of lawful
49 confinement;

50 (10) The murder in the first degree was committed for the purpose of
51 avoiding, interfering with, or preventing a lawful arrest or custody in a place of
52 lawful confinement, of himself **or herself** or another;

53 (11) The murder in the first degree was committed while the defendant
54 was engaged in the perpetration or was aiding or encouraging another person to
55 perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy,
56 burglary, robbery, kidnapping, or any felony offense in chapter [195] **579**;

57 (12) The murdered individual was a witness or potential witness in any

58 past or pending investigation or past or pending prosecution, and was killed as
59 a result of his **or her** status as a witness or potential witness;

60 (13) The murdered individual was an employee of an institution or facility
61 of the department of corrections of this state or local correction agency and was
62 killed in the course of performing his **or her** official duties, or the murdered
63 individual was an inmate of such institution or facility;

64 (14) The murdered individual was killed as a result of the hijacking of an
65 airplane, train, ship, bus or other public conveyance;

66 (15) The murder was committed for the purpose of concealing or
67 attempting to conceal any felony offense defined in chapter [195] **579**;

68 (16) The murder was committed for the purpose of causing or attempting
69 to cause a person to refrain from initiating or aiding in the prosecution of a felony
70 offense defined in chapter [195] **579**;

71 (17) The murder was committed during the commission of [a crime] **an**
72 **offense** which is part of a pattern of criminal street gang activity as defined in
73 section 578.421.

74 3. Statutory mitigating circumstances shall include the following:

75 (1) The defendant has no significant history of prior criminal activity;
76 (2) The murder in the first degree was committed while the defendant was
77 under the influence of extreme mental or emotional disturbance;

78 (3) The victim was a participant in the defendant's conduct or consented
79 to the act;

80 (4) The defendant was an accomplice in the murder in the first degree
81 committed by another person and his **or her** participation was relatively minor;

82 (5) The defendant acted under extreme duress or under the substantial
83 domination of another person;

84 (6) The capacity of the defendant to appreciate the criminality of his **or**
85 **her** conduct or to conform his **or her** conduct to the requirements of law was
86 substantially impaired;

87 (7) The age of the defendant at the time of the [crime] **offense**.

565.035. 1. Whenever the death penalty is imposed in any case, and upon
2 the judgment becoming final in the trial court, the sentence shall be reviewed on
3 the record by the supreme court of Missouri. The circuit clerk of the court trying
4 the case, within ten days after receiving the transcript, shall transmit the entire
5 record and transcript to the supreme court together with a notice prepared by the
6 circuit clerk and a report prepared by the trial judge. The notice shall set forth

7 the title and docket number of the case, the name of the defendant and the name
8 and address of his attorney, a narrative statement of the judgment, the offense,
9 and the punishment prescribed. The report by the judge shall be in the form of
10 a standard questionnaire prepared and supplied by the supreme court of
11 Missouri.

12 2. The supreme court of Missouri shall consider the punishment as well
13 as any errors enumerated by way of appeal.

14 3. With regard to the sentence, the supreme court shall determine:

15 (1) Whether the sentence of death was imposed under the influence of
16 passion, prejudice, or any other arbitrary factor; and

17 (2) Whether the evidence supports the jury's or judge's finding of a
18 statutory aggravating circumstance as enumerated in subsection 2 of section
19 565.032 and any other circumstance found;

20 (3) Whether the sentence of death is excessive or disproportionate to the
21 penalty imposed in similar cases, considering both the [crime] offense, the
22 strength of the evidence and the defendant.

23 4. Both the defendant and the state shall have the right to submit briefs
24 within the time provided by the supreme court, and to present oral argument to
25 the supreme court.

26 5. The supreme court shall include in its decision a reference to those
27 similar cases which it took into consideration. In addition to its authority
28 regarding correction of errors, the supreme court, with regard to review of death
29 sentences, shall be authorized to:

30 (1) Affirm the sentence of death; or

31 (2) Set the sentence aside and resentence the defendant to life
32 imprisonment without eligibility for probation, parole, or release except by act of
33 the governor; or

34 (3) Set the sentence aside and remand the case for retrial of the
35 punishment hearing. A new jury shall be selected or a jury may be waived by
36 agreement of both parties and then the punishment trial shall proceed in
37 accordance with this chapter, with the exception that the evidence of the guilty
38 verdict shall be admissible in the new trial together with the official transcript
39 of any testimony and evidence properly admitted in each stage of the original
40 trial where relevant to determine punishment.

41 6. There shall be an assistant to the supreme court, who shall be an
42 attorney appointed by the supreme court and who shall serve at the pleasure of

43 the court. The court shall accumulate the records of all cases in which the
44 sentence of death or life imprisonment without probation or parole was imposed
45 after May 26, 1977, or such earlier date as the court may deem appropriate. The
46 assistant shall provide the court with whatever extracted information the court
47 desires with respect thereto, including but not limited to a synopsis or brief of the
48 facts in the record concerning the [crime] **offense** and the defendant. The court
49 shall be authorized to employ an appropriate staff, within the limits of
50 appropriations made for that purpose, and such methods to compile such data as
51 are deemed by the supreme court to be appropriate and relevant to the statutory
52 questions concerning the validity of the sentence. The office of the assistant to
53 the supreme court shall be attached to the office of the clerk of the supreme court
54 for administrative purposes.

55 7. In addition to the mandatory sentence review, there shall be a right of
56 direct appeal of the conviction to the supreme court of Missouri. This right of
57 appeal may be waived by the defendant. If an appeal is taken, the appeal and
58 the sentence review shall be consolidated for consideration. The court shall
59 render its decision on legal errors enumerated, the factual substantiation of the
60 verdict, and the validity of the sentence.

565.040. 1. In the event that the death penalty provided in this chapter
2 is held to be unconstitutional, any person convicted of murder in the first degree
3 shall be sentenced by the court to life imprisonment without eligibility for
4 probation, parole, or release except by act of the governor, with the exception that
5 when a specific aggravating circumstance found in a case is held to be
6 unconstitutional or invalid for another reason, the supreme court of Missouri is
7 further authorized to remand the case for resentencing or retrial of the
8 punishment pursuant to subsection 5 of section [565.036] **565.035**.

9 2. In the event that any death sentence imposed pursuant to this chapter
10 is held to be unconstitutional, the trial court which previously sentenced the
11 defendant to death shall cause the defendant to be brought before the court and
12 shall sentence the defendant to life imprisonment without eligibility for
13 probation, parole, or release except by act of the governor, with the exception that
14 when a specific aggravating circumstance found in a case is held to be
15 inapplicable, unconstitutional or invalid for another reason, the supreme court
16 of Missouri is further authorized to remand the case for retrial of the punishment
17 pursuant to subsection 5 of section 565.035.

565.050. 1. A person commits the [crime] **offense** of assault in the first

2 degree if he **or she** attempts to kill or knowingly causes or attempts to cause
3 serious physical injury to another person.

4 2. **The offense of assault** in the first degree is a class B felony unless in
5 the course thereof the [actor] **person** inflicts serious physical injury on the
6 victim, **or if the victim of such assault is a special victim, as the term**
7 **"special victim" is defined under section 565.002**, in which case it is a class
8 A felony.

[565.060.] **565.052.** 1. A person commits the [crime] **offense** of assault
2 in the second degree if he **or she**:

3 (1) Attempts to kill or knowingly causes or attempts to cause serious
4 physical injury to another person under the influence of sudden passion arising
5 out of adequate cause; or

6 (2) Attempts to cause or knowingly causes physical injury to another
7 person by means of a deadly weapon or dangerous instrument; or

8 (3) Recklessly causes serious physical injury to another person; or

9 (4) [While in an intoxicated condition or under the influence of controlled
10 substances or drugs, operates a motor vehicle in this state and, when so
11 operating, acts with criminal negligence to cause physical injury to any other
12 person than himself; or

13 (5)] Recklessly causes physical injury to another person by means of
14 discharge of a firearm[; or

15 (6) Operates a motor vehicle in violation of subsection 2 of section
16 304.022, and when so operating, acts with criminal negligence to cause physical
17 injury to any person authorized to operate an emergency vehicle, as defined in
18 section 304.022, while such person is in the performance of official duties].

19 2. The defendant shall have the burden of injecting the issue of influence
20 of sudden passion arising from adequate cause under subdivision (1) of subsection
21 1 of this section.

22 3. **The offense of assault** in the second degree is a class [C] **D** felony,
23 **unless the victim of such assault is a special victim, as the term "special**
24 **victim" is defined under section 565.002, in which case it is a class B**
25 **felony.**

[565.070.] **565.054.** 1. A person commits the [crime] **offense** of assault
2 in the third degree if[:

3 (1) The person attempts to cause or recklessly causes physical injury to
4 another person; or

5 (2) With criminal negligence the person causes physical injury to another
6 person by means of a deadly weapon; or

7 (3) The person purposely places another person in apprehension of
8 immediate physical injury; or

9 (4) The person recklessly engages in conduct which creates a grave risk
10 of death or serious physical injury to another person; or

11 (5) The person knowingly causes physical contact with another person
12 knowing the other person will regard the contact as offensive or provocative; or

13 (6) The person knowingly causes physical contact with an incapacitated
14 person, as defined in section 475.010, which a reasonable person, who is not
15 incapacitated, would consider offensive or provocative.

16 2. Except as provided in subsections 3 and 4 of this section, assault in the
17 third degree is a class A misdemeanor.

18 3. A person who violates the provisions of subdivision (3) or (5) of
19 subsection 1 of this section is guilty of a class C misdemeanor.

20 4. A person who has pled guilty to or been found guilty of the crime of
21 assault in the third degree more than two times against any family or household
22 member as defined in section 455.010 is guilty of a class D felony for the third or
23 any subsequent commission of the crime of assault in the third degree when a
24 class A misdemeanor. The offenses described in this subsection may be against
25 the same family or household member or against different family or household
26 members] **he or she knowingly causes physical injury to another person.**

27 **2. The offense of assault in the third degree is a class E felony,**
28 **unless the victim of such assault is a special victim, as the term "special**
29 **victim" is defined under section 565.002, in which case it is a class D**
30 **felony.**

565.056. 1. A person commits the offense of assault in the fourth
2 **degree if:**

3 **(1) The person attempts to cause or recklessly causes physical**
4 **injury, physical pain, or illness to another person; or**

5 **(2) With criminal negligence the person causes physical injury**
6 **to another person by means of a firearm; or**

7 **(3) The person purposely places another person in apprehension**
8 **of immediate physical injury; or**

9 **(4) The person recklessly engages in conduct which creates a**
10 **substantial risk of death or serious physical injury to another person;**

11 or

12 (5) The person knowingly causes physical contact with a disabled
13 person, which a reasonable person, who is not disabled, would consider
14 offensive or provocative; or

15 (6) The person knowingly causes physical contact with another
16 person knowing the other person will regard the contact as offensive
17 or provocative.

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

20 3. Violation of the provisions of subdivision (3) or (6) of
21 subsection 1 of this section is a class C misdemeanor unless the victim
22 is a special victim, as the term "special victim" is defined under section
23 565.002, in which case a violation of such provisions is a class A
24 misdemeanor.

565.072. 1. A person commits the [crime] offense of domestic assault in
2 the first degree if he or she attempts to kill or knowingly causes or attempts to
3 cause serious physical injury to a [family or household member, including any
4 child who is a member of the family or household, as defined in section 455.010]
5 domestic victim, as the term "domestic victim" is defined under section
6 565.002.

7 2. The offense of domestic assault in the first degree is a class B felony
8 unless in the course thereof the [actor] person inflicts serious physical injury on
9 the victim [or has previously pleaded guilty to or been found guilty of committing
10 this crime], in which case it is a class A felony.

565.073. 1. A person commits the [crime] offense of domestic assault in
2 the second degree if the act involves a [family or household member, including
3 any child who is a member of the family or household, as defined in section
4 455.010] domestic victim, as the term "domestic victim" is defined under
5 section 565.002, and he or she:

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

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

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

13 **2. The offense of** domestic assault in the second degree is a class [C] **D**
14 felony.

565.074. 1. A person commits the [crime of domestic assault in the third
2 degree if the act involves a family or household member, including any child who
3 is a member of the family or household, as defined in section 455.010 and:

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

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

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

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

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

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

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

22 3. A person who has pleaded guilty to or been found guilty of the crime
23 of domestic assault in the third degree more than two times against any family
24 or household member as defined in section 455.010, or of any offense committed
25 in violation of any county or municipal ordinance in any state, any state law, any
26 federal law, or any military law which, if committed in this state, would be a
27 violation of this section, is guilty of a class D felony for the third or any
28 subsequent commission of the crime of domestic assault. The offenses described
29 in this subsection may be against the same family or household member or
30 against different family or household members] **offense of domestic assault**
31 **in the third degree if he or she attempts to cause physical injury or**
32 **knowingly causes physical pain or illness to a domestic victim, as the**
33 **term "domestic victim" is defined under section 565.002.**

34 2. **The offense of domestic assault in the third degree is a class**

35 **E felony.**

565.076. 1. A person commits the offense of domestic assault in
2 the fourth degree if the act involves a domestic victim, as the term
3 "domestic victim" is defined under section 565.002, and:

4 (1) The person attempts to cause or recklessly causes physical
5 injury, physical pain, or illness to such domestic victim; or

6 (2) With criminal negligence the person causes physical injury
7 to such domestic victim by means of a deadly weapon or dangerous
8 instrument; or

9 (3) The person purposely places such domestic victim in
10 apprehension of immediate physical injury by any means; or

11 (4) The person recklessly engages in conduct which creates a
12 substantial risk of death or serious physical injury to such domestic
13 victim; or

14 (5) The person knowingly causes physical contact with such
15 domestic victim knowing he or she will regard the contact as offensive;
16 or

17 (6) The person knowingly attempts to cause or causes the
18 isolation of such domestic victim by unreasonably and substantially
19 restricting or limiting his or her access to other persons,
20 telecommunication devices or transportation for the purpose of
21 isolation.

22 2. The offense of domestic assault in the fourth degree is a class
23 A misdemeanor, unless the person has previously been found guilty of
24 the offenses of assault of a domestic victim two or more times, in which
25 case it is a class E felony. The offenses described in this subsection
26 may be against the same domestic victim or against different domestic
27 victims.

[565.063.] 565.079. 1. As used in this section, the following terms mean:

2 (1) "[Domestic] Assault offense":

3 (a) The commission of the crime of domestic assault in the first degree or
4 domestic assault in the second degree; or

5 (b) The commission of the crime of assault in the first degree or assault
6 in the second degree if the victim of the assault was a family or household
7 member;

8 (c) The commission of a crime in another state, or any federal, tribal, or

9 military offense which, if committed in this state, would be a violation of any
10 offense listed in paragraph (a) or (b) of this subdivision;

11 (2) "Family" or "household member", spouses, former spouses, adults
12 related by blood or marriage, adults who are presently residing together or have
13 resided together in the past and adults who have a child in common regardless
14 of whether they have been married or have resided together at any time;

15 **(3)], the offenses of murder in the first degree, murder in the**
16 **second degree, voluntary manslaughter, involuntary manslaughter in**
17 **the first degree, assault in the first degree, assault in the second**
18 **degree, assault in the third degree, assault in the fourth degree,**
19 **domestic assault in the first degree, domestic assault in the second**
20 **degree, domestic assault in the third degree, domestic assault in the**
21 **fourth degree, or an attempt to commit any of these offenses, or the**
22 **commission of an offense in another jurisdiction that if committed in**
23 **this state would constitute commission of any of the listed offenses;**

24 (2) "Persistent [domestic violence] **assault** offender", a person who has
25 [pledged guilty to or has] been found guilty of two or more [domestic] assault
26 offenses, where such two or more offenses occurred within ten years of the
27 occurrence of the [domestic] assault offense for which the person is charged; and

28 [(4)] (3) "Prior [domestic violence] **assault** offender", a person who has
29 [pledged guilty to or has] been found guilty of one [domestic] assault offense,
30 where such prior offense occurred within five years of the occurrence of the
31 [domestic] assault offense for which the person is charged.

32 2. No court shall suspend the imposition of sentence as to a prior or
33 persistent [domestic violence] **assault** offender pursuant to this section nor
34 sentence such person to pay a fine in lieu of a term of imprisonment, section
35 557.011 to the contrary notwithstanding, nor shall such person be eligible for
36 parole or probation until such person has served a minimum of six months'
37 imprisonment.

38 3. The court shall find the defendant to be a prior [domestic violence]
39 **assault** offender or persistent [domestic violence] **assault** offender, if:

40 (1) The indictment or information, original or amended, or the information
41 in lieu of an indictment pleads all essential facts warranting a finding that the
42 defendant is a prior [domestic violence] **assault** offender or persistent [domestic
43 violence] **assault** offender; and

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

45 warrant a finding beyond a reasonable doubt the defendant is a prior [domestic
46 violence] **assault** offender or persistent [domestic violence] **assault** offender; and

47 (3) The court makes findings of fact that warrant a finding beyond a
48 reasonable doubt by the court that the defendant is a prior [domestic violence]
49 **assault** offender or persistent [domestic violence] **assault** offender.

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

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

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

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

57 8. Nothing in this section shall prevent the use of presentence
58 investigations or commitments.

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

61 10. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of
62 commission of the present offense.

63 11. The court shall not instruct the jury as to the range of punishment or
64 allow the jury, upon a finding of [guilty] **guilt**, to assess and declare the
65 punishment as part of its verdict in cases of prior [domestic violence] **assault**
66 offenders or persistent [domestic violence] **assault** offenders.

67 12. Evidence of prior convictions shall be heard and determined by the
68 trial court out of the hearing of the jury prior to the submission of the case to the
69 jury, and shall include but not be limited to evidence of convictions received by
70 a search of the records of the Missouri uniform law enforcement system
71 maintained by the Missouri state highway patrol. After hearing the evidence, the
72 court shall enter its findings thereon.

73 13. [Evidence of similar criminal convictions of domestic violence
74 pursuant to this chapter, chapter 566, or chapter 568 within five years of the
75 offense at issue, shall be admissible for the purposes of showing a past history of
76 domestic violence.

77 14. Any person who has pleaded guilty to or been found guilty of a
78 violation of section 565.072 shall be sentenced to the authorized term of
79 imprisonment for a class A felony if the court finds the offender is a prior
80 domestic violence offender. The offender shall be sentenced to the authorized

81 term of imprisonment for a class A felony which term shall be served without
82 probation or parole if the court finds the offender is a persistent domestic violence
83 offender or the prior domestic violence offender inflicts serious physical injury on
84 the victim.

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

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

89 (2) To the authorized term of imprisonment for a class A felony if the
90 court finds the offender is a persistent domestic violence offender] **The court**
91 **shall sentence a person, who has been found to be a prior assault**
92 **offender, and is found guilty of a class B, C, or D felony under this**
93 **chapter to the authorized term of imprisonment for the class one class**
94 **step higher than the offense for which the person was found guilty.**

95 14. **The court shall sentence a person, who has been found to be**
96 **a persistent assault offender, and is found guilty of a class C or D**
97 **felony under this chapter to the authorized term of imprisonment for**
98 **the class two steps higher than the offense for which the person was**
99 **found guilty. A person found to be a persistent assault offender who is**
100 **found guilty of a class B felony shall be sentenced to the authorized**
101 **term of imprisonment for a class A felony.**

565.090. 1. A person commits the crime of harassment **in the first**
2 **degree** if he or she[:

3 (1) Knowingly communicates a threat to commit any felony to another
4 person and in so doing frightens, intimidates, or causes emotional distress to such
5 other person; or

6 (2) When communicating with another person, knowingly uses coarse
7 language offensive to one of average sensibility and thereby puts such person in
8 reasonable apprehension of offensive physical contact or harm; or

9 (3) Knowingly frightens, intimidates, or causes emotional distress to
10 another person by anonymously making a telephone call or any electronic
11 communication; or

12 (4) Knowingly communicates with another person who is, or who purports
13 to be, seventeen years of age or younger and in so doing and without good cause
14 recklessly frightens, intimidates, or causes emotional distress to such other
15 person; or

16 (5) Knowingly makes repeated unwanted communication to another
17 person; or

18 (6) Without good cause engages in any other act with the purpose to
19 frighten, intimidate, or cause emotional distress to another person, cause such
20 person to be frightened, intimidated, or emotionally distressed, and such person's
21 response to the act is one of a person of average sensibilities considering the age
22 of such person], **without good cause, engages in any act with the purpose**
23 **to cause emotional distress to another person, and such act does cause**
24 **such person to suffer emotional distress.**

25 2. **The offense of harassment** [is a class A misdemeanor unless:

26 (1) Committed by a person twenty-one years of age or older against a
27 person seventeen years of age or younger; or

28 (2) The person has previously pleaded guilty to or been found guilty of a
29 violation of this section, or of any offense committed in violation of any county or
30 municipal ordinance in any state, any state law, any federal law, or any military
31 law which, if committed in this state, would be chargeable or indictable as a
32 violation of any offense listed in this subsection. In such cases, harassment shall
33 be a class D felony] **in the first degree is a class E felony.**

34 3. This section shall not apply to activities of federal, state, county, or
35 municipal law enforcement officers conducting investigations of violation of
36 federal, state, county, or municipal law.

565.091. 1. **A person commits the offense of harassment in the**
2 **second degree if he or she without good cause, engages in any act with**
3 **the purpose to cause emotional distress to another person.**

4 2. **The offense of harassment in the second degree is a class A**
5 **misdemeanor.**

565.110. 1. A person commits the [crime] **offense** of kidnapping **in the**
2 **first degree** if he or she unlawfully removes another **person** without his or her
3 consent from the place where he or she is found or unlawfully confines another
4 **person** without his or her consent for a substantial period, for the purpose of:

5 (1) Holding that person for ransom or reward, or for any other act to be
6 performed or not performed for the return or release of that person; or

7 (2) Using the person as a shield or as a hostage; or

8 (3) Interfering with the performance of any governmental or political
9 function; or

10 (4) Facilitating the commission of any felony or flight thereafter; or

11 (5) Inflicting physical injury on or terrorizing the victim or another.

12 2. **The offense of kidnapping in the first degree** is a class A felony
13 unless committed under subdivision (4) or (5) of subsection 1 in which cases it is
14 a class B felony.

565.115. 1. A person commits the [crime] **offense** of child kidnapping if
2 [such person] **he or she** is not a relative of the child within the third degree and
3 [such person]:

4 (1) Unlawfully removes a child under the age of fourteen without the
5 consent of such child's parent or guardian from the place where such child is
6 found; or

7 (2) Unlawfully confines a child under the age of fourteen without the
8 consent of such child's parent or guardian], **knowing he or she has no right**
9 **to do so, removes a child under the age of fourteen without consent of**
10 **the child's parents or guardian, or confines such child for a substantial**
11 **period of time without such consent.**

12 2. In determining whether the child was removed or confined unlawfully,
13 it is an affirmative defense that the person reasonably believed that the person's
14 actions were necessary to preserve the child from danger to his or her welfare.

15 3. **The offense of** child kidnapping is a class [A] B felony, **unless such**
16 **child is under two years of age, in which case it is a class A felony.**

565.120. 1. A person commits the [crime of felonious restraint] **offense**
2 **of kidnapping in the second degree** if he **or she** knowingly restrains another
3 unlawfully and without consent so as to interfere substantially with his **or her**
4 liberty and exposes him **or her** to a substantial risk of serious physical injury.

5 2. [Felonious restraint is a class C felony] **The offense of kidnapping**
6 **in the second degree is a class D felony.**

565.130. 1. A person commits the [crime of false imprisonment] **offense**
2 **of kidnapping in the third degree** if he **or she** knowingly restrains another
3 unlawfully and without consent so as to interfere substantially with his **or her**
4 liberty.

5 2. [False imprisonment] **The offense of kidnapping in the third**
6 **degree** is a class A misdemeanor unless the person unlawfully restrained is
7 removed from this state, in which case it is a class [D] E felony.

565.140. 1. A person does not commit [false imprisonment] **the offense**
2 **of kidnapping in the third degree** under section 565.130 if the person
3 restrained is a child [under the age of] **less than** seventeen **years of age** and:

4 (1) A parent, guardian or other person responsible for the general
5 supervision of the child's welfare has consented to the restraint; or

6 (2) The [actor] **person** is a relative of the child; and

7 (a) The [actor's] **person's** sole purpose is to assume control of the child;
8 and

9 (b) The child is not taken out of the state of Missouri.

10 2. For the purpose of this section, "relative" means a parent or stepparent,
11 ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree
12 through marriage or adoption.

13 3. The defendant shall have the burden of injecting the issue of a defense
14 under this section.

565.150. 1. A person commits the [crime] **offense** of interference with
2 custody if, knowing that he **or she** has no legal right to do so, he **or she** takes
3 or entices from legal custody any person entrusted by order of a court to the
4 custody of another person or institution.

5 2. **The offense of** interference with custody is a class A misdemeanor
6 unless the person taken or enticed away from legal custody is removed from this
7 state, detained in another state or concealed, in which case it is a class [D] E
8 felony.

9 3. **Upon a finding of guilt for an offense under this section, the**
10 **court may, in addition to or in lieu of any sentence or fine imposed,**
11 **assess as restitution against the defendant and in favor of the legal**
12 **custodian or parent, any reasonable expenses incurred by the legal**
13 **custodian or parent in searching for or returning the child.**

565.153. 1. In the absence of a court order determining rights of custody
2 or visitation to a child, a person having a right of custody of the child commits the
3 [crime] **offense** of parental kidnapping if he **or she** removes, takes, detains,
4 conceals, or entices away that child within or without the state, without good
5 cause, and with the intent to deprive the custody right of another person or a
6 public agency also having a custody right to that child.

7 2. Parental kidnapping is a class [D] E felony, unless committed by
8 detaining or concealing the whereabouts of the child for:

9 (1) Not less than sixty days but not longer than one hundred nineteen
10 days, in which case, the [crime] **offense** is a class [C] D felony;

11 (2) Not less than one hundred twenty days, in which case, the [crime]
12 **offense** is a class [B] C felony.

13 3. A subsequently obtained court order for custody or visitation shall not
14 affect the application of this section.

15 **4. Upon a finding of guilt for an offense under this section, the**
16 **court may, in addition to or in lieu of any sentence or fine imposed,**
17 **assess as restitution against the defendant and in favor of the legal**
18 **custodian or parent, any reasonable expenses incurred by the legal**
19 **custodian or parent in searching for or returning the child.**

565.156. 1. A person commits the [crime] **offense** of child abduction if he or she:

2 (1) Intentionally takes, detains, entices, conceals or removes a child from
3 a parent after being served with process in an action affecting marriage or
4 paternity but prior to the issuance of a temporary or final order determining
5 custody; **or**

6 (2) At the expiration of visitation rights outside the state, intentionally
7 fails or refuses to return or impedes the return of the child to the legal custodian
8 in Missouri; **or**

9 (3) Conceals, detains, or removes the child for payment or promise of
10 payment at the instruction of a person who has no legal right to custody; **or**

11 (4) Retains in this state for thirty days a child removed from another state
12 without the consent of the legal custodian or in violation of a valid court order of
13 custody; or

14 (5) Having legal custody of the child pursuant to a valid court order,
15 removes, takes, detains, conceals or entices away that child within or without the
16 state, without good cause, and with the intent to deprive the custody or visitation
17 rights of another person, without obtaining written consent as is provided under
18 section 452.377.

19 2. **The offense of** child abduction is a class [D] E felony.

20 **3. Upon a finding of guilt for an offense under this section, the**
21 **court may, in addition to or in lieu of any sentence or fine imposed,**
22 **assess as restitution against the defendant and in favor of the legal**
23 **custodian or parent, any reasonable expenses incurred by the legal**
24 **custodian or parent in searching for or returning the child.**

565.160. It shall be an absolute defense to the [crimes] **offenses** of
2 **interference with custody**, parental kidnapping, and child abduction that:

3 (1) The person had custody of the child pursuant to a valid court order
4 granting legal custody or visitation rights which existed at the time of the alleged

5 violation, except that this defense is not available to persons charged with child
6 abduction under subdivision (5) of subsection 1 of section 565.156;

7 (2) [The person had physical custody of the child pursuant to a court order
8 granting legal custody or visitation rights and failed to return the child as a
9 result of circumstances beyond his or her control, and the person notified or made
10 a reasonable attempt to notify the other parent or legal custodian of the child of
11 such circumstances within twenty-four hours after the visitation period had
12 expired and returned the child as soon as possible] **After expiration of a**
13 **period of custody or visitation granted by court order, the person failed**
14 **to return the child as a result of circumstances beyond such person's**
15 **control, and the person notified or made a reasonable attempt to notify**
16 **the other parent or legal custodian of the child of such circumstance**
17 **within twenty-four hours after the expiration of the period of custody**
18 **or visitation and returned the child as soon as possible;** or

19 (3) The person was fleeing an incident or pattern of domestic violence.

565.163. Persons accused of committing the [crime] **offense** of
2 interference with custody, parental kidnapping or child abduction [shall] **may** be
3 prosecuted by the prosecuting attorney or circuit attorney:

4 (1) In the county in which the child was taken or enticed away from legal
5 custody; **or**

6 (2) In any county in which the child who was taken or enticed away from
7 legal custody was taken or held by the defendant; **or**

8 (3) The county in which lawful custody of the child taken or enticed away
9 was granted; or

10 (4) The county in which the defendant is found.

565.184. 1. A person commits the [crime of elder abuse in the third
2 degree] **offense of abuse of an elderly or disabled person** if he **or she**:

3 (1) [Knowingly causes or attempts to cause physical contact with any
4 person sixty years of age or older or an eligible adult as defined in section
5 660.250, knowing the other person will regard the contact as harmful or
6 provocative; or

7 (2)] Purposely engages in conduct involving more than one incident that
8 causes [grave] emotional distress to [a person sixty years of age or older or an
9 eligible adult, as defined in section 660.250] **an elderly or disabled**
10 **person.** The course of conduct shall be such as would cause a reasonable [person
11 age sixty years of age or older or an eligible adult, as defined in section 660.250,]

12 **elderly or disabled person** to suffer substantial emotional distress; or

13 **(3)** Purposely or knowingly places a person sixty years of age or older or
14 an eligible adult, as defined in section 660.250, in apprehension of immediate
15 physical injury; or

16 **(4)] (2)** Intentionally fails to provide care, goods or services to [a person
17 sixty years of age or older or an eligible adult, as defined in section 660.250] **an**
18 **elderly or disabled person.** The result of the conduct shall be such as would
19 cause a reasonable [person age sixty or older or an eligible adult, as defined in
20 section 660.250.] **elderly or disabled person** to suffer physical or emotional
21 distress; or

22 **[(5)] (3)** Knowingly acts or knowingly fails to act in a manner which
23 results in a [grave] **substantial** risk to the life, body or health of [a person sixty
24 years of age or older or an eligible adult, as defined in section 660.250] **an**
25 **elderly or disabled person.**

26 2. [Elder abuse in the third degree] **The offense of abuse of an elderly**
27 **or disabled person** is a class A misdemeanor. **Nothing in this section shall**
28 **be construed to mean that an elderly or disabled person is abused**
29 **solely because such person chooses to rely on spiritual means through**
30 **prayer, in lieu of medical care, for his or her health care, as evidence**
31 **by such person's explicit consent, advance directive for health care, or**
32 **practice.**

565.188. 1. [When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with responsibility for the care of a person sixty years of
13 age or older has reasonable cause to suspect that such a person has been
14 subjected to abuse or neglect or observes such a person being subjected to
15 conditions or circumstances which would reasonably result in abuse or neglect,

16 he or she shall immediately report or cause a report to be made to the department
17 in accordance with the provisions of sections 660.250 to 660.295. Any other
18 person who becomes aware of circumstances which may reasonably be expected
19 to be the result of or result in abuse or neglect may report to the department.

20 2. Any person who knowingly fails to make a report as required in
21 subsection 1 of this section is guilty of a class A misdemeanor.

22 3. Any person who purposely files a false report of elder abuse or neglect
23 is guilty of a class A misdemeanor.

24 4. Every person who has been previously convicted of or pled guilty to
25 making a false report to the department and who is subsequently convicted of
26 making a false report under subsection 3 of this section is guilty of a class D
27 felony.

28 5. Evidence of prior convictions of false reporting shall be heard by the
29 court, out of the hearing of the jury, prior to the submission of the case to the
30 jury, and the court shall determine the existence of the prior convictions] **A**
31 person commits the offense of failure to report elder abuse or neglect
32 if he or she is required to make a report as required under subdivision
33 (2) of subsection 1 of section 197.1002, and knowingly fails to make a
34 report.

35 **2. The offense of failure to report elder abuse or neglect is a**
36 **class A misdemeanor.**

565.189. 1. **A person commits the offense of filing a false elder**
2 **abuse or neglect report if he or she knowingly files a false report of**
3 **elder abuse or neglect.**

4 **2. The offense of filing a false elder abuse or neglect report is a**
5 **class A misdemeanor, unless the person has previously been found**
6 **guilty of making a false report to the department and is subsequently**
7 **found guilty of making a false report under this section, in which case**
8 **it is a class E felony.**

9 **3. Evidence of prior convictions of false reporting shall be heard**
10 **by the court, out of the hearing of the jury, prior to the submission of**
11 **the case to the jury, and the court shall determine the existence of the**
12 **prior convictions.**

565.218. 1. [When any physician, physician assistant, dentist,
2 chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner,
3 medical examiner, social worker, licensed professional counselor, certified

4 substance abuse counselor, psychologist, physical therapist, pharmacist, other
5 health practitioner, minister, Christian Science practitioner, facility
6 administrator, nurse's aide or orderly in a residential facility, day program or
7 specialized service operated, funded or licensed by the department or in a mental
8 health facility or mental health program in which people may be admitted on a
9 voluntary basis or are civilly detained pursuant to chapter 632; or employee of the
10 departments of social services, mental health, or health and senior services; or
11 home health agency or home health agency employee; hospital and clinic
12 personnel engaged in examination, care, or treatment of persons; in-home services
13 owner, provider, operator, or employee; law enforcement officer; long-term care
14 facility administrator or employee; mental health professional; peace officer;
15 probation or parole officer; or other nonfamilial person with responsibility for the
16 care of a vulnerable person, as defined by section 630.005, has reasonable cause
17 to suspect that such a person has been subjected to abuse or neglect or observes
18 such a person being subjected to conditions or circumstances that would
19 reasonably result in abuse or neglect, he or she shall immediately report or cause
20 a report to be made to the department in accordance with section 630.163. Any
21 other person who becomes aware of circumstances which may reasonably be
22 expected to be the result of or result in abuse or neglect may report to the
23 department. Notwithstanding any other provision of this section, a duly ordained
24 minister, clergy, religious worker, or Christian Science practitioner while
25 functioning in his or her ministerial capacity shall not be required to report
26 concerning a privileged communication made to him or her in his or her
27 professional capacity.] **A person commits the offense of failure to report**
vulnerable person abuse or neglect if he or she is required to make a
report under section 630.162 and knowingly fails to make a report.

30 2. [Any person who knowingly fails to make a report as required in
31 subsection 1 of this section is guilty of a class A misdemeanor and shall be
32 subject to a fine up to one thousand dollars] **The offense of knowingly failing**
to make a report as required in this section is a class A misdemeanor
and the offender shall be subject to a fine up to one thousand dollars,
unless the offender has previously been found guilty of failing to make
a report as required in this section, in which case the offense is a class
E felony and the offender shall be subject to a fine up to five thousand
dollars. Penalties collected for violations of this section shall be transferred to
39 the state school moneys fund as established in section 166.051 and distributed to

40 the public schools of this state in the manner provided in section 163.031. Such
41 penalties shall not be considered charitable for tax purposes.

42 [3. Every person who has been previously convicted of or pled guilty to
43 failing to make a report as required in subsection 1 of this section and who is
44 subsequently convicted of failing to make a report under subsection 2 of this
45 section is guilty of a class D felony and shall be subject to a fine up to five
46 thousand dollars. Penalties collected for violation of this subsection shall be
47 transferred to the state school moneys fund as established in section 166.051 and
48 distributed to the public schools of this state in the manner provided in section
49 163.031. Such penalties shall not be considered charitable for tax purposes.

50 4. Any person who knowingly files a false report of vulnerable person
51 abuse or neglect is guilty of a class A misdemeanor and shall be subject to a fine
52 up to one thousand dollars. Penalties collected for violations of this subsection
53 shall be transferred to the state school moneys fund as established in section
54 166.051 and distributed to the public schools of this state in the manner provided
55 in section 163.031. Such penalties shall not be considered charitable for tax
56 purposes.

57 5. Every person who has been previously convicted of or pled guilty to
58 making a false report to the department and who is subsequently convicted of
59 making a false report under subsection 4 of this section is guilty of a class D
60 felony and shall be subject to a fine up to five thousand dollars. Penalties
61 collected for violations of this subsection shall be transferred to the state school
62 moneys fund as established in section 166.051 and distributed to the public
63 schools of this state in the manner provided in section 163.031. Such penalties
64 shall not be considered charitable for tax purposes.

65 6. Evidence of prior convictions of false reporting shall be heard by the
66 court, out of the hearing of the jury, prior to the submission of the case to the
67 jury, and the court shall determine the existence of the prior convictions.

68 7. Any residential facility, day program or specialized service operated,
69 funded or licensed by the department that prevents or discourages a patient,
70 resident or client, employee or other person from reporting that a patient,
71 resident or client of a facility, program or service has been abused or neglected
72 shall be subject to loss of their license issued pursuant to sections 630.705 to
73 630.760, and civil fines of up to five thousand dollars for each attempt to prevent
74 or discourage reporting.]

565.222. 1. A person commits the offense of filing a false

2 vulnerable abuse report if he or she knowingly files a false report of
3 vulnerable person abuse or neglect.

4 **2. The offense of filing a false report of vulnerable person abuse**
5 **or neglect is a class A misdemeanor and the offender shall be subject**
6 **to a fine up to one thousand dollars, unless the offender has previously**
7 **been found guilty of making a false report to the department, in which**
8 **case the offense is a class E felony and the offender shall be subject to**
9 **a fine up to five thousand dollars. Penalties collected for violations of**
10 **this subsection shall be transferred to the state school moneys fund as**
11 **established in section 166.051 and distributed to the public schools of**
12 **this state in the manner provided in section 163.031. Such penalties**
13 **shall not be considered charitable for tax purposes.**

14 **3. Evidence of prior findings of guilt under this section shall be**
15 **heard by the court, out of the hearing of the jury, prior to the**
16 **submission of the case to the jury, and the court shall determine the**
17 **existence of the prior convictions.**

565.225. 1. As used in this section **and section 565.227**, the [following
2 terms shall mean:

3 (1) "Course of conduct", a pattern of conduct composed of two or more acts,
4 which may include communication by any means, over a period of time, however
5 short, evidencing a continuity of purpose. Constitutionally protected activity is
6 not included within the meaning of course of conduct. Such constitutionally
7 protected activity includes picketing or other organized protests;

8 (2) "Credible threat", a threat communicated with the intent to cause the
9 person who is the target of the threat to reasonably fear for his or her safety, or
10 the safety of his or her family, or household members or domestic animals or
11 livestock as defined in section 276.606 kept at such person's residence or on such
12 person's property. The threat must be against the life of, or a threat to cause
13 physical injury to, or the kidnapping of, the person, the person's family, or the
14 person's household members or domestic animals or livestock as defined in
15 section 276.606 kept at such person's residence or on such person's property;

16 (3) "Harasses", to engage in a course of conduct directed at a specific
17 person that serves no legitimate purpose, that would cause a reasonable person
18 under the circumstances to be frightened, intimidated, or emotionally distressed]
19 term "**disturbs**" shall mean to engage in a course of conduct directed at
20 a specific person that serves no legitimate purpose and that would

21 **cause a reasonable person under the circumstances to be frightened,**
22 **intimidated, or emotionally distressed.**

23 2. A person commits the [crime] offense of stalking **in the first degree**
24 if he or she purposely, through his or her course of conduct, [harasses] **disturbs**
25 or follows with the intent of [harassing] **disturbing** another person[.]

26 3. A person commits the crime of aggravated stalking if he or she
27 purposely, through his or her course of conduct, harasses or follows with the
28 intent of harassing another person,] and:

29 (1) Makes a [credible] threat **communicated with the intent to cause**
30 **the person who is the target of the threat to reasonably fear for his or**
31 **her safety, or the safety of his or her family, or household member or**
32 **domestic animals or livestock, as defined in section 276.606, kept at**
33 **such person's residence or on such person's property. The threat shall**
34 **be against the life of, or a threat to cause physical injury to, or the**
35 **kidnapping of the person, the person's family, or the person's household**
36 **members or domestic animals or livestock, as defined in section**
37 **276.606, kept at such person's residence or on such person's property;**
38 or

39 (2) At least one of the acts constituting the course of conduct is in
40 violation of an order of protection and the person has received actual notice of
41 such order; or

42 (3) At least one of the actions constituting the course of conduct is in
43 violation of a condition of probation, parole, pretrial release, or release on bond
44 pending appeal; or

45 (4) At any time during the course of conduct, the other person is
46 seventeen years [of age] **old** or younger and the person [harassing] **disturbing**
47 the other person is twenty-one years [of age] **old** or older; or

48 (5) He or she has previously pleaded guilty to or been found guilty of
49 domestic assault, violation of an order of protection, or any other crime where the
50 other person was the victim.

51 [4. The crime of stalking shall be a class A misdemeanor unless the
52 person has previously pleaded guilty to or been found guilty of a violation of this
53 section, or of any offense committed in violation of any county or municipal
54 ordinance in any state, any state law, any federal law, or any military law which,
55 if committed in this state, would be chargeable or indictable as a violation of any
56 offense listed in this section, in which case stalking shall be a class D felony.

57 5. The crime of aggravated stalking shall be a class D felony unless the
58 person has previously pleaded guilty to or been found guilty of a violation of this
59 section, or of any offense committed in violation of any county or municipal
60 ordinance in any state, any state law, any federal law, or any military law which,
61 if committed in this state, would be chargeable or indictable as a violation of any
62 offense listed in this section, aggravated stalking shall be a class C felony.

63 6.] 3. Any law enforcement officer may arrest, without a warrant, any
64 person he or she has probable cause to believe has violated the provisions of this
65 section.

66 [7.] 4. This section shall not apply to activities of federal, state, county,
67 or municipal law enforcement officers conducting investigations of violation of
68 federal, state, county, or municipal law.

69 **5. The offense of stalking in the first degree is a class E felony,**
70 **unless the defendant has previously been found guilty of a violation of**
71 **this section or section 565.227, or any offense committed in another**
72 **jurisdiction which, if committed in this state, would be chargeable or**
73 **indictable as a violation of any offense listed in this section or section**
74 **565.227, in which case stalking in the first degree is a class D felony.**

565.227. 1. A person commits the offense of stalking in the
2 second degree if he or she purposely, through his or her course of
3 conduct, disturbs, or follows with the intent of disturbing another
4 person.

5 2. This section shall not apply to activities of federal, state,
6 county, or municipal law enforcement officers conducting
7 investigations of violation of federal, state, county, or municipal law.

8 3. Any law enforcement officer may arrest, without a warrant,
9 any person he or she has probable cause to believe has violated the
10 provisions of this section.

11 4. The offense of stalking in the second degree is a class A
12 misdemeanor, unless the defendant has previously been found guilty of
13 a violation of this section or section 565.225, or of any offense
14 committed in another jurisdiction which, if committed in this state,
15 would be chargeable or indictable as a violation of any offense listed
16 in this section or section 565.225, in which case stalking in the second
17 degree is a class E felony.

[578.450.] 565.240. [No person shall] 1. A person commits the

2 **offense of unlawful posting of certain information over the internet if**
3 **he or she** knowingly [post] **posts** the name, home address, Social Security
4 number, or telephone number of any person on the internet intending to cause
5 great bodily harm or death, or threatening to cause great bodily harm or death
6 to such person. [Any person who violates this section is guilty of a class C
7 misdemeanor.]

8 **2. The offense of unlawful posting of certain information over the**
9 **internet is a class C misdemeanor.**

565.252. 1. A person commits the [crime] **offense** of invasion of privacy
2 in the first degree if [such person] **he or she knowingly**:

3 (1) [Knowingly] **Photographs [or], films, videotapes, produces, or**
4 **otherwise creates an image of** another person, without the person's
5 [knowledge and] consent, while the person [being photographed or filmed] is in
6 a state of full or partial nudity and is in a place where one would have a
7 reasonable expectation of privacy[, and the]; **or**

8 (2) **Photographs, films, videotapes, produces, or otherwise**
9 **creates an image of another person under or through the clothing worn**
10 **by that other person for the purpose of viewing the body of or the**
11 **undergarments worn by that other person without that person's**
12 **consent.**

13 **2. Invasion of privacy is a class A misdemeanor unless:**

14 (1) A person [subsequently] **who creates an image in violation of**
15 **this section** distributes the [photograph or film] **image** to another or transmits
16 the image [contained in the photograph or film] in a manner that allows access
17 to that image via [a] computer; **or**

18 (2) [Knowingly] **A person** disseminates or permits the dissemination by
19 any means, to another person, of a videotape, photograph, or film obtained in
20 violation of [subdivision (1) of this subsection or in violation of section 565.253.

21 2. Invasion of privacy in the first degree is a class D felony] **this section;**
22 **or**

23 (3) **More than one person is viewed, photographed, filmed or**
24 **videotaped during the same course of conduct; or**

25 (4) **The offense was committed by a person who has previously**
26 **been found guilty of invasion of privacy;**
27 **in which case invasion of privacy is a class E felony.**

28 **3. Prior findings of guilt shall be pled and proven in the same**

29 manner required by the provisions of section 558.021.

30 4. As used in this section, "same course of conduct" means more
31 than one person has been viewed, photographed, filmed, or videotaped
32 under the same or similar circumstances pursuant to one scheme or
33 course of conduct, whether at the same or different times.

565.300. 1. This section shall be known and may be cited as the "Infant's
2 Protection Act".

3 2. As used in this section, and only in this section, the following terms
4 shall mean:

5 (1) "Born", complete separation of an intact child from the mother
6 regardless of whether the umbilical cord is cut or the placenta detached;

7 (2) "Living infant", a human child, born or partially born, who is alive, as
8 determined in accordance with the usual and customary standards of medical
9 practice and is not dead as determined pursuant to section 194.005, relating to
10 the determination of the occurrence of death, and has not attained the age of
11 thirty days post birth;

12 (3) "Partially born", partial separation of a child from the mother with the
13 child's head intact with the torso. If vaginally delivered, a child is partially
14 separated from the mother when the head in a cephalic presentation, or any part
15 of the torso above the navel in a breech presentation, is outside the mother's
16 external cervical os. If delivered abdominally, a child is partially separated from
17 the mother when the child's head in a cephalic presentation, or any part of the
18 torso above the navel in a breech presentation, is outside the mother's external
19 abdominal wall.

20 3. A person [is guilty of the crime] **commits the offense** of infanticide
21 if [such person] **he or she** causes the death of a living infant with the purpose
22 to cause said death by an overt act performed when the infant is partially born
23 or born.

24 4. The [crime] **offense** of infanticide [shall be] **is** a class A felony.

25 5. A physician using procedures consistent with the usual and customary
26 standards of medical practice to save the life of the mother during pregnancy or
27 birth or to save the life of any unborn or partially born child of the same
28 pregnancy shall not be criminally responsible under this section. In no event
29 shall the mother be criminally responsible pursuant to this section for the acts
30 of the physician if the physician is not held criminally responsible pursuant to
31 this section.

32 6. This section shall not apply to any person who performs or attempts to
33 perform a legal abortion if the act that causes the death is performed prior to the
34 child being partially born, even though the death of the child occurs as a result
35 of the abortion after the child is partially born.

36 7. Only that person who performs the overt act required under subsection
37 3 of this section shall be culpable under this section, unless a person, with the
38 purpose of committing infanticide, does any act which is a substantial step
39 towards the commission of the offense which results in the death of the living
40 infant. A "substantial step" is conduct which is strongly corroborative of the
41 firmness of the actor's purpose to complete the commission of the offense.

42 8. Nothing in this section shall be interpreted to exclude the defenses
43 otherwise available to any person under the law including defenses provided
44 pursuant to chapters 562 and 563.

566.010. As used in this chapter and chapter 568, the following terms
2 mean:

3 (1) **"Aggravated sexual offense"**, any sexual offense, in the course
4 of which, the actor:

5 (a) Inflicts serious physical injury on the victim; or

6 (b) Displays a deadly weapon or dangerous instrument in a
7 threatening manner; or

8 (c) Subjects the victim to sexual intercourse or deviate sexual
9 intercourse with more than one person; or

10 (d) Had previously been found guilty of an offense under this
11 chapter or under section 573.200, child used in sexual performance;
12 section 573.205, promoting sexual performance by a child; section
13 573.023, sexual exploitation of a minor; section 573.025, promoting child
14 pornography in the first degree; section 573.035, promoting child
15 pornography in the second degree; section 573.037, possession of child
16 pornography; or section 573.040, furnishing pornographic materials to
17 minors; or has previously been found guilty of an offense in another
18 jurisdiction which would constitute an offense under this chapter or
19 said sections; or

20 (e) Commits the offense as part of an act or series of acts
21 performed by two or more persons as part of an established or
22 prescribed pattern of activity;

23 (2) **"Commercial sex act"**, any sex act on account of which

24 anything of value is given to or received by any person;

25 **(3)** "Deviate sexual intercourse", any act involving the genitals of one
26 person and the hand, mouth, tongue, or anus of another person or a sexual act
27 involving the penetration, however slight, of the [male or female sex organ]
28 **penis, female genitalia**, or the anus by a finger, instrument or object done for
29 the purpose of arousing or gratifying the sexual desire of any person or for the
30 purpose of terrorizing the victim;

31 **(4) "Forced labor", a condition of servitude induced by means of:**

32 **(a) Any scheme, plan, or pattern of behavior intended to cause**
33 **a person to believe that, if the person does not enter into or continue**
34 **the servitude, such person or another person will suffer substantial**
35 **bodily harm or physical restraint; or**

36 **(b) The abuse or threatened abuse of the legal process;**

37 **[(2)] (5)** "Sexual conduct", sexual intercourse, deviate sexual intercourse
38 or sexual contact;

39 **[(3)] (6)** "Sexual contact", any touching of another person with the
40 genitals or any touching of the genitals or anus of another person, or the breast
41 of a female person, or such touching through the clothing, for the purpose of
42 arousing or gratifying **the** sexual desire of any person **or for the purpose of**
43 **terrorizing the victim;**

44 **[(4)] (7)** "Sexual intercourse", any penetration, however slight, of the
45 [female sex organ by the male sex organ, whether or not an emission results]
46 **female genitalia by the penis.**

566.020. 1. Whenever in this chapter the criminality of conduct depends
2 upon a child being [thirteen] **less than fourteen** years of age [or younger], it is
3 no defense that the defendant believed the child to be older.

4 2. Whenever in this chapter the criminality of conduct depends upon a
5 child being [under] **less than** seventeen years of age, it is [an affirmative] **a**
6 defense that the defendant reasonably believed that the child was seventeen
7 years of age or older.

8 3. Consent is not [an affirmative] **a** defense to any offense under chapter
9 566 if the alleged victim is less than [twelve] **fourteen** years of age.

566.023. It shall be an affirmative defense to prosecutions [pursuant to
2 sections] **under section 566.032, statutory rape in the first degree; section**
3 **566.034, statutory rape in the second degree; section 566.062, statutory**
4 **sodomy in the first degree; section 566.064, statutory sodomy in the**

5 **second degree; section 566.067, child molestation in the first degree;**
6 **section 566.068, [and 566.090] child molestation in the second degree;**
7 **section 566.069, child molestation in the third degree; section 566.071,**
8 **child molestation in the fourth degree; section 566.083, sexual**
9 **misconduct involving a child; section 566.086, sexual contact with a**
10 **student; and section 573.040, furnishing pornographic materials to**
11 **minors;** that the defendant was married to the victim at the time of the offense.

566.030. 1. A person commits the offense of rape in the first degree if he
2 or she has sexual intercourse with another person who is incapacitated, incapable
3 of consent, or lacks the capacity to consent, or by the use of forcible
4 compulsion. Forcible compulsion includes the use of a substance administered
5 without a victim's knowledge or consent which renders the victim physically or
6 mentally impaired so as to be incapable of making an informed consent to sexual
7 intercourse.

8 2. The offense of rape in the first degree or an attempt to commit rape in
9 the first degree is a felony for which the authorized term of imprisonment is life
10 imprisonment or a term of years not less than five years, unless:

11 (1) [In the course thereof the actor inflicts serious physical injury or
12 displays a deadly weapon or dangerous instrument in a threatening manner or
13 subjects the victim to sexual intercourse or deviate sexual intercourse with more
14 than one person] **The offense is an aggravate sexual offense**, in which case
15 the authorized term of imprisonment is life imprisonment or a term of years not
16 less than fifteen years;

17 (2) **The person is a persistent or predatory sexual offender as**
18 **defined in section 566.125 and subjected to an extended term of**
19 **imprisonment under said section;**

20 (3) The victim is a child less than twelve years [of age] **old**, in which case
21 the required term of imprisonment is life imprisonment without eligibility for
22 probation or parole until the offender has served not less than thirty years of
23 such sentence or unless the offender has reached the age of seventy-five years and
24 has served at least fifteen years of such sentence, unless such rape in the first
25 degree is described under subdivision [(3)] **(4)** of this subsection; or

26 [(3)] **(4)** The victim is a child less than twelve years [of age] **old** and
27 such rape in the first degree or attempt to commit rape in the first degree was
28 outrageously or wantonly vile, horrible or inhumane, in that it involved torture
29 or depravity of mind, in which case the required term of imprisonment is life

30 imprisonment without eligibility for probation, parole or conditional release.

31 3. Subsection 4 of section 558.019 shall not apply to the sentence of a
32 person who has been found guilty of rape in the first degree or attempt to commit
33 rape in the first degree when the victim is less than twelve years of age, and "life
34 imprisonment" shall mean imprisonment for the duration of a person's natural
35 life for the purposes of this section.

36 4. No person found guilty of rape in the first degree or an attempt to
37 commit rape in the first degree shall be granted a suspended imposition of
38 sentence or suspended execution of sentence.

566.031. 1. A person commits the offense of rape in the second degree if
2 he or she has sexual intercourse with another person knowing that he or she does
3 so without that person's consent.

4 2. The offense of rape in the second degree is a class [C] **D** felony.

566.032. 1. A person commits the **[crime] offense** of statutory rape in the
2 first degree if he **or she** has sexual intercourse with another person who is less
3 than fourteen years **[old] of age**.

4 2. **The offense of** statutory rape in the first degree or an attempt to
5 commit statutory rape in the first degree is a felony for which the authorized
6 term of imprisonment is life imprisonment or a term of years not less than five
7 years, unless **[in the course thereof the actor inflicts serious physical injury on**
8 **any person, displays a deadly weapon or dangerous instrument in a threatening**
9 **manner, subjects the victim to sexual intercourse or deviate sexual intercourse**
10 **with more than one person]**:

11 **(1) The offense is an aggravated sexual offense**, or the victim is less
12 than twelve years **[of age] old** in which case the authorized term of imprisonment
13 is life imprisonment or a term of years not less than ten years;

14 **(2) The person is a persistent or predatory sexual offender as**
15 **defined in section 566.125 and subjected to an extended term of**
16 **imprisonment under said section.**

566.034. 1. A person commits the **[crime] offense** of statutory rape in the
2 second degree if being twenty-one years **[of age] old** or older, he **or she** has
3 sexual intercourse with another person who is less than seventeen years **[of age]**
4 **old**.

5 2. **The offense of** statutory rape in the second degree is a class [C] **D**
6 felony.

566.060. 1. A person commits the offense of sodomy in the first degree if

2 he or she has deviate sexual intercourse with another person who is
3 incapacitated, incapable of consent, or lacks the capacity to consent, or by the use
4 of forcible compulsion. Forcible compulsion includes the use of a substance
5 administered without a victim's knowledge or consent which renders the victim
6 physically or mentally impaired so as to be incapable of making an informed
7 consent to sexual intercourse.

8 2. The offense of sodomy in the first degree or an attempt to commit
9 sodomy in the first degree is a felony for which the authorized term of
10 imprisonment is life imprisonment or a term of years not less than five years,
11 unless:

12 (1) [In the course thereof the actor inflicts serious physical injury or
13 displays a deadly weapon or dangerous instrument in a threatening manner or
14 subjects the victim to sexual intercourse or deviate sexual intercourse with more
15 than one person] **The offense of an aggravated sexual offense**, in which case
16 the authorized term of imprisonment is life imprisonment or a term of years not
17 less than ten years; or

18 (2) **The person is a persistent or predatory sexual offender as
19 defined in section 566.125 and subjected to an extended term of
20 imprisonment under said section; or**

21 (3) The victim is a child less than twelve years old, in which case the
22 required term of imprisonment is life imprisonment without eligibility for
23 probation or parole until the offender has served not less than thirty years of
24 such sentence or unless the offender has reached the age of seventy-five years and
25 has served at least fifteen years of such sentence, unless such sodomy in the first
26 degree is described under subdivision (3) of this subsection; or

27 [(3)] (4) The victim is a child less than twelve years of age and such
28 sodomy in the first degree or attempt to commit sodomy in the first degree was
29 outrageously or wantonly vile, horrible or inhumane, in that it involved torture
30 or depravity of mind, in which case the required term of imprisonment is life
31 imprisonment without eligibility for probation, parole or conditional release.

32 3. Subsection 4 of section 558.019 shall not apply to the sentence of a
33 person who has been found guilty of sodomy in the first degree or an attempt to
34 commit sodomy in the first degree when the victim is less than twelve years of
35 age, and "life imprisonment" shall mean imprisonment for the duration of a
36 person's natural life for the purposes of this section.

37 4. No person found guilty of sodomy in the first degree or an attempt to

38 commit sodomy in the first degree shall be granted a suspended imposition of
39 sentence or suspended execution of sentence.

566.061. 1. A person commits the offense of sodomy in the second degree
2 if he or she has deviate sexual intercourse with another person knowing that he
3 or she does so without that person's consent.

4 2. The offense of sodomy in the second degree is a class [C] **D** felony.

566.062. 1. A person commits the [crime] **offense** of statutory sodomy in
2 the first degree if he **or she** has deviate sexual intercourse with another person
3 who is less than fourteen years [old] **of age**.

4 2. **The offense of** statutory sodomy in the first degree or an attempt to
5 commit statutory sodomy in the first degree is a felony for which the authorized
6 term of imprisonment is life imprisonment or a term of years not less than five
7 years, unless [in the course thereof the actor inflicts serious physical injury on
8 any person, displays a deadly weapon or dangerous instrument in a threatening
9 manner, subjects the victim to sexual intercourse or deviate sexual intercourse
10 with more than one person,]:

11 (1) **The offense is an aggravated sexual offense** or the victim is less
12 than twelve years of age, in which case the authorized term of imprisonment is
13 life imprisonment or a term of years not less than ten years; **or**

14 (2) **The person is a persistent or predatory sexual offender as**
15 **defined in section 566.125 and subjected to an extended term of**
16 **imprisonment under said section.**

566.064. 1. A person commits the [crime] **offense** of statutory sodomy in
2 the second degree if being twenty-one years [of age] **old** or older, he **or she** has
3 deviate sexual intercourse with another person who is less than seventeen years
4 [of age] **old**.

5 2. **The offense of** statutory sodomy in the second degree is a class [C]
6 **D** felony.

566.067. 1. A person commits the [crime] **offense** of child molestation in
2 the first degree if he or she subjects another person who is less than [fourteen]
3 **twelve** years of age to sexual contact **and the offense is an aggravated**
4 **sexual offense.**

5 2. **The offense of** child molestation in the first degree is a class [B] **A**
6 felony [unless:

7 (1) The actor has previously been convicted of an offense under this
8 chapter or in the course thereof the actor inflicts serious physical injury, displays

9 a deadly weapon or deadly instrument in a threatening manner, or the offense is
10 committed as part of a ritual or ceremony, in which case the crime is a class A
11 felony; or

12 (2) The victim is a child less than twelve years of age and:

13 (a) The actor has previously been convicted of an offense under this
14 chapter; or

15 (b) In the course thereof the actor inflicts serious physical injury, displays
16 a deadly weapon or deadly instrument in a threatening manner, or if the offense
17 is committed as part of a ritual or ceremony, in which case, the crime is a class
18 A felony and such person shall serve his or her term of imprisonment without
19 eligibility for probation or parole].

566.068. 1. A person commits the [crime] **offense** of child molestation in
2 the second degree if he or she:

3 (1) Subjects [another person] a **child** who is less than [seventeen]
4 **twelve** years of age to sexual contact; or

5 (2) **Being twenty-one years of age or older, subjects a child who**
6 **is less than seventeen years of age to sexual contact and the offense is**
7 **an aggravated sexual offense.**

8 2. **The offense of** child molestation in the second degree is a class [A
9 misdemeanor unless the actor has previously been convicted of an offense under
10 this chapter or in the course thereof the actor inflicts serious physical injury on
11 any person, displays a deadly weapon or dangerous instrument in a threatening
12 manner, or the offense is committed as part of a ritual or ceremony, in which case
13 the crime is a class D] **B** felony.

566.069. 1. A person commits the **offense of** child molestation in
2 the third degree if he or she subjects a child who is less than fourteen
3 years of age to sexual contact.

4 2. The **offense of** child molestation in the third degree is a class
5 C felony, unless committed by the use of forcible compulsion, in which
6 case it is a class B felony.

566.071. 1. A person commits the **offense of** child molestation in
2 the fourth degree if, being twenty-one years of age or older, such
3 person subjects another person, who is less than seventeen years of age
4 to sexual contact.

5 2. The **offense of** child molestation in the fourth degree is a class
6 D felony.

566.083. 1. A person commits the [crime] **offense** of sexual misconduct
2 involving a child if such person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years
4 of age under circumstances in which he or she knows that his or her conduct is
5 likely to cause affront or alarm to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years
7 of age for the purpose of arousing or gratifying the sexual desire of any person,
8 including the child;

9 (3) Knowingly coerces or induces a child less than fifteen years of age to
10 expose the child's genitals for the purpose of arousing or gratifying the sexual
11 desire of any person, including the child; or

12 (4) Knowingly coerces or induces a child who is known by such person to
13 be less than fifteen years of age to expose the breasts of a female child through
14 the internet or other electronic means for the purpose of arousing or gratifying
15 the sexual desire of any person, including the child.

16 2. The provisions of this section shall apply regardless of whether the
17 person violates this section in person or via the internet or other electronic
18 means.

19 3. It is not [an affirmative] **a** defense to prosecution for a violation of this
20 section that the other person was a peace officer masquerading as a minor.

21 4. **The offense of** sexual misconduct involving a child [or attempted
22 sexual misconduct involving a child] is a class [D] **E** felony unless the [actor]
23 **person** has previously [pleaded guilty to or] been found guilty of an offense
24 [pursuant to] **under** this chapter or the [actor] **person** has previously [pledged
25 guilty to or has been convicted] **been found guilty** of an offense [against the
26 laws of another state or] **in another** jurisdiction which would constitute an
27 offense under this chapter, in which case it is a class [C] **D** felony.

566.086. 1. A person commits the [crime] **offense** of sexual contact with
2 a student if he or she has sexual contact with a student of the [public] school and
3 is:

4 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of
5 section 168.104;

6 (2) A student teacher; **or**

7 (3) An employee of the school; **or**

8 (4) A volunteer of the school or of an organization working with the school
9 on a project or program who is not a student at the [public] school; **or**

10 (5) An elected or appointed official of the [public] school district; or
11 (6) A person employed by an entity that contracts with the [public] school
12 **or school** district to provide services.

13 **2. For the purposes of this section, "school" shall mean any public**
14 **or private school in this state serving kindergarten through grade**
15 **twelve or any school bus used by the school district.**

16 **3. The offense of sexual contact with a student is a class [D] E felony.**

17 **4. It is not a defense to prosecution for a violation of this section**
18 **that the student consented to the sexual contact.**

566.093. 1. A person commits the offense of sexual misconduct in the first
2 degree if such person:

3 (1) Exposes his or her genitals under circumstances in which he or she
4 knows that his or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under
6 circumstances in which he or she knows that such conduct is likely to cause
7 affront or alarm; or

8 (3) Has sexual intercourse or deviate sexual intercourse in a public place
9 in the presence of a third person.

10 2. The offense of sexual misconduct in the first degree is a class B
11 misdemeanor unless the person has previously been found guilty of an offense
12 under this chapter, **or has previously been found guilty of an offense in**
13 **another jurisdiction which would constitute an offense under this**
14 **chapter,** in which case it is a class A misdemeanor.

566.100. 1. A person commits the offense of sexual abuse in the first
2 degree if he or she subjects another person to sexual contact when that person is
3 incapacitated, incapable of consent, or lacks the capacity to consent, or by the use
4 of forcible compulsion.

5 2. The offense of sexual abuse in the first degree is a class C felony unless
6 [in the course thereof the actor inflicts serious physical injury or displays a
7 deadly weapon or dangerous instrument in a threatening manner or subjects the
8 victim to sexual contact with more than one person or] the victim is less than
9 fourteen years of age, **or it is an aggravated sexual offense,** in which case it
10 is a class B felony.

566.101. 1. A person commits the offense of sexual abuse in the second
2 degree if he or she purposely subjects another person to sexual contact without
3 that person's consent.

4 2. The offense of sexual abuse in the second degree is a class A
5 misdemeanor, unless [the actor has previously been convicted of an offense under
6 this chapter or unless in the course thereof the actor displays a deadly weapon
7 in a threatening manner or the offense is committed as a part of a ritual or
8 ceremony] **it is an aggravated sexual offense**, in which case it is a class [D]
9 **E** felony.

566.111. 1. A person commits the [crime] **offense** of [unlawful] sex with
2 an animal if [that person] **he or she** engages in sexual conduct with an animal
3 [or engages in sexual conduct with an animal for commercial or recreational
4 purposes].

5 2. [Unlawful] **The offense of** sex with an animal is a class A
6 misdemeanor unless the [defendant] **person** has previously been [convicted]
7 **found guilty of an offense** under this section **or has previously been found**
8 **guilty of an offense in another jurisdiction which would constitute an**
9 **offense under this section**, in which case the [crime] **offense** is a class [D]
10 **E** felony.

11 3. In addition to any penalty imposed or as a condition of probation the
12 court may:

13 (1) Prohibit the [defendant] **offender** from harboring animals or residing
14 in any household where animals are present during the period of probation [or
15 if probation is not granted for a period of time not to exceed two years after the
16 defendant's sentence is completed]; **or**

17 (2) Order all animals in the [defendant's] **offender's** possession subject
18 to a civil forfeiture action under chapter 513; **or**

19 (3) Order psychological evaluation and counseling of the [defendant]
20 **offender** at the [defendant's] **offender's** expense.

21 4. Nothing in this section shall be construed to prohibit generally accepted
22 animal husbandry, farming and ranching practices or generally accepted
23 veterinary medical practices.

24 5. For purposes of this section, the following terms mean:

25 (1) "Animal", every creature, either alive or dead, other than a human
26 being;

27 (2) "Sexual conduct with an animal", any touching of an animal with the
28 genitals or any touching of the genitals or anus of an animal for the purpose of
29 arousing or gratifying the person's sexual desire.

566.115. 1. A person commits the offense of sexual conduct with

2 a nursing facility resident in the first degree if he or she, being an
3 owner or employee of a skilled nursing facility, as defined in section
4 198.006, or an Alzheimer's special care unit or program, as defined in
5 section 198.505, has sexual intercourse or deviate sexual intercourse
6 with a resident.

7 **2. The offense of sexual conduct with a nursing facility resident**
8 **in the first degree is a class A misdemeanor. Any second or subsequent**
9 **violation of this section is a class E felony.**

10 **3. The provisions of this section shall not apply to an owner or**
11 **employee of a skilled nursing facility or Alzheimer's special care unit**
12 **or program who engages in sexual conduct with a resident to whom the**
13 **owner or employee is married.**

14 **4. Consent of the victim is not a defense to a prosecution under**
15 **this section.**

16 [565.200.] **566.116.** 1. Any owner or employee of a skilled nursing
1 facility, as defined in section 198.006, or an Alzheimer's special unit or program,
2 as defined in section 198.505, who:

3 (1) Has sexual contact, as defined in section 566.010, with a resident is
4 guilty of a class B misdemeanor. Any person who commits a second or
5 subsequent violation of this subdivision is guilty of a class A misdemeanor; or

6 (2) Has sexual intercourse or deviate sexual intercourse, as defined in
7 section 566.010, with a resident is guilty of a class A misdemeanor. Any person
8 who commits a second or subsequent violation of this subdivision is guilty of a
9 class [D] E felony.

10 2. The provisions of this section shall not apply to an owner or employee
11 of a skilled nursing facility or Alzheimer's special unit or program who engages
12 in sexual conduct, as defined in section 566.010, with a resident to whom the
13 owner or employee is married.

14 3. Consent of the victim is not a defense to a prosecution pursuant to this
15 section.

16 [558.018.] **566.125.** 1. The court shall sentence a person to an extended
1 term of imprisonment if it finds the defendant is a persistent sexual offender and
2 has been found guilty of attempting to commit or committing the following
3 offenses:

4 (1) Statutory rape in the first degree or statutory sodomy in the first
5 degree;

7 (2) Rape in the first degree or sodomy in the first degree attempted or
8 committed on or after August 28, 2013;

9 (3) Forcible rape committed or attempted any time during the period of
10 August 13, 1980 to August 27, 2013;

11 (4) Forcible sodomy committed or attempted any time during the period
12 of January 1, 1995 to August 27, 2013;

13 (5) Rape committed or attempted before August 13, 1980;

14 (6) Sodomy committed or attempted before January 1, 1995.

15 2. A "persistent sexual offender" is one who has previously been found
16 guilty of attempting to commit or committing any of the offenses listed in
17 subsection 1 of this section **or one who has previously been found guilty of**
18 **an offense in any other jurisdiction which would constitute any of the**
19 **offenses listed in subsection 1 of this section.**

20 3. The term of imprisonment for one found to be a persistent sexual
21 offender shall be imprisonment for life without eligibility for probation or
22 parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned
23 under this subsection, and "imprisonment for life" shall mean imprisonment for
24 the duration of the person's natural life.

25 4. The court shall sentence a person to an extended term of imprisonment
26 as provided for in this section if it finds the defendant is a predatory sexual
27 offender and has been found guilty of committing or attempting to commit any of
28 the offenses listed in subsection 1 of this section or committing child molestation
29 in the first **or second** degree [when classified as a class B felony] or sexual
30 abuse [when classified as a class B felony] to an extended term of imprisonment
31 as provided for in this section if it finds the defendant is a predatory sexual
32 offender] **in the first degree.**

33 5. For purposes of this section, a "predatory sexual offender" is a person
34 who:

35 (1) Has previously been found guilty of committing or attempting to
36 commit any of the offenses listed in subsection 1 of this section, or committing
37 child molestation in the first **or second** degree [when classified as a class B
38 felony] or sexual abuse [when classified as a class B felony] **in the first degree;**
39 or

40 (2) Has previously committed an act which would constitute an offense
41 listed in subsection 4 of this section, whether or not the act resulted in a
42 conviction; or

43 (3) Has committed an act or acts against more than one victim which
44 would constitute an offense or offenses listed in subsection 4 of this section,
45 whether or not the defendant was charged with an additional offense or offenses
46 as a result of such act or acts.

47 6. A person found to be a predatory sexual offender shall be imprisoned
48 for life with eligibility for parole, however subsection 4 of section 558.019 shall
49 not apply to persons found to be predatory sexual offenders for the purposes of
50 determining the minimum prison term or the length of sentence as defined or
51 used in such subsection. Notwithstanding any other provision of law, in no event
52 shall a person found to be a predatory sexual offender receive a final discharge
53 from parole.

54 7. Notwithstanding any other provision of law, the court shall set the
55 minimum time required to be served before a predatory sexual offender is eligible
56 for parole, conditional release or other early release by the department of
57 corrections. The minimum time to be served by a person found to be a predatory
58 sexual offender who:

59 (1) Has previously been found guilty of committing or attempting to
60 commit any of the offenses listed in subsection 1 of this section and is found
61 guilty of committing or attempting to commit any of the offenses listed in
62 subsection 1 of this section shall be any number of years but not less than thirty
63 years;

64 (2) Has previously [pledged guilty to or has] been found guilty of child
65 molestation in the first **or second** degree [when classified as a class B felony]
66 or sexual abuse [when classified as a class B felony] **in the first degree** and is
67 found guilty of attempting to commit or committing any of the offenses listed in
68 subsection 1 of this section shall be any number of years but not less than fifteen
69 years;

70 (3) Has previously been found guilty of committing or attempting to
71 commit any of the offenses listed in subsection 1 of this section, or committing
72 child molestation in the first **or second** degree [when classified as a class B
73 felony] or sexual abuse [when classified as a class B felony] **in the first degree**
74 shall be any number of years but not less than fifteen years;

75 (4) Has previously [pledged guilty to or has] been found guilty of child
76 molestation in the first degree [when classified as a class B felony] **or second**
77 **degree** or sexual abuse [when classified as a class B felony] **in the first**
78 **degree**, and [pleads guilty to or] is found guilty of child molestation in the first

79 **or second** degree [when classified as a class B felony] or sexual abuse [when
80 classified as a class B felony] **in the first degree** shall be any number of years
81 but not less than fifteen years;

82 (5) Is found to be a predatory sexual offender pursuant to subdivision (2)
83 or (3) of subsection 5 of this section shall be any number of years within the
84 range to which the person could have been sentenced pursuant to the applicable
85 law if the person was not found to be a predatory sexual offender.

86 8. Notwithstanding any provision of law to the contrary, the department
87 of corrections, or any division thereof, may not furlough an individual found to be
88 and sentenced as a persistent sexual offender or a predatory sexual offender.

566.145. 1. A person commits the [crime] **offense** of sexual [contact]
2 **conduct** with a prisoner or offender if **he or she**:

3 (1) [Such person] Is an employee of, or assigned to work in, any jail,
4 prison or correctional facility and [such person has] **engages in** sexual
5 [intercourse or deviate sexual intercourse] **conduct** with a prisoner or an
6 offender who is confined in a jail, prison, or correctional facility; or

7 (2) [Such person] Is a probation and parole officer and [has sexual
8 intercourse or deviate sexual intercourse] **engages in sexual conduct** with an
9 offender who is under the direct supervision of the officer.

10 2. For the purposes of this section the following terms shall mean:

11 (1) "Offender", includes any person in the custody of a prison or
12 correctional facility and any person who is under the supervision of the state
13 board of probation and parole;

14 (2) "Prisoner", includes any person who is in the custody of a jail, whether
15 pretrial or after disposition of a charge.

16 3. **The offense of** sexual [contact] **conduct** with a prisoner or offender
17 is a class [D] E felony.

18 4. Consent of a prisoner or offender is not [an affirmative] **a** defense.

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

4 (1) Violating any of the provisions of this chapter or the provisions of
5 [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare
6 of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**,
7 use of a child in a sexual performance; section [568.090] **573.205**, promoting a
8 sexual performance by a child; section 573.023, sexual exploitation of a minor;

9 section 573.025, promoting child pornography in the first degree; section 573.035,
10 promoting child pornography in the second degree; section 573.037, possession of
11 child pornography, or section 573.040, furnishing pornographic material to
12 minors; or

13 (2) Any offense in any other [state or foreign country, or under federal,
14 tribal, or military] jurisdiction which, if committed in this state, would be a
15 violation listed in this section; shall not reside within one thousand feet of any
16 public school as defined in section 160.011, any private school giving instruction
17 in a grade or grades not higher than the twelfth grade, **or** any child care facility
18 that is licensed under chapter 210, or any child care facility as defined in section
19 210.201 that is exempt from state licensure but subject to state regulation under
20 section 210.252 and holds itself out to be a child care facility, where the school
21 or facility is in existence at the time the individual begins to reside at the
22 location.

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

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

34 4. Violation of the provisions of subsection 1 of this section is a class [D]
35 **E** felony except that the second or any subsequent violation is a class B
36 felony. Violation of the provisions of subsection 2 of this section is a class A
37 misdemeanor except that the second or subsequent violation is a class [D] **E**
38 felony.

566.148. 1. Any person who has [pledged guilty or nolo contendere to, or]
2 been convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of
4 [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare
5 of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**,
6 use of a child in a sexual performance; section [568.090] **573.205**, promoting a

7 sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography in the first degree; section 573.035,
9 promoting child pornography in the second degree; section 573.037, possession of
10 child pornography, or section 573.040, furnishing pornographic material to
11 minors; or

12 (2) Any offense in any other [state or foreign country, or under federal,
13 tribal, or military] jurisdiction which, if committed in this state, would be a
14 violation listed in this section; shall not knowingly be physically present in or
15 loiter within five hundred feet of or to approach, contact, or communicate with
16 any child under eighteen years of age in any child care facility building, on the
17 real property comprising any child care facility when persons under the age of
18 eighteen are present in the building, on the grounds, or in the conveyance, unless
19 the offender is a parent, legal guardian, or custodian of a student present in the
20 building or on the grounds.

21 2. For purposes of this section, "child care facility" shall [have the same
22 meaning as such term is defined in section 210.201] **include any child care**
facility licensed under chapter 210, or any child care facility 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.

26 3. [Any person who violates] **Violation of** the provisions of this section
27 is [guilty of] a class A misdemeanor.

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

3 (1) Violating any of the provisions of this chapter or the provisions [of
4 subsection 2] of section 568.020, incest; section 568.045, endangering the welfare
5 of a child in the first degree; [subsection 2 of section 568.080] **section 573.200,**
6 use of a child in a sexual performance; section [568.090] **573.205**, promoting a
7 sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography; or section 573.040, furnishing
9 pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under tribal,
11 federal, or military] jurisdiction which, if committed in this state, would be a
12 violation listed in this section; shall not be present in or loiter within five
13 hundred feet of any school building, on real property comprising any school, or
14 in any conveyance owned, leased, or contracted by a school to transport students
15 to or from school or a school-related activity when persons under the age of

16 eighteen are present in the building, on the grounds, or in the conveyance, unless
17 the offender is a parent, legal guardian, or custodian of a student present in the
18 building and has met the conditions set forth in subsection 2 of this section.

19 2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo
20 contendere to, or been convicted of, or] been found guilty of violating any of the
21 offenses listed in subsection 1 of this section shall be present in any school
22 building, on real property comprising any school, or in any conveyance owned,
23 leased, or contracted by a school to transport students to or from school or a
24 school-related activity when persons under the age of eighteen are present in the
25 building, on the grounds or in the conveyance unless the parent, legal guardian,
26 or custodian has permission to be present from the superintendent or school
27 board or in the case of a private school from the principal. In the case of a public
28 school, if permission is granted, the superintendent or school board president
29 must inform the principal of the school where the sex offender will be
30 present. Permission may be granted by the superintendent, school board, or in
31 the case of a private school from the principal for more than one event at a time,
32 such as a series of events, however, the parent, legal guardian, or custodian must
33 obtain permission for any other event he or she wishes to attend for which he or
34 she has not yet had permission granted.

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

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

3 (1) Violating any of the provisions of this chapter or the provisions of
4 [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare
5 of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**,
6 use of a child in a sexual performance; section [568.090] **573.205**, promoting a
7 sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography; or section 573.040, furnishing
9 pornographic material to minors; or

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

15 2. The first violation of the provisions of this section [shall be] **is** a class
16 **[D] E** felony.

17 3. A second or subsequent violation of this section [shall be] **is** a class **[C]**
18 **D** felony.

566.151. 1. A person [at least] twenty-one years [of age] **old** or older
2 commits the [crime] **offense** of enticement of a child if [that person] **he or she**
3 persuades, solicits, coaxes, entices, or lures whether by words, actions or through
4 communication via the internet or any electronic communication, any person who
5 is less than fifteen years of age for the purpose of engaging in sexual conduct.

6 2. It is not [an affirmative] **a** defense to a prosecution for a violation of
7 this section that the other person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is
9 a felony for which the authorized term of imprisonment shall be not less than five
10 years and not more than thirty years. No person convicted under this section
11 shall be eligible for parole, probation, conditional release, or suspended
12 imposition or execution of sentence for a period of five calendar years.

566.153. 1. A person commits the [crime] **offense** of age
2 misrepresentation with intent to solicit a minor when he or she knowingly
3 misrepresents his or her age with the intent to use the internet **or any**
4 **electronic communication** to engage in criminal sexual conduct involving a
5 minor.

6 2. **The offense of** age misrepresentation with intent to solicit a minor is
7 a class **[D] E** felony.

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

3 (1) Violating any of the provisions of this chapter or the provisions [of
4 subsection 2] of section 568.020, incest; section 568.045, endangering the welfare
5 of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**,
6 use of a child in a sexual performance; section [568.090] **573.205**, promoting a
7 sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography; or section 573.040, furnishing
9 pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal,
11 tribal, or military] jurisdiction which, if committed in this state, would be a
12 violation listed in this section; shall not serve as an athletic coach, manager, or
13 athletic trainer for any sports team in which a child less than seventeen years [of

14 age] **old** is a member.

15 2. The first violation of the provisions of this section [shall be] **is** a class
16 **[D] E** felony.

17 3. A second or subsequent violation of this section [shall be] **is** a class **[C]**
18 **D** felony.

566.203. 1. A person commits the **[crime] offense** of abusing an
2 individual through forced labor by knowingly providing or obtaining the labor or
3 services of a person:

4 (1) By causing or threatening to cause serious physical injury to any
5 person;

6 (2) By physically restraining or threatening to physically restrain another
7 person;

8 (3) By blackmail;

9 (4) By means of any scheme, plan, or pattern of behavior intended to
10 cause such person to believe that, if the person does not perform the labor
11 services, the person or another person will suffer serious physical injury, physical
12 restraint, or financial harm; or

13 (5) By means of the abuse or threatened abuse of the law or the legal
14 process.

15 2. A person who **[pleads guilty to or]** is found guilty of the crime of abuse
16 through forced labor shall not be required to register as a sexual offender
17 pursuant to the provisions of section 589.400, unless such person is otherwise
18 required to register pursuant to the provisions of such section.

19 3. The **[crime] offense** of abuse through forced labor is a felony
20 punishable by imprisonment for a term of years not less than five years and not
21 more than twenty years and a fine not to exceed two hundred fifty thousand
22 dollars. If death results from a violation of this section, or if the violation
23 includes kidnapping or an attempt to kidnap, sexual abuse when punishable as
24 a class B felony, or an attempt to commit sexual abuse when punishable as a
25 class B felony, or an attempt to kill, it shall be punishable for a term of years not
26 less than five years or life and a fine not to exceed two hundred fifty thousand
27 dollars.

566.206. 1. A person commits the **[crime] offense** of trafficking for the
2 purposes of slavery, involuntary servitude, peonage, or forced labor if **[a person]**
3 **he or she** knowingly recruits, entices, harbors, transports, provides, or obtains
4 by any means, including but not limited to through the use of force, abduction,

5 coercion, fraud, deception, blackmail, or causing or threatening to cause financial
6 harm, another person for labor or services, for the purposes of slavery,
7 involuntary servitude, peonage, or forced labor, or benefits, financially or by
8 receiving anything of value, from participation in such activities.

9 2. A person who [pleads guilty to or] is found guilty of the [crime]
10 **offense** of trafficking for the purposes of slavery, involuntary servitude, peonage,
11 or forced labor shall not be required to register as a sexual offender pursuant to
12 the provisions of section 589.400, unless [such person] **he or she** is otherwise
13 required to register pursuant to the provisions of such section.

14 3. Except as provided in subsection 4 of this section, **the offense of**
15 trafficking for the purposes of slavery, involuntary servitude, peonage, or forced
16 labor is a felony punishable by imprisonment for a term of years not less than
17 five years and not more than twenty years and a fine not to exceed two hundred
18 fifty thousand dollars.

19 4. If death results from a violation of this section, or if the violation
20 includes kidnapping or an attempt to kidnap, sexual abuse when punishable as
21 a class B felony or an attempt to commit sexual abuse when the sexual abuse
22 attempted is punishable as a class B felony, or an attempt to kill, it shall be
23 punishable by imprisonment for a term of years not less than five years or life
24 and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the [crime] **offense** of trafficking for the
2 purposes of sexual exploitation if [a person] **he or she** knowingly recruits,
3 entices, harbors, transports, provides, or obtains by any means, including but not
4 limited to through the use of force, abduction, coercion, fraud, deception,
5 blackmail, or causing or threatening to cause financial harm, another person for
6 the use or employment of such person in sexual conduct, a sexual performance,
7 or the production of explicit sexual material as defined in section [573.010]
8 **556.061**, without his or her consent, or benefits, financially or by receiving
9 anything of value, from participation in such activities.

10 2. The [crime] **offense** of trafficking for the purposes of sexual
11 exploitation is a felony punishable by imprisonment for a term of years not less
12 than five years and not more than twenty years and a fine not to exceed two
13 hundred fifty thousand dollars. If a violation of this section was effected by
14 force, abduction, or coercion, the crime of trafficking for the purposes of sexual
15 exploitation is a felony punishable by imprisonment for a term of years not less
16 than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

[566.213.] **566.210.** 1. A person commits the [crime] **offense** of sexual trafficking of a child [under the age of twelve if the individual] **in the first degree if he or she** knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. **The offense of** sexual trafficking of a child [less than twelve years of age shall be] **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or] been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

[566.212.] **566.211.** 1. A person commits the [crime] **offense** of sexual trafficking of a child **in the second degree** if [the individual] **he or she** knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as

13 defined in section 573.010.

14 2. It shall not be a defense that the defendant believed that the person
15 was eighteen years of age or older.

16 3. **The offense** sexual trafficking of a child **in the second degree** is a
17 felony punishable by imprisonment for a term of years not less than ten years or
18 life and a fine not to exceed two hundred fifty thousand dollars if the child is
19 under the age of eighteen. If a violation of this section was effected by force,
20 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony
21 for which the authorized term of imprisonment is life imprisonment without
22 eligibility for probation or parole until the defendant has served not less than
23 twenty-five years of such sentence.

566.215. 1. A person commits the [crime] **offense** of contributing to
2 human trafficking through the misuse of documentation when [the individual] **he**
3 **or she** knowingly:

4 (1) Destroys, conceals, removes, confiscates, or possesses a valid or
5 purportedly valid passport, government identification document, or other
6 immigration document of another person while committing [crimes] **offenses** or
7 with the intent to commit [crimes] **offenses**, pursuant to sections [566.200]
8 **566.203** to 566.218; or

9 (2) Prevents, restricts, or attempts to prevent or restrict, without lawful
10 authority, a person's ability to move or travel by restricting the proper use of
11 identification, in order to maintain the labor or services of a person who is the
12 victim of [a crime] **an offense** committed pursuant to sections [566.200] **566.203**
13 to 566.218.

14 2. A person who [pleads guilty to or] is found guilty of the [crime]
15 **offense** of contributing to human trafficking through the misuse of
16 documentation shall not be required to register as a sexual offender pursuant to
17 the provisions of section 589.400, unless [such person] **he or she** is otherwise
18 required to register pursuant to the provisions of such section.

19 3. The [crime] **offense** of contributing to human trafficking through the
20 misuse of documentation is a class [D] **E** felony.

566.218. Notwithstanding sections 557.011, 558.019, and 559.021, a [court
2 sentencing a defendant convicted of] **person found guilty of** violating [the] any
3 provisions of section 566.203, 566.206, 566.209, **566.210, 566.211, 566.212, [or]**
4 **566.213 [shall order the defendant], or 566.215 shall be ordered by the**
5 **sentencing court** to pay restitution to the victim of the offense regardless of

6 whether the defendant is sentenced to a term of imprisonment or probation. The
7 minimum restitution ordered by the court shall be in the amount determined by
8 the court necessary to compensate the victim for the value of the victim's labor
9 and/or for the mental and physical rehabilitation of the victim and any child of
10 the victim.

567.010. As used in this chapter, the following terms mean:

- 2 (1) ["Promoting prostitution", a person promotes prostitution if, acting
3 other than as a prostitute or a patron of a prostitute, he knowingly
4 (a) Causes or aids a person to commit or engage in prostitution; or
5 (b) Procures or solicits patrons for prostitution; or
6 (c) Provides persons or premises for prostitution purposes; or
7 (d) Operates or assists in the operation of a house of prostitution or a
8 prostitution enterprise; or
9 (e) Accepts or receives or agrees to accept or receive something of value
10 pursuant to an agreement or understanding with any person whereby he
11 participates or is to participate in proceeds of prostitution activity; or
12 (f) Engages in any conduct designed to institute, aid or facilitate an act
13 or enterprise of prostitution;
- 14 (2) "Prostitution", a person commits prostitution if he engages or offers or
15 agrees to engage in sexual conduct with another person in return for something
16 of value to be received by the person or by a third person;
- 17 (3) "Patronizing prostitution", a person patronizes prostitution if
18 (a) Pursuant to a prior understanding, he gives something of value to
19 another person as compensation for that person or a third person having engaged
20 in sexual conduct with him or with another; or
21 (b) He gives or agrees to give something of value to another person on an
22 understanding that in return therefor that person or a third person will engage
23 in sexual conduct with him or with another; or
24 (c) He solicits or requests another person to engage in sexual conduct with
25 him or with another, or to secure a third person to engage in sexual conduct with
26 him or with another, in return for something of value;
- 27 (4)] "**Deviate sexual intercourse**", any sexual act involving the
28 **genitals of one person and the mouth, hand, tongue or anus of another**
29 **person; or any act involving the penetration, however slight, of the**
30 **penis or the female genitalia or the anus by a finger, instrument, or**
31 **object done for the purpose of arousing or gratifying the sexual desire**

32 **of any person or for the purpose of terrorizing the victim;**

33 **(2) "Prostitution-related offense"**, any violation of state law for

34 **prostitution, patronizing prostitution or promoting prostitution;**

35 **(3) "Persistent prostitution offender"**, a person is a persistent

36 **prostitution offender if they have pled guilty to or been found guilty of**

37 **two or more prostitution-related offenses;**

38 **(4) "Sexual conduct"** [occurs when there is], **sexual intercourse,**

39 **deviate sexual intercourse, or sexual contact;**

40 **[(a)] (5) "Sexual intercourse"** [which means], any penetration, however

41 slight, of the female [sex organ] **genitalia** by the [male sex organ, whether or not

42 an emission results or] **penis**;

43 **[(b) "Deviate sexual intercourse"** which means any sexual act involving

44 the genitals of one person and the mouth, hand, tongue or anus of another person;

45 or

46 **[(c)] (6) "Sexual contact"** [which means], any touching[, manual or

47 otherwise, of the anus or] **of another person with the genitals** [of one person

48 by another, done] **or any touching of the genitals or anus of another**

49 **person or the breast of a female person, or such touching through the**

50 **clothing**, for the purpose of arousing or gratifying sexual desire of [either party]

51 **any person or for the purpose of terrorizing the victim;**

52 **[(5)] (7) "Something of value"** [means], any money or property, or any

53 token, object or article exchangeable for money or property[;].

567.020. 1. A person commits the [crime] **offense** of prostitution if [the

2 person performs an act of prostitution] **he or she engages in or offers or**

3 **agrees to engage in sexual conduct with another person in return for**

4 **something of value to be received by any person.**

5 2. **The offense of** prostitution is a class B misdemeanor unless the

6 person knew prior to performing the act of prostitution that he or she was

7 infected with HIV in which case prostitution is a class B felony. The use of

8 condoms is not a defense to this [crime] **offense**.

9 3. As used in this section, "HIV" means the human immunodeficiency

10 virus that causes acquired immunodeficiency syndrome.

11 4. The judge may order a drug and alcohol abuse treatment program for

12 any person found guilty of prostitution, either after trial or upon a plea of guilty,

13 before sentencing. For the class B misdemeanor offense, upon the successful

14 completion of such program by the defendant, the court may at its discretion

15 allow the defendant to withdraw the plea of guilty or reverse the verdict and
16 enter a judgment of not guilty. For the class B felony offense, the court shall not
17 allow the defendant to withdraw the plea of guilty or reverse the verdict and
18 enter a judgment of not guilty. The judge, however, has discretion to take into
19 consideration successful completion of a drug or alcohol treatment program in
20 determining the defendant's sentence.

567.030. 1. A person commits the [crime] **offense** of patronizing
2 prostitution if he [patronizes prostitution] **or she**:

3 **(1) Pursuant to a prior understanding, gives something of value**
4 **to another person as compensation for having engaged in sexual**
5 **conduct with any person; or**

6 **(2) Gives or agrees to give something of value to another person**
7 **on an understanding that such person or another person will engage in**
8 **sexual conduct with any person; or**

9 **(3) Solicits or requests another person to engage in sexual**
10 **conduct with any person in return for something of value.**

11 2. It shall not be [an affirmative] a defense that the [defendant] **person**
12 believed that the [person] **individual** he or she patronized for prostitution was
13 eighteen years [of age] **old** or older.

14 3. **The offense of** patronizing prostitution is a class B misdemeanor,
15 unless the individual who the person [is patronizing] **patronizes** is [under the
16 age of] **less than** eighteen **years of age** but older than [the age of] fourteen
17 **years of age**, in which case patronizing prostitution is a class A misdemeanor.

18 4. **The offense of** patronizing prostitution is a class [D] **E** felony if the
19 individual who the person patronizes is fourteen years of age or
20 younger. Nothing in this section shall preclude the prosecution of an individual
21 for the offenses of:

22 (1) Statutory rape in the first degree pursuant to section 566.032;
23 (2) Statutory rape in the second degree pursuant to section 566.034;
24 (3) Statutory sodomy in the first degree pursuant to section 566.062; or
25 (4) Statutory sodomy in the second degree pursuant to section 566.064.

567.050. 1. A person commits the [crime] **offense** of promoting
2 prostitution in the first degree if he **or she** knowingly:

3 (1) Promotes prostitution by compelling a person to enter into, engage in,
4 or remain in prostitution; or

5 (2) Promotes prostitution of a person less than sixteen years [old] **of age**.

6 2. The term "compelling" includes
7 (1) The use of forcible compulsion;
8 (2) The use of a drug or intoxicating substance to render a person
9 incapable of controlling his conduct or appreciating its nature;
10 (3) Withholding or threatening to withhold dangerous drugs or a narcotic
11 from a drug dependent person.

12 3. **The offense of** promoting prostitution in the first degree is a class B
13 felony.

567.060. 1. A person commits the [crime] **offense** of promoting
2 prostitution in the second degree if he **or she** knowingly promotes prostitution
3 by managing, supervising, controlling or owning, either alone or in association
4 with others, a house of prostitution or a prostitution business or enterprise
5 involving prostitution activity by two or more prostitutes.

6 2. **The offense of** promoting prostitution in the second degree is a class
7 **[C] D** felony.

567.070. 1. A person commits the [crime] **offense** of promoting
2 prostitution in the third degree if he **or she** knowingly [promotes prostitution]:

3 **(1) Causes or aids a person to commit or engage in prostitution;**
4 **or**
5 **(2) Procures or solicits patrons for prostitution; or**
6 **(3) Provides persons or premises for prostitution purposes; or**
7 **(4) Operates or assists in the operation of a house of prostitution**
8 **or a prostitution business or enterprise; or**
9 **(5) Accepts or receives or agrees to accept or receive something**
10 **of value pursuant to an agreement or understanding with any person**
11 **whereby he or she participates or is to participate in proceeds of**
12 **prostitution activity; or**

13 **(6) Engages in any conduct designed to institute, aid or facilitate**
14 **an act or enterprise of prostitution.**

15 2. **The offense of** promoting prostitution in the third degree is a class
16 **[D] E** felony.

567.080. 1. Any room, building or other structure regularly used for
2 [sexual contact for pay as defined in section 567.010 or] any [unlawful]
3 prostitution activity prohibited by this chapter is a public nuisance.

4 2. The attorney general, circuit attorney or prosecuting attorney may, in
5 addition to all criminal sanctions, prosecute a suit in equity to enjoin the

6 nuisance. If the court finds that the owner of the room, building or structure
7 knew or had reason to believe that the premises were being used regularly for
8 [sexual contact for pay or unlawful] prostitution activity, the court may order
9 that the premises shall not be occupied or used for such period as the court may
10 determine, not to exceed one year.

11 3. All persons, including owners, lessees, officers, agents, inmates or
12 employees, aiding or facilitating such a nuisance may be made defendants in any
13 suit to enjoin the nuisance, and they may be enjoined from engaging in any
14 [sexual contact for pay or unlawful] prostitution activity anywhere within the
15 jurisdiction of the court.

16 4. Appeals shall be allowed from the judgment of the court as in other
17 civil actions.

567.085. 1. A person commits the [crime] **offense** of promoting travel for
2 prostitution if [the person] **he or she** knowingly sells or offers to sell travel
3 services that include or facilitate travel for the purpose of engaging in
4 prostitution as defined by section [567.010] **567.020**.

5 2. The [crime] **offense** of promoting travel for prostitution is a class [C]
6 **D** felony.

567.087. 1. No travel agency or charter tour operator shall:

2 (1) Promote travel for prostitution [under] **as described in** section
3 567.085;

4 (2) Sell, advertise, or otherwise offer to sell travel services or facilitate
5 travel:

6 (a) For the purpose of engaging in a commercial sex act as defined in
7 section [566.200] **566.010**;

8 (b) That consists of tourism packages or activities using and offering any
9 sexual contact as defined in section 566.010 as enticement for tourism; or

10 (c) That provides or purports to provide access to or that facilitates the
11 availability of sex escorts or sexual services.

12 2. There shall be a rebuttable presumption that any travel agency or
13 charter tour operator using advertisements that include the term "sex tours" or
14 "sex travel" or include depictions of human genitalia is in violation of this section.

567.110. Any person who [pleads guilty to or is] **has been** found guilty
2 of a violation of section 567.020 or 567.030 and who is alleged and proved to be
3 a persistent prostitution offender is guilty of a class [D] **E** felony.

567.120. Any person arrested for a prostitution-related offense, who has

2 [a prior conviction of or has pled] **been found guilty [to] of** a prior
3 prostitution-related offense, may, within the sound discretion of the court, be
4 required to undergo HIV testing as a condition precedent to the issuance of bond
5 for the offense.

568.010. 1. A married person commits the [crime] **offense** of bigamy if
2 he **or she**:

- 3 (1) Purports to [contract] **marry** another [marriage]; or
- 4 (2) Cohabits [in this state after] **with one whom he or she entered**
5 **into** a bigamous marriage in another jurisdiction.

6 2. A married person does not commit bigamy if, at the time of the
7 subsequent marriage ceremony, he **or she** reasonably believes that he **or she** is
8 legally eligible to remarry.

9 3. The defendant shall have the burden of injecting the issue of
10 reasonable belief of eligibility to remarry.

11 4. An unmarried person commits the [crime] **offense** of bigamy if he **or**
12 **she**:

- 13 (1) Purports to [contract marriage] **marry another** knowing that the
14 other person is married; or
- 15 (2) Cohabits [in this state after] **with one whom he or she entered**
16 **into** a bigamous marriage in another jurisdiction.

17 5. **The offense of** bigamy is a class A misdemeanor.

568.020. 1. A person commits the [crime] **offense** of incest if he **or she**
2 marries or purports to marry or engages in sexual intercourse or deviate sexual
3 intercourse with a person he **or she** knows to be, without regard to legitimacy,
4 **his or her**:

- 5 (1) [His] Ancestor or descendant by blood or adoption; or
- 6 (2) [His] Stepchild, while the marriage creating that relationship exists;
7 or
- 8 (3) [His] Brother or sister of the whole or half-blood; or
- 9 (4) [His] Uncle, aunt, nephew or niece of the whole blood.

10 2. **The offense of** incest is a class [D] E felony.

11 3. **The court shall not grant probation to a person who has**
12 **previously been found guilty of an offense under this section.**

568.030. 1. A person commits the [crime] **offense** of abandonment of a
2 child in the first degree if, as a parent, guardian or other person legally charged
3 with the care or custody of a child less than four years [old] **of age**, he **or she**

4 leaves the child in any place with purpose wholly to abandon [it] **the child**,
5 under circumstances which are likely to result in serious physical injury or death.

6 2. **The offense of** abandonment of a child in the first degree is a class
7 **[B] C** felony, **unless the child suffers serious physical injury or death, in**
8 **which case it is a class B felony.**

568.032. 1. A person commits the [crime] **offense** of abandonment of a
2 child in the second degree if, as a parent, guardian or other person legally
3 charged with the care or custody of a child less than eight years **[old] of age**, he
4 **or she** leaves the child in any place with purpose wholly to abandon [it] **the**
5 **child**, under circumstances which are likely to result in serious physical injury
6 or death.

7 2. **The offense of** abandonment of a child in the second degree is a class
8 **D** felony, **unless the child suffers serious physical injury or death, in**
9 **which case it is a class C felony.**

568.040. 1. A person commits the [crime] **offense** of nonsupport if [such
2 person] **he or she** knowingly fails to provide adequate support for his or her
3 spouse; a parent commits the [crime] **offense** of nonsupport if such parent
4 knowingly fails to provide adequate support which such parent is legally
5 obligated to provide for his or her child or stepchild who is not otherwise
6 emancipated by operation of law.

7 2. For purposes of this section:

8 (1) "Child" means any biological or adoptive child, or any child whose
9 paternity has been established under chapter 454, or chapter 210, or any child
10 whose relationship to the defendant has been determined, by a court of law in a
11 proceeding for dissolution or legal separation, to be that of child to parent;

12 (2) "Good cause" means any substantial reason why the defendant is
13 unable to provide adequate support. Good cause does not exist if the defendant
14 purposely maintains his inability to support;

15 (3) "Support" means food, clothing, lodging, and medical or surgical
16 attention;

17 (4) It shall not constitute a failure to provide medical and surgical
18 attention, if nonmedical remedial treatment recognized and permitted under the
19 laws of this state is provided.

20 3. Inability to provide support for good cause shall be an affirmative
21 defense under this section. A [person] **defendant** who raises such affirmative
22 defense has the burden of proving the defense by a preponderance of the evidence.

23 4. The defendant shall have the burden of injecting the issues raised by
24 subdivision (4) of subsection 2 **and subsection 3** of this section.

25 5. **The offense of** criminal nonsupport is a class A misdemeanor, unless
26 the total arrearage is in excess of an aggregate of twelve monthly payments due
27 under any order of support issued by any court of competent jurisdiction or any
28 authorized administrative agency, in which case it is a class [D] E felony.

29 6. If at any time [a defendant] **an offender** convicted of criminal
30 nonsupport is placed on probation or parole, there may be ordered as a condition
31 of probation or parole that the [defendant] **offender** commence payment of
32 current support as well as satisfy the arrearages. Arrearages may be satisfied
33 first by making such lump sum payment as the [defendant] **offender** is capable
34 of paying, if any, as may be shown after examination of [defendant's] **the**
35 **offender's** financial resources or assets, both real, personal, and mixed, and
36 second by making periodic payments. Periodic payments toward satisfaction of
37 arrears when added to current payments due may be in such aggregate sums as
38 is not greater than fifty percent of the [defendant's] **offender's** adjusted gross
39 income after deduction of payroll taxes, medical insurance that also covers a
40 dependent spouse or children, and any other court- or administrative-ordered
41 support, only. If the [defendant] **offender** fails to pay the current support and
42 arrearages as ordered, the court may revoke probation or parole and then impose
43 an appropriate sentence within the range for the class of offense that the
44 [defendant] **offender** was convicted of as provided by law, unless the [defendant]
45 **offender** proves good cause for the failure to pay as required under subsection
46 3 of this section.

47 7. During any period that a nonviolent [defendant] **offender** is
48 incarcerated for criminal nonsupport, if the [defendant] **offender** is ready,
49 willing, and able to be gainfully employed during said period of incarceration, the
50 [defendant] **offender**, if he or she meets the criteria established by the
51 department of corrections, may be placed on work release to allow the [defendant]
52 **offender** to satisfy [defendant's] **his or her** obligation to pay
53 support. Arrearages shall be satisfied as outlined in the collection agreement.

54 8. Beginning August 28, 2009, every nonviolent first- and second-time
55 offender then incarcerated for criminal nonsupport, who has not been previously
56 placed on probation or parole for conviction of criminal nonsupport, may be
57 considered for parole, under the conditions set forth in subsection 6 of this
58 section, or work release, under the conditions set forth in subsection 7 of this

59 section.

60 9. Beginning January 1, 1991, every prosecuting attorney in any county
61 which has entered into a cooperative agreement with the child support
62 enforcement service of the family support division of the department of social
63 services shall report to the division on a quarterly basis the number of charges
64 filed and the number of convictions obtained under this section by the prosecuting
65 attorney's office on all IV-D cases. The division shall consolidate the reported
66 information into a statewide report by county and make the report available to
67 the general public.

68 10. Persons accused of committing the offense of nonsupport of the child
69 shall be prosecuted:

70 (1) In any county in which the child resided during the period of time for
71 which the defendant is charged; or

72 (2) In any county in which the defendant resided during the period of time
73 for which the defendant is charged.

568.045. 1. A person commits the [crime] **offense** of endangering the
2 welfare of a child in the first degree if **he or she**:

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

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

9 (3) [The person] Knowingly encourages, aids or causes a child less than
10 seventeen years of age to engage in any conduct which violates the provisions of
11 chapter [195] **579**;

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

18 (5) Such person,] In the presence of a [person] **child** less than seventeen
19 years [of age] **old** or in a residence where a [person] **child** less than seventeen
20 years [of age] **old** resides, unlawfully manufactures, or attempts to manufacture
21 compounds, possesses, produces, prepares, sells, transports, tests or analyzes

22 amphetamine or methamphetamine or any of their analogues.

23 **2. The offense of** endangering the welfare of a child in the first degree
24 is a class [C] **D** felony unless the offense:

25 **(1) Is committed as part of [a ritual or ceremony, or except on] an act or**
26 **series of acts performed by two or more persons as part of an**
27 **established or prescribed pattern of activity, or where physical injury**
28 **to the child results, or the offense is a second or subsequent offense under**
29 **this section, in which case the [crime] offense is a class [B] C felony; or**

30 **(2) Results in serious physical injury to the child, in which case**
31 **the offense is a class B felony; or**

32 **(3) Results in death of a child, in which case the offense is a class**
33 **A felony.**

34 [3. This section shall be known as "Hope's Law".]

568.050. 1. A person commits the [crime] **offense** of endangering the
2 welfare of a child in the second degree if **he or she**:

3 **(1) [He or she] With criminal negligence acts in a manner that creates a**
4 **substantial risk to the life, body or health of a child less than seventeen years**
5 **[old] of age; or**

6 **(2) [He or she] Knowingly encourages, aids or causes a child less than**
7 **seventeen years [old] of age to engage in any conduct which causes or tends to**
8 **cause the child to come within the provisions of paragraph (d) of subdivision (2)**
9 **of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or**

10 **(3) Being a parent, guardian or other person legally charged with the care**
11 **or custody of a child less than seventeen years [old, he or she] of age, recklessly**
12 **fails or refuses to exercise reasonable diligence in the care or control of such child**
13 **to prevent him or her from coming within the provisions of paragraph (c) of**
14 **subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1**
15 **or subdivision (3) of subsection 1 of section 211.031; or**

16 **(4) [He or she] Knowingly encourages, aids or causes a child less than**
17 **seventeen years of age to enter into any room, building or other structure which**
18 **is a public nuisance as defined in section [195.130; or**

19 **(5) He or she operates a vehicle in violation of subdivision (2) or (3) of**
20 **subsection 1 of section 565.024, subdivision (4) of subsection 1 of section 565.060,**
21 **section 577.010, or section 577.012 while a child less than seventeen years old is**
22 **present in the vehicle] 579.105.**

23 2. Nothing in this section shall be construed to mean the welfare of a

24 child is endangered for the sole reason that he or she is being provided
25 nonmedical remedial treatment recognized and permitted under the laws of this
26 state.

27 **3. The offense of** endangering the welfare of a child in the second degree
28 is a class A misdemeanor unless the offense is committed as part of [a ritual or
29 ceremony] **an act or series of acts performed by two or more persons as**
30 **part of an established or prescribed pattern of activity**, in which case the
31 [crime] **offense** is a class [D] E felony.

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

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

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

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

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

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

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

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

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

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

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

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

43 5. The offense of abuse or neglect of a child is:

44 (1) A class [C] **D** felony, without eligibility for probation or parole until
45 the defendant has served no less than one year of such sentence, unless the
46 person has previously been found guilty of a violation of this section or of a
47 violation of the law of any other jurisdiction that prohibits the same or similar
48 conduct or the injury inflicted on the child is a serious emotional injury or a
49 serious physical injury, in which case abuse or neglect of a child is a class B
50 felony, without eligibility for probation or parole until the defendant has served
51 not less than five years of such sentence; or

52 (2) A class A felony if the child dies as a result of injuries sustained from
53 conduct chargeable under the provisions of this section.

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

58 (1) The injury is a serious emotional injury or a serious physical injury;
59 (2) The child is less than fourteen years of age; and
60 (3) The injury is the result of sexual abuse as defined under section
61 566.100 or sexual exploitation of a minor as defined under section 573.023.

62 7. The circuit or prosecuting attorney may refer a person who is suspected
63 of abuse or neglect of a child to an appropriate public or private agency for
64 treatment or counseling so long as the agency has consented to taking such

65 referrals. Nothing in this subsection shall limit the discretion of the circuit or
66 prosecuting attorney to prosecute a person who has been referred for treatment
67 or counseling pursuant to this subsection.

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

71 9. Discipline, including spanking administered in a reasonable manner,
72 shall not be construed to be abuse under this section.

568.065. 1. A person commits the [crime] **offense** of genital mutilation
2 if [such person] **he or she**:

3 (1) Excises or infibulates, in whole or in part, the labia majora, labia
4 minora, vulva or clitoris of a female child less than seventeen years [of age] **old**;
5 or

6 (2) Is a parent, guardian or other person legally responsible for a female
7 child less than seventeen years [of age] **old** and permits the excision or
8 infibulation, in whole or in part, of the labia majora, labia minora, vulva or
9 clitoris of such female child.

10 2. **The offense of** genital mutilation is a class B felony.

11 3. Belief that the conduct described in subsection 1 of this section is
12 required as a matter of custom, ritual or standard practice, or consent to the
13 conduct by the child on whom it is performed or by the child's parent or legal
14 guardian, shall not be an affirmative defense to a charge pursuant to this section.

15 4. It is [an affirmative] **a** defense [that the defendant engaged in] if the
16 conduct [charged] which constitutes genital mutilation [if the conduct] was:

17 (1) Necessary to preserve the health of the child on whom it is performed
18 and is performed by a person licensed to practice medicine in this state; or

19 (2) Performed on a child who is in labor or who has just given birth and
20 is performed for medical purposes connected with such labor or birth by a person
21 licensed to practice medicine in this state.

568.070. 1. A person commits the [crime] **offense** of unlawful
2 transactions with a child if **he or she**:

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any
4 employee of such person, [he] with criminal negligence buys or receives any
5 personal property other than agricultural products from an unemancipated minor,
6 unless the child's custodial parent or guardian has consented in writing to the
7 transaction; or

8 (2) [He] Knowingly permits a minor child to enter or remain in a place
9 where illegal activity in controlled substances, as defined in chapter [195] **579**,
10 is maintained or conducted; or

11 (3) [He] With criminal negligence sells blasting caps, bulk gunpowder, or
12 explosives to a child under the age of seventeen, or fireworks as defined in section
13 320.110, to a child under the age of fourteen, unless the child's custodial parent
14 or guardian has consented in writing to the transaction. Criminal negligence as
15 to the age of the child is not an element of this crime.

16 2. **The offense of** unlawful transactions with a child is a class B
17 misdemeanor.

568.175. 1. A person[**,** partnership, corporation, agency, association,
2 institution, society or other organization] **or entity** commits the [crime] **offense**
3 of trafficking in children if he, **she**, or it offers, gives, receives or solicits any
4 money, consideration or other thing of value for the delivery or offer of delivery
5 of a child to another person[**,** partnership, corporation, agency, association,
6 institution, society or other organization] **or entity** for purposes of adoption, or
7 for the execution of a consent to adopt or waiver of consent to future adoption or
8 a consent to termination of parental rights.

9 2. [A crime] **An offense** is not committed under this section if the money,
10 consideration or thing of value or conduct is permitted under chapter 453 relating
11 to adoption.

12 3. The [crime] **offense** of trafficking in children is a class **[C] D** felony.

569.010. As used in this chapter the following terms mean:
2 (1) ["Forcibly steals", a person "forcibly steals", and thereby commits
3 robbery, when, in the course of stealing, as defined in section 570.030, he uses or
4 threatens the immediate use of physical force upon another person for the
5 purpose of:

6 (a) Preventing or overcoming resistance to the taking of the property or
7 to the retention thereof immediately after the taking; or

8 (b) Compelling the owner of such property or another person to deliver up
9 the property or to engage in other conduct which aids in the commission of the
10 theft;

11 (2) "Inhabitable structure" includes a ship, trailer, sleeping car, airplane,
12 or other vehicle or structure:

13 (a) Where any person lives or carries on business or other calling; or
14 (b) Where people assemble for purposes of business, government,

15 education, religion, entertainment or public transportation; or

16 (c) Which is used for overnight accommodation of persons. Any such
17 vehicle or structure is "inhabitable" regardless of whether a person is actually
18 present;

19 (3) "Of another", property is that "of another" if any natural person,
20 corporation, partnership, association, governmental subdivision or
21 instrumentality, other than the actor, has a possessory or proprietary interest
22 therein;

23 (4) If a building or structure is divided into separately occupied units, any
24 unit not occupied by the actor is an "inhabitable structure of another";

25 (5) "Vital public facility" includes a facility maintained for use as a bridge,
26 whether over land or water, dam, reservoir, tunnel, communication installation
27 or power station;

28 (6) "Utility", an enterprise which provides gas, electric, steam, water,
29 sewerage disposal or communication services and any common carrier. It may be
30 either publicly or privately owned or operated;

31 (7) "To tamper", to interfere with something improperly, to meddle with
32 it, displace it, make unwarranted alterations in its existing condition, or to
33 deprive, temporarily, the owner or possessor of that thing] **"Cave or cavern",**
34 **any naturally occurring subterranean cavity enterable by man**
35 **including, without limitation, a pit, pothole, natural well, grotto, and**
36 **tunnel, whether or not the opening has a natural entrance;**

37 [(8)] (2) "Enter unlawfully or remain unlawfully", a person ["enters
38 unlawfully or remains unlawfully"] **enters or remains** in or upon premises
39 when he **or she** is not licensed or privileged to do so. A person who, regardless
40 of his **or her** purpose, enters or remains in or upon premises which are at the
41 time open to the public does so with license and privilege unless he defies a
42 lawful order not to enter or remain, personally communicated to him **or her** by
43 the owner of such premises or by other authorized person. A license or privilege
44 to enter or remain in a building which is only partly open to the public is not a
45 license or privilege to enter or remain in that part of the building which is not
46 open to the public;

47 (3) **"To tamper", to interfere with something improperly, to**
48 **meddle with it, displace it, make unwarranted alterations in its existing**
49 **condition, or to deprive, temporarily, the owner or possessor of that**
50 **thing;**

51 **(4) "Utility", an enterprise which provides gas, electric, steam,
52 water, sewerage disposal or communication services and any common
53 carrier. It may be either publicly or privately owned or operated.**

569.040. 1. A person commits the [crime] **offense** of arson in the first
2 degree [when] if he or she[:]

3 (1)] knowingly damages a building or inhabitable structure, and when any
4 person is then present or in near proximity thereto, by starting a fire or causing
5 an explosion and thereby recklessly places such person in danger of death or
6 serious physical injury[; or

7 (2) By starting a fire or explosion, damages a building or inhabitable
8 structure in an attempt to produce methamphetamine].

9 2. **The offense of** arson in the first degree is a class B felony unless a
10 person has suffered serious physical injury or has died as a result of the fire or
11 explosion set by the [defendant or as a result of a fire or explosion started in an
12 attempt by the defendant to produce methamphetamine] **person**, in which case
13 arson in the first degree is a class A felony.

569.050. 1. A person commits the [crime] **offense** of arson in the second
2 degree [when] if he or she knowingly damages a building or inhabitable
3 structure by starting a fire or causing an explosion.

4 2. A person does not commit a [crime] **offense** under this section if:

5 (1) No person other than himself or herself has a possessory, proprietary
6 or security interest in the damaged building, or if other persons have those
7 interests, all of them consented to his or her conduct; and

8 (2) [His] **The person's** sole purpose was to destroy or damage the
9 building for a lawful and proper purpose.

10 3. The defendant shall have the burden of injecting the issue under
11 subsection 2 of this section.

12 4. **The offense of** arson in the second degree is a class [C] **D** felony
13 unless a person has suffered serious physical injury or has died as a result of the
14 fire or explosion [set by the defendant], in which case [arson in the second
15 degree] it is a class B felony.

569.053. 1. **A person commits the offense of arson in the third
2 degree if he or she knowingly starts a fire or causes an explosion and
3 thereby recklessly damages or destroys a building or an inhabitable
4 structure of another.**

5 2. **The offense of arson in the third degree is a class A**

6 **misdemeanor.**

569.055. 1. A person commits the [crime] **offense** of knowingly burning
2 or exploding [when] **if he or she** knowingly damages property of another by
3 starting a fire or causing an explosion.

4 2. **The offense of** knowingly burning or exploding is a class [D] **E** felony.

569.060. 1. A person commits the [crime] **offense** of reckless burning or
2 exploding [when] **if he [knowingly] or she recklessly** starts a fire or causes an
3 explosion and thereby [recklessly] damages or destroys [a building or an
4 inhabitable structure] **the property** of another.

5 2. **The offense of** reckless burning or exploding is a class [A] **B**
6 misdemeanor.

569.065. 1. A person commits the [crime] **offense** of negligent burning
2 or exploding [when] **if he or she** with criminal negligence causes damage to
3 property **or to the woodlands, cropland, grassland, prairie, or marsh** of
4 another by [fire or explosion]:

5 (1) **Starting a fire or causing an explosion; or**

6 (2) **Allowing a fire burning on lands in his or her possession or**
7 **control onto the property of another.**

8 2. **The offense of** negligent burning or exploding is a class [B] **C**
9 misdemeanor.

[578.445.] **569.075.** 1. [No] A person [shall possess] **commits the**
2 **offense of possessing a tool to break into a vending machine if he or she**
3 **possesses** any key, tool, instrument, explosive, or similar device, or a drawing,
4 print, mold of a key, tool, instrument, explosive, or device designed to open, break
5 into, tamper with, or damage a coin-operated vending machine or any other
6 machine or device which is activated by the customer depositing some form of
7 payment, with the intent to commit a theft from such machine. [Violation of this
8 subsection is a class A misdemeanor.]

9 2. The owner of a coin-operated vending machine or any other machine or
10 device which is activated by the customer depositing some form of payment may
11 maintain a civil cause of action against any person who [pleads guilty or if] **has**
12 **been** found guilty of a violation of [subsection 1 of] this section. If such owner
13 of a coin-operated vending machine or any other machine or device which is
14 activated by the customer depositing some form of payment prevails in such
15 action, the court may award treble damages, reasonable attorney's fees, and costs.

16 3. **The offense of possession of a tool to break into a vending**

17 machine is a class A misdemeanor.

569.080. 1. A person commits the [crime] **offense** of tampering in the
2 first degree if **he or she**:

3 (1) [He or she] For the purpose of causing a substantial interruption or
4 impairment of a service rendered to the public by a utility or by an institution
5 providing health or safety protection, damages or tampers with property or
6 facilities of such a utility or institution, and thereby causes substantial
7 interruption or impairment of service; or

8 (2) [He or she] Knowingly receives, possesses, sells, [alters, defaces,
9 destroys] or unlawfully operates an automobile, airplane, motorcycle, motorboat
10 or other motor-propelled vehicle without the consent of the owner thereof.

11 2. [Tampering in the first degree is a class C felony.

12 3.] Upon a finding by the court that the probative value outweighs the
13 prejudicial effect, evidence of the following is admissible in any criminal
14 prosecution of a person under subdivision (2) of subsection 1 of this section to
15 prove the requisite knowledge [or belief] **that he or she**:

16 (1) [That he or she] Received, possessed, sold, [altered, defaced,
17 destroyed,] or operated an automobile, airplane, motorcycle, motorboat, or other
18 motor-propelled vehicle unlawfully on a separate occasion; **or**

19 (2) [That he or she] Acquired the automobile, airplane, motorcycle,
20 motorboat, or other motor-propelled vehicle for a consideration which he or she
21 knew was far below its reasonable value.

22 3. **The offense of tampering in the first degree is a class D felony.**

569.090. 1. A person commits the [crime] **offense** of tampering in the
2 second degree if he or she:

3 (1) Tampers with property of another for the purpose of causing
4 substantial inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle,
6 motorboat or other motor-propelled vehicle; or

7 (3) Tampers or makes connection with property of a utility; or

8 (4) Tampers with, or causes to be tampered with, any meter or other
9 property of an electric, gas, steam or water utility, the effect of which tampering
10 is either:

11 (a) To prevent the proper measuring of electric, gas, steam or water
12 service; or

13 (b) To permit the diversion of any electric, gas, steam or water service.

14 2. In any prosecution under subdivision (4) of subsection 1, proof that a
15 meter or any other property of a utility has been tampered with, and the person
16 or persons accused received the use or direct benefit of the electric, gas, steam or
17 water service, with one or more of the effects described in subdivision (4) of
18 subsection 1, shall be sufficient to support an inference which the trial court may
19 submit to the trier of fact, from which the trier of fact may conclude that there
20 has been a violation of such subdivision by the person or persons who use or
21 receive the direct benefit of the electric, gas, steam or water service.

22 3. Tampering in the second degree is a class A misdemeanor unless:

23 (1) Committed as a second or subsequent violation of subdivision (4) of
24 subsection 1, in which case it is a class [D] **E** felony; **or**

25 (2) The defendant has a prior conviction or has [had a prior finding of
26 guilt] **previously been found guilty** pursuant to paragraph (a) of subdivision
27 (3) of subsection 3 of section 570.030, [section 570.080,] or subdivision (2) of
28 subsection 1 of this section, in which case it is a class [C] **D** felony.

569.095. 1. A person commits the **[crime]** **offense** of tampering with
2 computer data if he **or she** knowingly and without authorization or without
3 reasonable grounds to believe that he has such authorization:

4 (1) Modifies or destroys data or programs residing or existing internal to
5 a computer, computer system, or computer network; or

6 (2) Modifies or destroys data or programs or supporting documentation
7 residing or existing external to a computer, computer system, or computer
8 network; or

9 (3) Discloses or takes data, programs, or supporting documentation,
10 residing or existing internal or external to a computer, computer system, or
11 computer network; or

12 (4) Discloses or takes a password, identifying code, personal identification
13 number, or other confidential information about a computer system or network
14 that is intended to or does control access to the computer system or network;

15 (5) Accesses a computer, a computer system, or a computer network, and
16 intentionally examines information about another person;

17 (6) Receives, retains, uses, or discloses any data he knows or believes was
18 obtained in violation of this subsection.

19 2. **The offense of** tampering with computer data is a class A
20 misdemeanor, unless the offense is committed for the purpose of devising or
21 executing any scheme or artifice to defraud or to obtain any property, the value

22 of which is [five] **seven** hundred **fifty** dollars or more, in which case [tampering
23 with computer data] **it** is a class [D] **E** felony.

569.097. 1. A person commits the [crime] **offense** of tampering with
2 computer equipment if he knowingly and without authorization or without
3 reasonable grounds to believe that he has such authorization:

4 (1) Modifies, destroys, damages, or takes equipment or data storage
5 devices used or intended to be used in a computer, computer system, or computer
6 network; or

7 (2) Modifies, destroys, damages, or takes any computer, computer system,
8 or computer network.

9 2. **The offense of** tampering with computer equipment is a class A
10 misdemeanor, unless:

11 (1) The offense is committed for the purpose of executing any scheme or
12 artifice to defraud or obtain any property, the value of which is [five] **seven**
13 hundred **fifty** dollars or more, in which case it is a class [D] **E** felony; or

14 (2) The damage to such computer equipment or to the computer, computer
15 system, or computer network is [five] **seven** hundred **fifty** dollars or more [but
16 less than one thousand dollars], in which case it is a class [D] **E** felony; or

17 (3) The damage to such computer equipment or to the computer, computer
18 system, or computer network is [one] **twenty-five** thousand dollars or [greater]
19 **more**, in which case it is a class [C] **D** felony.

569.099. 1. A person commits the [crime] **offense** of tampering with
2 computer users if he **or she** knowingly and without authorization or without
3 reasonable grounds to believe that he **or she** has such authorization:

4 (1) Accesses or causes to be accessed any computer, computer system, or
5 computer network; or

6 (2) Denies or causes the denial of computer system services to an
7 authorized user of such computer system services, which, in whole or in part, is
8 owned by, under contract to, or operated for, or on behalf of, or in conjunction
9 with another.

10 2. The offense of tampering with computer users is a class A misdemeanor
11 unless the offense is committed for the purpose of devising or executing any
12 scheme or artifice to defraud or to obtain any property, the value of which is
13 [five] **seven** hundred **fifty** dollars or more, in which case tampering with
14 computer users is a class [D] **E** felony.

569.100. 1. A person commits the [crime] **offense** of property damage in

2 the first degree if such person:

3 (1) Knowingly damages property of another to an extent exceeding seven
4 hundred fifty dollars; or

5 (2) Damages property to an extent exceeding [one thousand] **seven**
6 **hundred fifty** dollars for the purpose of defrauding an insurer; or

7 (3) Knowingly damages a motor vehicle of another and the damage occurs
8 while such person is making entry into the motor vehicle for the purpose of
9 committing the crime of stealing therein or the damage occurs while such person
10 is committing the crime of stealing within the motor vehicle.

11 2. **The offense of** property damage in the first degree committed under
12 subdivision (1) or (2) of subsection 1 of this section is a class [D] **E** felony. **The**
13 **offense of** property damage in the first degree committed under subdivision (3)
14 of subsection 1 of this section is a class [C] **D** felony unless committed as a
15 second or subsequent violation of subdivision (3) of subsection 1 of this section in
16 which case it is a class B felony.

569.120. 1. A person commits the [crime] **offense** of property damage in
2 the second degree if **he or she**:

3 (1) [He] Knowingly damages property of another; or

4 (2) [He] Damages property for the purpose of defrauding an insurer.

5 2. **The offense of** property damage in the second degree is a class B
6 misdemeanor.

569.130. 1. A person does not commit an offense by damaging, tampering
2 with, operating, riding in or upon, or making connection with property of another
3 if **he or she** does so under a claim of right and has reasonable grounds to believe
4 **he or she** has such a right.

5 2. The defendant shall have the burden of injecting the issue of claim of
6 right.

[578.416.] **569.132.** [No person shall] 1. **This section shall be known**
2 **and may be cited as the "Crop Protection Act".**

3 2. **A person commits the offense of prohibited acts involving**
4 **crops if he or she**:

5 (1) Intentionally [cause] **causes** the loss of any crop;

6 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any
7 property in or on a crop;

8 (3) [Obtain] **Obtains** access to a crop by false pretenses for the purpose
9 of performing acts not authorized by the landowner;

10 (4) [Enter] **Enters** or otherwise [interfere] **interferes** with a crop with
11 the intent to destroy, alter, duplicate or obtain unauthorized possession of such
12 crop;

13 (5) Knowingly [obtain] **obtains**, by theft or deception, control over a crop
14 for the purpose of depriving the rightful owner of such crop, or for the purpose of
15 destroying such crop; **or**

16 (6) [Enter or remain] **Enters or remains** on land on which a crop is
17 located with the intent to commit an act prohibited by this section.

18 **3. The offense of prohibited acts involving crops is a class A
19 misdemeanor for each such violation unless:**

20 **(1) The loss or damage to the crop is fifty dollars or more, in
21 which case it is a class E felony;**

22 **(2) The loss or damage to the crop is seven hundred fifty dollars
23 or more, in which case it is a class D felony;**

24 **(3) The loss or damage to the crop is one thousand dollars or
25 more, in which case it is a class C felony;**

26 **(4) The loss or damage to the crop is twenty-five thousand
27 dollars or more, in which case it is a class B felony;**

28 **(5) The loss or damage to the crop is seventy-five thousand
29 dollars or more, in which case it is a class A felony.**

30 **4. Any person who has been damaged by a violation of this
31 section shall have a civil cause of action under section 537.353.**

32 **5. Nothing in this section shall preclude any owner or operator
33 injured in his or her business or in his or her property by a violation
34 of this section from seeking appropriate relief under any other
35 provision of law or remedy including the issuance of an injunction
36 against any person who violates this section. The owner or operator of
37 the business may petition the court to permanently enjoin such persons
38 from violating this section, and the court shall provide such relief.**

39 **6. The director of the department of agriculture shall have the
40 authority to investigate any alleged violation of this section, along with
41 any other law enforcement agency, and may take any action within the
42 director's authority necessary for the enforcement of this section. The
43 attorney general, the highway patrol, and other law enforcement
44 officials shall provide assistance required for the investigation.**

45 **7. The director may promulgate rules and regulations necessary**

46 for the enforcement of this section. Any rule or portion of a rule, as
47 that term is defined in section 536.010 that is created under the
48 authority delegated in this section shall become effective only if it
49 complies with and is subject to all of the provisions of chapter 536, and,
50 if applicable, section 536.028. This section and chapter 536 are
51 nonseverable and if any of the powers vested with the general assembly
52 pursuant to chapter 536, to review, to delay the effective date, or to
53 disapprove and annul a rule are subsequently held unconstitutional,
54 then the grant of rulemaking authority and any rule proposed or
55 adopted after January 1, 2016, shall be invalid and void.

[578.210.] **569.135.** 1. [A person, without the prior written permission
2 of the owner or if a corporation is the owner, of an officer of the corporation,
3 lessee, or if the cavern is located on public land, the superintendent thereof shall
4 not] Unless a person has the prior written permission of the owner of
5 the cave or cavern, an officer of a cave or cavern, a lessee of the cave
6 or cavern, or a superintendent of the cave or cavern, such person
7 commits the offense of unlawfully entering or defacing a cave or cavern
8 if he or she:

9 (1) Willfully or knowingly [break, break off, crack, carve upon, write or
10 otherwise mark] **breaks, breaks off, cracks, carves upon, writes or**
11 **otherwise marks** upon, or in any manner [destroy, mutilate, injure, deface,
12 remove, displace, mar or harm] **destroys, mutilates, injures, defaces,**
13 **removes, displaces, mars, or harms** the surfaces of any cave or any natural
14 material therein including, without limitation, stalactites, stalagmites, helictites,
15 anthodites, gypsum flowers, or needles, cave pearls, flowstone, draperies,
16 rimstone, spathites, columns or similar crystalline mineral formation, including
17 the host rock thereof[.]

18 2. A person shall not, without the permission required in subsection 1 of
19 this section, break, force, tamper with, remove or otherwise disturb]; or

20 **(2) Breaks, forces, tampers with, removes, or otherwise disturbs**
21 a lock, gate, door or other structure designed to prevent entrance to a cave or
22 cavern. A person violates this subsection whether or not entrance to the cave or
23 cavern is achieved.

24 **2. No additional appropriations may be made for the**
25 **enforcement of this section.**

26 **3. The provisions of this section do not apply to vertical or**

27 horizontal underground mining operations.

28 4. The offense of unlawfully entering or defacing a cave or
29 cavern is a class A misdemeanor.

[578.215.] 569.137. 1. As used in this section, the following terms mean:

2 (1) "Cave system", the caves in a given area related to each other
3 hydrologically, whether continuous or discontinuous from a single
4 opening;

5 (2) "Sinkhole", a hollow place or depression in the ground in
6 which drainage may collect with an opening therefrom into an
7 underground channel or cave including any subsurface opening that
8 might be bridged by a formation of silt, gravel, humus, or any other
9 material through which percolation into the channel or cave may occur.

10 2. A person [shall not] commits the offense of polluting cave or
11 subsurface waters if he or she purposely [introduce] introduces into any
12 cave, cave system, sinkhole or subsurface waters of the state any substance or
13 structure that will or could violate any provision of the Missouri clean water law
14 as set forth in chapter [204] 644, or any water quality standard or effluent
15 limitation promulgated pursuant thereto.

16 [2.] 3. The provisions of [subsection 1 of] this section do not apply:

17 (1) Where natural subsurface drainage systems including, without
18 limitation, caves, cave systems, sinkholes, fissures and related openings are used
19 for purposes of storm water drainage, artificial recharge of aquifers, and
20 irrigation return flow, and where modifications of natural drainage systems are
21 made for purposes of improving natural drainage relationships; or

22 (2) To vertical or horizontal underground mining operations.

23 [3.] 4. No additional appropriations may be made for the enforcement of
24 [sections 578.200 to 578.225] this section.

25 5. The offense of polluting cave or subsurface waters is a class
26 A misdemeanor.

569.140. 1. A person commits the [crime] offense of trespass in the first
2 degree if he or she knowingly enters unlawfully or knowingly remains unlawfully
3 in a building or inhabitable structure or upon real property.

4 2. A person does not commit the [crime] offense of trespass in the first
5 degree by entering or remaining upon real property unless the real property is
6 fenced or otherwise enclosed in a manner designed to exclude intruders or as to

7 which notice against trespass is given by:

8 (1) Actual communication to the actor; or

9 (2) Posting in a manner reasonably likely to come to the attention of
10 intruders.

11 3. **The offense of** trespass in the first degree is a class B misdemeanor.

569.145. In addition to the posting of real property as set forth in section
2 569.140, the owner or lessee of any real property may post the property by placing
3 identifying purple marks on trees or posts around the area to be posted. Each
4 purple mark shall be:

5 (1) A vertical line of at least eight inches in length and the bottom of the
6 mark shall be no less than three feet nor more than five feet high. Such marks
7 shall be placed no more than one hundred feet apart and shall be readily visible
8 to any person approaching the property; or

9 (2) A post capped or otherwise marked on at least its top two inches. The
10 bottom of the cap or mark shall be not less than three feet but not more than five
11 feet six inches high. Posts so marked shall be placed not more than thirty-six
12 feet apart and shall be readily visible to any person approaching the
13 property. Prior to applying a cap or mark which is visible from both sides of a
14 fence shared by different property owners or lessees, all such owners or lessees
15 shall concur in the decision to post their own property. [Property so posted is to
16 be considered posted for all purposes, and any unauthorized entry upon the
17 property is trespass in the first degree, and a class B misdemeanor] **Posting in**
18 **such a manner shall be found to be reasonably likely to come to the**
19 **attention of intruders for the purposes of section 569.140.**

569.150. 1. A person commits [the offense of] trespass in the second
2 degree if he **or she** enters unlawfully upon real property of another. This is an
3 offense of absolute liability.

4 2. Trespass in the second degree is an infraction.

569.155. 1. A person commits the [crime] **offense** of trespass of a school
2 bus if he **or she** knowingly and unlawfully enters any part of or unlawfully
3 operates any school bus.

4 2. [Trespass of a school bus is a class A misdemeanor.

5 3.] For the purposes of this section, the terms "unlawfully enters" and
6 "unlawfully operates" refer to any entry or operation of a school bus which is not:

7 (1) Approved of and established in a school district's written policy on
8 access to school buses; or

9 (2) Authorized by specific written approval of the school board.

10 [4.] 3. In order to preserve the public order, any district which adopts the
11 policies described in subsection [3] 2 of this section shall establish and enforce
12 a student behavior policy for students on school buses.

13 **4. The offense of trespass of a school bus is a class A
14 misdemeanor.**

569.160. 1. A person commits the [crime] **offense** of burglary in the first
2 degree if he **or she** knowingly enters unlawfully or knowingly remains unlawfully
3 in a building or inhabitable structure for the purpose of committing [a crime] **an**
4 **offense** therein, and when in effecting entry or while in the building or
5 inhabitable structure or in immediate flight therefrom, [he] **the person** or
6 another participant in the [crime] **offense**:

7 (1) Is armed with explosives or a deadly weapon or;

8 (2) Causes or threatens immediate physical injury to any person who is
9 not a participant in the crime; or

10 (3) There is present in the structure another person who is not a
11 participant in the crime.

12 2. **The offense of** burglary in the first degree is a class B felony.

569.170. 1. A person commits the [crime] **offense** of burglary in the
2 second degree when he **or she** knowingly enters unlawfully or knowingly remains
3 unlawfully in a building or inhabitable structure for the purpose of committing
4 a crime therein.

5 2. **The offense of** burglary in the second degree is a class [C] D felony.

569.180. 1. A person commits the [crime] **offense** of possession of
2 burglar's tools if he **or she** possesses any tool, instrument or other article
3 adapted, designed or commonly used for committing or facilitating offenses
4 involving forcible entry into premises, with a purpose to use or knowledge that
5 some person has the purpose of using the same in making an unlawful forcible
6 entry into a building or inhabitable structure or a room thereof.

7 2. **The offense of** possession of burglar's tools is a class [D] E felony.

570.010. As used in this chapter, **the following terms mean:**

2 (1) "Adulterated" [means], varying from the standard of composition or
3 quality prescribed by statute or lawfully promulgated administrative regulations
4 of this state lawfully filed, or if none, as set by commercial usage;

5 (2) "Appropriate" [means], to take, obtain, use, transfer, conceal [or],
6 retain [possession of] **or dispose**;

7 (3) "Cable television service", includes microwave television
8 transmission from a multipoint distribution service not capable of
9 reception by conventional television receivers without the use of
10 special equipment;

11 (4) "Check", a check or other similar sight order or any other
12 form of presentment involving the transmission of account information
13 for the payment of money;

14 (5) "Coercion" [means], a threat, however communicated:

15 (a) To commit any [crime] offense; or

16 (b) To inflict physical injury in the future on the person threatened or
17 another; or

18 (c) To accuse any person of any [crime] offense; or

19 (d) To expose any person to hatred, contempt or ridicule; or

20 (e) To harm the credit or business [repute] reputation of any person; or

21 (f) To take or withhold action as a public servant, or to cause a public
22 servant to take or withhold action; or

23 (g) To inflict any other harm which would not benefit the actor. A threat
24 of accusation, lawsuit or other invocation of official action is **justified and** not
25 coercion if the property sought to be obtained by virtue of such threat was
26 honestly claimed as restitution or indemnification for harm done in the
27 circumstances to which the accusation, exposure, lawsuit or other official action
28 relates, or as compensation for property or lawful service. The defendant shall
29 have the burden of injecting the issue of justification as to any threat;

30 [(4)] (6) "Credit device" [means], a writing, **card, code**, number or other
31 device purporting to evidence an undertaking to pay for property or services
32 delivered or rendered to or upon the order of a designated person or bearer;

33 [(5)] (7) "Dealer" [means], a person in the business of buying and selling
34 goods;

35 [(6)] (8) "Debit device" [means], a **writing**, card, code, number or other
36 device, other than a check, draft or similar paper instrument, by the use of which
37 a person may initiate an electronic fund transfer, including but not limited to
38 devices that enable electronic transfers of benefits to public assistance recipients;

39 [(7)] (9) "Deceit or deceive" [means purposesly], making a
40 representation which is false and which the actor does not believe to be true and
41 upon which the victim relies, as to a matter of fact, law, value, intention or other
42 state of mind, **or concealing a material fact as to the terms of a contract**

43 **or agreement.** The term "deceit" does not, however, include falsity as to matters
44 having no pecuniary significance, or puffing by statements unlikely to deceive
45 ordinary persons in the group addressed. Deception as to the actor's intention to
46 perform a promise shall not be inferred from the fact alone that he did not
47 subsequently perform the promise;

48 **[(8)] (10) "Deprive" [means]:**

- 49 (a) To withhold property from the owner permanently; or
- 50 (b) To restore property only upon payment of reward or other
51 compensation; or
- 52 (c) To use or dispose of property in a manner that makes recovery of the
53 property by the owner unlikely;

54 **(11) "Electronic benefits card" or "EBT card", a debit card used
55 to access food stamps or cash benefits issued by the department of
56 social services;**

57 **(12) "Financial institution", a bank, trust company, savings and
58 loan association, or credit union;**

59 **(13) "Food stamps", the nutrition assistance program in Missouri
60 that provides food and aid to low-income individuals who are in need
61 of benefits to purchase food operated by the United States Department
62 of Agriculture (USDA) in conjunction with the department of social
63 services;**

64 **(14) "Forcibly steals", a person, in the course of stealing, uses or
65 threatens the immediate use of physical force upon another person for
66 the purpose of:**

- 67 (a) Preventing or overcoming resistance to the taking of the
68 property or to the retention thereof immediately after the taking; or
- 69 (b) Compelling the owner of such property or another person to
70 deliver up the property or to engage in other conduct which aids in the
71 commission of the theft;

72 **(15) "Means of identification", anything used by a person as a
73 means to uniquely distinguish himself or herself;**

74 **(16) "Merchant", a person who deals in goods of the kind or
75 otherwise by his or her occupation holds oneself out as having
76 knowledge or skill peculiar to the practices or goods involved in the
77 transaction or to whom such knowledge or skill may be attributed by
78 his or her employment of an agent or broker or other intermediary who**

79 **by his or her occupation holds oneself out as having such knowledge or
80 skill;**

81 [(9)] **(17)** "Mislabeled" [means], varying from the standard of truth or
82 disclosure in labeling prescribed by statute or lawfully promulgated
83 administrative regulations of this state lawfully filed, or if none, as set by
84 commercial usage; or represented as being another person's product, though
85 otherwise accurately labeled as to quality and quantity;

86 [(10) "New and unused property" means tangible personal property that
87 has never been used since its production or manufacture and is in its original
88 unopened package or container if such property was packaged;

89 (11) "Of another" property or services is that "of another" if any natural
90 person, corporation, partnership, association, governmental subdivision or
91 instrumentality, other than the actor, has a possessory or proprietary interest
92 therein, except that property shall not be deemed property of another who has
93 only a security interest therein, even if legal title is in the creditor pursuant to
94 a conditional sales contract or other security arrangement;

95 [(12)] **(18)** "Pharmacy", **any building, warehouse, physician's
96 office, hospital, pharmaceutical house or other structure used in whole
97 or in part for the sale, storage, or dispensing of any controlled
98 substance as defined in chapter 195;**

99 (19) "Property" [means], anything of value, whether real or personal,
100 tangible or intangible, in possession or in action, and shall include but not be
101 limited to the evidence of a debt actually executed but not delivered or issued as
102 a valid instrument;

103 [(13) "Receiving" means acquiring possession, control or title or lending
104 on the security of the property;

105 [(14)] **(20)** "Public assistance benefits", anything of value,
106 including money, food, EBT cards, food stamps, commodities, clothing,
107 utilities, utilities payments, shelter, drugs and medicine, materials,
108 goods, and any service including institutional care, medical care, dental
109 care, child care, psychiatric and psychological service, rehabilitation
110 instruction, training, transitional assistance, or counseling, received by
111 or paid on behalf of any person under chapters 198, 205, 207, 208, 209,
112 and 660, or benefits, programs, and services provided or administered
113 by the Missouri department of social services or any of its divisions;

114 (21) "Services" includes transportation, telephone, electricity, gas, water,

115 or other public service, **cable television service**, accommodation in hotels,
116 restaurants or elsewhere, admission to exhibitions and use of vehicles;

117 **(22) "Stealing-related offense", federal and state violations of**
118 **criminal statutes against stealing, robbery, or buying or receiving**
119 **stolen property and shall also include municipal ordinances against the**
120 **same if the offender was either represented by counsel or knowingly**
121 **waived counsel in writing and the judge accepting the plea or making**
122 **the findings was a licensed attorney at the time of the court**
123 **proceedings;**

124 [(15)] **(23) "Writing"** includes printing, any other method of recording
125 information, money, coins, negotiable instruments, tokens, stamps, seals, credit
126 cards, badges, trademarks and any other symbols of value, right, privilege or
127 identification.

570.020. For the purposes of this chapter, the value of property shall be
2 ascertained as follows:

3 (1) Except as otherwise specified in this section, "value" means the market
4 value of the property at the time and place of the crime, or if such cannot be
5 satisfactorily ascertained, the cost of replacement of the property within a
6 reasonable time after the crime. If the victim is a merchant, [as defined in
7 section 400.2-104,] and the property is a type that the merchant sells in the
8 ordinary course of business, then the property shall be valued at the price that
9 such merchant would normally sell such property;

10 (2) Whether or not they have been issued or delivered, certain written
11 instruments, not including those having a readily ascertainable market value
12 such as some public and corporate bonds and securities, shall be evaluated as
13 follows:

14 (a) The value of an instrument constituting evidence of debt, such as a
15 check, draft or promissory note, shall be deemed the amount due or collectible
16 thereon or thereby, such figure ordinarily being the face amount of the
17 indebtedness less any portion thereof which has been satisfied;

18 (b) The value of any other instrument which creates, releases, discharges
19 or otherwise affects any valuable legal right, privilege or obligation shall be
20 deemed the greatest amount of economic loss which the owner of the instrument
21 might reasonably suffer by virtue of the loss of the instrument;

22 (3) When the value of property cannot be satisfactorily ascertained
23 pursuant to the standards set forth in subdivisions (1) and (2) of this section, its

24 value shall be deemed to be an amount less than [five] **seven** hundred **fifty**
25 dollars.

[569.020.] **570.023.** 1. A person commits the [crime] **offense** of robbery
2 in the first degree [when] if he **or she** forcibly steals property and in the course
3 thereof he **or she**, or another participant in the [crime,] **offense**:

- 4 (1) Causes serious physical injury to any person; or
- 5 (2) Is armed with a deadly weapon; or
- 6 (3) Uses or threatens the immediate use of a dangerous instrument
7 against any person; or
- 8 (4) Displays or threatens the use of what appears to be a deadly weapon
9 or dangerous instrument; **or**
- 10 (5) **Steals any controlled substance from a pharmacy.**

11 2. **The offense of** robbery in the first degree is a class A felony.

[569.030.] **570.025.** 1. A person commits the [crime] **offense** of robbery
2 in the second degree [when] if he **or she** forcibly steals property **and in the**
3 **course thereof causes physical injury to another person.**

4 2. **The offense of** robbery in the second degree is a class [B] C felony.
5 570.030. 1. A person commits the [crime] **offense** of stealing if he or she:
6 (1) Appropriates property or services of another with the purpose to
7 deprive him or her thereof, either without his or her consent or by means of deceit
8 or coercion; **or**
9 (2) **Attempts to appropriate anhydrous ammonia or liquid**
10 **nitrogen of another with the purpose to deprive him or her thereof,**
11 **either without his or her consent or by means of deceit or coercion; or**
12 (3) **For the purpose of depriving the owner of a lawful interest**
13 **therein, receives, retains or disposes of property of another knowing**
14 **that it has been stolen, or believing that it has been stolen.**

15 2. [Evidence of the following is admissible in any criminal prosecution
16 pursuant to this section on the issue of the requisite knowledge or belief of the
17 alleged stealer:

- 18 (1) That he or she failed or refused to pay for property or services of a
19 hotel, restaurant, inn or boardinghouse;
- 20 (2) That he or she gave in payment for property or services of a hotel,
21 restaurant, inn or boardinghouse a check or negotiable paper on which payment
22 was refused;
- 23 (3) That he or she left the hotel, restaurant, inn or boardinghouse with

20 the intent to not pay for property or services;
21 (4) That he or she surreptitiously removed or attempted to remove his or
22 her baggage from a hotel, inn or boardinghouse;

23 (5) That he or she, with intent to cheat or defraud a retailer, possesses,
24 uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales
25 receipt, price tag, or universal price code label, or possesses with intent to cheat
26 or defraud, the device that manufactures fraudulent receipts or universal price
27 code labels.

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

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

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

34 (3) The property appropriated consists of:

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

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

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

38 (d) Any firearms; or

39 (e) Any explosive weapon as defined in section 571.010; or

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

42 (g) Any original copy of an act, bill or resolution, introduced or acted upon
43 by the legislature of the state of Missouri; or

44 (h) Any pleading, notice, judgment or any other record or entry of any
45 court of this state, any other state or of the United States; or

46 (i) Any book of registration or list of voters required by chapter 115; or

47 (j) Any animal considered livestock as that term is defined in section
48 144.010; or

49 (k) Live fish raised for commercial sale with a value of seventy-five
50 dollars; or

51 (l) Captive wildlife held under permit issued by the conservation
52 commission; or

53 (m) Any controlled substance as defined by section 195.010; or

54 (n) Anhydrous ammonia;

55 (o) Ammonium nitrate; or

56 (p) Any document of historical significance which has fair market value
57 of five hundred dollars or more.

58 4. Notwithstanding any other provision of law, stealing of any animal
59 considered livestock, as that term is defined in section 144.010, is a class B felony
60 if the value of the livestock exceeds ten thousand dollars.

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

70 6. The theft of any item of property or services pursuant to subsection 3
71 of this section which exceeds five hundred dollars may be considered a separate
72 felony and may be charged in separate counts.

73 7. Any person with a prior conviction of paragraph (j) or (l) of subdivision
74 (3) of subsection 3 of this section and who violates the provisions of paragraph (j)
75 or (l) of subdivision (3) of subsection 3 of this section when the value of the
76 animal or animals stolen exceeds three thousand dollars is guilty of a class B
77 felony. Notwithstanding any provision of law to the contrary, such person shall
78 serve a minimum prison term of not less than eighty percent of his or her
79 sentence before he or she is eligible for probation, parole, conditional release, or
80 other early release by the department of corrections.

81 8. Any offense in which the value of property or services is an element is
82 a class B felony if the value of the property or services equals or exceeds
83 twenty-five thousand dollars.

84 9. Any violation of this section for which no other penalty is specified in
85 this section is a class A misdemeanor.] **The offense of stealing is a class A**
felony if the property appropriated consists of any of the following
containing any amount of anhydrous ammonia: a tank truck, tank
trailer, rail tank car, bulk storage tank, field nurse, field tank or field
applicator.

90 **3. The offense of stealing is a class B felony if:**

91 **(1) The property appropriated or attempted to be appropriated**

92 consists of any amount of anhydrous ammonia or liquid nitrogen;

93 (2) The property consists of any animal considered livestock as
94 the term livestock is defined in section 144.010, or any captive wildlife
95 held under permit issued by the conservation commission, and the
96 value of the animal or animals stolen exceeds three thousand dollars
97 and that person has previously been found guilty of stealing any animal
98 considered livestock or captive wildlife held under permit issued by the
99 conservation commission. Notwithstanding any provision of law to the
100 contrary, such person shall serve a minimum prison term of not less
101 than eighty percent of his or her sentence before he or she is eligible
102 for probation, parole, conditional release, or other early release by the
103 department of corrections;

104 (3) A person appropriates property consisting of a motor vehicle,
105 watercraft, or aircraft, and that person has previously pleaded guilty
106 to or been found guilty of two stealing-related offenses committed on
107 two separate occasions where such offenses occurred within ten years
108 of the date of occurrence of the present offense; or

109 (4) The property appropriated or attempted to be appropriated
110 consists of any animal considered livestock as the term is defined in
111 section 144.010 if the value of the livestock exceeds ten thousand
112 dollars.

113 4. The offense of stealing is a class C felony if the value of the
114 property or services appropriated is twenty-five thousand dollars or
115 more.

116 5. The offense of stealing is a class D felony if:

117 (1) The value of the property or services appropriated is seven
118 hundred fifty dollars or more; or

119 (2) The offender physically takes the property appropriated from
120 the person of the victim; or

121 (3) The property appropriated consists of:

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

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

124 (c) Any credit device, debit device or letter of credit; or

125 (d) Any firearms; or

126 (e) Any explosive weapon as defined in section 571.010; or

127 (f) Any United States national flag designed, intended and used

128 for display on buildings or stationary flagstaffs in the open; or
129 (g) Any original copy of an act, bill or resolution, introduced or
130 acted upon by the legislature of the state of Missouri; or
131 (h) Any pleading, notice, judgment or any other record or entry
132 of any court of this state, any other state or of the United States; or
133 (i) Any book of registration or list of voters required by chapter
134 115; or
135 (j) Any animal considered livestock as that term is defined in
136 section 144.010; or
137 (k) Any live fish raised for commercial sale with a value of
138 seventy-five dollars or more; or
139 (l) Any captive wildlife held under permit issued by the
140 conservation commission; or
141 (m) Any controlled substance as defined by section 195.010; or
142 (n) Ammonium nitrate; or
143 (o) Any wire, electrical transformer, metallic wire associated
144 with transmitting telecommunications, or any other device or pipe that
145 is associated with conducting electricity or transporting natural gas or
146 other combustible fuels; or
147 (p) Any material appropriated with the intent to use such
148 material to manufacture, compound, produce, prepare, test or analyze
149 amphetamine or methamphetamine or any of their analogues.

150 6. The offense of stealing is a class E felony if:

151 (1) The property appropriated is an animal; or

152 (2) A person has been previously found guilty of three stealing-
153 related offenses committed on three separate occasions where such
154 offenses occurred within ten years of the date of occurrence of the
155 present offense, and the person received a sentence of ten days or more
156 on such previous offenses.

157 7. The offense of stealing is a class D misdemeanor if the
158 property is not of a type listed in subsection 2, 3, 5, or 6 of this section
159 and the property appropriated has a value of less than one hundred
160 fifty dollars and the person has no previous findings of guilt for a
161 stealing-related offense.

162 8. The offense of stealing is a class A misdemeanor if no other
163 penalty is specified in this section.

164 **9. If a violation of this section is subject to enhanced punishment
165 based on prior findings of guilt, such findings of guilt shall be pleaded
166 and proven in the same manner as required by section 558.021.**

167 **10. The appropriation of any property or services of a type listed
168 in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred
169 fifty dollars or more may be considered a separate felony and may be
170 charged in separate counts.**

171 **11. The value of property or services appropriated pursuant to
172 one scheme or course of conduct, whether from the same or several
173 owners and whether at the same or different times, constitute a single
174 criminal episode and may be aggregated in determining the grade of
175 the offense, except as set forth in subsection 10 of this section.**

2 **570.039. A person who appropriates cable television service shall
not be deemed to have stolen that service within the meaning of section
3 570.030, if a cable television company either:**

4 **(1) Provides unsolicited cable television service; or
5 (2) Fails to change or disconnect cable television service within
6 ten days after receiving written notice to do so by the customer. The
7 customer may deem such service to be a gift without any obligation to
8 the cable television company from ten days after such written notice is
9 received until the service is changed or disconnected.**

1 **[578.075.] 570.053. 1. A person [who] commits the offense of feigned
2 blindness if he or she simulates blindness or pretends to be a blind person
3 with the purpose of obtaining something of value from another person by deceit
4 [commits the offense of feigned blindness].**

5 **2. The offense of feigned blindness is a class A misdemeanor.**

1 **[578.150.] 570.057. 1. A person commits the [crime] offense of stealing
2 leased or rented property if, with the intent to deprive the owner thereof, such
3 person:**

4 **(1) Purposefully fails to return leased or rented personal property to the
5 place and within the time specified in an agreement in writing providing for the
6 leasing or renting of such personal property;**

7 **(2) Conceals or aids or abets the concealment of the property from the
8 owner;**

9 **(3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the
10 leased or rented property or any part thereof, without the written consent of the**

11 lessor, or without informing the person to whom the property is transferred to
12 that the property is subject to a lease;

13 (4) Returns the property to the lessor at the end of the lease term, plus
14 any agreed upon extensions, but does not pay the lease charges agreed upon in
15 the written instrument, with the intent to wrongfully deprive the lessor of the
16 agreed upon charges.

17 2. The provisions of this section shall apply to all forms of leasing and
18 rental agreements, including, but not limited to, contracts which provide the
19 consumer options to buy the leased or rented personal property, lease-purchase
20 agreements and rent-to-own contracts. For the purpose of determining if a
21 violation of this section has occurred, leasing contracts which provide options to
22 buy the merchandise are owned by the owner of the property until such time as
23 the owner endorses the sale and transfer of ownership of the leased property to
24 the lessee.

25 3. Evidence that a lessee used a false, fictitious, or not current name,
26 address, or place of employment in obtaining the property or that a lessee fails
27 or refuses to return the property or pay the lease charges to the lessor within
28 seven days after written demand for the return has been sent by certified mail,
29 return receipt requested, to the address the person set forth in the lease
30 agreement, or in the absence of the address, to the person's last known place of
31 residence, shall be evidence of intent to violate the provisions of this section,
32 except that if a motor vehicle has not been returned within seventy-two hours
33 after the expiration of the lease or rental agreement, such failure to return the
34 motor vehicle shall be *prima facie* evidence of the intent of the crime of stealing
35 leased or rented property. Where the leased or rented property is a motor
36 vehicle, if the motor vehicle has not been returned within seventy-two hours after
37 the expiration of the lease or rental agreement, the lessor may notify the local law
38 enforcement agency of the failure of the lessee to return such motor vehicle, and
39 the local law enforcement agency shall cause such motor vehicle to be put into
40 any appropriate state and local computer system listing stolen motor
41 vehicles. Any law enforcement officer which stops such a motor vehicle may seize
42 the motor vehicle and notify the lessor that he may recover such motor vehicle
43 after it is photographed and its vehicle identification number is recorded for
44 evidentiary purposes. Where the leased or rented property is not a motor vehicle,
45 if such property has not been returned within the seven-day period prescribed in
46 this subsection, the owner of the property shall report the failure to return the

47 property to the local law enforcement agency, and such law enforcement agency
48 may within five days notify the person who leased or rented the property that
49 such person is in violation of this section, and that failure to immediately return
50 the property may subject such person to arrest for the violation.

51 4. This section shall not apply if such personal property is a vehicle and
52 such return is made more difficult or expensive by a defect in such vehicle which
53 renders such vehicle inoperable, if the lessee shall notify the lessor of the location
54 of such vehicle and such defect before the expiration of the lease or rental
55 agreement, or within ten days after proper notice.

56 5. Any person who has leased or rented personal property of another who
57 destroys such property so as to avoid returning it to the owner [shall be guilty]
58 **commits the offense** of property damage pursuant to section 569.100 or
59 569.120, in addition to being in violation of this section.

60 6. Venue shall lie in the county where the personal property was
61 originally rented or leased.

62 7. **The offense of** stealing leased or rented property is a class A
63 misdemeanor unless the property involved has a value of [one thousand] **seven**
64 **hundred fifty** dollars or more, in which case stealing leased or rented property
65 is a class **[C] D** felony.

570.070. 1. A person does not commit an offense under section 570.030
2 if, at the time of the appropriation, he **or she**:

3 (1) Acted in the honest belief that he had the right to do so; or
4 (2) Acted in the honest belief that the owner, if present, would have
5 consented to the appropriation.

6 2. The defendant shall have the burden of injecting the issue of claim of
7 right.

570.085. 1. A person commits the **[crime]** **offense** of alteration or
2 removal of item numbers if he **or she**, with the purpose of depriving the owner
3 of a lawful interest therein:

4 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be
5 destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's
6 original serial number or other distinguishing owner-applied number or mark, on
7 any item which bears a serial number attached by the manufacturer or
8 distinguishing number or mark applied by the owner of the item, for any reason
9 whatsoever;

10 (2) Sells, offers for sale, pawns or uses as security for a loan, any item on

11 which the manufacturer's original serial number or other distinguishing
12 owner-applied number or mark has been destroyed, removed, covered, concealed,
13 altered, or defaced; or

14 (3) Buys, receives as security for a loan or in pawn, or in any manner
15 receives or has in his possession any item on which the manufacturer's original
16 serial number or other distinguishing owner-applied number or mark has been
17 destroyed, removed, covered, concealed, altered, or defaced.

18 2. **The offense of** alteration or removal of item numbers is a class [D]
19 E felony if the value of the item or items in the aggregate is [five] seven hundred
20 fifty dollars or more[. If the value of the item or items in the aggregate is less
21 than five hundred dollars, then]; **otherwise** it is a class B misdemeanor.

570.090. 1. A person commits the [crime] **offense** of forgery if, with the
2 purpose to defraud, the person:

3 (1) Makes, completes, alters or authenticates any writing so that it
4 purports to have been made by another or at another time or place or in a
5 numbered sequence other than was in fact the case or with different terms or by
6 authority of one who did not give such authority; or

7 (2) Erases, obliterates or destroys any writing; or

8 (3) Makes or alters anything other than a writing, including receipts and
9 universal product codes, so that it purports to have a genuineness, antiquity,
10 rarity, ownership or authorship which it does not possess; or

11 (4) Uses as genuine, or possesses for the purpose of using as genuine, or
12 transfers with the knowledge or belief that it will be used as genuine, any writing
13 or other thing including receipts and universal product codes, which the [actor]
14 **person** knows has been made or altered in the manner described in this section.

15 2. **The offense of** forgery is a class [C] D felony.

570.100. 1. A person commits the [crime] **offense** of possession of a
2 forging instrumentality if, with the purpose of committing forgery, he **or she**
3 makes, causes to be made or possesses any plate, mold, instrument or device for
4 making or altering any writing or anything other than a writing.

5 2. **The offense of** possession of a forging instrumentality is a class [C]
6 D felony.

570.103. 1. As used in this section and section 570.105, the following
2 words mean:

3 (1) "Counterfeit mark", any unauthorized reproduction or copy of
4 intellectual property or intellectual property affixed to any item knowingly sold,

5 offered for sale, manufactured, or distributed, or identifying services offered or
6 rendered, without the authority of the owner of the intellectual property;

7 (2) "Intellectual property", any trademark, service mark, trade name,
8 label, term, device, design, or word adopted or used by a person to identify such
9 person's goods or services;

10 (3) "Retail value", the counterfeiter's regular selling price for the item or
11 service bearing or identified by the counterfeit mark. In the case of items bearing
12 a counterfeit mark which are components of a finished product, the retail value
13 shall be the counterfeiter's regular selling price of the finished product on or in
14 which the component would be utilized.

15 2. [Any] A person [who] **commits the offense of counterfeiting if he**
16 **or she** willfully manufactures, uses, displays, advertises, distributes, offers for
17 sale, sells, or possesses [with intent to sell or distribute] **for the purpose of**
18 **selling or distributing** any item, or services, bearing or identified by a
19 counterfeit mark[, shall be guilty of the crime of counterfeiting]. A person having
20 possession, custody or control of more than twenty-five items bearing a
21 counterfeit mark shall be presumed to possess said items [with intent to sell or
22 distribute] **for the purpose of selling or distributing**.

23 3. **The offense of** counterfeiting [shall be] is a class A misdemeanor,
24 except as provided in subsections 4 and 5 of this section.

25 4. **The offense of** counterfeiting [shall be] is a class [D] E felony if:

26 (1) The defendant has previously been convicted under this section; or
27 (2) The violation involves more than one hundred but fewer than one
28 thousand items bearing a counterfeit mark or the total retail value of all items
29 bearing, or services identified by, a counterfeit mark is **seven hundred fifty**
30 **dollars or** more [than one thousand dollars, but less than ten thousand dollars].

31 5. **The offense of** counterfeiting [shall be] is a class [C] D felony if:

32 (1) The defendant has been previously convicted of two or more offenses
33 under this section;

34 (2) The violation involves the manufacture or production of items bearing
35 counterfeit marks; or

36 (3) The violation involves one thousand or more items bearing a
37 counterfeit mark or the total retail value of all items bearing, or services
38 identified by, a counterfeit mark is **twenty-five thousand dollars or** more
39 [than ten thousand dollars].

40 6. For purposes of this section, the quantity or retail value of items or

41 services shall include the aggregate quantity or retail value of all items bearing,
42 or services identified by, every counterfeit mark the defendant manufactures,
43 uses, displays, advertises, distributes, offers for sale, sells or possesses.

44 7. [Any person convicted of counterfeiting shall be fined an amount up to
45 three times the retail value of the items bearing, or services identified by, a
46 counterfeit mark, unless extenuating circumstances are shown by the defendant.

47 8.] The remedies provided for herein shall be cumulative to the other civil
48 remedies provided by law.

49 [9.] 8. Any state or federal certificate of registration of any intellectual
50 property shall be *prima facie* evidence of the facts stated therein.

570.110. 1. A person commits the [crime] **offense** of issuing a false
2 instrument or certificate when, being authorized by law to take proof or
3 acknowledgment of any instrument which by law may be recorded, or being
4 authorized by law to make or issue official certificates or other official written
5 instruments, he **or she** issues such an instrument or certificate, or makes the
6 same with the purpose that it be issued, knowing:

- 7 (1) That it contains a false statement or false information; or
8 (2) That it is wholly or partly blank.

9 2. **The offense of** issuing a false instrument or certificate is a class A
10 misdemeanor.

570.120. 1. A person commits the [crime] **offense** of passing a bad check
2 when **he or she**:

3 (1) With **the** purpose to defraud, [the person] makes, issues or passes a
4 check or other similar sight order or any other form of presentment involving the
5 transmission of account information for the payment of money, knowing that it
6 will not be paid by the drawee, or that there is no such drawee; or

7 (2) [The person] Makes, issues, or passes a check or other similar sight
8 order or any other form of presentment involving the transmission of account
9 information for the payment of money, knowing that there are insufficient funds
10 in or on deposit with that account for the payment of such check, sight order, or
11 other form of presentment involving the transmission of account information in
12 full and all other checks, sight orders, or other forms of presentment involving the
13 transmission of account information upon such funds then outstanding, or that
14 there is no such account or no drawee and fails to pay the check or sight order or
15 other form of presentment involving the transmission of account information
16 within ten days after receiving actual notice in writing that it has not been paid

17 because of insufficient funds or credit with the drawee or because there is no such
18 drawee.

19 2. As used in subdivision (2) of subsection 1 of this section, "actual notice
20 in writing" means notice of the nonpayment which is actually received by the
21 defendant. Such notice may include the service of summons or warrant upon the
22 defendant for the initiation of the prosecution of the check or checks which are
23 the subject matter of the prosecution if the summons or warrant contains
24 information of the ten-day period during which the instrument may be paid and
25 that payment of the instrument within such ten-day period will result in
26 dismissal of the charges. The requirement of notice shall also be satisfied for
27 written communications which are tendered to the defendant and which the
28 defendant refuses to accept.

29 3. The face amounts of any bad checks passed pursuant to one course of
30 conduct within any ten-day period may be aggregated in determining the grade
31 of the offense.

32 4. **The offense of** passing bad checks is a class A misdemeanor, unless:

33 (1) The face amount of the check or sight order or the aggregated amounts
34 is [five] **seven** hundred **fifty** dollars or more; or

35 (2) The issuer had no account with the drawee or if there was no such
36 drawee at the time the check or order was issued,

37 in which [cases] **case** passing a bad [checks] **check** is a class [C] E felony.

38 5. In addition to all other costs and fees allowed by law, each prosecuting
39 attorney or circuit attorney who takes any action pursuant to the provisions of
40 this section shall collect from the issuer in such action an administrative
41 handling cost. The cost shall be twenty-five dollars for checks of less than one
42 hundred dollars, and fifty dollars for checks of one hundred dollars but less than
43 two hundred fifty dollars. For checks of two hundred fifty dollars or more an
44 additional fee of ten percent of the face amount shall be assessed, with a
45 maximum fee for administrative handling costs not to exceed seventy-five dollars
46 total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs
47 provided for in this subsection shall be deposited by the county treasurer into the
48 "Administrative Handling Cost Fund", established under section
49 559.100. Notwithstanding any law to the contrary, in addition to the
50 administrative handling cost, the prosecuting attorney or circuit attorney shall
51 collect an additional cost of five dollars per check for deposit to the Missouri office
52 of prosecution services fund established in subsection 2 of section 56.765. All

53 moneys collected pursuant to this section which are payable to the Missouri office
54 of prosecution services fund shall be transmitted at least monthly by the county
55 treasurer to the director of revenue who shall deposit the amount collected
56 pursuant to the credit of the Missouri office of prosecution services fund under
57 the procedure established pursuant to subsection 2 of section 56.765.

58 6. Notwithstanding any other provision of law to the contrary:

59 (1) In addition to the administrative handling costs provided for in
60 subsection 5 of this section, the prosecuting attorney or circuit attorney may
61 collect from the issuer, in addition to the face amount of the check, a reasonable
62 service charge, which along with the face amount of the check, shall be turned
63 over to the party to whom the bad check was issued;

64 (2) If a check that is dishonored or returned unpaid by a financial
65 institution is not referred to the prosecuting attorney or circuit attorney for any
66 action pursuant to the provisions of this section, the party to whom the check was
67 issued, or his or her agent or assignee, or a holder, may collect from the issuer,
68 in addition to the face amount of the check, a reasonable service charge, not to
69 exceed twenty-five dollars, plus an amount equal to the actual charge by the
70 depository institution for the return of each unpaid or dishonored instrument.

71 7. When any financial institution returns a dishonored check to the person
72 who deposited such check, it shall be in substantially the same physical condition
73 as when deposited, or in such condition as to provide the person who deposited
74 the check the information required to identify the person who wrote the check.

570.125. 1. A person commits the [crime] **offense** of ["]fraudulently
2 stopping payment of an instrument["] if he **or she**, [knowingly,] with the purpose
3 to defraud, stops payment on a check [or], draft [given], **or debit device used**
4 in payment for the receipt of goods or services.

5 2. **The offense of** fraudulently stopping payment of an instrument is a
6 class A misdemeanor, unless the face amount of the check or draft is [five] **seven**
7 hundred **fifty** dollars or more or, if the stopping of payment of more than one
8 check or draft is involved in the same course of conduct, the aggregate amount is
9 [five] **seven** hundred **fifty** dollars or more, in which case the offense is a class
10 [D] **E** felony.

11 3. It shall be *prima facie* evidence of a violation of this section if a person
12 stops payment on a check [or], draft, **or debit device** and fails to make good the
13 check [or], draft, **or debit device transaction, or fails to return or make and**
14 comply with reasonable arrangements to return the property for which the check

15 [or], draft, **or debit device** was [given] used in the same or substantially the
16 same condition as when received within ten days after notice in writing from the
17 payee that the check [or], draft, **or debit device transaction** has not been paid
18 because of a stop payment order by the issuer to the drawee.

19 4. "Notice in writing" means notice deposited as certified or registered
20 mail in the United States mail and addressed to the issuer at his address as it
21 appears on the dishonored check [or], draft, **or debit device transaction** or to
22 his last known address. The notice shall contain a statement that failure to make
23 good the check [or], draft, **or debit device transaction** within ten days of
24 receipt of the notice may subject the issuer to criminal prosecution.

570.130. 1. A person commits the [crime] **offense** of fraudulent use of a
2 credit device or debit device if [the person] **he or she** uses a credit device or
3 debit device for the purpose of obtaining services or property, knowing that:

4 (1) The device is stolen, fictitious or forged; or
5 (2) The device has been revoked or canceled; or
6 (3) For any other reason his **or her** use of the device is unauthorized; or
7 (4) Uses a credit device or debit device for the purpose of paying property
8 taxes and knowingly cancels [said] **such** charges or payment without just cause.
9 It shall be prima facie evidence of a violation of this section if a person cancels
10 [said] **such** charges or payment after obtaining a property tax receipt to obtain
11 license tags from the Missouri department of revenue.

12 2. **The offense of** fraudulent use of a credit device or debit device is a
13 class A misdemeanor unless the value of the property tax or the value of the
14 property or services obtained or sought to be obtained within any thirty-day
15 period is [five] **seven** hundred **fifty** dollars or more, in which case fraudulent use
16 of a credit device or debit device is a class [D] E felony.

570.135. 1. [No person shall] **A person commits the offense of**
2 **fraudulent procurement of a credit or debit device if he or she:**

3 (1) Knowingly [make or cause] **makes or causes** to be made, directly or
4 indirectly, a false statement regarding another person for the purpose of
5 fraudulently procuring the issuance of a credit [card] or debit [card].

6 2. No person shall willfully obtains personal identifying information]
7 **device; or**

8 (2) **Knowingly obtains a means of identification** of another person
9 without the authorization of that person and [use] **uses** that [information]
10 **means of identification** fraudulently to obtain, or attempt to obtain, credit,

11 goods or services in the name of the other person without the consent of that
12 person.

13 [3. Any person who violates the provisions of subsection 1 or 2 of this
14 section is guilty of a]

15 **2. The offense of fraudulent procurement of a credit or debit
16 device is class A misdemeanor.**

17 [4. As used in this section, "personal identifying information" means the
18 name, address, telephone number, driver's license number, Social Security
19 number, place of employment, employee identification number, mother's maiden
20 name, demand deposit account number, savings account number or credit card
21 number of a person.

22 5.] 3. Notwithstanding [subsections 1 to 4 of] **any other provision of**
23 this section, no corporation, proprietorship, partnership, limited liability
24 company, limited liability partnership or other business entity shall be liable
25 under this section for accepting applications for credit [cards] or debit [cards]
26 **devices** or for the **use of a** credit [cards] or debit [cards] **device** in any [credit
27 or debit] transaction, absent clear and convincing evidence that such business
28 entity conspired with or was a part of the fraudulent procuring of the issuance
29 of a credit [card] or debit [card] **device**.

570.140. 1. A person commits the [crime] **offense** of deceptive business
2 practice if in the course of engaging in a business, occupation or profession, he **or**
3 **she** recklessly:

4 (1) Uses or possesses for use a false weight or measure, or any other
5 device for falsely determining or recording any quality or quantity; or

6 (2) Sells, offers [or exposes], displays for sale, or delivers less than the
7 represented quantity of any commodity or service; or

8 (3) Takes or attempts to take more than the represented quantity of any
9 commodity or service when as buyer he **or she** furnishes the weight or measure;
10 or

11 (4) Sells, offers, or exposes for sale adulterated or mislabeled commodities;
12 or

13 (5) Makes a false or misleading written statement for the purpose of
14 obtaining property or credit; **or**

15 **(6) Promotes the sale of property or services by a false or
16 misleading statement in any advertisement; or**

17 **(7) Advertises in any manner the sale of property or services**

18 **with the purpose not to sell or provide the property or services:**

19 **(a) At the price which he or she offered them; or**

20 **(b) In a quantity sufficient to meet the reasonably expected**
21 **public demand, unless the quantity is specifically stated in the**
22 **advertisement; or**

23 **(c) At all.**

24 **2. The offense of** deceptive business practice is a class A misdemeanor.

570.145. 1. A person commits the [crime] **offense** of financial
2 exploitation of an elderly or disabled person if such person knowingly [by
3 deception, intimidation, undue influence, or force] obtains control over the elderly
4 or disabled person's property with the intent to permanently deprive the elderly
5 or disabled person of the use, benefit or possession of his or her property thereby
6 benefitting [such person] **the offender** or detrimentally affecting the elderly or
7 disabled person[. Financial exploitation of an elderly or disabled person is a class
8 A misdemeanor if the value of the property is less than fifty dollars, a class D
9 felony if the value of the property is fifty dollars but less than five hundred
10 dollars, a class C felony if the value of the property is five hundred dollars but
11 less than one thousand dollars, a class B felony if the value of the property is one
12 thousand dollars but less than fifty thousand dollars, and a class A felony if the
13 value of the property is fifty thousand dollars or more.

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

15 **(1) "Deception", a misrepresentation or concealment of material fact**
16 relating to the terms of a contract or agreement entered into with the elderly or
17 disabled person or to the existing or preexisting condition of any of the property
18 involved in such contract or agreement, or the use or employment of any
19 misrepresentation, false pretense or false promise in order to induce, encourage
20 or solicit the elderly or disabled person to enter into a contract or
21 agreement. Deception includes:

22 **(a) Creating or confirming another person's impression which is false and**
23 which the offender does not believe to be true; or

24 **(b) Failure to correct a false impression which the offender previously has**
25 created or confirmed; or

26 **(c) Preventing another person from acquiring information pertinent to the**
27 disposition of the property involved; or

28 **(d) Selling or otherwise transferring or encumbering property, failing to**
29 disclose a lien, adverse claim or other legal impediment to the enjoyment of the

30 property, whether such impediment is or is not valid, or is or is not a matter of
31 official record; or

32 (e) Promising performance which the offender does not intend to perform
33 or knows will not be performed. Failure to perform standing alone is not
34 sufficient evidence to prove that the offender did not intend to perform;

35 (2) "Disabled person", a person with a mental, physical, or developmental
36 disability that substantially impairs the person's ability to provide adequately for
37 the person's care or protection;

38 (3) "Elderly person", a person sixty years of age or older;

39 (4) "Intimidation", a threat of physical or emotional harm to an elderly or
40 disabled person, or the communication to an elderly or disabled person that he
41 or she will be deprived of food and nutrition, shelter, prescribed medication, or
42 medical care and treatment;

43 (5) "Undue influence", use of influence by someone who exercises authority
44 over an elderly person or disabled person in order to take unfair advantage of
45 that persons's vulnerable state of mind, neediness, pain, or agony. Undue
46 influence includes, but is not limited to, the improper or fraudulent use of a
47 power of attorney, guardianship, conservatorship, or other fiduciary authority]

48 by:

49 (1) **Deceit;**

50 (2) **Coercion;**

51 (3) **Creating or confirming another person's impression which is
52 false and which the offender does not believe to be true;**

53 (4) **Failure to correct a false impression which the offender
54 previously has created or confirmed;**

55 (5) **Preventing another person from acquiring information
56 pertinent to the disposition of the property involved;**

57 (6) **Selling or otherwise transferring or encumbering property,
58 failing to disclose a lien, adverse claim or other legal impediment to the
59 enjoyment of the property, whether such impediment is or is not valid,
60 or is or is not a matter of official record;**

61 (7) **Promising performance which the offender does not intend
62 to perform or knows will not be performed. Failure to perform
63 standing alone is not sufficient evidence to prove that the offender did
64 not intend to perform; or**

65 (8) **Undue influence, which means the use of influence by**

66 **someone who exercises authority over an elderly person or disabled**
67 **person in order to take unfair advantage of that person's vulnerable**
68 **state of mind, neediness, pain, or agony. Undue influence includes, but**
69 **is not limited to, the improper or fraudulent use of a power of attorney,**
70 **guardianship, conservatorship, or other fiduciary authority.**

71 **2. The offense of financial exploitation of an elderly or disabled**
72 **person is a class A misdemeanor unless:**

73 **(1) The value of the property is fifty dollars or more, in which**
74 **case it is a class E felony;**

75 **(2) The value of the property is seven hundred fifty dollars or**
76 **more, in which case it is a class D felony;**

77 **(3) The value of the property is five thousand dollars or more, in**
78 **which case it is a class C felony;**

79 **(4) The value of the property is twenty-five thousand dollars or**
80 **more, in which case it is a class B felony;**

81 **(5) The value of the property is seventy-five thousand dollars or**
82 **more, in which case it is a class A felony.**

83 3. Nothing in this section shall be construed to limit the remedies
84 available to the victim pursuant to any state law relating to domestic violence.

85 4. Nothing in this section shall be construed to impose criminal liability
86 on a person who has made a good faith effort to assist the elderly or disabled
87 person in the management of his or her property, but through no fault of his or
88 her own has been unable to provide such assistance.

89 5. Nothing in this section shall limit the ability to engage in bona fide
90 estate planning, to transfer property and to otherwise seek to reduce estate and
91 inheritance taxes; provided that such actions do not adversely impact the
92 standard of living to which the elderly or disabled person has become accustomed
93 at the time of such actions.

94 6. It shall not be a defense to financial exploitation of an elderly or
95 disabled person that the accused reasonably believed that the victim was not an
96 elderly or disabled person.

97 7. (1) It shall be unlawful in violation of this section for any person
98 receiving or in the possession of funds of a Medicaid-eligible elderly or disabled
99 person residing in a facility licensed under chapter 198 to fail to remit to the
100 facility in which the Medicaid-eligible person resides all money owing the facility
101 resident from any source, including, but not limited to, Social Security, railroad

102 retirement, or payments from any other source disclosed as resident income
103 contained in the records of the department of social services, family support
104 division or its successor. The department of social services, family support
105 division or its successor is authorized to release information from its records
106 containing the resident's income or assets to any prosecuting or circuit attorney
107 in the state of Missouri for purposes of investigating or prosecuting any suspected
108 violation of this section.

109 (2) The prosecuting or circuit attorney of any county containing a facility
110 licensed under chapter 198, who successfully prosecutes a violation of the
111 provisions of this subsection, may request the circuit court of the county in which
112 the offender admits to or is found guilty of a violation, as a condition of sentence
113 and/or probation, to order restitution of all amounts unlawfully withheld from a
114 facility in his or her county. Any order of restitution entered by the court or by
115 agreement shall provide that ten percent of any restitution installment or
116 payment paid by or on behalf of the defendant or defendants shall be paid to the
117 prosecuting or circuit attorney of the county successfully prosecuting the violation
118 to compensate for the cost of prosecution with the remaining amount to be paid
119 to the facility.

570.150. 1. A person commits the [crime] **offense** of commercial bribery
2 **if he or she:**

3 (1) [If he] Solicits, accepts or agrees to accept any benefit as consideration
4 for knowingly violating or agreeing to violate a duty of fidelity [to], which he **or**
5 **she** is subject **to** as:

6 (a) **An** agent or employee of another;

7 (b) **A** trustee, guardian or other fiduciary;

8 (c) **A** lawyer, physician, accountant, appraiser or other professional
9 adviser or informant;

10 (d) **An** officer, director, partner, manager or other participant in the
11 direction of the affairs of an incorporated or unincorporated association; or

12 (e) **An** arbitrator or other purportedly disinterested adjudicator or referee;

13 (2) [If] As a person who holds himself **or herself** out to the public as
14 being engaged in the business of making disinterested selection, appraisal or
15 criticism of commodities or services, [he] solicits, accepts or agrees to accept any
16 benefit to influence his **or her** selection, appraisal or criticism;

17 (3) [If he] Confers or offers or agrees to confer any benefit the acceptance
18 of which would be criminal under subdivisions (1) and (2) of this section.

19 2. **The offense of** commercial bribery is a class A misdemeanor.

570.180. 1. A person commits the [crime] **offense** of defrauding secured
2 creditors if he **or she** destroys, removes, conceals, encumbers, transfers or
3 otherwise deals with property subject to a security interest with purpose to
4 defraud the holder of the security interest.

5 2. **The offense of** defrauding secured creditors is a class A misdemeanor
6 unless the amount remaining to be paid on the secured debt, including interest,
7 is [five] **seven** hundred **fifty** dollars or more, in which case defrauding secured
8 creditors is a class [D] **E** felony.

570.217. 1. A person commits the [crime] **offense** of misapplication of
2 funds of a financial institution if, being an officer, director, agent, or employee of,
3 or connected in any capacity with, any [bank, trust company, savings and loan
4 association, or credit union] **financial institution**, he **or she** embezzles,
5 [abstracts, purloins] **appropriates**, or [willfully] **purposely** misapplies any of
6 the money, funds, or credits of such **financial** institution or any moneys, funds,
7 assets, or securities entrusted to the custody or care of such **financial**
8 institution, or to the custody or care of any such agent, officer, director, employee,
9 or receiver.

10 2. **The offense of** misapplication of funds of a financial institution is a
11 class [C] **E** felony, [but if] **unless** the amount embezzled, [abstracted, purloined]
12 **appropriated**, or misapplied [does not exceed one thousand dollars,] **is seven**
13 **hundred fifty dollars or more, in which case** it is a class D felony.

570.219. 1. A person commits the [crime] **offense** of making false entries
2 in the records of a financial institution if he **or she** makes any false entry in any
3 book, report, or statement of a [bank, trust company, savings and loan
4 association, or credit union] **financial institution** with intent to injure or
5 defraud such [bank, trust company, savings and loan association, or credit union]
6 **financial institution**, or any other [company, body politic or corporate, or any
7 individual person] **entity**, or with intent to deceive any officer or director of [such
8 bank, trust company, savings and loan association, or credit union,] **a financial**
9 **institution** or any agent or examiner appointed to examine the affairs of such
10 [bank, trust company, savings and loan association, or credit union] **financial**
11 **institution**.

12 2. **The offense of** making false entries in the records of a financial
13 institution is a class [C] **D** felony.

570.220. 1. A person commits the [crime] **offense** of check kiting if he[,

2 pursuant to a scheme or artifice] **or she, with intent** to defraud, obtains money
3 from a financial institution by drawing a check against an account in which there
4 [are] is not sufficient collected funds to pay the check and, [as part of the scheme
5 or artifice,] he **or she** purports to cover that check by depositing in such account
6 another check drawn against insufficient collected funds.

7 2. For purposes of this section, the term ["financial institution" shall
8 mean a bank, trust company, savings and loan association, or credit union;
9 "check" shall include any check, draft, negotiable order of withdrawal, or similar
10 instrument used to transfer or withdraw funds held in a deposit account at a
11 financial institution; and the term] "collected funds" [shall mean] **means** that
12 portion of a deposit account representing checks and other credits as to which the
13 depositary has directly and affirmatively verified that final payment has been
14 made or, in the alternative, with respect to checks as to which at least ten
15 business days have elapsed, without return of the checks, since presentation for
16 payment.

17 3. **The offense of** check kiting is a class [C] E felony.

570.223. 1. A person commits the [crime] **offense** of identity theft if he
2 or she knowingly and with the intent to deceive or defraud obtains, possesses,
3 transfers, uses, or attempts to obtain, transfer or use, one or more means of
4 identification not lawfully issued for his or her use.

5 2. [The term "means of identification" as used in this section includes, but
6 is not limited to, the following:

- 7 (1) Social Security numbers;
- 8 (2) Drivers license numbers;
- 9 (3) Checking account numbers;
- 10 (4) Savings account numbers;
- 11 (5) Credit card numbers;
- 12 (6) Debit card numbers;
- 13 (7) Personal identification (PIN) code;
- 14 (8) Electronic identification numbers;
- 15 (9) Digital signatures;
- 16 (10) Any other numbers or information that can be used to access a
17 person's financial resources;
- 18 (11) Biometric data;
- 19 (12) Fingerprints;
- 20 (13) Passwords;

- 21 (14) Parent's legal surname prior to marriage;
22 (15) Passports; or
23 (16) Birth certificates.

24 3. A person found guilty of identity theft shall be punished as follows:

25 (1) Identity theft or attempted identity theft which does not result in the
26 theft or appropriation of credit, money, goods, services, or other property] **The**
27 **offense of identity theft** is a class B misdemeanor[;

28 (2) Identity theft which results in the theft or appropriation of credit,
29 money, goods, services, or other property] **unless the identity theft results in**
30 **the theft or appropriation of credit, money, goods, services, or other**
31 **property:**

32 (1) Not exceeding [five] **seven** hundred **fifty** dollars in value, **in which**
33 **case it** is a class A misdemeanor;

34 [(3) Identity theft which results in the theft or appropriation of credit,
35 money, goods, services, or other property]

36 (2) Exceeding [five] **seven** hundred **fifty** dollars and not exceeding [five]
37 **twenty-five** thousand dollars in value, **in which case it** is a class [C] **D** felony;

38 [(4) Identity theft which results in the theft or appropriation of credit,
39 money, goods, services, or other property]

40 (3) Exceeding [five] **twenty-five** thousand dollars and not exceeding
41 [fifty] **seventy-five** thousand dollars in value, **in which case it** is a class [B]
42 C felony;

43 [(5) Identity theft which results in the theft or appropriation of credit,
44 money, goods, services, or other property]

45 (4) Exceeding [fifty] **seventy-five** thousand dollars in value, **in which**
46 **case it** is a class [A] **B** felony.

47 [4.] 3. In addition to the provisions of subsection [3] **2** of this section, the
48 court may order that the defendant make restitution to any victim of the
49 offense. Restitution may include payment for any costs, including attorney fees,
50 incurred by the victim:

51 (1) In clearing the credit history or credit rating of the victim; and
52 (2) In connection with any civil or administrative proceeding to satisfy any
53 debt, lien, or other obligation of the victim arising from the actions of the
54 defendant.

55 [5.] 4. In addition to the criminal penalties in subsections [3] **2** and [4]
56 3 of this section, any person who commits an act made unlawful by subsection 1

57 of this section shall be liable to the person to whom the identifying information
58 belonged for civil damages of up to five thousand dollars for each incident, or
59 three times the amount of actual damages, whichever amount is greater. A
60 person damaged as set forth in subsection 1 of this section may also institute a
61 civil action to enjoin and restrain future acts that would constitute a violation of
62 subsection 1 of this section. The court, in an action brought under this
63 subsection, may award reasonable attorneys' fees to the plaintiff.

64 [6.] 5. If the identifying information of a deceased person is used in a
65 manner made unlawful by subsection 1 of this section, the deceased person's
66 estate shall have the right to recover damages pursuant to subsection [5] 4 of this
67 section.

68 [7.] 6. Civil actions under this section must be brought within five years
69 from the date on which the identity of the wrongdoer was discovered or
70 reasonably should have been discovered.

71 [8.] 7. Civil action pursuant to this section does not depend on whether
72 a criminal prosecution has been or will be instituted for the acts that are the
73 subject of the civil action. The rights and remedies provided by this section are
74 in addition to any other rights and remedies provided by law.

75 [9.] 8. This section and section 570.224 shall not apply to the following
76 activities:

77 (1) A person obtains the identity of another person to misrepresent his or
78 her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a
79 gaming establishment, or another privilege denied to minors[. Nothing in this
80 subdivision shall affect the provisions of subsection 10 of this section];

81 (2) A person obtains means of identification or information in the course
82 of a bona fide consumer or commercial transaction;

83 (3) A person exercises, in good faith, a security interest or right of offset
84 by a creditor or financial institution;

85 (4) A person complies, in good faith, with any warrant, court order, levy,
86 garnishment, attachment, or other judicial or administrative order, decree, or
87 directive, when any party is required to do so;

88 (5) A person is otherwise authorized by law to engage in the conduct that
89 is the subject of the prosecution.

90 [10. Any person who obtains, transfers, or uses any means of
91 identification for the purpose of manufacturing and providing or selling a false
92 identification card to a person under the age of twenty-one for the purpose of

93 purchasing or obtaining alcohol shall be guilty of a class A misdemeanor.

94 **11.] 9.** Notwithstanding the provisions of subdivision (1) or (2) of
95 subsection [3] **2** of this section, every person who has previously [pled guilty to
96 or] been found guilty of identity theft or attempted identity theft, and who
97 subsequently [pleads guilty to or] is found guilty of identity theft or attempted
98 identity theft of credit, money, goods, services, or other property not exceeding
99 [five hundred] **seven hundred fifty** dollars in value is guilty of a class **[D] E**
100 felony and shall be punished accordingly.

101 **[12.] 10.** The value of property or services is its highest value by any
102 reasonable standard at the time the identity theft is committed. Any reasonable
103 standard includes, but is not limited to, market value within the community,
104 actual value, or replacement value.

105 **13.] 10.** If credit, property, or services are obtained by two or more acts
106 from the same person or location, or from different persons by two or more acts
107 which occur in approximately the same location or time period so that the identity
108 thefts are attributable to a single scheme, plan, or conspiracy, the acts may be
109 considered as a single identity theft and the value may be the total value of all
110 credit, property, and services involved.

570.224. 1. A person commits the **[crime] offense** of trafficking in stolen
2 identities [when such person] **if he or she, for the purpose of committing**
3 **identity theft**, manufactures, sells, transfers, [purchases,] or possesses[,] with
4 intent to sell or transfer means of identification [as defined in subsection 2 of
5 section 570.223, for the purpose of committing identity theft].

6 2. Possession of five or more means of identification of the same person
7 or possession of means of identification of five or more separate persons shall be
8 evidence that the identities are possessed with intent to manufacture, sell, or
9 transfer means of identification for the purpose of committing identity theft. In
10 determining possession of five or more means of identification of the same person,
11 or possession of means of identification of five or more separate persons for the
12 purposes of evidence pursuant to this subsection, the following do not apply:

13 (1) The possession of his or her own identification documents;
14 (2) The possession of the identification documents of a person who has
15 consented to the person at issue possessing his or her identification documents.

16 3. **The offense of** trafficking in stolen identities is a class B felony.

570.225. [No] 1. A person [shall] **commits the offense of**
2 **misappropriation of intellectual property if he or she**, without the consent

3 of the owner[, transfer or cause to be transferred]:

4 **(1) Copies** any sounds recorded on [a phonograph record, disc, wire, tape,
5 film, videocassette or other article or] **any** medium now known or later developed
6 on which sounds are recorded, with the [intent] **purpose** to sell or cause to be
7 sold for profit or used to promote the sale of any article on which sounds are [so]
8 transferred, except that this section shall only apply to sound recordings initially
9 fixed prior to February 15, 1972; or

10 **(2) Records sounds or images of any performance whether live**
11 **before an audience or transmitted by wire or through the air by radio**
12 **or television, with the intent to sell the performance or cause it to be**
13 **sold for profit; or**

14 **(3) Offers for sale, or sells or processes for such purposes any**
15 **article that has been produced in violation of subdivision (1) or (2) of**
16 **subsection 1 of this section, knowing, or having reasonable grounds to**
17 **know, that the sounds or images thereon have been so copied or**
18 **recorded without the consent of the owner; or**

19 **(4) Advertises, rents, sells, offers for rental or sale, or possesses**
20 **for such purposes any medium now known or later developed on which**
21 **sounds or images are recorded if the article's label, cover, box or jacket**
22 **does not contain in clearly readable print the name and address of the**
23 **manufacturer.**

24 **2. This section shall not apply to:**

25 **(1) Any radio or television broadcaster who transfers any such**
26 **sounds as part of, or in connection with, a radio or television broadcast**
27 **transmission or for archival preservation;**

28 **(2) Any person transferring any such sounds at home for his or**
29 **her personal use without any compensation being derived by such**
30 **person or any other person from such transfer;**

31 **(3) Any cable television company that transfers any such sounds**
32 **as part of its regular cable television service.**

33 **3. The offense of misappropriation of intellectual property is a**
34 **class A misdemeanor unless:**

35 **(1) One hundred or more articles were involved; or**

36 **(2) A person is found guilty of violating this section, and that**
37 **person has previously been found guilty of a violation of this section;**
38 **in which case it is a class D felony.**

39 **4. As used in this section, the following terms mean:**

40 **(1) "Audiovisual works", works that consist of a series of related**
41 **images which are intrinsically intended to be shown by the use of**
42 **machines, electronic equipment or other devices, now known or later**
43 **developed, together with accompanying sounds, if any;**

44 **(2) "Manufacturer", the person who transfers or causes to be**
45 **transferred any sounds or images to the particular article, medium,**
46 **recording or other physical embodiment of such sounds or images then**
47 **in issue;**

48 **(3) "Motion pictures", audiovisual works consisting of a series of**
49 **related images which, when shown in succession, impart an impression**
50 **of motion, together with accompanying sounds, if any;**

51 **(4) "Owner", the person who owns the sounds of any performance**
52 **not yet fixed in a medium of expression, or the original fixation of**
53 **sounds embodied in the master device or medium now known or later**
54 **developed for the use of reproducing sounds, or other articles or media**
55 **upon which sound is or may be recorded, and from which the copied**
56 **recorded sounds are directly or indirectly derived;**

57 **(5) "Person", any natural person, corporation or other business**
58 **entity.**

570.300. 1. A person commits the [crime] offense of **facilitating the**
2 **theft of cable television service if he[:**

3 **(1) Knowingly obtains or attempts to obtain cable television service**
4 **without paying all lawful compensation to the operator of such service, by means**
5 **of artifice, trick, deception or device; or**

6 **(2) Knowingly assists another person in obtaining or attempting to obtain**
7 **cable television service without paying all lawful compensation to the operator of**
8 **such service; or**

9 **(3) Knowingly connects to, tampers with or otherwise interferes with any**
10 **cables, wires or other devices used for the distribution of cable television if the**
11 **effect of such action is to obtain cable television without paying all lawful**
12 **compensation therefor; or**

13 **(4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or**
14 **use any device, plan or kit designed and intended to obtain cable television**
15 **service in violation of this section; or**

16 **(5) Knowingly attempts to connect to, tamper with, or otherwise interfere**

17 with any cable television signal, cables, wires, devices, or equipment, which is
18 used for the distribution of cable television and which results in the unauthorized
19 use of a cable television system or the disruption of the delivery of the cable
20 television service. Nothing in this section shall be construed to prohibit, restrict,
21 or otherwise limit the purchase, sale, or use of any products, including without
22 limitation hardware, software, or other items, intended to provide services and
23 features to a customer who has lawfully obtained a connection from a cable
24 company] or she knowingly sells, uses, manufactures, rents, or offers for
25 sale, rental, or use any device, plan, or kit designed and intended to
26 obtain cable television without paying all lawful compensation to the
27 operator of such service.

28 2. **The offense of facilitating** theft of cable television service is a class
29 [C] **D** felony[if the value of the service appropriated is five hundred dollars or
30 more or if the theft is a violation of subdivision (5) of subsection 1 of this section,
31 otherwise theft of cable television services is a class A misdemeanor.

32 3. Any cable television operator may bring an action to enjoin and restrain
33 any violation of the provisions of this section or bring an action for conversion. In
34 addition to any actual damages, an operator may be entitled to punitive damages
35 and reasonable attorney fees in any case in which the court finds that the
36 violation was committed willfully and for purposes of commercial advantage. In
37 the event of a defendant's verdict the defendant may be entitled to reasonable
38 attorney fees.

39 4. The existence on the property and in the actual possession of the
40 accused of any connection wire, or conductor, which is connected in such a
41 manner as to permit the use of cable television service without the same being
42 reported for payment to and specifically authorized by the operator of the cable
43 television service shall be sufficient to support an inference which the trial court
44 may submit to the trier of fact, from which the trier of fact may conclude that the
45 accused has committed the crime of theft of cable television service.

46 5. If a cable television company either:
47 (1) Provides unsolicited cable television service; or
48 (2) Fails to change or disconnect cable television service within ten days
49 after receiving written notice to do so by the customer, the customer may deem
50 such service to be a gift without any obligation to the cable television company
51 from ten days after such written notice is received until the service is changed or
52 disconnected].

53 **[6.] 3.** Nothing in this section shall be construed to render unlawful or
54 prohibit an individual or other legal entity from owning or operating a video
55 cassette recorder or devices commonly known as a satellite receiving dish for the
56 purpose of receiving and utilizing satellite-relayed television signals for his **or**
57 **her** own use.

58 **[7. As used in this section, the term "cable television service" includes**
59 microwave television transmission from a multipoint distribution service not
60 capable of reception by conventional television receivers without the use of special
61 equipment.]

1 **[578.500.] 570.302.** 1. [Any] A person **commits the offense of**
2 **operating an audiovisual recording device in a motion picture theater**
3 **if he or she**, while a motion picture is being exhibited, [who] knowingly operates
4 an audiovisual recording function of a device in a motion picture theater without
5 the consent of the owner or lessee of the motion picture theater [shall be guilty
6 of criminal use of real property].

7 2. As used in this section, the term "audiovisual recording function"
8 means the capability of a device to record or transmit a motion picture or any
9 part thereof by means of any technology now known or later developed.

10 3. As used in this section, the term "motion picture theater" means a
11 movie theater, screening room, or other venue that is being utilized primarily for
12 the exhibition of a motion picture at the time of the offense, but excluding the
13 lobby, entrance, or other areas of the building where a motion picture cannot be
14 viewed.

15 4. The provisions of this section shall not prevent any lawfully authorized
16 investigative, law enforcement protective, or intelligence-gathering employee or
17 agent, of the state or federal government, from operating any audiovisual
18 recording device in any facility where a motion picture is being exhibited, as part
19 of lawfully authorized investigative, protective, law enforcement, or
20 intelligence-gathering activities. The owner or lessee of a facility where a motion
21 picture is being exhibited, or the authorized agent or employee of such owner or
22 lessee, who alerts law enforcement authorities of an alleged violation of this
23 section shall not be liable in any civil action arising out of measures taken by
24 such owner, lessee, agent, or employee in the course of subsequently detaining a
25 person that the owner, lessee, agent, or employee in good faith believed to have
26 violated this section while awaiting the arrival of law enforcement authorities,
27 unless the plaintiff can show by clear and convincing evidence that such

28 measures were unreasonable or the period of detention was unreasonably long.

29 5. [Any person who has pled guilty to or been found guilty of violating the
30 provisions of this section shall be guilty of] **The offense of operating an**
31 **audiovisual recording device in a motion picture theater is** a class A
32 misdemeanor, unless the person has previously [pled guilty or] been found guilty
33 of violating the provisions of this section, in which case it is a class [D] **E** felony.

570.310. 1. [It is unlawful for] A person **commits the offense of**
2 **mortgage fraud if he or she**, in connection with the application for or
3 procurement of a loan secured by real estate [to], willfully:

4 (1) [Employ] **Employs** a device, scheme, or artifice to defraud;

5 (2) [Make] **Makes** an untrue statement of a material fact or [to omit]
6 **omits** to state a material fact necessary in order to make the statement made,
7 in the light of the circumstances under which it is made, not misleading;

8 (3) [Receive] **Receives** any portion of the purchase, sale, or loan proceeds,
9 or any other consideration paid or generated in connection with a real estate
10 closing that such person knew involved a violation of this section; or

11 (4) [Influence] **Influences**, through extortion or bribery, the development,
12 reporting, result, or review of a real estate appraisal, except that this subsection
13 does not prohibit a mortgage lender, mortgage broker, mortgage banker, real
14 estate licensee, or other person from asking the appraiser to do one or more of the
15 following:

16 (a) Consider additional property information;

17 (b) Provide further detail, substantiation, or explanation for the
18 appraiser's value conclusion; or

19 (c) Correct errors in the appraisal report in compliance with the Uniform
20 Standards of Professional Appraisal Practice.

21 2. [Such acts shall be deemed to constitute mortgage fraud.

22 3.] **The offense of** mortgage fraud is a class [C] **D** felony.

23 [4.] 3. Each transaction in violation of this section shall constitute a
24 separate offense.

25 [5.] 4. Venue over any dispute relating to mortgage fraud or a conspiracy
26 or endeavor to engage in or participate in a pattern of mortgage fraud shall be:

27 (1) In the county in which the real estate is located;

28 (2) In the county in which any act was performed in furtherance of
29 mortgage fraud;

30 (3) In any county in which any person alleged to have violated this section

31 had control or possession of any proceeds from mortgage fraud;
32 (4) In any county in which a related real estate closing occurred; or
33 (5) In any county in which any document related to a mortgage fraud is
34 filed with the recorder of deeds.

35 [6. Prosecution under the provisions of this section shall not preclude:
36 (1) The power of this state to punish a person for conduct that constitutes
37 a crime under other laws of this state;
38 (2) A civil action by any person;
39 (3) Administrative or disciplinary action by the state or the United States
40 or by any agency of the state or the United States;
41 (4) A civil forfeiture action; or
42 (5) An action under chapter 407.]

43 **5. The punishment imposed under this section shall be in
44 addition to any punishment provided by law for the offense.**

[578.510.] **570.350.** 1. This section shall be known and may be cited as
2 the "Stolen Valor Act of 2007".

3 2. Any person who, with the intent to misrepresent himself or herself as
4 a veteran or medal recipient, knowingly wears, purchases, attempts to purchase,
5 solicits for purchase, mails, ships, imports, exports, produces blank certificates
6 of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades,
7 barters, or exchanges for anything of value any decoration or medal authorized
8 under chapter 41, or by the Congress for the armed forces of the United States,
9 or any of the service medals or badges awarded to the members of such forces, or
10 the ribbon, button, or rosette of any such badge, decoration, or medal, or any
11 colorable imitation thereof, except when authorized under regulations
12 promulgated under law, is guilty of a class A misdemeanor. Any second or
13 subsequent violation of this subsection is a class [D] E felony.

14 3. Any person who misrepresents himself or herself, verbally or in writing,
15 to have been awarded any decoration or medal authorized under chapter 41, or
16 by Congress for the armed forces of the United States, any of the service medals
17 or badges awarded to the members of such forces, the ribbon, button, or rosette
18 of any such badge, decoration, or medal, or any colorable imitation of such item
19 is guilty of a class A misdemeanor. Any second or subsequent violation of this
20 subsection is a class [D] E felony.

21 4. Any person who fraudulently uses the title of "veteran", as defined by
22 the United States Department of Veterans Affairs or its successor agency, in

23 order to obtain personal benefit, monetary or otherwise, and such person does not
24 have verifiable proof of his or her status as a veteran is guilty of a class A
25 misdemeanor. Any second or subsequent violation of this subsection is a class
26 [D] E felony.

27 5. If a decoration or medal involved in an offense described in subsections
28 2 to 4 of this section is a distinguished-service cross awarded under Section 3742
29 of Title 10 of the United States Code, a Navy Cross awarded under Section 6242
30 of Title 10 of the United States Code, an Air Force Cross awarded under Section
31 8742 of Section 10 of the United States Code, a Silver Star awarded under Section
32 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple Heart awarded
33 under Section 1129 of Title 10 of the United States Code, or any replacement or
34 duplicate medal for such medal as authorized by law, in lieu of the penalty
35 provided in subsection 2, 3, or 4 of this section, the offender is guilty of a class
36 [D] E felony.

37 6. If a decoration or medal involved in an offense described in subsections
38 2 to 4 of this section is the Medal of Honor awarded under Section 1560 of Title
39 38 of the United States Code, the offender is guilty of a class [C] D felony.

[578.570.] **570.375.** [Any] 1. A person [who] commits the offense of
2 **fraud or deception in obtaining an instruction permit, driver's license**
3 **or nondriver's license if he or she:**

4 (1) [Knowing] **Knowingly** or in reckless disregard of the truth, assists
5 any person in committing fraud or deception during the examination process for
6 an instruction permit, driver's license, or nondriver's license; **or**

7 (2) [Knowing] **Knowingly** or in reckless disregard of the truth, assists
8 any person in [making application] **applying** for an instruction permit, driver's
9 license, or nondriver's license that contains or is substantiated with false or
10 fraudulent information or documentation; **or**

11 (3) [Knowing] **Knowingly** or in reckless disregard of the truth, assists
12 any person in concealing a material fact or otherwise committing a fraud in an
13 application for an instruction permit, driver's license, or nondriver's license; or

14 (4) Engages in any conspiracy to commit any of the preceding acts or aids
15 or abets the commission of any of the preceding acts[;].

16 2. **The offense of fraud or deception in obtaining an instruction**
17 **permit, driver's license, or nondriver's license is [guilty of] a class A**
18 **misdemeanor.**

570.380. [Any] 1. A person [who] commits the offense of

2 **manufacture or possession of fake IDs if he or she manufactures or**
3 **possesses five or more fictitious or forged means of identification, as defined in**
4 **section [570.223] 570.010, with the intent to distribute to others for the purpose**
5 **of committing [a crime shall be guilty of a class C felony] an offense.**

6 **2. The offense of mass manufacture or possession of fake IDs is**
7 **a class D felony.**

[578.377.] **570.400.** 1. A person commits the [crime] **offense** of
2 unlawfully receiving public assistance benefits or EBT cards if he or she
3 knowingly receives or uses the proceeds of public assistance benefits or EBT cards
4 to which he or she is not lawfully entitled or for which he or she has not applied
5 and been approved by the department to receive.

6 **2. The offense of** unlawfully receiving public assistance benefits or EBT
7 cards is a class [D felony unless the face value of the public assistance benefits
8 or EBT cards is less than five hundred dollars, in which case unlawful receiving
9 of public assistance benefits or EBT cards is a class] A misdemeanor, **unless the**
10 **face value of the public assistance benefits or EBT cards is seven**
11 **hundred fifty dollars or more or the person is found guilty of a second**
12 **offense of unlawfully receiving public assistance benefits or EBT cards**
13 **in an amount less than seven hundred fifty dollars, in which case it is**
14 **a class E felony.** [A person who is found guilty of a second offense of unlawfully
15 receiving public assistance benefits or EBT cards in an amount less than five
16 hundred dollars shall be guilty of a class D felony.] Any person who is found
17 guilty of a second or subsequent offense of felony unlawfully receiving public
18 assistance benefits or EBT cards, **or any person who is found guilty of an**
19 **offense under this section and has previously been found guilty of two**
20 **violations under sections 570.400 to 570.410,** shall be guilty of a class [C]
21 **D felony.** Any person who is found guilty of felony unlawfully receiving of public
22 assistance benefits or EBT cards shall serve not less than one hundred twenty
23 days in the department of corrections unless such person pays full restitution to
24 the state of Missouri within thirty days of the date of execution of sentence.

25 3. In addition to any criminal penalty, any person found guilty of
26 unlawfully receiving public assistance benefits or EBT cards shall pay full
27 restitution to the state of Missouri for the total amount of moneys converted. No
28 person placed on probation for the offense shall be released from probation until
29 full restitution has been paid.

[578.379.] **570.402.** 1. A person commits the [crime] **offense** of

2 conversion of public assistance benefits or EBT cards if he or she knowingly
3 engages in any transaction to convert public assistance benefits or EBT cards to
4 other property contrary to statutes, rules and regulations, either state or federal,
5 governing the use of public assistance benefits.

6 **2. The offense of** unlawful conversion of public assistance benefits or
7 EBT cards is a class [D felony unless the face value of said public assistance
8 benefits or EBT cards is less than five hundred dollars, in which case unlawful
9 conversion of public assistance benefits or EBT cards is a class] A misdemeanor,
10 **unless the face value of the public assistance benefits or EBT cards is**
11 **seven hundred fifty dollars or more or the person is found guilty of a**
12 **second offense of unlawful conversion of public assistance benefits or**
13 **EBT cards in an amount less than seven hundred fifty dollars, in which**
14 **case it is a class E felony.** [A person who is found guilty of a second offense
15 of unlawful conversion of public assistance benefits or EBT cards in an amount
16 less than five hundred dollars shall be guilty of a class D felony.] Any person who
17 is found guilty of a second or subsequent offense of felony unlawful conversion of
18 public assistance benefits or EBT cards, **or any person who is found guilty**
19 **of an offense under this section and has previously been found guilty**
20 **of two or more violations under sections 570.400 to 570.410,** shall be
21 guilty of a class [C] D felony. Any person who is found guilty of felony unlawful
22 conversion of public assistance benefits or EBT cards shall serve not less than one
23 hundred twenty days in the department of corrections unless such person pays
24 full restitution to the state of Missouri within thirty days of the date of execution
25 of sentence.

26 3. In addition to any criminal penalty, any person found guilty of unlawful
27 conversion of public assistance benefits or EBT cards shall pay full restitution to
28 the state of Missouri for the total amount of moneys converted. No person placed
29 on probation for the offense shall be released from probation until full restitution
30 has been paid.

2 [578.381.] **570.404.** 1. A person commits the [crime] **offense** of unlawful
3 transfer of public assistance benefits or EBT cards if he or she knowingly
4 transfers public assistance benefits or EBT cards to another not lawfully entitled
5 or approved by the department **of social services** to receive the public
assistance benefits or EBT cards.

6 **2. The offense of** unlawful transfer of public assistance benefits or EBT
7 cards is a class [D felony unless the face value of said public assistance benefits

8 or EBT cards is less than five hundred dollars, in which case unlawful transfer
9 of public assistance benefits or EBT cards is a class] A misdemeanor, **unless the**
10 **face value of the food stamp coupons or ATP cards is seven hundred**
11 **fifty dollars or more or the person is found guilty of a second offense**
12 **of unlawful transfer of public assistance benefits or EBT cards in an**
13 **amount less than seven hundred fifty dollars, in which case it is a class**
14 **E felony.** [A person who is found guilty of a second offense of unlawful transfer
15 of public assistance benefits or EBT cards in an amount less than five hundred
16 dollars shall be guilty of a class D felony.] Any person who is found guilty of a
17 second or subsequent offense of felony unlawful transfer of public assistance
18 benefits, **or any person who is found guilty of an offense under this**
19 **section and has been found guilty of two or more violations under**
20 **sections 570.400 to 570.410,** shall be guilty of a class [C] D felony. Any person
21 who is found guilty of felony unlawful transfer of public assistance benefits or
22 EBT cards shall serve not less than one hundred twenty days in the department
23 of corrections unless such person pays full restitution to the state of Missouri
24 within thirty days of the date of execution of sentence.

25 3. In addition to any criminal penalty, any person found guilty of unlawful
26 transfer of public assistance benefits or EBT cards shall pay full restitution to the
27 state of Missouri for the total amount of moneys converted. No person placed on
28 probation for the offense shall be released from probation until full restitution
29 has been paid.

[578.383.] **570.406.** The face value of public assistance benefits or EBT
2 cards stolen, possessed, transferred or converted from one scheme or course of
3 conduct, whether from one or several rightful possessors, or at the same or
4 different times shall constitute a single criminal episode and their face values
5 may be aggregated in determining the grade of offense.

[578.385.] **570.408.** 1. A person commits the [crime] **offense** of perjury
2 for the purpose of [this section] **obtaining public assistance** if he **or she**
3 knowingly makes a false or misleading statement or misrepresents a fact material
4 for the purpose of obtaining public assistance if the false or misleading statement
5 is reduced to writing and verified by the signature of the person making the
6 statement and by the signature of any employee of the Missouri department of
7 social services. The same person may not be charged with unlawfully receiving
8 public assistance benefits and perjury pursuant to this section when both offenses
9 arise from the same application for benefits.

10 2. A statement or fact is material, regardless of its admissibility under
11 rules of evidence, if it could substantially affect or did substantially affect the
12 granting of public assistance.

13 3. Knowledge of the materiality of the statement or fact is not an element
14 of this [crime] **offense**, and it is no defense that:

15 (1) The [defendant] **person** mistakenly believed the fact to be immaterial;
16 or

17 (2) The [defendant] **person** was not competent, for reasons other than
18 mental disability, to make the statement.

19 4. [Perjury committed as part of a transaction involving the making of an
20 application to obtain public assistance is a class D felony unless the value of the
21 public assistance unlawfully obtained or unlawfully attempted to be obtained is
22 less than five hundred dollars in which case it is a class A misdemeanor] The
23 **offense of perjury for the purpose of obtaining public assistance is a**
24 **class A misdemeanor, unless the value of the public assistance**
25 **unlawfully obtained or unlawfully attempted to be obtained is seven**
26 **hundred fifty dollars or more, in which case it is a class E felony, or the**
27 **person has previously been found guilty of two violations under**
28 **sections 570.400 to 570.410, in which case it is a class D felony.**

[578.387.] **570.410.** 1. For the purpose of any investigation or proceeding
2 relating to public assistance unlawfully received or an application for public
3 assistance unlawfully tendered, the director of the department **of social**
4 **services** or any officer designated by him [and/or] **or her or** the attorney
5 general for the state of Missouri or any officer designated by him **or her** may
6 administer oaths and affirmations, subpoena witnesses, compel their attendance,
7 take testimony, require answers to written interrogatories and require production
8 of any books, papers, correspondence, memoranda, agreements or other
9 documents or records which the director of the department [and/or] **or** the
10 attorney general deem relevant and material to the inquiry.

11 2. In the case of contumacy by, or refusal to obey a subpoena issued to,
12 any person, the circuit court of any county of the state or the city of St. Louis,
13 upon application by the department director [and/or] **or** the attorney general may
14 issue to the person an order requiring him **or her** to appear before the
15 department director[,] or the officer designated by him **or her**, [and/or] **or** the
16 attorney general[,] or the officer designated by him **or her**, there to produce
17 documentary evidence if so ordered or to give testimony or answer interrogatories

18 touching the matter under investigation or in question in accordance with the
19 forms and procedures otherwise authorized by the Rules of Civil
20 Procedure. Failure to obey the order of the court may be punished by the court
21 as a contempt of court.

22 3. Information or documents obtained under this section by the director
23 of the department [and/or] **or** the attorney general shall not be disclosed except
24 in the course of civil or criminal litigation or to another prosecutorial or
25 investigative agency, or to the divisions of the department.

26 4. [Anyone improperly disclosing information obtained] **The offense of**
27 **improper disclosure** under this section is [guilty of] a class A misdemeanor.

28 5. The provisions of this section do not repeal existing provisions of law
29 and shall be construed as supplementary thereto.

571.010. As used in this chapter, the following terms shall mean:

2 (1) "**Ammunition**", any **cartridge, shell, or projectile designed for**
3 **use in a firearm;**

4 (2) "Antique, curio or relic firearm", **includes** any firearm so defined by
5 the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United
6 States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

7 (a) "Antique firearm" is any firearm not designed or redesigned for using
8 rim fire or conventional center fire ignition with fixed ammunition and
9 manufactured in or before 1898, said ammunition not being manufactured any
10 longer; this includes any matchlock, wheel lock, flintlock, percussion cap or
11 similar type ignition system, or replica thereof;

12 (b) "Curio or relic firearm" is any firearm deriving value as a collectible
13 weapon due to its unique design, ignition system, operation or at least fifty years
14 **[old] of age**, associated with a historical event, renown personage or major war;

15 [(2)] (3) "Blackjack", any instrument that is designed or adapted for the
16 purpose of stunning or inflicting physical injury by striking a person, and which
17 is readily capable of lethal use;

18 [(3)] (4) "Blasting agent", any material or mixture, consisting of fuel and
19 oxidizer that is intended for blasting, but not otherwise defined as an explosive
20 under this section, provided that the finished product, as mixed for use of
21 shipment, cannot be detonated by means of a numbered 8 test blasting cap when
22 unconfined;

23 [(4)] (5) "Concealable firearm", any firearm with a barrel less than
24 sixteen inches in length, measured from the face of the bolt or standing breech;

25 [(5) "Deface", to alter or destroy the manufacturer's or importer's serial
26 number or any other distinguishing number or identification mark;]

27 (6) "Detonator", any device containing a detonating charge that is used for
28 initiating detonation in an explosive, including but not limited to, electric blasting
29 caps of instantaneous and delay types, nonelectric blasting caps for use with
30 safety fuse or shock tube and detonating cord delay connectors;

31 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or
32 similar device designed or adapted for the purpose of inflicting death, serious
33 physical injury, or substantial property damage; or any device designed or
34 adapted for delivering or shooting such a weapon. For the purposes of this
35 subdivision, the term "explosive" shall mean any chemical compound mixture or
36 device, the primary or common purpose of which is to function by explosion,
37 including but not limited to, dynamite and other high explosives, pellet powder,
38 initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter
39 cords, and igniters or blasting agents;

40 (8) "Firearm", any weapon that is designed or adapted to expel a projectile
41 by the action of an explosive;

42 (9) "Firearm silencer", any instrument, attachment, or appliance that is
43 designed or adapted to muffle the noise made by the firing of any firearm;

44 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or
45 contrivance other than a gas bomb that is designed or adapted for the purpose of
46 ejecting any poison gas that will cause death or serious physical injury, but not
47 any device that ejects a repellent or temporary incapacitating substance;

48 (11) "Intoxicated", substantially impaired mental or physical capacity
49 resulting from introduction of any substance into the body;

50 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is
51 readily capable of inflicting serious physical injury or death by cutting or
52 stabbing a person. For purposes of this chapter, "knife" does not include any
53 ordinary pocketknife with no blade more than four inches in length;

54 (13) "Knuckles", any instrument that consists of finger rings or guards
55 made of a hard substance that is designed or adapted for the purpose of inflicting
56 serious physical injury or death by striking a person with a fist enclosed in the
57 knuckles;

58 (14) "Machine gun", any firearm that is capable of firing more than one
59 shot automatically, without manual reloading, by a single function of the trigger;

60 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other

61 weapon that is not a firearm, which is capable of expelling a projectile that could
62 inflict serious physical injury or death by striking or piercing a person;

63 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder
64 and to use the energy of the explosive in a fixed metallic cartridge to fire a
65 projectile through a rifled bore by a single function of the trigger;

66 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle
67 and eighteen inches for a shotgun, both measured from the face of the bolt or
68 standing breech, or an overall rifle or shotgun length of less than twenty-six
69 inches;

70 (18) "Shotgun", any firearm designed or adapted to be fired from the
71 shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a
72 number of shot or a single projectile through a smooth bore barrel by a single
73 function of the trigger;

74 (19) ["Spring gun", any fused, timed or nonmanually controlled trap or
75 device designed or adapted to set off an explosion for the purpose of inflicting
76 serious physical injury or death;

77 (20)] "Switchblade knife", any knife which has a blade that folds or closes
78 into the handle or sheath, and:

79 (a) That opens automatically by pressure applied to a button or other
80 device located on the handle; or

81 (b) That opens or releases from the handle or sheath by the force of
82 gravity or by the application of centrifugal force.

571.014. 1. A person commits the [crime] **offense** of unlawful refusal to
2 transfer by denying **the** sale of a firearm to a nonlicensee, who is otherwise not
3 prohibited from possessing a firearm under state or federal law, solely on the
4 basis that the nonlicensee purchased a firearm that was later the subject of a
5 trace request by law enforcement.

6 2. [Violation of subsection 1 of this section shall be] **The offense of**
7 **unlawful refusal to transfer by denying the sale of a firearm** is a class
8 A misdemeanor.

9 3. Notwithstanding any other provision of law to the contrary, no [federal
10 firearms] dealer [licensed under 18 U.S.C. Section 923] who engages in the sale
11 of firearms within this state shall fail or refuse to complete the sale of a firearm
12 to a customer in every case in which the sale is authorized by federal law.

13 4. [The provisions of] This section shall not apply to any [individual
14 federal firearms license holder, his agents, or employees to the extent they chose

15 in their] **firearms dealer who, in his or her** individual judgment [to],
16 **chooses not to** complete the sale or transfer of a firearm for articulable reasons
17 specific to that transaction, so long as those reasons are not based on the race,
18 gender, religion, **or** creed of the buyer.

571.015. 1. Except as provided in subsection 4 of this section, any person
2 who commits any felony under the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly weapon is also guilty of
4 the [crime] **offense** of armed criminal action and, upon conviction, shall be
5 punished by imprisonment by the department of corrections [and human
6 resources] for a term of not less than three years. The punishment imposed
7 pursuant to this subsection shall be in addition to any punishment provided by
8 law for the crime committed by, with, or through the use, assistance, or aid of a
9 dangerous instrument or deadly weapon. No person convicted under this
10 subsection shall be eligible for parole, probation, conditional release or suspended
11 imposition or execution of sentence for a period of three calendar years.

12 2. Any person convicted of a second offense of armed criminal action shall
13 be punished by imprisonment by the department of corrections [and human
14 resources] for a term of not less than five years. The punishment imposed
15 pursuant to this subsection shall be in addition to any punishment provided by
16 law for the [crime] **offense** committed by, with, or through the use, assistance,
17 or aid of a dangerous instrument or deadly weapon. No person convicted under
18 this subsection shall be eligible for parole, probation, conditional release or
19 suspended imposition or execution of sentence for a period of five calendar years.

20 3. Any person convicted of a third or subsequent offense of armed criminal
21 action shall be punished by imprisonment by the department of corrections [and
22 human resources] for a term of not less than ten years. The punishment imposed
23 pursuant to this subsection shall be in addition to any punishment provided by
24 law for the [crime] **offense** committed by, with, or through the use, assistance,
25 or aid of a dangerous instrument or deadly weapon. No person convicted under
26 this subsection shall be eligible for parole, probation, conditional release or
27 suspended imposition or execution of sentence for a period of ten calendar years.

28 4. The provisions of this section shall not apply to the felonies defined in
29 [sections 564.590, 564.610, 564.620, 564.630, and 564.640] **this chapter**.

30 5. **Nothing contained in any other provisions of law, except as**
31 **provided in subsection 4 of this section, shall prevent imposition of**
32 **sentences for both armed criminal action and the crime committed by,**

33 **with or through the use, assistance, or aid of a dangerous instrument**
34 **or deadly weapon.**

571.020. 1. A person commits [a crime] **the offense of unlawful**
2 **possession, manufacture, or sale of a weapon** if such person knowingly
3 possesses, manufactures, [transports, repairs,] or sells:

- 4 (1) An explosive weapon;
- 5 (2) An explosive, incendiary or poison substance or material with the
6 purpose to possess, manufacture or sell an explosive weapon;
- 7 (3) A gas gun;
- 8 (4) A bullet or projectile which explodes or detonates upon impact because
9 of an independent explosive charge after having been shot from a firearm; [or]
- 10 (5) Knuckles; or
- 11 (6) Any of the following in violation of federal law:
 - 12 (a) A machine gun;
 - 13 (b) A short-barreled rifle or shotgun;
 - 14 (c) A firearm silencer; or
 - 15 (d) A switchblade knife.

16 2. A person does not commit [a crime pursuant to] **an offense under** this
17 section if his **or her** conduct involved any of the items in subdivisions (1) to (5)
18 of subsection 1 **of this section**, the item was possessed in conformity with any
19 applicable federal law, and the conduct:

20 (1) Was incident to the performance of official duty by the armed forces,
21 national guard, a governmental law enforcement agency, or a penal institution;
22 or

23 (2) Was incident to engaging in a lawful commercial or business
24 transaction with an organization enumerated in subdivision (1) of this section; or

25 (3) Was incident to using an explosive weapon in a manner reasonably
26 related to a lawful industrial or commercial enterprise; or

27 (4) Was incident to displaying the weapon in a public museum or
28 exhibition; or

29 (5) Was incident to using the weapon in a manner reasonably related to
30 a lawful dramatic performance.

31 3. [A crime pursuant to] **An offense under** subdivision (1), (2), (3) or (6)
32 of subsection 1 of this section is a class [C] **D** felony; [a crime pursuant to] **an**
33 **offense under** subdivision (4) or (5) of subsection 1 of this section is a class A
34 misdemeanor.

571.031. 1. A person commits the offense of carrying a concealed weapon if he or she knowingly carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.

2. The offense of carrying a concealed weapon is a class E felony.

3. This section shall not apply to any person who:

(1) Has a valid concealed carry permit issued under sections 319.1025 to 319.1043, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state; or

(2) Being twenty-one years of age or older, or eighteen years of age or older and a member of the U.S. armed forces or honorably discharged from the U.S. armed forces, is transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed; or

(3) Is transporting weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible; or

(4) Is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game; or

(5) Is in his or her dwelling unit or upon premises over which the person has possession, authority or control; or

(6) Is traveling in a continuous journey peaceably through this state.

4. No person found guilty of the offense of carrying a concealed weapon shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms or weapons-related felony offense.

571.032. Notwithstanding any provision of section 571.031 or 571.038 to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her

8 employment. For the purposes of this subsection, "state employee"
9 means an employee of the executive, legislative, or judicial branch of
10 the government of the state of Missouri.

571.033. 1. A person commits the offense of unlawful discharge
2 of a firearm in the first degree if he or she knowingly discharges or
3 shoots a firearm:

4 (1) At any person; or

5 (2) Into a dwelling house or habitable structure or a building
6 used for the assembling of people; or

7 (3) At or from a motor vehicle, as the term "motor vehicle" is
8 defined in section 301.010, or at any other motor vehicle, railroad train,
9 boat, aircraft, building, or habitable structure.

10 2. The offense of unlawful discharge of a firearm in the first
11 degree shall be punished as follows:

12 (1) For a first violation a person shall be sentenced to the
13 maximum authorized term of imprisonment for a class B felony;

14 (2) For any violation by a prior offender as defined in section
15 558.016, a person shall be sentenced to the maximum authorized term
16 of imprisonment for a class B felony without the possibility of parole,
17 probation or conditional release for a term of ten years;

18 (3) For any violation by a persistent offender as defined in
19 section 558.016, a person shall be sentenced to the maximum authorized
20 term of imprisonment for a class B felony without the possibility of
21 parole, probation, or conditional release;

22 (4) For any violation which results in injury or death to another
23 person, a person shall be sentenced to an authorized disposition for a
24 class A felony.

25 3. No person found guilty of unlawful discharge of a firearm in
26 the first degree shall receive a suspended imposition of sentence if such
27 person has previously received a suspended imposition of sentence for
28 any other firearms or weapons-related felony offense.

571.034. 1. A person commits the offense of unlawful discharge
2 of a firearm in the second degree if he or she knowingly discharges or
3 shoots a firearm at a mark, at any object, or at random, on, along or
4 across a public highway, or into any outbuilding, or within one
5 hundred yards of any occupied schoolhouse, courthouse, or church

6 building.

7 **2. The offense of unlawful discharge of a firearm in the second**
8 **degree is a class B misdemeanor.**

9 **3. Nothing in this section shall make it unlawful for a student to**
10 **actually participate in school-sanctioned gun safety courses, student**
11 **military or ROTC courses, or other school-sponsored or club-sponsored**
12 **firearm-related events, provided the student does not carry a firearm**
13 **or other weapon readily capable of lethal use into any school, onto any**
14 **school bus, or onto the premises of any other function or activity**
15 **sponsored or sanctioned by school officials or the district school board.**

16 **4. No person found guilty of unlawful discharge of a firearm in**
17 **the second degree shall receive a suspended imposition of sentence if**
18 **such person has previously received a suspended imposition of**
19 **sentence for any other firearms or weapons-related felony offense.**

571.036. 1. A person commits the offense of brandishing a
2 weapon if he or she, in the presence of one or more persons, exhibits
3 any weapon readily capable of lethal use in an angry or threatening
4 manner.

5 **2. The offense of brandishing a weapon is a class E felony.**

6 **3. No person found guilty of brandishing a weapon shall receive**
7 **a suspended imposition of sentence if such person has previously**
8 **received a suspended imposition of sentence for any other firearms or**
9 **weapons-related felony offense.**

571.038. 1. A person commits the offense of possession of a
2 weapon in a prohibited place if he or she knowingly:

3 **(1) Carries a firearm, whether loaded or unloaded, or any other**
4 **weapon readily capable of lethal use into any school, onto any school**
5 **bus, or onto the premises of any function or activity sponsored or**
6 **sanctioned by school officials or the district school board; or**

7 **(2) Carries a firearm or any other weapon readily capable of**
8 **lethal use into any church or place where people have assembled for**
9 **worship, or into any election precinct on any election day, or into any**
10 **building owned or occupied by any agency of the federal government,**
11 **state government, or political subdivision thereof.**

12 **2. The offense of possession of a weapon in a prohibited place**
13 **shall be punished as follows:**

14 **(1) Violation of subdivision (1) of subsection 1 of this section is**
15 **a class A misdemeanor, unless committed with a loaded firearm, in**
16 **which case it is a class E felony;**

17 **(2) Violation of subdivision (2) of subsection 1 of this section is**
18 **a class B misdemeanor.**

19 **3. This section shall not apply to any person who:**

20 **(1) Has a valid concealed carry permit issued under sections**
21 **319.1025 to 319.1043, a valid concealed carry endorsement issued prior**
22 **to August 28, 2013, or a valid permit or endorsement to carry concealed**
23 **firearms issued by another state or political subdivision of another**
24 **state; or**

25 **(2) Otherwise lawfully possesses a firearm while traversing**
26 **school premises for the purposes of transporting a student to or from**
27 **school, or is an adult who lawfully possesses a firearm for the purposes**
28 **of facilitation of a school-sanctioned firearm-related event or club**
29 **event; or**

30 **(3) Is transporting a weapon in a nonfunctioning state or in an**
31 **unloaded state when ammunition is not readily accessible or when such**
32 **weapons are not readily accessible.**

33 **4. Nothing in this section shall make it unlawful for a student to**
34 **actually participate in school-sanctioned gun safety courses, student**
35 **military or ROTC courses, or other school-sponsored or club-sponsored**
36 **firearm-related events, provided the student does not carry a firearm**
37 **or other weapon readily capable of lethal use into any school, onto any**
38 **school bus, or onto the premises of any other function or activity**
39 **sponsored or sanctioned by school officials or the district school board.**

40 **5. No person found guilty of possession of a weapon in a**
41 **prohibited place shall receive a suspended imposition of sentence if**
42 **such person has previously received a suspended imposition of**
43 **sentence for any other firearms or weapons-related felony offense.**

571.041. 1. Nothing in section 571.031, carrying a concealed
2 weapon, and section 571.038, possession of a weapon in a prohibited
3 place, shall apply to any of the following persons described in this
4 section, regardless of whether such uses are reasonably associated with
5 or are necessary to the fulfillment of such person's official duties,
6 except as otherwise provided in this section. Nothing in section

7 **571.033, unlawful discharge of a firearm in the first degree; section**
8 **571.034, unlawful discharge of a firearm in the second degree; and**
9 **section 571.036, brandishing a weapon, shall apply to or effect any of**
10 **the following persons when such uses are reasonably associated with**
11 **or are necessary to the fulfillment of such person's official duties,**
12 **except as otherwise provided in this section:**

13 **(1) All state, county, and municipal peace officers who have**
14 **completed the training required by the police officer standards and**
15 **training commission under sections 590.030 to 590.050 and who possess**
16 **the duty and power of arrest for violations of the general criminal laws**
17 **of the state or for violations of ordinances of counties or municipalities**
18 **of the state, whether such officers are on or off duty, and whether such**
19 **officers are within or outside of the law enforcement agency's**
20 **jurisdiction, or all qualified retired peace officers, as defined in**
21 **subsection 2 of this section, and who carry the identification defined**
22 **in subsection 3 of this section, or any person summoned by such**
23 **officers to assist in making arrests or preserving the peace while**
24 **actually engaged in assisting such officer;**

25 **(2) Wardens, superintendents, and keepers of prisons,**
26 **penitentiaries, jails, and other institutions for the detention of persons**
27 **accused or convicted of crime;**

28 **(3) Members of the armed forces or national guard while**
29 **performing their official duty;**

30 **(4) Those persons vested by section 1 of article V of the**
31 **Constitution of Missouri with the judicial power of the state and those**
32 **persons vested by Article III of the Constitution of the United States**
33 **with the judicial power of the United States, the members of the federal**
34 **judiciary;**

35 **(5) Any person whose bona fide duty is to execute process, civil**
36 **or criminal;**

37 **(6) Any federal probation officer or federal flight deck officer as**
38 **defined under the federal flight deck officer program, 49 U.S.C. Section**
39 **44921, regardless of whether such officers are on duty, or within the**
40 **law enforcement agency's jurisdiction;**

41 **(7) Any state probation or parole officer, including supervisors**
42 **and members of the board of probation and parole;**

43 (8) Any corporate security advisor meeting the definition and
44 fulfilling the requirements of the regulations established by the board
45 of police commissioners under section 84.340;

46 (9) Any prosecuting attorney or assistant prosecuting attorney
47 or any circuit attorney or assistant circuit attorney who has completed
48 the firearms safety training course required under subsection 2 of
49 section 319.1034;

50 (10) Any member of a fire department or fire protection district,
51 who is employed on a full-time basis as a fire investigator and who has
52 a valid concealed carry endorsement issued prior to August 28, 2013, or
53 a valid concealed carry permit issued under sections 319.1025 to
54 319.1043, when such uses are reasonably associated with or are
55 necessary to the fulfillment of such person's official duties;

56 (11) Any coroner, deputy coroner, medical examiner, or assistant
57 medical examiner; and

58 (12) Upon the written approval of the governing body of a fire
59 department or fire protection district, any paid fire department or fire
60 protection district chief who is employed on a full-time basis and who
61 has a valid concealed carry endorsement issued prior to August 28,
62 2013, or a valid concealed carry permit issued under sections 319.1025
63 to 319.1043, when such uses are reasonably associated with or
64 necessary to the fulfillment of such person's official duties.

65 2. As used in this section "qualified retired peace officer" means
66 an individual who:

67 (1) Retired in good standing from service with a public agency
68 as a peace officer, other than for reasons of mental instability;

69 (2) Before such retirement, was authorized by law to engage in
70 or supervise the prevention, detection, investigation, or prosecution of,
71 or the incarceration of any person for, any violation of law, and had
72 statutory powers of arrest;

73 (3) Before such retirement, was regularly employed as a peace
74 officer for an aggregate of fifteen years or more, or retired from service
75 with such agency, after completing any applicable probationary period
76 of such service, due to a service-connected disability, as determined by
77 such agency;

78 (4) Has a nonforfeitable right to benefits under the retirement

79 plan of the agency if such a plan is available;

80 (5) During the most recent twelve-month period, has met, at the
81 expense of the individual, the standards for training and qualification
82 for active peace officers to carry firearms;

83 (6) Is not under the influence of alcohol or another intoxicating
84 or hallucinatory drug or substance; and

85 (7) Is not prohibited by federal law from receiving a firearm.

86 3. The identification required by subdivision (1) of subsection 1
87 of this section is:

88 (1) A photographic identification issued by the agency from
89 which the individual retired from service as a peace officer that
90 indicates that the individual has, within one year of the date the
91 individual is carrying the concealed firearm, been tested or otherwise
92 found by the agency to meet the standards established by the agency
93 for training and qualification for active peace officers to carry a
94 firearm of the same type as the concealed firearm; or

95 (2) A photographic identification issued by the agency from
96 which the individual retired from service as a peace officer; and

97 (3) A certification issued by the state in which the individual
98 resides that indicates that the individual has, within one year of the
99 date the individual is carrying the concealed firearm, been tested or
100 otherwise found by the state to meet the standards established by the
101 state for training and qualification for active peace officers to carry a
102 firearm of the same type as the concealed firearm.

571.042. 1. A person commits the offense of possession of a
2 weapon while intoxicated if he or she has a firearm or projectile
3 weapon readily capable of lethal use on his or her person, while he or
4 she is intoxicated.

5 2. The offense of possession of a weapon while intoxicated is a
6 class A misdemeanor, unless committed with a loaded firearm, in which
7 case it is a class E felony.

8 3. This section shall not apply to a person transporting such
9 weapons in a nonfunctioning state or in an unloaded state when
10 ammunition is not readily accessible or when such weapons are not
11 readily accessible.

12 4. It shall be an affirmative defense to this section that the

13 person is in his or her own residence at the time of the offense, unless
14 he or she handles or otherwise uses such firearm or projectile weapon
15 in either a negligent or unlawful manner or discharges such firearm or
16 projectile weapon.

17 **5. No person found guilty of possession of a weapon while**
18 **intoxicated shall receive a suspended imposition of sentence if such**
19 **person has previously received a suspended imposition of sentence for**
20 **any other firearms or weapons-related felony offense.**

571.043. It shall be a defense to section 571.033, unlawful
2 discharge of a firearm in the first degree; section 571.034, unlawful
3 discharge of a firearm in the second degree; section 571.036,
4 brandishing a weapon; section 571.038, possession of a weapon in a
5 prohibited place; and section 571.042, possession of a weapon while
6 intoxicated; that the offense was committed by a person engaged in a
7 lawful act of defense under section 563.031. The defendant shall have
8 the burden of injecting the issue of lawful defense.

571.044. 1. A person commits the offense of setting a spring gun
2 if he or she knowingly sets any fused, timed or nonmanually controlled
3 trap or device designed or adapted to set off an explosion for the
4 purpose of inflicting serious physical injury or death.

5 **2. The offense of setting a spring gun is a class E felony.**

6 **3. No person found guilty of setting a spring gun shall receive a**
7 **suspended imposition of sentence if such person has previously**
8 **received a suspended imposition of sentence for any other firearms- or**
9 **weapons-related felony offense.**

571.045. 1. A person commits the [crime] offense of defacing a firearm
2 if he or she knowingly [defaces] alters or destroys the manufacturer's or
3 importer's serial number or any other distinguishing number or
4 identification mark of any firearm.

5 **2. The offense of defacing a firearm is a class A misdemeanor.**

571.050. 1. A person commits the [crime] offense of possession of a
2 defaced firearm if he or she knowingly possesses a firearm on which [is defaced]
3 the manufacturer's or importer's serial number or any other
4 distinguishing number or identification mark has been altered or
5 destroyed.

6 **2. The offense of possession of a defaced firearm is a class B**

7 misdemeanor.

571.060. 1. A person commits the [crime] **offense** of unlawful transfer
2 of [weapons] **a weapon** if he **or she**:

3 (1) Knowingly [sells, leases, loans, gives away or delivers] **transfers** a
4 firearm or ammunition for a firearm to any person who, under the provisions of
5 section 571.070, is not lawfully entitled to possess such;

6 (2) Knowingly [sells, leases, loans, gives away or delivers] **transfers** a
7 blackjack to a person less than eighteen years [old] **of age** without the consent
8 of the child's custodial parent or guardian[,]; or

9 (3) Recklessly[, as defined in section 562.016, sells, leases, loans, gives
10 away or delivers] **transfers** any firearm to a person less than eighteen years
11 [old] **of age** without the consent of the child's custodial parent or guardian;
12 [provided, that this does not prohibit the delivery of such weapons to any peace
13 officer or member of the armed forces or national guard while performing his
14 official duty;] or

15 [(3)] (4) Recklessly, [as defined in section 562.016, sells, leases, loans,
16 gives away or delivers] **transfers** a firearm or ammunition for a firearm to a
17 person who is intoxicated.

18 2. **The offense of** unlawful transfer of [weapons] **a weapon** under
19 subdivision (1) of subsection 1 of this section is a class [D] E felony; unlawful
20 transfer of [weapons] **a weapon** under subdivisions (2) [and], (3) **and** (4) of
21 subsection 1 of this section is a class A misdemeanor.

571.063. 1. [As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a
3 firearm;

4 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section
5 923 to engage in the business of dealing in firearms;

6 (3) "Materially false information", any information that portrays an illegal
7 transaction as legal or a legal transaction as illegal;

8 (4) "Private seller", a person who sells or offers for sale any firearm, as
9 defined in section 571.010, or ammunition.

10 2.] A person commits the [crime] **offense** of fraudulent purchase of a
11 firearm if [such person] **he or she**:

12 (1) Knowingly solicits, persuades, encourages or entices a [licensed dealer
13 or private] seller of firearms or ammunition to transfer a firearm or ammunition
14 under circumstances which the person knows would violate the laws of this state

15 or the United States; or

16 (2) Provides to a [licensed dealer or private] seller of firearms or
17 ammunition what the person knows to be [materially] false information with
18 intent to deceive the [dealer or] seller about the legality of a transfer of a firearm
19 or ammunition[; or

20 (3) Willfully procures another to violate the provisions of subdivision (1)
21 or (2) of this subsection].

22 **[3.] 2. The offense of** fraudulent purchase of a firearm is a class **[D] E**
23 felony.

24 **[4.] 3.** This section shall not apply to criminal investigations conducted
25 by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives,
26 authorized agents of such investigations, or to a [peace] **law enforcement**
27 officer, [as defined in section 542.261,] acting at the explicit direction of the
28 United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

571.070. 1. A person commits the **[crime] offense** of unlawful possession
2 of a firearm **or explosive weapon** if **[such person]** **he or she** knowingly has
3 any firearm **or explosive weapon** in his or her possession and **such person**:

4 (1) **[Such person]** Has been convicted of a felony under the laws of this
5 state, or of **[a crime] an offense** under the laws of any **[state or of the United**
6 **States]** **jurisdiction** which, if committed **[within]** **in** this state, would be a
7 felony; or

8 (2) **[Such person]** Is a fugitive from justice~~[,]~~; **or**

9 (3) Is habitually in an intoxicated or drugged condition~~[,]~~; **or**

10 (4) Is currently adjudged mentally incompetent.

11 **2. The offense of** unlawful possession of a firearm **or explosive**
12 **weapon** is a class **[C] D** felony.

13 3. The provisions of subdivision (1) of subsection 1 of this section shall not
14 apply to the possession of an antique firearm.

571.150. 1. As used in this section, the term "metal-penetrating bullet"
2 means handgun bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451
3 or other caliber which is comprised of a hardened core equal to the minimum of
4 the maximum attainable hardness by solid red metal alloy which purposely
5 reduces the normal expansion or mushrooming of the bullet's or projectile's shape
6 upon impact. Metal-penetrating bullet does not include any bullet or projectile
7 composed of copper or brass jacket with lead or lead alloy cores or any bullet or
8 projectile composed of lead or lead alloys.

9 2. [Any person who uses or possesses] **The offense of using or**
10 **possessing** a metal-penetrating bullet during the commission of [a crime is
11 guilty of] **an offense is** a class B felony.

572.010. As used in this chapter **the following terms mean:**

2 (1) "Advance gambling activity", a person "advances gambling activity" if,
3 acting other than as a player, he **or she** engages in conduct that materially aids
4 any form of gambling activity. Conduct of this nature includes but is not limited
5 to conduct directed toward the creation or establishment of the particular game,
6 lottery, contest, scheme, device or activity involved, toward the acquisition or
7 maintenance of premises, paraphernalia, equipment or apparatus therefor, toward
8 the solicitation or inducement of persons to participate therein, toward the actual
9 conduct of the playing phases thereof, toward the arrangement or communication
10 of any of its financial or recording phases, or toward any other phase of its
11 operation. A person advances gambling activity if, having substantial proprietary
12 control or other authoritative control over premises being used with his **or her**
13 knowledge for purposes of gambling activity, he **or she** permits that activity to
14 occur or continue or makes no effort to prevent its occurrence or
15 continuation. The supplying, servicing and operation of a licensed excursion
16 gambling boat under sections 313.800 to 313.840 does not constitute advancing
17 gambling activity;

18 (2) "Bookmaking", [means] advancing gambling activity by unlawfully
19 accepting bets from members of the public as a business, rather than in a casual
20 or personal fashion, upon the outcomes of future contingent events;

21 (3) "Contest of chance" [means], any contest, game, gaming scheme or
22 gaming device in which the outcome depends in a material degree upon an
23 element of chance, notwithstanding that the skill of the contestants may also be
24 a factor therein;

25 (4) "Gambling", a person engages in "gambling" when he **or she** stakes
26 or risks something of value upon the outcome of a contest of chance or a future
27 contingent event not under his **or her** control or influence, upon an agreement
28 or understanding that he **or she** will receive something of value in the event of
29 a certain outcome. Gambling does not include bona fide business transactions
30 valid under the law of contracts, including but not limited to contracts for the
31 purchase or sale at a future date of securities or commodities, and agreements to
32 compensate for loss caused by the happening of chance, including but not limited
33 to contracts of indemnity or guaranty and life, health or accident insurance; nor

34 does gambling include playing an amusement device that confers only an
35 immediate right of replay not exchangeable for something of value. Gambling
36 does not include any licensed activity, or persons participating in such games
37 which are covered by sections 313.800 to 313.840;

38 (5) "Gambling device" [means], any device, machine, paraphernalia or
39 equipment that is used or usable in the playing phases of any gambling activity,
40 whether that activity consists of gambling between persons or gambling by a
41 person with a machine. However, lottery tickets, policy slips and other items
42 used in the playing phases of lottery and policy schemes are not gambling devices
43 within this definition;

44 (6) "Gambling record" [means], any article, instrument, record, receipt,
45 ticket, certificate, token, slip or notation used or intended to be used in
46 connection with unlawful gambling activity;

47 (7) "Lottery" or "policy" [means], an unlawful gambling scheme in which
48 for a consideration the participants are given an opportunity to win something of
49 value, the award of which is determined by chance;

50 (8) "Player" [means], a person who engages in any form of gambling solely
51 as a contestant or bettor, without receiving or becoming entitled to receive any
52 profit therefrom other than personal gambling winnings, and without otherwise
53 rendering any material assistance to the establishment, conduct or operation of
54 the particular gambling activity. A person who gambles at a social game of
55 chance on equal terms with the other participants therein does not otherwise
56 render material assistance to the establishment, conduct or operation thereof by
57 performing, without fee or remuneration, acts directed toward the arrangement
58 or facilitation of the game, such as inviting persons to play, permitting the use
59 of premises therefor and supplying cards or other equipment used therein. A
60 person who engages in "bookmaking" as defined in subdivision (2) of this section
61 is not a "player";

62 (9) "Professional player" [means], a player who engages in gambling for
63 a livelihood or who has derived at least twenty percent of his **or her** income in
64 any one year within the past five years from acting solely as a player;

65 (10) "Profit from gambling activity", a person "profits from gambling
66 activity" if, other than as a player, he **or she** accepts or receives money or other
67 property pursuant to an agreement or understanding with any person whereby
68 he participates or is to participate in the proceeds of gambling activity;

69 (11) "Slot machine" [means], a gambling device that as a result of the

70 insertion of a coin or other object operates, either completely automatically or
71 with the aid of some physical act by the player, in such a manner that, depending
72 upon elements of chance, it may eject something of value. A device so constructed
73 or readily adaptable or convertible to such use is no less a slot machine because
74 it is not in working order or because some mechanical act of manipulation or
75 repair is required to accomplish its adaptation, conversion or workability. Nor
76 is it any less a slot machine because apart from its use or adaptability as such it
77 may also sell or deliver something of value on a basis other than chance;

78 (12) "Something of value" [means], any money or property, any token,
79 object or article exchangeable for money or property, or any form of credit or
80 promise directly or indirectly contemplating transfer of money or property or of
81 any interest therein or involving extension of a service, entertainment or a
82 privilege of playing at a game or scheme without charge;

83 (13) "Unlawful" [means], not specifically authorized by law.

**572.015. Nothing in this chapter prohibits constitutionally
2 authorized activities under article III, sections 39(a) to 39(f) of the
3 Missouri Constitution.**

572.020. 1. A person commits the [crime] offense of gambling if he **or**
2 **she** knowingly engages in gambling.

3 2. **The offense of** gambling is a class C misdemeanor unless:

4 (1) It is committed by a professional player, in which case it is a class [D
5 felony] **A misdemeanor**; or

6 (2) The person knowingly engages in gambling with a [minor] **child less**
7 **than seventeen years of age**, in which case it is a class B misdemeanor.

572.030. 1. A person commits the [crime] offense of promoting gambling
2 in the first degree if he **or she** knowingly advances or profits from unlawful
3 gambling or lottery activity by:

4 (1) Setting up and operating a gambling device to the extent that more
5 than one hundred dollars of money is gambled upon or by means of the device in
6 any one day, or setting up and operating any slot machine; or

7 (2) Engaging in bookmaking to the extent that he **or she** receives or
8 accepts in any one day more than one bet and a total of more than one hundred
9 dollars in bets; or

10 (3) Receiving in connection with a lottery or policy or enterprise:

11 (a) Money or written records from a person other than a player whose
12 chances or plays are represented by such money or records; or

13 (b) More than one hundred dollars in any one day of money played in the
14 scheme or enterprise; or

15 (c) Something of value played in the scheme or enterprise with a fair
16 market value exceeding one hundred dollars in any one day.

17 2. **The offense of** promoting gambling in the first degree is a class [D]
18 **E** felony.

572.040. 1. A person commits the [crime] **offense** of promoting gambling
2 in the second degree if he **or she** knowingly advances or profits from unlawful
3 gambling or lottery activity.

4 2. **The offense of** promoting gambling in the second degree is a class A
5 misdemeanor.

572.050. 1. A person commits the [crime] **offense** of possession of
2 gambling records in the first degree if, with knowledge of the contents thereof, he
3 **or she** possesses any gambling record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise,
5 and constituting, reflecting or representing more than five bets totaling more
6 than five hundred dollars; or

7 (2) In the operation, promotion or playing of a lottery or policy scheme or
8 enterprise, and constituting, reflecting or representing more than five hundred
9 plays or chances therein.

10 2. [A person does not commit a crime] **No offense is committed** under
11 subdivision (1) of subsection 1 of this section if the gambling record possessed by
12 the [defendant] **person** constituted, reflected or represented **his or her own**
13 bets [of the defendant himself] in a number not exceeding ten.

14 3. The defendant shall have the burden of injecting the issue under
15 subsection 2.

16 4. **The offense of** possession of gambling records in the first degree is a
17 class [D] **E** felony.

572.060. 1. A person commits the [crime] **offense** of possession of
2 gambling records in the second degree if, with knowledge of the contents thereof,
3 he **or she** possesses any gambling record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise;
5 or

6 (2) In the operation, promotion or playing of a lottery or policy scheme or
7 enterprise.

8 2. [A person does not commit a crime] **No offense is committed** under

9 subdivision (1) of subsection 1 of this section if the gambling record possessed by
10 the [defendant] **person** constituted, reflected or represented bets [of the
11 defendant himself] in a number not exceeding ten.

12 3. The defendant shall have the burden of injecting the issue under
13 subsection 2.

14 4. **The offense of** possession of gambling records in the second degree
15 is a class A misdemeanor.

572.070. 1. A person commits the [crime] **offense** of possession of a
2 gambling device if, with knowledge of the character thereof, he **or she**
3 manufactures, sells, transports, places or possesses, or conducts or negotiates any
4 transaction affecting or designed to affect ownership, custody or use of:

5 (1) A slot machine; or

6 (2) Any other gambling device, knowing or having reason to believe that
7 it is to be used in the state of Missouri in the advancement of unlawful gambling
8 activity.

9 2. **The offense of** possession of a gambling device is a class A
10 misdemeanor.

573.010. As used in this chapter the following terms shall mean:

2 (1) "**Adult cabaret**", a nightclub, bar, juice bar, restaurant, bottle
3 club, or other commercial establishment, regardless of whether
4 alcoholic beverages are served, which regularly features persons who
5 appear semi-nude;

6 (2) "**Characterized by**", describing the essential character or
7 dominant theme of an item;

8 (3) "Child", any person under the age of fourteen;

9 [(2)] (4) "Child pornography":

10 (a) Any obscene material or performance depicting sexual conduct, sexual
11 contact as defined in section **566.010**, or a sexual performance[, as these terms
12 are defined in section 556.061,] and which has as one of its participants or
13 portrays as an observer of such conduct, contact, or performance a minor [under
14 the age of eighteen]; or

15 (b) Any visual depiction, including any photograph, film, video, picture,
16 or computer or computer-generated image or picture, whether made or produced
17 by electronic, mechanical, or other means, of sexually explicit conduct where:

18 a. The production of such visual depiction involves the use of a minor
19 engaging in sexually explicit conduct;

20 b. Such visual depiction is a digital image, computer image, or
21 computer-generated image that is, or is indistinguishable from, that of a minor
22 engaging in sexually explicit conduct, **in that the depiction is such that an**
ordinary person viewing the depiction would conclude that the
depiction is of an actual minor engaged in sexually explicit conduct; or

25 c. Such visual depiction has been created, adapted, or modified to show
26 that an identifiable minor is engaging in sexually explicit conduct. **"Identifiable**
minor" means a person who was a minor at the time the visual
depiction was created, adapted, or modified; or whose image as a minor
was used in creating, adapting, or modifying the visual depiction; and
who is recognizable as an actual person by the person's face, likeness,
or other distinguishing characteristic, such as a unique birthmark or
other recognizable feature. The term "identifiable minor" shall not be
33 construed to require proof of the actual identity of the identifiable
34 minor;

35 [(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any
36 fashion displaying in any location, whether public or private, an item in such a
37 manner that it may be readily seen and its content or character distinguished by
38 normal unaided vision viewing it from a street, highway or public sidewalk, or
39 from the property of others or from any portion of the person's store, or the
40 exhibitor's store or property when items and material other than this material are
41 offered for sale or rent to the public;

42 (4)] (5) "Employ", "employee", or "employment", means any person
43 who performs any service on the premises of a sexually oriented
44 business, on a full-time, part-time, or contract basis, whether or not the
45 person is denominated an employee, independent contractor, agent, or
46 otherwise. Employee does not include a person exclusively on the
47 premises for repair or maintenance of the premises or for the delivery
48 of goods to the premises;

49 (6) "Explicit sexual material", any pictorial or three-dimensional material
50 depicting human masturbation, deviate sexual intercourse, sexual intercourse,
51 direct physical stimulation or unclothed genitals, sadomasochistic abuse, or
52 emphasizing the depiction of postpubertal human genitals; provided, however,
53 that works of art or of anthropological significance shall not be deemed to be
54 within the foregoing definition;

55 [(5)] (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver,

56 transfer, circulate, disseminate, present, exhibit or otherwise provide;

57 [(6) "Graphic", when used with respect to a depiction of sexually explicit
58 conduct, that a viewer can observe any part of the genitals or pubic area of any
59 depicted person or animal during any part of the time that the sexually explicit
60 conduct is being depicted;]

61 (7) "Identifiable minor":

62 (a) A person:

63 a. (i) Who was a minor at the time the visual depiction was created,
64 adapted, or modified; or

65 (ii) Whose image as a minor was used in creating, adapting, or modifying
66 the visual depiction; and

67 b. Who is recognizable as an actual person by the person's face, likeness,
68 or other distinguishing characteristic, such as a unique birthmark or other
69 recognizable feature; and

70 (b) The term shall not be construed to require proof of the actual identity
71 of the identifiable minor;

72 (8) "Indistinguishable", when used with respect to a depiction, virtually
73 indistinguishable, in that the depiction is such that an ordinary person viewing
74 the depiction would conclude that the depiction is of an actual minor engaged in
75 sexually explicit conduct. Indistinguishable does not apply to depictions that are
76 drawings, cartoons, sculptures, or paintings depicting minors or adults;

77 (9)] (8) "Material", anything printed or written, or any picture, drawing,
78 photograph, motion picture film, videotape or videotape production, or pictorial
79 representation, or any recording or transcription, or any mechanical, chemical,
80 or electrical reproduction, or stored computer data, or anything which is or may
81 be used as a means of communication. Material includes undeveloped
82 photographs, molds, printing plates, stored computer data and other latent
83 representational objects;

84 [(10)] (9) "Minor", any person [under the age of] **less than** eighteen
85 **years of age**;

86 [(11)] (10) "Nudity" or "state of nudity", the showing of [postpubertal]
87 the human genitals [or], pubic area, **vulva, anus, anal cleft, or the female**
88 **breast** with less than a fully opaque covering of **any part of the nipple or**
89 **areola**;

90 [(12)] (11) "Obscene", any **comment, request, suggestion**, material,
91 or performance [is obscene] if, taken as a whole:

92 (a) Applying contemporary community standards, its predominant appeal
93 is to prurient interest in sex; and

94 (b) The average person, applying contemporary community standards,
95 would find the material depicts or describes sexual conduct in a patently offensive
96 way; and

97 (c) A reasonable person would find the material lacks serious literary,
98 artistic, political or scientific value;

99 **(12) "Operator", any person on the premises of a sexually**
100 **oriented business who causes the business to function or who puts or**
101 **keeps in operation the business or who is authorized to manage the**
102 **business or exercise overall operational control of the business**
103 **premises. A person may be found to be operating or causing to be**
104 **operated a sexually oriented business whether or not such person is an**
105 **owner, part owner, or licensee of the business;**

106 (13) "Performance", any play, motion picture film, videotape, dance or
107 exhibition performed before an audience of one or more;

108 (14) "Pornographic for minors", any material or performance [is
109 pornographic for minors] if the following apply:

110 (a) The average person, applying contemporary community standards,
111 would find that the material or performance, taken as a whole, has a tendency to
112 cater or appeal to a prurient interest of minors; and

113 (b) The material or performance depicts or describes nudity, sexual
114 conduct, [sexual excitement] **the condition of human genitals when in a**
115 **state of sexual stimulation or arousal**, or sadomasochistic abuse in a way
116 which is patently offensive to the average person applying contemporary adult
117 community standards with respect to what is suitable for minors; and

118 (c) The material or performance, taken as a whole, lacks serious literary,
119 artistic, political, or scientific value for minors;

120 **(15) "Premises", the real property upon which a sexually oriented**
121 **business is located, and all appurtenances thereto and buildings**
122 **thereon, including but not limited to the sexually oriented business, the**
123 **grounds, private walkways, and parking lots or parking garages or**
124 **both;**

125 **(16) "Promote", to manufacture, issue, sell, provide, mail, deliver,**
126 **transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit,**
127 **or advertise, or to offer or agree to do the same, by any means including a**

128 computer;

129 **(17) "Regularly, the consistent and repeated doing of the act so**
130 **described;**

131 [(16)] **(18) "Sadomasochistic abuse", flagellation or torture by or upon a**
132 **person as an act of sexual stimulation or gratification;**

133 **(19) "Semi-nude" or "state of semi-nudity", the showing of the**
134 **female breast below a horizontal line across the top of the areola and**
135 **extending across the width of the breast at such point, or the showing**
136 **of the male or female buttocks. Such definition includes the lower**
137 **portion of the human female breast, but shall not include any portion**
138 **of the cleavage of the female breasts exhibited by a bikini, dress,**
139 **blouse, shirt, leotard, or similar wearing apparel provided the areola**
140 **is not exposed in whole or in part;**

141 [(17)] **(20) "Sexual conduct", actual or simulated, normal or perverted**
142 **acts of human masturbation; deviate sexual intercourse; sexual intercourse; or**
143 **physical contact with a person's clothed or unclothed genitals, pubic area,**
144 **buttocks, or the breast of a female in an act of apparent sexual stimulation or**
145 **gratification or any sadomasochistic abuse or acts including animals or any latent**
146 **objects in an act of apparent sexual stimulation or gratification;**

147 [(18)] **(21) "Sexually explicit conduct", actual or simulated:**

148 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital,
149 **or oral-anal, whether between persons of the same or opposite sex;**
150 (b) Bestiality;
151 (c) Masturbation;
152 (d) Sadistic or masochistic abuse; or
153 (e) Lascivious exhibition of the genitals or pubic area of any person;

154 [(19) "Sexual excitement", the condition of human male or female genitals
155 **when in a state of sexual stimulation or arousal;**

156 [(20)] **(22) "Sexually oriented business" includes:**

157 (a) **An adult bookstore or adult video store. "Adult bookstore" or**
158 **"adult video store" means a commercial establishment which, as one of**
159 **its principal business activities, offers for sale or rental for any form**
160 **of consideration any one or more of the following: books, magazines,**
161 **periodicals, or other printed matter, or photographs, films, motion**
162 **pictures, video cassettes, compact discs, digital video discs, slides, or**
163 **other visual representations which are characterized by their emphasis**

164 upon the display of specified sexual activities or specified anatomical
165 areas. A "principal business activity" exists where the commercial
166 establishment:

167 a. Has a substantial portion of its displayed merchandise which
168 consists of such items; or

169 b. Has a substantial portion of the wholesale value of its
170 displayed merchandise which consists of such items; or

171 c. Has a substantial portion of the retail value of its displayed
172 merchandise which consists of such items; or

173 d. Derives a substantial portion of its revenues from the sale or
174 rental, for any form of consideration, of such items; or

175 e. Maintains a substantial section of its interior business space
176 for the sale or rental of such items; or

177 f. Maintains an adult arcade. "Adult arcade" means any place to
178 which the public is permitted or invited wherein coin-operated or slug-
179 operated or electronically, electrically, or mechanically controlled still
180 or motion picture machines, projectors, or other image-producing
181 devices are regularly maintained to show images to five or fewer
182 persons per machine at any one time, and where the images so
183 displayed are characterized by their emphasis upon matter exhibiting
184 specified sexual activities or specified anatomical areas;

185 (b) An adult cabaret;

186 (c) An adult motion picture theater. "Adult motion picture
187 theater" means a commercial establishment where films, motion
188 pictures, video cassettes, slides, or similar photographic reproductions,
189 which are characterized by their emphasis upon the display of
190 specified sexual activities or specified anatomical areas are regularly
191 shown to more than five persons for any form of consideration;

192 (d) A semi-nude model studio. "Semi-nude model studio" means
193 a place where persons regularly appear in a state of semi-nudity for
194 money or any form of consideration in order to be observed, sketched,
195 drawn, painted, sculptured, photographed, or similarly depicted by
196 other persons. Such definition shall not apply to any place where
197 persons appearing in a state of semi-nudity do so in a modeling class
198 operated:

199 a. By a college, junior college, or university supported entirely

200 **or partly by taxation;**

201 **b. By a private college or university which maintains and**
202 **operates educational programs in which credits are transferable to a**
203 **college, junior college, or university supported entirely or partly by**
204 **taxation; or**

205 **c. In a structure:**

206 **(i) Which has no sign visible from the exterior of the structure**
207 **and no other advertising that indicates a semi-nude person is available**
208 **for viewing; and**

209 **(ii) Where, in order to participate in a class, a student must**
210 **enroll at least three days in advance of the class;**

211 **(e) A sexual encounter center.** "Sexual encounter center" means
212 **a business or commercial enterprise that, as one of its principal**
213 **purposes, purports to offer for any form of consideration physical**
214 **contact in the form of wrestling or tumbling between two or more**
215 **persons when one or more of the persons is semi-nude;**

216 **(23) "Sexual performance", any performance, or part thereof,**
217 **which includes sexual conduct by a child who is less than seventeen**
218 **years of age;**

219 **(24) "Specified anatomical areas" include:**

220 **(a) Less than completely and opaquely covered: human genitals,**
221 **pubic region, buttock, and female breast below a point immediately**
222 **above the top of the areola; and**

223 **(b) Human male genitals in a discernibly turgid state, even if**
224 **completely and opaquely covered;**

225 **(25) "Specified sexual activity", includes any of the following:**

226 **(a) Intercourse, oral copulation, masturbation, or sodomy; or**

227 **(b) Excretory functions as a part of or in connection with any of**
228 **the activities described in paragraph (a) of this subdivision;**

229 **(26) "Substantial", at least thirty percent of the item or items so**
230 **modified;**

231 **(27) "Visual depiction", includes undeveloped film and videotape, and**
232 **data stored on computer disk or by electronic means which is capable of**
233 **conversion into a visual image[;**

234 **(21) "Wholesale promote", to manufacture, issue, sell, provide, mail,**
235 **deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer**

236 or agree to do the same for purposes of resale or redistribution].

573.020. 1. A person commits the [crime] **offense** of promoting obscenity
2 in the first degree if **he or she**:

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

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

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

12 2. **The offense of** promoting obscenity in the first degree is a class [D]
13 **E** felony.

14 3. As used in this section, "wholesale promote" means to
15 manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
16 publish, distribute, circulate, disseminate, or to offer or agree to do the
17 same for purposes of resale or redistribution.

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

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

573.025. 1. A person commits the [crime] **offense** of promoting child
2 pornography in the first degree if [such person] **he or she** possesses with the
3 intent to promote or promotes child pornography of a child less than fourteen
4 years [of age] **old** or obscene material portraying what appears to be a child less
5 than fourteen years [of age] **old**.

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

12 3. Nothing in this section shall be construed to require a provider of

13 electronic communication services or remote computing services to monitor any
14 user, subscriber or customer of the provider, or the content of any communication
15 of any user, subscriber or customer of the provider.

573.030. 1. A person commits the [crime] **offense** of promoting
2 pornography for minors or obscenity in the second degree if he or she:

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

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

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

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

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

16 2. **The offense of** promoting pornography for minors or obscenity in the
17 second degree is a class A misdemeanor unless the person has [pledged guilty to
18 or has] been found guilty of an offense pursuant to this section committed at a
19 different time, in which case it is a class [D] **E** felony.

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

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

573.037. 1. A person commits the offense of possession of child
2 pornography if such person knowingly or recklessly possesses any child
3 pornography of a minor less than eighteen years old or obscene material
4 portraying what appears to be a minor less than eighteen years old.

5 2. The offense of possession of child pornography is a class [C] **D** felony
6 if the person possesses one still image of child pornography or one obscene still
7 image. The offense of possession of child pornography is a class B felony if the
8 person:

9 (1) Possesses:

10 (a) More than twenty still images of child pornography; or
11 (b) More than twenty obscene still images; or
12 (c) Child pornography comprised of one motion picture, film, videotape,
13 videotape production, or other moving image; or
14 (d) Obscene material comprised of one motion picture, film, videotape
15 production, or other moving image; or

16 (2) Has previously [pleaded guilty to or has] been found guilty of an
17 offense under this section.

18 3. A person who has committed the offense of possession of child
19 pornography is subject to separate punishments for each item of child
20 pornography or obscene material possessed by the person.

573.040. 1. A person commits the [crime] **offense** of furnishing
2 pornographic material to minors if he or she:

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

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

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

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

18 3. **The offense of** furnishing pornographic material to minors or
19 attempting to furnish pornographic material to minors is a class A misdemeanor
20 unless the person has [pleaded guilty to or has] been found guilty of an offense

21 committed at a different time pursuant to this chapter, chapter 566 or chapter
22 568, in which case it is a class [D] **E** felony.

573.050. 1. In any prosecution under this chapter evidence shall be
2 admissible to show:

3 (1) What the predominant appeal of the material or performance would
4 be for ordinary adults or minors;

5 (2) The literary, artistic, political or scientific value of the material or
6 performance;

7 (3) The degree of public acceptance in this state and in the local
8 community;

9 (4) The appeal to prurient interest in advertising or other promotion of
10 the material or performance;

11 (5) The purpose of the author, creator, promoter, furnisher or publisher
12 of the material or performance.

13 2. Testimony of the author, creator, promoter, furnisher, publisher, or
14 expert testimony, relating to factors entering into the determination of the issues
15 of obscenity or child pornography, shall be admissible.

16 3. In any prosecution [for possession of child pornography or promoting
17 child pornography in the first or second degree, the determination that the person
18 who participated in the child pornography was younger than eighteen years of age
19 may be made as set forth in section 568.100, or reasonable inferences drawn by
20 a judge or jury after viewing the alleged pornographic material shall constitute
21 sufficient evidence of the child's age to support a conviction] **under this**
chapter, when it becomes necessary to determine whether a person was
less than seventeen or eighteen years old, the court or jury may make
this determination by any of the following methods:

25 (1) **Personal inspection of the child;**

26 (2) **Inspection of the photograph or motion picture that shows**
the child engaging in the sexual performance;

28 (3) **Oral testimony by a witness to the sexual performance as to**
the age of the child based on the child's appearance at the time;

30 (4) **Expert medical testimony based on the appearance of the**
child engaging in the sexual performance; or

32 (5) **Any other method authorized by law or by the rules of**
evidence.

34 4. In any prosecution for promoting child pornography in the first or

35 second degree, no showing is required that the performance or material involved
36 appeals to prurient interest, that it lacks serious literary, artistic, political or
37 scientific value, or that it is patently offensive to prevailing standards in the
38 community as a whole.

573.052. Upon receipt of any information that child pornography as
2 defined in section 573.010 is contained on a website, the attorney general shall
3 investigate such information. If the attorney general has probable cause to believe
4 the website contains child pornography, the attorney general shall notify a
5 website operator of any child pornography site residing on that website operator's
6 server, in writing. If the website operator promptly, but in no event longer than
7 five days after receiving notice, removes the alleged pornography from its server,
8 and so long as the website operator is not the purveyor of such child pornography,
9 it shall be immune from civil liability. If the website operator does not promptly
10 remove the alleged pornography, the attorney general may seek an injunction
11 pursuant to section 573.070 to remove the child pornography site from the
12 website operator's server. This section shall not be construed to create any
13 defense to any criminal charges brought pursuant to this chapter [or chapter
14 568].

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

3 (1) [Displays publicly] **Exposes, places, exhibits, or in any fashion,**
4 **displays** explicit sexual material **in any location, whether public or**
5 **private, and in such a manner that it may be readily seen and its**
6 **content or character distinguished by normal unaided vision as viewed**
7 **from a street, highway, public sidewalk, or the property of others, or**
8 **from any portion of the person's store, the exhibitor's store or property**
9 **when items and material other than this material are offered for sale**
10 **or rent to the public;** or

11 (2) Fails to take prompt action to remove such a display from property in
12 his **or her** possession after learning of its existence.

13 2. **The offense of** public display of explicit sexual material is a class A
14 misdemeanor unless the person has [pledged guilty to or has] been found guilty
15 of an offense under this section committed at a different time, in which case it is
16 a class [D] **E** felony.

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

573.065. 1. A person commits the [crime] **offense** of coercing acceptance
2 of obscene material if **he or she**:

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

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

8 2. **The offense of** coercing acceptance of obscene material is a class [D]
9 **E** felony.

573.090. 1. Video cassettes or other video reproduction devices, or the
2 jackets, cases or coverings of such video reproduction devices shall be displayed
3 or maintained in a separate area if the same are pornographic for minors as
4 defined in section 573.010, or if:

5 (1) Taken as a whole and applying contemporary community standards,
6 the average person would find that it has a tendency to cater or appeal to morbid
7 interest in violence for persons [under the age of] **less than** seventeen years of
8 **age**; and

9 (2) It depicts violence in a way which is patently offensive to the average
10 person applying contemporary adult community standards with respect to what
11 is suitable for persons [under the age of] **less than** seventeen years of **age**; and

12 (3) Taken as a whole, it lacks serious literary, artistic, political, or
13 scientific value for persons [under the age of] **less than** seventeen years of **age**.

14 2. Any video cassettes or other video reproduction devices meeting the
15 description in subsection 1 of this section shall not be rented or sold to a person
16 [under the age of] **less than** seventeen years **of age**.

17 3. [Any] Violation of the provisions of subsection 1 or 2 of this section
18 shall be punishable as an infraction, unless such violation constitutes furnishing
19 pornographic materials to minors as defined in section 573.040, in which case it
20 shall be punishable as a class A misdemeanor or class [D] **E** felony as prescribed
21 in section 573.040, or unless such violation constitutes promoting obscenity in the
22 second degree as defined in section 573.030, in which case it shall be punishable
23 as a class A misdemeanor or class [D] **E** felony as prescribed in section 573.030.

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

2 (1)] **term** "indecent"[,] **means** language or material that depicts or
3 describes, in terms patently offensive as measured by contemporary community
4 standards, sexual or excretory activities or organs[;

5 (2) "Obscene", any comment, request, suggestion or proposal is obscene if:
6 (a) Applying contemporary community standards, its predominant appeal
7 is to prurient interest in sex; and

8 (b) Taken as a whole with respect to the average person, applying
9 contemporary community standards, it depicts or describes sexual conduct in a
10 patently offensive way; and

11 (c) Taken as a whole, it lacks serious literary, artistic, political or
12 scientific value. Obscenity shall be judged with reference to its impact upon
13 ordinary adults].

14 2. [It shall be unlawful for any] A person **commits the offense of**
15 **obscene or indecent commercial messaging if he or she**, by means of a
16 telephone communication for commercial purposes, [to make] **makes** directly or
17 by means of an electronic recording device, any comment, request, suggestion, or
18 proposal which is obscene or indecent; **or knowingly permits any telephone**
19 **or telephone facility connected to a local exchange telephone under**
20 **such person's control to be used for obscene or indecent commercial**
21 **messaging.** Any person who makes any such comment, request, suggestion, or
22 proposal shall be in violation of the provisions of this section regardless of
23 whether such person placed or initiated the telephone call.

24 3. [It shall be unlawful for any person to permit knowingly any telephone
25 or telephone facility connected to a local exchange telephone under such person's
26 control to be used for any purpose prohibited by subsection 2 of this section.

27 4. Any person who violates any provision of this section is guilty of] **The**
28 **offense of obscene or indecent commercial messaging is** a class A
29 misdemeanor unless such person has [pledged guilty to or has] been found guilty
30 of the same offense committed at a different time, in which case the violation is
31 a class [D] E felony. For purposes of this subsection, each violation constitutes
32 a separate offense.

33 [5.] 4. The prohibitions and penalties contained herein are not applicable
34 to a telecommunications company as defined in section 386.020 over whose
35 facilities prohibited communications may be transmitted.

[568.080.] **573.200.** 1. A person commits the [crime] **offense** of use of
2 a child in a sexual performance if, knowing the character and content thereof, the
3 person employs, authorizes, or induces a child less than [seventeen] **eighteen**
4 years of age to engage in a [sexual] performance **which includes sexual**
5 **conduct** or, being a parent, legal guardian, or custodian of such child, consents

6 to the participation by such child in such sexual performance.

7 **2. The offense of** use of a child in a sexual performance is a class C
8 felony, unless in the course thereof the person inflicts serious emotional injury
9 on the child, in which case the [crime] **offense** is a class B felony.

10 **3. The court shall not grant a suspended imposition of sentence**
11 **or a suspended execution of sentence to a person who has previously**
12 **been found guilty of an offense under this section.**

[568.090.] **573.205.** 1. A person commits the [crime] **offense** of
2 promoting a sexual performance **by a child** if, knowing the character and content
3 thereof, the person promotes a [sexual] performance **which includes sexual**
4 **conduct** by a child less than [seventeen] **eighteen** years of age or produces, **or**
5 directs[, or promotes] any performance which includes sexual conduct by a child
6 less than [seventeen] **eighteen** years of age.

7 **2. The offense of** promoting a sexual performance **by a child** is a class
8 C felony.

9 **3. The court shall not grant a suspended imposition of sentence**
10 **or a suspended execution of sentence to a person who has previously**
11 **been found guilty of an offense under this section.**

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

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

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

573.509. 1. No person less than nineteen years [of age] **old** shall dance
2 in an adult cabaret [as defined in section 573.500], nor shall any proprietor of
3 such establishment permit any person less than nineteen years [of age] **old** to

4 dance in an adult cabaret.

5 2. [Any person who violates the provisions of subsection 1] **Violation of**
6 this section is [guilty of] a class A misdemeanor.

573.531. 1. No person shall establish a sexually oriented business within
2 one thousand feet of any preexisting primary or secondary school, house of
3 worship, state-licensed day care facility, public library, public park, residence, or
4 other sexually oriented business. This subsection shall not apply to any sexually
5 oriented business lawfully established prior to August 28, 2010. For purposes of
6 this subsection, measurements shall be made in a straight line, without regard
7 to intervening structures or objects, from the closest portion of the parcel
8 containing the sexually oriented business to the closest portion of the parcel
9 containing the preexisting primary or secondary school, house of worship,
10 state-licensed day care facility, public library, public park, residence, or other
11 sexually oriented business.

12 2. No person shall establish a sexually oriented business if a person with
13 an influential interest in the sexually oriented business has been [convicted of or
14 pled guilty or nolo contendere to a specified criminal act] **found guilty of any**
15 **of the following specified offenses for which less than eight years has**
16 **elapsed since the date of conviction or the date of release from**
17 **confinement for the conviction, whichever is later:**

18 (1) **Rape and sexual assault offenses;**

19 (2) **Sexual offenses involving minors;**

20 (3) **Offenses involving prostitution;**

21 (4) **Obscenity offenses;**

22 (5) **Offenses involving money laundering;**

23 (6) **Offenses involving tax evasion;**

24 (7) **Any attempt, solicitation, or conspiracy to commit one of the**
25 **offenses listed in subdivisions (1) to (6) of this subsection; or**

26 (8) **Any offense committed in another jurisdiction which if**
27 **committed in this state would have constituted an offense listed in**
28 **subdivisions (1) to (7) of this subsection.**

29 3. No person shall knowingly or intentionally, in a sexually oriented
30 business, appear in a state of nudity.

31 4. No employee shall knowingly or intentionally, in a sexually oriented
32 business, appear in a semi-nude condition unless the employee, while semi-nude,
33 shall be and remain on a fixed stage at least six feet from all patrons and at least

34 eighteen inches from the floor in a room of at least six hundred square feet.

35 5. No employee, who appears in a semi-nude condition in a sexually
36 oriented business, shall knowingly or intentionally touch a patron or the clothing
37 of a patron in a sexually oriented business.

38 6. A sexually oriented business, which exhibits on the premises, through
39 any mechanical or electronic image-producing device, a film, video cassette,
40 digital video disc, or other video reproduction, characterized by an emphasis on
41 the display of specified sexual activities or specified anatomical areas shall
42 comply with the following requirements:

43 (1) The interior of the premises shall be configured in such a manner that
44 there is an unobstructed view from an operator's station of every area of the
45 premises, including the interior of each viewing room but excluding restrooms, to
46 which any patron is permitted access for any purpose;

47 (2) An operator's station shall not exceed thirty-two square feet of floor
48 area;

49 (3) If the premises has two or more operator's stations designated, the
50 interior of the premises shall be configured in such a manner that there is an
51 unobstructed view of each area of the premises to which any patron is permitted
52 access for any purpose from at least one of the operator's stations;

53 (4) The view required under this subsection shall be by direct line of sight
54 from the operator's station;

55 (5) It is the duty of the operator to ensure that at least one employee is
56 on duty and situated in an operator's station at all times that any patron is on
57 the portion of the premises monitored by such operator station; and

58 (6) It shall be the duty of the operator and of any employees present on
59 the premises to ensure that the view area specified in this subsection remains
60 unobstructed by any doors, curtains, walls, merchandise, display racks, or other
61 materials or enclosures at all times that any patron is present on the premises.

62 7. Sexually oriented businesses that do not have stages or interior
63 configurations which meet at least the minimum requirements of sections 573.525
64 to 573.537 shall be given one hundred eighty days after August 28, 2010, to
65 comply with the stage and building requirements of sections 573.525 to
66 573.537. During such one hundred eighty-day period, any employee who appears
67 within view of any patron in a semi-nude condition shall remain, while
68 semi-nude, at least six feet from all patrons.

69 8. No operator shall allow or permit a sexually oriented business to be or

70 remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

71 9. No person shall knowingly or intentionally sell, use, or consume
72 alcoholic beverages on the premises of a sexually oriented business.

73 10. No person shall knowingly allow a person under the age of eighteen
74 years on the premises of a sexually oriented business.

75 **11. As used in this section, the following terms mean:**

76 **(1) "Establish" or "establishment", includes any of the following:**

77 **(a) The opening or commencement of any sexually oriented
78 business as a new business;**

79 **(b) The conversion of an existing business, whether or not a
80 sexually oriented business, to any sexually oriented business; or**

81 **(c) The addition of any sexually oriented business to any other
82 existing sexually oriented business;**

83 **(2) "Influential interest", includes any of the following:**

84 **(a) The actual power to operate a sexually oriented business or
85 control the operation, management, or policies of a sexually oriented
86 business or legal entity which operates a sexually oriented business;**

87 **(b) Ownership of a financial interest of thirty percent or more
88 of a business or of any class of voting securities of a business; or**

89 **(c) Holding an office, such as president, vice president, secretary,
90 treasurer, managing member, or managing director, in a legal entity
91 which operates a sexually oriented business;**

92 **(3) "Viewing room", the room, booth, or area where a patron of
93 a sexually oriented business would ordinarily be positioned while
94 watching a film, video cassette, digital video disc, or other video
95 reproduction.**

574.005. 1. As used in this chapter the following terms mean:

2 **(1) "Property of another", any property in which the person does
3 not have a possessory interest;**

4 **(2) "Private property", any place which at the time of the offense
5 is not open to the public. It includes property which is owned publicly
6 or privately;**

7 **(3) "Public place", any place which at the time of the offense is
8 open to the public. It includes property which is owned publicly or
9 privately.**

574.010. 1. A person commits the [crime] offense of peace disturbance

if he or she:

- 2 (1) [He] Unreasonably and knowingly disturbs or alarms another person
3 or persons by:
 - 4 (a) Loud noise; or
 - 5 (b) Offensive language addressed in a face-to-face manner to a specific
6 individual and uttered under circumstances which are likely to produce an
7 immediate violent response from a reasonable recipient; or
 - 8 (c) Threatening to commit a felonious act against any person under
9 circumstances which are likely to cause a reasonable person to fear that such
10 threat may be carried out; or
 - 11 (d) Fighting; or
 - 12 (e) Creating a noxious and offensive odor;
 - 13 (2) [He] Is in a public place or on private property of another without
14 consent and purposely causes inconvenience to another person or persons by
15 unreasonably and physically obstructing:
 - 16 (a) Vehicular or pedestrian traffic; or
 - 17 (b) The free ingress or egress to or from a public or private place.
- 18 2. **The offense of** peace disturbance is a class B misdemeanor upon the
19 first conviction. Upon a second or subsequent conviction, peace disturbance is a
20 class A misdemeanor. Upon a third or subsequent conviction, a person shall be
21 sentenced to pay a fine of no less than one thousand dollars and no more than
22 five thousand dollars.

574.020. 1. A person commits the [crime] **offense** of private peace
2 disturbance if he or she is on private property and unreasonably and purposely
3 causes alarm to another person or persons on the same premises by:

- 4 (1) Threatening to commit [a crime] **an offense** against any person; or
 - 5 (2) Fighting.
- 6 2. **The offense of** private peace disturbance is a class C misdemeanor.
- 7 3. **For purposes of this section, if a building or structure is**
8 **divided into separately occupied units, such units are separate**
9 **premises.**

- 574.040. 1. A person commits the [crime] **offense** of unlawful assembly
2 if he or she knowingly assembles with six or more other persons and agrees with
3 such persons to violate any of the criminal laws of this state or of the United
4 States with force or violence.
- 5 2. **The offense of** unlawful assembly is a class B misdemeanor.

574.050. 1. A person commits the [crime] **offense** of rioting if he **or she**
2 knowingly assembles with six or more other persons and agrees with such persons
3 to violate any of the criminal laws of this state or of the United States with force
4 or violence, and thereafter, while still so assembled, does violate any of said laws
5 with force or violence.

6 **2. The offense of** rioting is a class A misdemeanor.

574.060. 1. A person commits the [crime] **offense** of refusal to disperse
2 if, being present at the scene of an unlawful assembly, or at the scene of a riot,
3 he **or she** knowingly fails or refuses to obey the lawful command of a law
4 enforcement officer to depart from the scene of such unlawful assembly or riot.

5 **2. The offense of** refusal to disperse is a class C misdemeanor.

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

2 (1) "Civil disorder", any public disturbance involving acts of violence by
3 assemblages of three or more persons, which causes an immediate danger of or
4 results in damage or injury to the property or person of any other individual;

5 (2) "Explosive or incendiary device", includes:

6 (a) Dynamite and all other forms of high explosives;

7 (b) Any explosive bomb, grenade, missile, or similar device; and

8 (c) Any incendiary bomb or grenade, fire bomb, or similar device,
9 including any device which consists of or includes a breakable container
10 containing a flammable liquid or compound and a wick composed of any material
11 which, when ignited, is capable of igniting such flammable liquid or compound,
12 and can be carried or thrown by one individual acting alone;

13 (3) "Firearm", any weapon which is designed to or may readily be
14 converted to expel any projectile by the action of an explosive, or the frame or
15 receiver of any such weapon;

16 (4) "Law enforcement officer", any officer or employee of the United
17 States, any state, any political subdivision of a state, or the District of
18 Columbia. The term "law enforcement officer" shall specifically include, but shall
19 not be limited to, members of the National Guard, as defined in section 101(9) of
20 title 10, United States Code, and members of the organized militia of any state
21 or territory of the United States, the Commonwealth of Puerto Rico, or the
22 District of Columbia, not included within the definition of National Guard as
23 defined by section 101(9) of title 10, United States Code, and members of the
24 armed forces of the United States.

25 **2. [Whoever] A person commits the offense of promoting civil**

26 **disorder if he or she** teaches or demonstrates to any other person the use,
27 application, or construction of any firearm, explosive, or incendiary device capable
28 of causing injury or death to any person, knowing or intending that such firearm,
29 explosive, or incendiary device be used in furtherance of a civil disorder[**I**], is guilty
30 of the crime of promoting civil disorder in the first degree].

31 **3. The offense of promoting civil disorder is a class D felony.**

32 **4. Nothing contained in this section shall be construed to prohibit the**
33 **training or teaching of the use of weapons for law enforcement purposes, hunting,**
34 **recreation, competition, or other lawful uses and activities.**

35 **[4. Promoting civil disorder in the first degree is a class C felony.]**

574.075. [It shall be unlawful for any] **1. A person [in this state to enter**
2 **commits the offense of drunkenness or drinking in a prohibited place**
3 **if he or she enters** any schoolhouse or church house in which there is an
4 assemblage of people, met for a lawful purpose, or any courthouse, in [a drunken
5 or] **an** intoxicated and disorderly condition, or [to drink or offer] **drinks or**
6 **offers** to drink any intoxicating liquors in the presence of such assembly of
7 people, or in any courthouse [within this state and any person or persons so doing
8 shall be guilty of a misdemeanor; unless, however, the circuit court has by local
9 rule authorized law library associations to conduct social events after business
10 hours in any courthouse].

11 **2. The offense of drunkenness or drinking in a prohibited place**
12 **is a class B misdemeanor.**

569.070.] **574.080. 1. A person commits the [crime] offense of causing**
2 **catastrophe if he or she** knowingly causes a catastrophe by explosion, fire, flood,
3 collapse of a building, release of poison, radioactive material, bacteria, virus or
4 other dangerous and difficult to confine force or substance.

5 **2. As used in this section, the following terms mean:**

6 **(1) "Catastrophe" [means], death or serious physical injury to ten or more**
7 **people or substantial damage to five or more buildings or inhabitable structures**
8 **or substantial damage to a vital public facility which seriously impairs its**
9 **usefulness or operation;**

10 **(2) "Vital public facility", includes a facility maintained for use**
11 **as a bridge, whether over land or water, dam, reservoir, tunnel,**
12 **communication installation or power station.**

13 **3. The offense of causing catastrophe is a class A felony.**

574.085. **1. A person commits the [crime] offense of institutional**

2 vandalism [by knowingly vandalizing, defacing or otherwise damaging] **if he or**
3 **she knowingly vandalizes, defaces, or otherwise damages:**

4 (1) Any church, synagogue or other building, structure or place used for
5 religious worship or other religious purpose;

6 (2) Any cemetery, mortuary, military monument or other facility used for
7 the purpose of burial or memorializing the dead;

8 (3) Any school, educational facility, community center, hospital or medical
9 clinic owned and operated by a religious or sectarian group;

10 (4) The grounds adjacent to, and owned or rented by, any institution,
11 facility, building, structure or place described in subdivision (1), (2), or (3) of this
12 subsection;

13 (5) Any personal property contained in any institution, facility, building,
14 structure or place described in subdivision (1), (2), or (3) of this subsection; or

15 (6) Any motor vehicle which is owned, operated, leased or under contract
16 by a school district or a private school for the transportation of school children.

17 2. **The offense of** institutional vandalism [is punishable as follows:

18 (1) institutional vandalism] is a class A misdemeanor, [except as provided
19 in subdivisions (2) and (3) of this subsection;

20 (2) Institutional vandalism is a class D felony if the offender commits any
21 act described in subsection 1 of this section which causes damage to, or loss of,
22 the property of another in an amount in excess of one thousand dollars;

23 (3) Institutional vandalism is a class C felony if the offender commits any
24 act described in subsection 1 of this section which causes damage to, or loss of,
25 the property of another in an amount in excess of five thousand dollars] **unless**
26 **the value of the property damage is seven hundred fifty dollars or**
27 **more, in which case the offense is a class E felony; or the value of the**
28 **property damage is more than five thousand dollars, in which case the**
29 **offense is a class D felony.**

30 3. In determining the amount of damage to property [or loss of property],
31 for purposes of this section, damage includes the cost of repair or, where
32 necessary, replacement of the property that was damaged [or lost].

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

2 (1) "Conducts", initiating, concluding or participating in initiating or
3 concluding a transaction;

4 (2) "Criminal activity", any act or activity constituting an offense
5 punishable as a felony pursuant to the laws of Missouri or the United States;

6 (3) "Currency", currency and coin of the United States;
7 (4) "Currency transaction", a transaction involving the physical transfer
8 of currency from one person to another. A transaction which is a transfer of
9 funds by means of bank check, bank draft, wire transfer or other written order,
10 and which does not include the physical transfer of currency is not a currency
11 transaction;

12 (5) "Person", natural persons, partnerships, trusts, estates, associations,
13 corporations and all entities cognizable as legal personalities.

14 2. A person commits the [crime] **offense** of money laundering if he **or**
15 **she:**

16 (1) Conducts or attempts to conduct a currency transaction with the
17 purpose to promote or aid the carrying on of criminal activity; or

18 (2) Conducts or attempts to conduct a currency transaction with the
19 purpose to conceal or disguise in whole or in part the nature, location, source,
20 ownership or control of the proceeds of criminal activity; or

21 (3) Conducts or attempts to conduct a currency transaction with the
22 purpose to avoid currency transaction reporting requirements under federal law;
23 or

24 (4) Conducts or attempts to conduct a currency transaction with the
25 purpose to promote or aid the carrying on of criminal activity for the purpose of
26 furthering or making a terrorist threat or act.

27 3. The [crime] **offense** of money laundering is a class B felony and in
28 addition to penalties otherwise provided by law, a fine of not more than five
29 hundred thousand dollars or twice the amount involved in the transaction,
30 whichever is greater, may be assessed.

574.115. 1. A person commits the [crime] **offense** of making a terrorist
2 threat **in the first degree** if such person [communicates a threat to cause an
3 incident or condition involving danger to life, communicates a knowingly false
4 report of an incident or condition involving danger to life, or knowingly causes a
5 false belief or fear that an incident has occurred or that a condition exists
6 involving danger to life:

7 (1) With the purpose of frightening ten or more people;

8 (2) With the purpose of causing the evacuation, quarantine or closure of
9 any portion of a building, inhabitable structure, place of assembly or facility of
10 transportation; or

11 (3) With reckless disregard of the risk of causing the evacuation,

12 quarantine or closure of any portion of a building, inhabitable structure, place of
13 assembly or facility of transportation; or

14 (4) With criminal negligence with regard to the risk of causing the
15 evacuation, quarantine or closure of any portion of a building, inhabitable
16 structure, place of assembly or facility of transportation.

17 2. Making a terrorist threat is a class C felony unless committed under
18 subdivision (3) of subsection 1 of this section in which case it is a class D felony
19 or unless committed under subdivision (4) of subsection 1 of this section in which
20 case it is a class A misdemeanor.

21 3. For the purpose of this section, "threat" includes an express or implied
22 threat.

23 4. A person who acts in good faith with the purpose to prevent harm does
24 not commit a crime pursuant to this section.] **with the purpose of frightening**
25 ten or more people or causing the evacuation, quarantine or closure of
26 any portion of a building, inhabitable structure, place of assembly or
27 facility of transportation and knowingly:

28 (1) **Communicates an express or implied threat to cause an**
29 **incident or condition involving danger to life; or**

30 (2) **Communicates a false report of an incident or condition**
31 **involving danger to life; or**

32 (3) **Causes a false belief or fear that an incident has occurred or**
33 **that a condition exists involving danger to life.**

34 2. **The offense of making a terrorist threat in the first degree is**
35 **a class D felony.**

36 3. **No offense is committed under this section by a person acting**
37 **in good faith with the purpose to prevent harm.**

574.120. 1. A person commits the offense of making a terrorist
2 threat in the second degree if he or she, recklessly disregards the risk
3 of causing the evacuation, quarantine or closure of any portion of a
4 building, inhabitable structure, place of assembly or facility of
5 transportation and knowingly:

6 (1) **Communicates an express or implied threat to cause an**
7 **incident or condition involving danger to life; or**

8 (2) **Communicates a false report of an incident or condition**
9 **involving danger to life; or**

10 (3) **Causes a false belief or fear that an incident has occurred or**

11 **that a condition exists involving danger to life.**

12 **2. The offense of making a terrorist threat in the second degree**
13 **is a class E felony.**

14 **3. No offense is committed under this section by a person acting**
15 **in good faith with the purpose to prevent harm.**

574.125. 1. A person commits the offense of making a terrorist
2 threat in the third degree if he or she, with criminal negligence with
3 regard to the risk of causing the evacuation, quarantine or closure of
4 any portion of a building, inhabitable structure, place of assembly or
5 facility of transportation and knowingly:

6 (1) Communicates an express or implied threat to cause an
7 incident or condition involving danger to life; or

8 (2) Communicates a knowingly false report of an incident or
9 condition involving danger to life; or

10 (3) Causes a false belief or fear that an incident has occurred or
11 that a condition exists involving danger to life.

12 **2. The offense of making a terrorist threat in the third degree is**
13 **a class A misdemeanor.**

14 **3. No offense is committed under this section by a person acting**
15 **in good faith with the purpose to prevent harm.**

[578.008.] 574.130. 1. A person commits the [crime] offense of
2 agroterrorism if such person purposely spreads any type of contagious,
3 communicable or infectious disease among crops, poultry, livestock as defined in
4 section 267.565, or other animals.

5 2. Agroterrorism is a class [D] E felony unless the damage to crops,
6 poultry, livestock or animals is ten million dollars or more in which case it is a
7 class B felony.

8 3. It shall be a defense to the crime of agroterrorism if such spreading is
9 consistent with medically recognized therapeutic procedures or done in the course
10 of legitimate, professional scientific research.

[565.095.] 574.140. 1. [It shall be unlawful for any person or persons
2 with the intent to intimidate any person or group of persons to burn, or cause to
3 be burned, a cross. Any person who shall violate any provision of this section
4 shall be guilty of a class A misdemeanor for a first offense and a class D felony
5 for a second or subsequent offense] A person commits the offense of cross
6 burning if he or she burns, or causes to be burned, a cross with the

7 **purpose to frighten, intimidate, or cause emotional distress to any**
8 **person or group of persons.**

9 2. [For purposes of this section, a person acts with the intent to
10 intimidate when he or she intentionally places or attempts to place another
11 person in fear of physical injury or fear of damage to property] **The offense of**
12 **cross burning is a class A misdemeanor, unless the person has**
13 **previously been found guilty of an offense under this section, in which**
14 **case it is a class E felony.**

[578.501.] **574.150.** 1. This section shall be known as "Spc. Edward Lee
2 Myers' Law".

3 2. [It shall be unlawful for any] A person [to engage] **commits the**
4 **offense of unlawful funeral protest if he or she engages** in picketing or
5 other protest activities in front of or about any location at which a funeral is held,
6 within one hour prior to the commencement of any funeral, and until one hour
7 following the cessation of any funeral. Each day on which a violation occurs shall
8 constitute a separate offense. [Violation of this section is a class B misdemeanor,
9 unless committed by a person who has previously pled guilty to or been found
10 guilty of a violation of this section, in which case the violation is a class A
11 misdemeanor.]

12 3. For the purposes of this section, "funeral" means the ceremonies,
13 processions and memorial services held in connection with the burial or cremation
14 of the dead.

15 4. **The offense of unlawful funeral protest is a class B**
16 **misdemeanor, unless committed by a person who has previously been**
17 **found guilty of a violation of this section, in which case it is a class A**
18 **misdemeanor.**

[578.502.] **574.151.** 1. This section shall be known as "Spc. Edward Lee
2 Myers' Law".

3 2. [It shall be unlawful for any] A person [to engage] **commits the**
4 **offense of unlawful funeral protest if he or she engages** in picketing or
5 other protest activities within three hundred feet of or about any location at
6 which a funeral is held, within one hour prior to the commencement of any
7 funeral, and until one hour following the cessation of any funeral. Each day on
8 which a violation occurs shall constitute a separate offense. [Violation of this
9 section is a class B misdemeanor, unless committed by a person who has
10 previously pled guilty to or been found guilty of a violation of this section, in

11 which case the violation is a class A misdemeanor.]

12 3. For purposes of this section, "funeral" means the ceremonies,
13 processions, and memorial services held in connection with the burial or
14 cremation of the dead.

15 **4. The offense of unlawful funeral protest is a class B
16 misdemeanor, unless committed by a person who has previously been
17 found guilty of a violation of this section, in which case it is a class A
18 misdemeanor.**

16 [578.503.] **574.152.** The enactment of section [578.502] **574.151** shall
2 become effective only on the date the provisions of section [578.501] **574.150** are
3 finally declared void or unconstitutional by a court of competent jurisdiction and
4 upon notification by the attorney general to the revisor of statutes.

575.020. 1. A person commits the [crime] **offense** of concealing an
2 offense if **he or she**:

3 (1) [He] Confers or agrees to confer any pecuniary benefit or other
4 consideration to any person in consideration of that person's concealing of any
5 offense, refraining from initiating or aiding in the prosecution of an offense, or
6 withholding any evidence thereof; or

7 (2) [He] Accepts or agrees to accept any pecuniary benefit or other
8 consideration in consideration of his **or her** concealing any offense, refraining
9 from initiating or aiding in the prosecution of an offense, or withholding any
10 evidence thereof.

11 2. **The offense of** concealing an offense is a class [D felony if the offense
12 concealed is a felony; otherwise concealing an offense is a class] A misdemeanor,
13 **unless the offense concealed a felony, in which case concealing an
14 offense is a class E felony.**

575.021. 1. A person commits the [crime] **offense** of obstruction of an
2 ethics investigation if [such person] **he or she**, for the purpose of obstructing or
3 preventing an ethics investigation, knowingly [commits any of the following acts]:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person
5 in direct exchange for that person's concealing or withholding any information
6 concerning any violation of sections 105.450 to 105.496 and chapter 130; **or**

7 (2) [Accepting or agreeing] **Accepts or agrees** to accept anything of
8 pecuniary benefit in direct exchange for concealing or withholding any
9 information concerning any violation of sections 105.450 to 105.496 or chapter
10 130; **or**

11 (3) Utters or submits a false statement that the person does not believe
12 to be true to any member or employee of the Missouri ethics commission or to any
13 official investigating any violation of sections 105.450 to 105.496 or chapter 130;
14 or

15 (4) Submits any writing or other documentation that is inaccurate and
16 that the person does not believe to be true to any member or employee of the
17 Missouri ethics commission or to any official investigating any violation of
18 sections 105.450 to 105.496 or chapter 130.

19 2. It is a defense to a prosecution under subdivisions (3) and (4) of
20 subsection 1 of this section that the person retracted the false statement, writing,
21 or other documentation, but this defense shall not apply if the retraction was
22 made after:

23 (1) The falsity of the statement, writing, or other documentation was
24 exposed; or

25 (2) Any member or employee of the Missouri ethics commission or any
26 official investigating any violation of sections 105.450 to 105.496 or chapter 130
27 took substantial action in reliance on the statement, writing, or other
28 documentation.

29 3. The defendant shall have the burden of injecting the issue of retraction
30 under this section.

31 4. **The offense of** obstruction of an ethics investigation [under this
32 section] is a class A misdemeanor.

575.030. 1. A person commits the [crime] **offense** of hindering
2 prosecution if, for the purpose of preventing the apprehension, prosecution,
3 conviction or punishment of another **person** for conduct constituting [a crime]
4 **an offense**, he **or she**:

5 (1) Harbors or conceals such person; or

6 (2) Warns such person of impending discovery or apprehension, except
7 this does not apply to a warning given in connection with an effort to bring
8 another into compliance with the law; or

9 (3) Provides such person with money, transportation, weapon, disguise or
10 other means to aid him in avoiding discovery or apprehension; or

11 (4) Prevents or obstructs, by means of force, deception or intimidation,
12 anyone from performing an act that might aid in the discovery or apprehension
13 of such person.

14 2. **The offense of** hindering prosecution is a class [D] felony if the

15 conduct of the other person constitutes a felony; otherwise hindering prosecution
16 is a class] A misdemeanor, **unless the conduct of the other person**
17 **constitutes a felony, in which case hindering prosecution is a class E**
18 **felony.**

575.040. 1. A person commits the [crime] **offense** of perjury if, with the
2 purpose to deceive, he **or she** knowingly testifies falsely to any material fact
3 upon oath or affirmation legally administered, in any official proceeding before
4 any court, public body, notary public or other officer authorized to administer
5 oaths.

6 2. A fact is material, regardless of its admissibility under rules of
7 evidence, if it could substantially affect, or did substantially affect, the course or
8 outcome of the cause, matter or proceeding.

9 3. Knowledge of the materiality of the statement is not an element of this
10 crime, and it is no defense that:

11 (1) The [defendant] **person** mistakenly believed the fact to be immaterial;
12 or

13 (2) The [defendant] **person** was not competent, for reasons other than
14 mental disability or immaturity, to make the statement.

15 4. It is a defense to a prosecution under subsection 1 of this section that
16 the [actor] **person** retracted the false statement in the course of the official
17 proceeding in which it was made provided he **or she** did so before the falsity of
18 the statement was exposed. Statements made in separate hearings at separate
19 stages of the same proceeding, including but not limited to statements made
20 before a grand jury, at a preliminary hearing, at a deposition or at previous trial,
21 are made in the course of the same proceeding.

22 5. The defendant shall have the burden of injecting the issue of retraction
23 under subsection 4 of this section.

24 6. **The offense of** perjury committed in any proceeding not involving a
25 felony charge is a class [D] **E** felony.

26 7. **The offense of** perjury committed in any proceeding involving a felony
27 charge is a class [C] **D** felony unless:

28 (1) It is committed during a criminal trial for the purpose of securing the
29 conviction of an accused for **any felony except** murder, in which case it is a
30 class [A] **B** felony; or

31 (2) It is committed during a criminal trial for the purpose of securing the
32 conviction of an accused for [any felony except] murder, in which case it is a class

33 [B] A felony.

575.050. 1. A person commits the [crime] **offense** of making a false
2 affidavit if, with purpose to mislead any person, he **or she**, in any affidavit,
3 swears falsely to a fact which is material to the purpose for which said affidavit
4 is made.

5 2. The provisions of subsections 2 and 3 of section 575.040 shall apply to
6 prosecutions under subsection 1 of this section.

7 3. It is a defense to a prosecution under subsection 1 of this section that
8 the [actor] **person** retracted the false statement by affidavit or testimony but
9 this defense shall not apply if the retraction was made after:

- 10 (1) The falsity of the statement was exposed; or
11 (2) Any person took substantial action in reliance on the statement.

12 4. The defendant shall have the burden of injecting the issue of retraction
13 under subsection 3 of this section.

14 5. **The offense of** making a false affidavit is a class [A] C misdemeanor
15 [if], **unless** done for the purpose of misleading a public servant in the
16 performance of his **or her** duty[; otherwise making a false affidavit], **in which**
17 **case it** is a class [C] A misdemeanor.

575.060. 1. A person commits the [crime] **offense** of making a false
2 declaration if, with the purpose to mislead a public servant in the performance
3 of his **or her** duty, [he] **such person**:

4 (1) Submits any written false statement, which he **or she** does not believe
5 to be true:

6 (a) In an application for any pecuniary benefit or other consideration; or
7 (b) On a form bearing notice, authorized by law, that false statements
8 made therein are punishable; or

9 (2) Submits or invites reliance on

10 (a) Any writing which he **or she** knows to be forged, altered or otherwise
11 lacking in authenticity; or

12 (b) Any sample, specimen, map, boundary mark, or other object which he
13 **or she** knows to be false.

14 2. The falsity of the statement or the item under subsection 1 of this
15 section must be as to a fact which is material to the purposes for which the
16 statement is made or the item submitted; and the provisions of subsections 2 and
17 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

18 3. It is a defense to a prosecution under subsection 1 of this section that

19 the [actor] **person** retracted the false statement or item but this defense shall
20 not apply if the retraction was made after:

- 21 (1) The falsity of the statement or item was exposed; or
22 (2) The public servant took substantial action in reliance on the statement
23 or item.

24 4. The defendant shall have the burden of injecting the issue of retraction
25 under subsection 3 of this section.

26 5. For the purpose of this section, "written" shall include filings submitted
27 in an electronic or other format or medium approved or prescribed by the
28 secretary of state.

29 6. **The offense of** making a false declaration is a class B misdemeanor.

575.070. No person shall be convicted of a violation of sections 575.040,
2 575.050 or 575.060 based upon the making of a false statement except upon proof
3 of the falsity of the statement by:

- 4 (1) The direct evidence of two witnesses; or
5 (2) The direct evidence of one witness together with strongly corroborating
6 circumstances; or
7 (3) Demonstrative evidence which conclusively proves the falsity of the
8 statement; or

9 (4) A directly contradictory statement by the defendant under oath
10 together with:

- 11 (a) The direct evidence of one witness; or
12 (b) Strongly corroborating circumstances; or
13 (5) A judicial admission by the defendant that he **or she** made the
14 statement knowing it was false. An admission, which is not a judicial admission,
15 by the defendant that he **or she** made the statement knowing it was false may
16 constitute strongly corroborating circumstances.

575.080. 1. A person commits the [crime] **offense** of making a false
2 report if he **or she** knowingly:

- 3 (1) Gives false information to any person for the purpose of implicating
4 another person in [a crime] **an offense**; or
5 (2) Makes a false report to a law enforcement officer that [a crime] **an**
6 **offense** has occurred or is about to occur; or
7 (3) Makes a false report or causes a false report to be made to a law
8 enforcement officer, security officer, fire department or other organization, official
9 or volunteer, which deals with emergencies involving danger to life or property

10 that a fire or other incident calling for an emergency response has occurred or is
11 about to occur.

12 2. It is a defense to a prosecution under subsection 1 of this section that
13 the [actor] **person** retracted the false statement or report before the law
14 enforcement officer or any other person took substantial action in reliance
15 thereon.

16 3. The defendant shall have the burden of injecting the issue of retraction
17 under subsection 2 of this section.

18 4. **The offense of** making a false report is a class B misdemeanor.

575.090. 1. A person commits the [crime] **offense** of making a false bomb
2 report if he **or she** knowingly makes a false report or causes a false report to be
3 made to any person that a bomb or other explosive has been placed in any public
4 or private place or vehicle.

5 2. Making a false bomb report is a class [D] **E** felony.

[565.084.] **575.095.** 1. A person commits the [crime] **offense** of
2 tampering with a judicial officer if, with the purpose to harass, intimidate or
3 influence a judicial officer in the performance of such officer's official duties, such
4 person:

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

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

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

11 (4) Engages in conduct reasonably calculated to harass or alarm such
12 judicial officer or such judicial officer's family, including stalking pursuant to
13 section 565.225 **or 565.227**.

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

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

19 (1) Such officer's spouse; or

20 (2) Such officer or such officer's spouse's ancestor or descendant by blood
21 or adoption; or

22 (3) Such officer's stepchild, while the marriage creating that relationship

23 exists.

24 **4. The offense of** tampering with a judicial officer is a class [C] D
25 felony.

575.100. 1. A person commits the [crime] **offense** of tampering with
2 physical evidence if he **or she**:

3 (1) Alters, destroys, suppresses or conceals any record, document or thing
4 with purpose to impair its verity, legibility or availability in any official
5 proceeding or investigation; or

6 (2) Makes, presents or uses any record, document or thing knowing it to be
7 false with **the** purpose to mislead a public servant who is or may be engaged
8 in any official proceeding or investigation.

9 **2. The offense of** tampering with physical evidence is a class [D] felony
10 if the actor impairs or obstructs the prosecution or defense of a felony; otherwise,
11 tampering with physical evidence is a class] A misdemeanor, **unless the person**
12 **impairs or obstructs the prosecution or defense of a felony, in which**
13 **case tampering with physical evidence is a class E felony.**

575.110. 1. A person commits the [crime] **offense** of tampering with a
2 public record if with the purpose to impair the verity, legibility or availability of
3 a public record, **he or she**:

4 (1) [He] Knowingly makes a false entry in or falsely alters any public
5 record; or

6 (2) Knowing he **or she** lacks authority to do so, [he] destroys, suppresses
7 or conceals any public record.

8 **2. The offense of** tampering with a public record is a class A
9 misdemeanor.

575.120. 1. A person commits the [crime] **offense** of false impersonation
2 if such person:

3 (1) Falsely represents himself or herself to be a public servant with **the**
4 purpose to induce another to submit to his or her pretended official authority or
5 to rely upon his or her pretended official acts, and

6 (a) Performs an act in that pretended capacity; or

7 (b) Causes another to act in reliance upon his or her pretended official
8 authority;

9 (2) Falsely represents himself or herself to be a person licensed to practice
10 or engage in any profession for which a license is required by the laws of this
11 state with purpose to induce another to rely upon such representation, and

12 (a) Performs an act in that pretended capacity; or
13 (b) Causes another to act in reliance upon such representation; or
14 (3) Upon being arrested, falsely represents himself or herself, to a law
15 enforcement officer, with the first and last name, date of birth, or Social Security
16 number, or a substantial number of identifying factors or characteristics as that
17 of another person that results in the filing of a report or record of arrest or
18 conviction for an infraction[, misdemeanor, or felony] **or offense** that contains
19 the first and last name, date of birth, and Social Security number, or a
20 substantial number of identifying factors or characteristics to that of such other
21 person as to cause such other person to be identified as the actual person arrested
22 or convicted.

23 2. If a violation of subdivision (3) of subsection 1 of this section is
24 discovered prior to any conviction of the person actually arrested for an
25 underlying charge, then the prosecuting attorney, bringing any action on the
26 underlying charge, shall notify the court thereof, and the court shall order the
27 false-identifying factors ascribed to the person actually arrested as are contained
28 in the arrest and court records amended to correctly and accurately identify the
29 defendant and shall expunge the incorrect and inaccurate identifying factors from
30 the arrest and court records.

31 3. If a violation of subdivision (3) of subsection 1 of this section is
32 discovered after any conviction of the person actually arrested for an underlying
33 charge, then the prosecuting attorney of the county in which the conviction
34 occurred shall file a motion in the underlying case with the court to correct the
35 arrest and court records after discovery of the fraud upon the court. The court
36 shall order the false identifying factors ascribed to the person actually arrested
37 as are contained in the arrest and court records amended to correctly and
38 accurately identify the defendant and shall expunge the incorrect and inaccurate
39 identifying factors from the arrest and court records.

40 4. Any person who is the victim of a false impersonation and whose
41 identity has been falsely reported in arrest or conviction records may move for
42 expungement and correction of said records under the procedures set forth in
43 section 610.123. Upon a showing that a substantial number of identifying factors
44 of the victim was falsely ascribed to the person actually arrested or convicted, the
45 court shall order the false identifying factors ascribed to the person actually
46 arrested as are contained in the arrest and court records amended to correctly
47 and accurately identify the defendant and shall expunge the incorrect and

48 inaccurate factors from the arrest and court records.

49 **5. The offense of** false impersonation is a class B misdemeanor unless
50 the person represents himself **or herself** to be a law enforcement officer in which
51 case [false impersonation] **it** is a class A misdemeanor.

575.130. 1. A person commits the [crime] **offense** of simulating legal
2 process if, with purpose to mislead the recipient and cause him **or her** to take
3 action in reliance thereon, he **or she** delivers or causes to be delivered:

4 (1) A request for the payment of money on behalf of any creditor that in
5 form and substance simulates any legal process issued by any court of this state;

6 or

7 (2) Any purported summons, subpoena or other legal process knowing that
8 the process was not issued or authorized by any court.

9 2. This section shall not apply to a subpoena properly issued by a notary
10 public.

11 3. [Simulating legal process is a class B misdemeanor.

12 4. No person shall file] **A person commits the offense of filing a**
13 **nonconsensual common law lien if he or she files** a nonconsensual common
14 law lien as defined in section 428.105.

15 [5. A violation of subsection 4 of this section is a class B misdemeanor.

16 6.] **4.** Subsection [4] 3 of this section shall not apply to a filing officer as
17 defined in section 428.105 that is acting in the scope of **his or her** employment.

18 **5. The offense of simulating legal process or filing a**
19 **nonconsensual common law lien is a class B misdemeanor.**

575.145. 1. It shall be the duty of the operator or driver of any vehicle **or**
2 **any other conveyance regardless of means of propulsion**, or the rider of
3 any animal traveling on the highways of this state to stop on signal of any
4 [sheriff or deputy sheriff] **law enforcement officer** and to obey any other
5 reasonable signal or direction of such [sheriff or deputy sheriff] **law**
6 **enforcement officer** given in directing the movement of traffic on the
7 highways[. Any person who] **or enforcing any offense or infraction.**

8 **2. The offense of** willfully [fails or refuses] **failing or refusing** to obey
9 such signals or directions or [who] willfully [resists or opposes a sheriff or deputy
10 sheriff] **resisting or opposing a law enforcement officer** in the proper
11 discharge of his or her duties [shall be guilty of] **is** a class A misdemeanor [and
12 on conviction thereof shall be punished as provided by law for such offenses].

575.150. 1. A person commits the [crime] **offense** of resisting or

2 interfering with arrest, detention, or stop if[, knowing] **he or she knows or**
3 **reasonably should know** that a law enforcement officer is making an arrest[,]
4 or attempting to lawfully detain or stop an individual or vehicle, [or the person
5 reasonably should know that a law enforcement officer is making an arrest or
6 attempting to lawfully detain or lawfully stop an individual or vehicle,] **and** for
7 the purpose of preventing the officer from effecting the arrest, stop or detention,
8 [the person] **he or she**:

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

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

14 2. This section applies to:

15 (1) Arrests, stops, or detentions, with or without warrants;

16 (2) Arrests, stops, or detentions, for any [crime] **offense**, infraction, or
17 ordinance violation; and

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

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

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

29 5. **The offense of** resisting or interfering with an arrest is a class [D] **E**
30 felony for an arrest for a:

31 (1) Felony; **or**

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

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

34 **The offense of** resisting an arrest, detention or stop [by fleeing in such a
35 manner that the person fleeing creates a substantial risk of serious physical
36 injury or death to any person is a class D felony; otherwise, resisting or
37 interfering with an arrest, detention or stop] in violation of subdivision (1) or (2)

38 of subsection 1 of this section is a class A misdemeanor, **unless the person**
39 **fleeing creates a substantial risk of serious physical injury or death to**
40 **any person, in which case it is a class E felony.**

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

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

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

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

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

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

17 3. **The offense of** disarming a peace officer or correctional officer is a
18 class [C] **D** felony.

[565.085.] 575.155. 1. An offender or prisoner commits the [crime]
2 **offense** of endangering a corrections employee, a visitor to a correctional
3 [facility] **center, county or city jail**, or another offender or prisoner if he or
4 she attempts to cause or knowingly causes such person to come into contact with
5 blood, seminal fluid, urine, feces, or saliva.

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

7 (1) "Corrections employee", a person who is an employee, or contracted
8 employee of a subcontractor, of a department or agency responsible for operating
9 a jail, prison, correctional facility, or sexual offender treatment center or a person
10 who is assigned to work in a jail, prison, correctional facility, or sexual offender
11 treatment center;

12 (2) "Offender", a person in the custody of the department of corrections;
13 (3) "Prisoner", a person confined in a county or city jail.

14 3. **The offense of** endangering a corrections employee, a visitor to a
15 correctional [facility] **center, county or city jail**, or another offender or

16 prisoner is a class [D] E felony unless the substance is unidentified in which case
17 it is a class A misdemeanor. If an offender or prisoner is knowingly infected with
18 the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes
19 another person **to** HIV or hepatitis B or hepatitis C by committing the [crime]
20 **offense** of endangering a corrections employee, a visitor to a correctional facility,
21 or another offender or prisoner, it is a class [C] D felony.

[565.086.] **575.157.** 1. An offender commits the [crime] **offense** of
2 endangering a department of mental health employee, a visitor or other person
3 at a secure facility, or another offender if he or she attempts to cause or
4 knowingly causes such individual to come into contact with blood, seminal fluid,
5 urine, feces, or saliva.

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

7 (1) "Department of mental health employee", a person who is an employee
8 of the department of mental health, an employee or contracted employee of a
9 subcontractor of the department of mental health, or an employee or contracted
10 employee of a subcontractor of an entity responsible for confining offenders as
11 authorized by section 632.495;

12 (2) "Offender", persons ordered to the department of mental health after
13 a determination by the court that such persons may meet the definition of a
14 sexually violent predator, persons ordered to the department of mental health
15 after a finding of probable cause under section 632.489, and persons committed
16 for control, care, and treatment by the department of mental health under
17 sections 632.480 to 632.513;

18 (3) "Secure facility", a facility operated by the department of mental
19 health or an entity responsible for confining offenders as authorized by section
20 632.495.

21 3. **The offense of** endangering a department of mental health employee,
22 a visitor or other person at a secure facility, or another offender is a class [D] E
23 felony [unless the substance is unidentified, in which case it is a class A
24 misdemeanor]. If an offender is knowingly infected with the human
25 immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another
26 individual to HIV or hepatitis B or hepatitis C by committing the [crime] **offense**
27 of endangering a department of mental health employee, a visitor or other person
28 at a mental health facility, or another offender, [it] the offense is a class [C] D
29 felony.

575.159. 1. A person commits the [crime] **offense** of aiding a sexual

2 offender if [such person] **he or she** knows that another person is a convicted
3 sexual offender who is required to register as a sexual offender and has reason
4 to believe that such sexual offender is not complying, or has not complied with
5 the requirements of sections 589.400 to 589.425, and who, with the intent to
6 assist the sexual offender in eluding a law enforcement agency that is seeking to
7 find the sexual offender to question the offender about, or to arrest the offender
8 for, his or her noncompliance with the requirements of sections 589.400 to
9 589.425:

10 (1) Withholds information from or does not notify the law enforcement
11 agency about the sexual offender's noncompliance with the requirements of
12 sections 589.400 to 589.425, and, if known, the whereabouts of the sexual
13 offender;

14 (2) Harbors or attempts to harbor or assists another person in harboring
15 or attempting to harbor the sexual offender;

16 (3) Conceals or attempts to conceal or assists another person in concealing
17 or attempting to conceal the sexual offender; or

18 (4) Provides information to the law enforcement agency regarding the
19 sexual offender which [the person] **he or she** knows to be false information.

20 2. [Aiding a sexual offender is a class D felony.

21 3.] The provisions of this section do not apply if the sexual offender is
22 incarcerated in, or is in the custody of, a state correctional facility, a private
23 correctional facility, a local jail, or a federal correctional facility.

24 **3. The offense of aiding a sexual offender is a class E felony.**

575.160. 1. A person commits the [crime] **offense** of interference with
2 legal process if, knowing [any] **another** person is authorized by law to serve
3 process, **he or she interferes with or obstructs such person** for the purpose
4 of preventing such person from effecting the service of any process[, he interferes
5 with or obstructs such person].

6 2. "Process" includes any writ, summons, subpoena, warrant other than
7 an arrest warrant, or other process or order of a court.

8 3. **The offense of** interference with legal process is a class B
9 misdemeanor.

575.170. 1. [Any] **An** employer, or [any] agent who is in charge of a
2 business establishment, commits the [crime] **offense** of refusing to make an
3 employee available for service of process if **he or she** knowingly refuses to assist
4 any officer authorized by law to serve process who calls at such business

5 establishment during the working hours of an employee for the purpose of serving
6 process on such employee, by failing or refusing to make such employee available
7 for service of process.

8 2. **The offense of** refusing to make an employee available for service of
9 process is a class C misdemeanor.

575.180. 1. A law enforcement officer commits the [crime] **offense** of
2 failure to execute an arrest warrant if, with the purpose of allowing any person
3 charged with or convicted of a crime to escape, he **or she** fails to execute any
4 arrest warrant, capias, or other lawful process ordering apprehension or
5 confinement of such person, which he **or she** is authorized and required by law
6 to execute.

7 2. **The offense of** failure to execute an arrest warrant is a class [D] felony
8 if the offense involved is a felony; otherwise, failure to execute an arrest warrant
9 is a class] A misdemeanor, **unless the offense involved is a felony, in which**
10 **case failure to execute an arrest warrant is a class E felony.**

575.190. 1. A person commits the [crime] **offense** of refusal to identify
2 as a witness if, knowing he **or she** has witnessed any portion of [a crime] **an**
3 **offense**, or of any other incident resulting in physical injury or substantial
4 property damage, [upon demand by a law enforcement officer engaged in the
5 performance of his official duties,] he **or she** refuses to report or gives a false
6 report of his **or her** name and present address to [such] **a law enforcement**
7 **officer engaged in the performance of his or her duties.**

8 2. **The offense of** refusal to identify as a witness is a class C
9 misdemeanor.

575.195. 1. A person commits the [crime] **offense** of escape from
2 commitment, detention, or conditional release if he or she has been committed to
3 a state mental hospital under the provisions of sections 552.010 to 552.080 or
4 sections 632.480 to 632.513, or has been ordered to be taken into custody,
5 detained, or held pursuant to sections 632.480 to 632.513, or as provided by
6 section 632.475, has been committed to the department of mental health as a
7 criminal sexual psychopath under statutes in effect before August 13, 1980, or
8 has been granted a conditional release under the provisions of sections 552.010
9 to 552.080 or sections 632.480 to 632.513, and he or she escapes from such
10 commitment, detention, or conditional release.

11 2. **The offense of** escape from commitment, detention, or conditional
12 release is a class [D] E felony.

575.200. 1. A person commits the [crime] **offense** of escape from custody
2 or attempted escape from custody if, while being held in custody after arrest for
3 any crime, he **or she** escapes or attempts to escape from custody.

4 2. **The offense of** escape or attempted escape from custody is a class A
5 misdemeanor unless:

6 (1) [It is effected or attempted by means of a deadly weapon or dangerous
7 instrument or by holding any person as hostage, in which case escape or
8 attempted escape from custody is a class A felony;

9 (2)] The person escaping or attempting to escape is under arrest for a
10 felony, in which case [escape from custody] it is a class [D] E felony; **or**

11 **(2) The offense is committed by means of a deadly weapon or**
12 **dangerous instrument or by holding any person as hostage, in which**
13 **case it is a class A felony.**

575.205. 1. A person commits the [crime] **offense** of tampering with
2 electronic monitoring equipment if [the person] **he or she** intentionally removes,
3 alters, tampers with, damages, or destroys electronic monitoring equipment which
4 a court or the board of probation and parole has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent
6 of the owner who is performing ordinary maintenance or repairs on the
7 equipment.

8 3. The [crime] **offense** of tampering with electronic monitoring equipment
9 is a class [C] D felony.

575.206. 1. A person commits the [crime] **offense** of violating a condition
2 of lifetime supervision if [the person] **he or she** knowingly violates a condition
3 of probation, parole, or conditional release when such condition was imposed by
4 an order of a court under section 559.106 or an order of the board of probation
5 and parole under section 217.735.

6 2. The [crime] **offense** of violating a condition of lifetime supervision is
7 a class [C] D felony.

575.210. 1. A person commits the [crime] **offense** of escape or attempted
2 escape from confinement if, while being held in confinement after arrest for any
3 [crime] **offense**, while serving a sentence after conviction for any [crime]
4 **offense**, or while at an institutional treatment center operated by the
5 department of corrections as a condition of probation or parole, [such person] **he**
6 **or she** escapes or attempts to escape from confinement.

7 2. **The offense of** escape or attempted escape from confinement in the

8 department of corrections is a class B felony.

9 3. **The offense of** escape or attempted escape from confinement in a
10 county or private jail or city or county correctional facility is a class [D] E felony
11 [except that it is] unless:

12 (1) [A class A felony if it is effected or attempted by means of a deadly
13 weapon or dangerous instrument or by holding any person as hostage] **The**
14 **offense is facilitated by striking or beating any person, in which case**
15 **it is a class D felony;**

16 (2) [A class C felony if the escape or attempted escape is facilitated by
17 striking or beating any person] **The offense is committed by means of a**
18 **deadly weapon or dangerous instrument or by holding any person as**
19 **hostage, in which case it is a class A felony.**

575.220. 1. A person commits the [crime] **offense** of failure to return to
2 confinement if, while serving a sentence for any [crime] **offense** under a
3 work-release program, or while under sentence of any [crime] **offense** to serve
4 a term of confinement which is not continuous, or while serving any other type
5 of sentence for any [crime] **offense** wherein he or she is temporarily permitted
6 to go at large without guard, he or she purposely fails to return to confinement
7 when he or she is required to do so.

8 2. This section does not apply to persons who are free on bond, bail or
9 recognizance, personal or otherwise, nor to persons who are on probation or
10 parole, temporary or otherwise.

11 3. **The offense of** failure to return to confinement is a class C
12 misdemeanor unless:

13 (1) The sentence being served is [to the Missouri department of
14 corrections and human resources, in which case failure to return to confinement
15 is a class D felony] **one of confinement in a county or private jail on**
16 **conviction of a felony, in which case it is a class A misdemeanor; or**

17 (2) The sentence being served is [one of confinement in a county or private
18 jail on conviction of a felony, in which case failure to return to confinement is a
19 class A misdemeanor] **to the Missouri department of corrections, in which**
20 **case it is a class E felony.**

575.230. 1. A person commits the [crime] **offense** of aiding escape of a
2 prisoner if [the person] **he or she:**

3 (1) Introduces into any place of confinement any deadly weapon or
4 dangerous instrument, or other thing adapted or designed for use in making an

5 escape, with the purpose of facilitating the escape of any prisoner confined
6 therein, or of facilitating the commission of any other [crime] offense; or

7 (2) Assists or attempts to assist any prisoner who is being held in custody
8 or confinement for the purpose of effecting the prisoner's escape from custody or
9 confinement.

10 2. [Aiding escape of a prisoner by introducing a deadly weapon or
11 dangerous instrument into a place of confinement is a class B felony. Aiding
12 escape of a prisoner being held in custody or confinement on the basis of a felony
13 charge or conviction is a class B felony. Otherwise, aiding escape of a prisoner
14 is a class A misdemeanor.] **The offense of aiding escape of a prisoner is a**
15 **class A misdemeanor, unless committed by introducing a deadly**
16 **weapon or dangerous instrument into a place of confinement or aiding**
17 **escape of a prisoner being held in custody or confinement on the basis**
18 **of a felony charge or conviction, in which case it is a class B felony.**

575.240. 1. A public servant, contract employee of a county or private jail,
2 or employee of a private jail who is authorized and required by law to have charge
3 of any person charged with or convicted of any [crime] offense commits the
4 [crime] offense of permitting escape if he **or she** knowingly:

5 (1) Suffers, allows or permits any deadly weapon or dangerous
6 instrument, or anything adapted or designed for use in making an escape, to be
7 introduced into or allowed to remain in any place of confinement, in violation of
8 law, regulations or rules governing the operation of the place of confinement; or
9 (2) Suffers, allows or permits a person in custody or confinement to
10 escape.

11 2. **The offense of permitting escape [by suffering, allowing or permitting**
12 **any deadly weapon or dangerous instrument to be introduced into a place of**
13 **confinement is a class B felony; otherwise, permitting escape] is a class [D] E**
14 **felony, unless committed by suffering, allowing, or permitting any**
15 **deadly weapon or dangerous instrument to be introduced into a place**
16 **of confinement, in which case it is a class B felony.**

575.250. 1. A person commits the [crime] offense of disturbing a judicial
2 proceeding if, with **the** purpose to intimidate a judge, attorney, juror, party or
3 witness[,] and thereby [to] influence a judicial proceeding, he **or she** disrupts or
4 disturbs a judicial proceeding by participating in an assembly and calling aloud,
5 shouting, or holding or displaying a placard or sign containing written or printed
6 matter, concerning the conduct of the judicial proceeding, or the character of a

7 judge, attorney, juror, party or witness engaged in such proceeding, or calling for
8 or demanding any specified action or determination by such judge, attorney, juror,
9 party, or witness in connection with such proceeding.

10 2. **The offense of** disturbing a judicial proceeding is a class A
11 misdemeanor.

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

6 (1) Threatens or causes harm to any person or property; or
7 (2) Engages in conduct reasonably calculated to harass or alarm such
8 official or juror; or
9 (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon
10 such official or juror.

11 2. **The offense of** tampering with a judicial proceeding is a class [C] D
12 felony.

575.270. 1. A person commits the [crime] **offense** of tampering with a
2 witness if, with **the** purpose to induce a witness or a prospective witness to
3 disobey a subpoena or other legal process, [or to] absent himself or **herself**, avoid
4 subpoena or other legal process, [or to] withhold evidence, information, or
5 documents, or [to] testify falsely, he **or she**:

6 (1) Threatens or causes harm to any person or property; or
7 (2) Uses force, threats or deception; or
8 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon
9 such witness; or
10 (4) Conveys any of the foregoing to another in furtherance of a conspiracy.

11 2. A person commits the [crime] **offense** of "victim tampering" if[, with
12 purpose to do so,] he **or she purposely** prevents or dissuades or attempts to
13 prevent or dissuade any person who has been a victim of any crime or a person
14 who is acting on behalf of any such victim from:

15 (1) Making any report of such victimization to any peace officer, [or] state,
16 local or federal law enforcement officer [or], prosecuting agency, or [to] any judge;
17 (2) Causing a complaint, indictment or information to be sought and
18 prosecuted or assisting in the prosecution thereof;
19 (3) Arresting or causing or seeking the arrest of any person in connection

20 with such victimization.

21 3. **The offense of** tampering with a witness [in a prosecution, tampering
22 with a witness with purpose to induce the witness to testify falsely,] or victim
23 [tampering] is a class [C felony if the original charge is a felony. Otherwise,
24 tampering with a witness or victim tampering is a class] A misdemeanor, **unless**
25 **the original charge is a felony, in which case tampering with a witness**
26 **or victim is a class D felony.** Persons convicted under this section shall not
27 be eligible for parole.

575.280. 1. A person commits the [crime] **offense** of acceding to
2 corruption if **he or she**:

3 (1) [He] Is a judge, juror, special master, referee or arbitrator and
4 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on
5 the representation or understanding that it will influence his **or her** official
6 action in a judicial proceeding pending in any court or before such official or
7 juror;

8 (2) [He] Is a witness or prospective witness in any official proceeding and
9 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on
10 the representation or understanding that he **or she** will disobey a subpoena or
11 other legal process, [or] absent himself or **herself**, avoid subpoena or other legal
12 process, [or] withhold evidence, information or documents, or testify falsely.

13 2. **The offense of** acceding to corruption [under subdivision (1) of
14 subsection 1 of this section is a class C felony.

15 3. Acceding to corruption under subdivision (2) of subsection 1 of this
16 section in a felony prosecution, or on the representation or understanding of
17 testifying falsely is a class D felony. Otherwise, acceding to corruption] is a class
18 A misdemeanor, **unless committed under subdivision (1) of subsection 1**
19 **of this section, in which case it is a class C felony; or committed under**
20 **subdivision (2) of subsection 1 of this section in a felony prosecution,**
21 **or on the representation or understanding of testifying falsely, in which**
22 **case it is a class E felony.**

575.290. 1. A person commits the [crime] **offense** of improper
2 communication if he **or she** communicates, directly or indirectly, with any juror,
3 special master, referee, or arbitrator in a judicial proceeding, other than as part
4 of the proceedings in a case, for the purpose of influencing the official action of
5 such person.

6 2. **The offense of** improper communication is a class B misdemeanor.

575.300. 1. A [person] **juror** commits the [crime] **offense** of misconduct
2 by a juror if[, being a juror,] he **or she** knowingly:

3 (1) Promises or agrees, prior to the submission of a cause to the jury for
4 deliberation, to vote for or agree to a verdict for or against any party in a judicial
5 proceeding; or

6 (2) Receives any paper, evidence or information from anyone in relation
7 to any judicial proceeding for the trial of which he has been or may be sworn,
8 without the authority of the court or officer before whom such proceeding is
9 pending, and does not immediately disclose the same to such court or officer.

10 2. **The offense of** misconduct by a juror is a class A misdemeanor.

575.310. 1. A public servant authorized by law to select or summon any
2 juror commits the [crime] **offense** of misconduct in selecting or summoning a
3 juror if he **or she** knowingly acts unfairly, improperly or not impartially in
4 selecting or summoning any person or persons to be a member or members of a
5 jury.

6 2. **The offense of** misconduct in selecting or summoning a juror is a class
7 B misdemeanor.

575.320. 1. A public servant, in his **or her** public capacity or under color
2 of his **or her** office or employment, commits the [crime] **offense** of misconduct
3 in administration of justice if **he or she**:

4 (1) [He] Is charged with the custody of any person accused or convicted
5 of any [crime] **offense** or municipal ordinance violation and he **or she** coerces,
6 threatens, abuses or strikes such person for the purpose of securing a confession
7 from him **or her**;

8 (2) [He] Knowingly seizes or levies upon any property or dispossesses
9 anyone of any lands or tenements without due and legal process, or other lawful
10 authority; **or**

11 (3) [He] Is a judge and knowingly accepts a plea of guilty from any person
12 charged with a violation of a statute or ordinance at any place other than at the
13 place provided by law for holding court by such judge; **or**

14 (4) [He] Is a jailer or keeper of a county jail and knowingly refuses to
15 receive, in the jail under his **or her** charge, any person lawfully committed to
16 such jail on any criminal charge or criminal conviction by any court of this state,
17 or on any warrant and commitment or capias on any criminal charge issued by
18 any court of this state; **or**

19 (5) [He] Is a law enforcement officer and violates the provisions of section

20 544.170 by knowingly:

21 (a) Refusing to release any person in custody who is entitled to such
22 release; or

23 (b) Refusing to permit a person in custody to see and consult with counsel
24 or other persons; or

25 (c) Transferring any person in custody to the custody or control of another,
26 or to another place, for the purpose of avoiding the provisions of that section; or

27 (d) [Preferring] **Proffering** against any person in custody a false charge
28 for the purpose of avoiding the provisions of that section;

29 (6) [He] Orders or suggests to an employee of a county of the first class
30 having a charter form of government with a population over nine hundred
31 thousand and not containing any part of a city of three hundred fifty thousand
32 or more inhabitants that such employee shall issue a certain number of traffic
33 citations on a daily, weekly, monthly, quarterly, yearly or other quota basis,
34 except when such employee is assigned exclusively to traffic control and has no
35 other responsibilities or duties.

36 2. **The offense of** misconduct in the administration of justice is a class
37 A misdemeanor.

575.353. 1. A person commits the [crime] **offense** of assault on a police
2 animal [when such person] **if he or she** knowingly attempts to kill or disable or
3 knowingly causes or attempts to cause serious physical injury to a police animal
4 when that animal is involved in law enforcement investigation, apprehension,
5 tracking, or search, or the animal is in the custody of or under the control of a
6 law enforcement officer, department of corrections officer, municipal police
7 department, fire department or a rescue unit or agency.

8 2. **The offense of** assault on a police animal is a class C misdemeanor,
9 unless the assault results in the death of such animal or disables such
10 animal to the extent it is unable to be utilized as a police animal, in
11 which case it is a class E felony.

576.010. 1. A person commits the [crime] **offense** of bribery of a public
2 servant if he **or she** knowingly offers, confers or agrees to confer upon any public
3 servant any benefit, direct or indirect, in return for:

4 (1) The recipient's official vote, opinion, recommendation, judgment,
5 decision, action or exercise of discretion as a public servant; or

6 (2) The recipient's violation of a known legal duty as a public servant.

7 2. It is no defense that the recipient was not qualified to act in the desired

8 way because he **or she** had not yet assumed office, or lacked jurisdiction, or for
9 any other reason.

10 3. **The offense of** bribery of a public servant is a class [D] E felony.

576.020. 1. A public servant commits the [crime] **offense** of acceding to
2 corruption if he **or she** knowingly solicits, accepts or agrees to accept any benefit,
3 direct or indirect, in return for **his or her**:

4 (1) [His] Official vote, opinion, recommendation, judgment, decision,
5 action or exercise of discretion as a public servant; or

6 (2) [His] Violation of a known legal duty as a public servant.

7 2. **The offense of** acceding to corruption by a public servant is a class
8 [D] E felony.

576.030. 1. A person commits the [crime] **offense** of obstructing
2 government operations if he **or she** purposely obstructs, impairs, hinders or
3 perverts the performance of a governmental function by the use or threat of
4 violence, force, or other physical interference or obstacle.

5 2. **The offense of** obstructing government operations is a class B
6 misdemeanor.

576.040. 1. A public servant, in [his] **such person's** public capacity or
2 under color of [his] **such person's** office or employment, commits the [crime]
3 **offense** of official misconduct if **he or she**:

4 (1) [He] Knowingly discriminates against any employee or any applicant
5 for employment on account of race, creed, color, sex or national origin, provided
6 such employee or applicant possesses adequate training and educational
7 qualifications;

8 (2) [He] Knowingly demands or receives any fee or reward for the
9 execution of any official act or the performance of a duty imposed by law or by the
10 terms of his **or her** employment, that is not due, or that is more than is due, or
11 before it is due;

12 (3) [He] Knowingly collects taxes when none are due, or exacts or
13 demands more than is due;

14 (4) [He] Is a city or county treasurer, city or county clerk, or other
15 municipal or county officer[, or judge of a municipal or county commission,] and
16 knowingly orders the payment of any money, or draws any warrant, or pays over
17 any money for any purpose other than the specific purpose for which the same
18 was assessed, levied and collected, unless it is or shall have become impossible
19 to use such money for that specific purpose;

20 (5) [He] Is an officer or employee of any court and knowingly charges,
21 collects or receives less fee for his services than is provided by law;

22 (6) [He] Is an officer or employee of any court and knowingly, directly or
23 indirectly, buys, purchases or trades for any fee taxed or to be taxed as costs in
24 any court of this state, or any county warrant, at less than par value which may
25 be by law due or to become due to any person by or through any such court; **or**

26 (7) [He] Is a county officer, deputy or employee and knowingly traffics for
27 or purchases at less than the par value or speculates in any [court] **county**
28 warrant issued by order of the county commission of his **or her** county, or in any
29 claim or demand held against such county.

30 2. **The offense of** official misconduct is a class A misdemeanor.

576.050. 1. A public servant commits the [crime] **offense** of misuse of
2 official information if, in contemplation of official action by himself or herself or
3 by a governmental unit with which he or she is associated, or in reliance on
4 information to which he or she has access in his or her official capacity and which
5 has not been made public, he or she knowingly:

6 (1) Acquires a pecuniary interest in any property, transaction, or
7 enterprise which may be affected by such information or official action; or

8 (2) Speculates or wagers on the basis of such information or official action;
9 or

10 (3) Aids, advises or encourages another to do any of the foregoing with
11 purpose of conferring a pecuniary benefit on any person.

12 2. A person commits the [crime] **offense** of misuse of official information
13 if he or she [knowingly or] recklessly obtains or discloses information from the
14 Missouri uniform law enforcement system (MULES) or the National Crime
15 Information Center System (NCIC), or any other criminal justice information
16 sharing system that contains individually identifiable information for private or
17 personal use, or for a purpose other than in connection with their official duties
18 and performance of their job.

19 3. **The offense of** misuse of official information is a class A
20 misdemeanor.

576.060. 1. A person commits the [crime] **violation** of failure to give a
2 tax list if, when requested by a government assessor, he **or she** knowingly fails
3 to give a true list of all his **or her** taxable property, or to take and subscribe an
4 oath or affirmation to such list as required by law.

5 2. Failure to give a tax list is an infraction.

576.070. 1. A person owing allegiance to the state commits **the offense** 2 **of** treason if he **or she** purposely levies war against the state, or adheres to its 3 enemies by giving them aid and comfort.

4 2. No person shall be convicted of treason unless one or more overt acts 5 are alleged in the indictment or information.

6 3. In a trial on a charge of treason, no evidence shall be given of any overt 7 act that is not specifically alleged in the indictment or information.

8 4. No person shall be convicted of treason except upon the direct evidence 9 of two or more witnesses to the same overt act, or upon his **or her** confession 10 under oath in open court.

11 5. **The offense of** treason is a class A felony.

576.080. 1. A person commits the [crime] **offense** of supporting terrorism 2 if such person knowingly provides material support to any organization 3 designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189, as 4 amended and acts recklessly with regard to whether such organization had been 5 designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189.

6 2. For the purpose of this section, "material support" includes currency or 7 other financial securities, financial services, lodging, training, safehouses, false 8 documentation or identification, communications equipment, facilities, weapons, 9 lethal substances, explosives, personnel, transportation and other physical assets, 10 except medicine or religious materials.

11 3. **The offense of** supporting terrorism is a class [C] D felony.

577.001. 1. As used in this chapter, [the term "court" means any circuit, 2 associate circuit, or municipal court, including traffic court, but not any juvenile 3 court or drug court.

4 2. As used in this chapter, the term "drive", "driving", "operates" or 5 "operating" means physically driving or operating a motor vehicle.

6 3. As used in this chapter, a person is in an "intoxicated condition" when 7 he is under the influence of alcohol, a controlled substance, or drug, or any 8 combination thereof.

9 4. As used in this chapter, the term "law enforcement officer" or "arresting 10 officer" includes the definition of law enforcement officer in subdivision (17) of 11 section 556.061 and military policemen conducting traffic enforcement operations 12 on a federal military installation under military jurisdiction in the state of 13 Missouri.

14 5. As used in this chapter, "substance abuse traffic offender program"

15 means a program certified by the division of alcohol and drug abuse of the
16 department of mental health to provide education or rehabilitation services
17 pursuant to a professional assessment screening to identify the individual needs
18 of the person who has been referred to the program as the result of an alcohol-
19 or drug-related traffic offense. Successful completion of such a program includes
20 participation in any education or rehabilitation program required to meet the
21 needs identified in the assessment screening. The assignment recommendations
22 based upon such assessment shall be subject to judicial review as provided in
23 subsection 7 of section 577.041] the following terms mean:

24 **(1) "Aggravated offender"**, a person who has been found guilty of:

25 **(a) Three or more intoxication-related traffic offenses committed**
26 **on separate occasions; or**

27 **(b) Two or more intoxication-related traffic offenses committed**
28 **on separate occasions where at least one of the intoxication-related**
29 **traffic offenses is an offense committed in violation of any state law,**
30 **county or municipal ordinance, any federal offense, or any military**
31 **offense in which the defendant was operating a vehicle while**
32 **intoxicated and another person was injured or killed;**

33 **(2) "Aggravated boating offender"**, a person who has been found
34 guilty of:

35 **(a) Three or more intoxication-related boating offenses; or**

36 **(b) Has been found guilty of one or more intoxication-related**
37 **boating offenses committed on separate occasions where at least one of**
38 **the intoxication-related traffic offenses is an offense committed in**
39 **violation of any state law, county or municipal ordinance, any federal**
40 **offense, or any military offense in which the defendant was operating**
41 **a vessel while intoxicated and another person was injured or killed;**

42 **(3) "All-terrain vehicle"**, any motorized vehicle manufactured and
43 used exclusively for off-highway use which is fifty inches or less in
44 width, with an unladen dry weight of one thousand pounds or less,
45 traveling on three, four or more low pressure tires, with a seat
46 designed to be straddled by the operator, or with a seat designed to
47 carry more than one person, and handlebars for steering control;

48 **(4) "Court"**, any circuit, associate circuit, or municipal court,
49 including traffic court, but not any juvenile court or drug court;

50 **(5) "Chronic offender"**, a person who has been found guilty of:

51 (a) Four or more intoxication-related traffic offenses committed
52 on separate occasions; or

53 (b) Three or more intoxication-related traffic offenses committed
54 on separate occasions where at least one of the intoxication-related
55 traffic offenses is an offense committed in violation of any state law,
56 county or municipal ordinance, any federal offense, or any military
57 offense in which the defendant was operating a vehicle while
58 intoxicated and another person was injured or killed; or

59 (c) Two or more intoxication-related traffic offenses committed
60 on separate occasions where both intoxication-related traffic offenses
61 were offenses committed in violation of any state law, county or
62 municipal ordinance, any federal offense, or any military offense in
63 which the defendant was operating a vehicle while intoxicated and
64 another person was injured or killed;

65 (6) "Chronic boating offender", a person who has been found
66 guilty of:

67 (a) Four or more intoxication-related boating offenses; or

68 (b) Three or more intoxication-related boating offenses
69 committed on separate occasions where at least one of the intoxication-
70 related boating offense is an offense committed in violation of any state
71 law, county or municipal ordinance, any federal offense, or any military
72 offense in which the defendant was operating a vessel while intoxicated
73 and another person was injured or killed; or

74 (c) Two or more intoxication-related boating offenses committed
75 on separate occasions where both intoxication-related boating offenses
76 were offenses committed in violation of any state law, county or
77 municipal ordinance, any federal offense, or any military offense in
78 which the defendant was operating a vessel while intoxicated and
79 another person was injured or killed;

80 (7) "Controlled substance", a drug, substance, or immediate
81 precursor in schedules I to V listed in section 195.017;

82 (8) "Drive", "driving", "operates" or "operating", means physically
83 driving or operating a vehicle or vessel;

84 (9) "Drug", any natural or synthetic substance other than food,
85 intended to affect the structure or any function of the body of humans
86 or animals;

87 **(10) "Flight crew member"**, the pilot in command, copilots, flight
88 engineers, and flight navigators;

89 **(11) "Habitual offender"**, a person who has been found guilty of:

90 (a) Five or more intoxication-related traffic offenses committed
91 on separate occasions; or

92 (b) Four or more intoxication-related traffic offenses committed
93 on separate occasions where at least one of the intoxication-related
94 traffic offenses is an offense committed in violation of any state law,
95 county or municipal ordinance, any federal offense, or any military
96 offense in which the defendant was operating a vehicle while
97 intoxicated and another person was injured or killed; or

98 (c) Three or more intoxication-related traffic offenses committed
99 on separate occasions where at least two of the intoxication-related
100 traffic offenses were offenses committed in violation of any state law,
101 county or municipal ordinance, any federal offense, or any military
102 offense in which the defendant was operating a vehicle while
103 intoxicated and another person was injured or killed;

104 **(12) "Habitual boating offender"**, a person who has been found
105 guilty of:

106 (a) Five or more intoxication-related boating offenses; or

107 (b) Four or more intoxication-related boating offenses committed
108 on separate occasions where at least one of the intoxication-related
109 boating offense is an offense committed in violation of any state law,
110 county or municipal ordinance, any federal offense, or any military
111 offense in which the defendant was operating a vessel while intoxicated
112 and another person was injured or killed; or

113 (c) Three or more intoxication-related boating offenses
114 committed on separate occasions where at least two of the intoxication-
115 related boating offenses were offenses committed in violation of any
116 state law, county or municipal ordinance, any federal offense, or any
117 military offense in which the defendant was operating a vessel while
118 intoxicated and another person was injured or killed;

119 **(13) "Intoxicated" or "intoxicated condition"**, when a person is
120 under the influence of alcohol, a controlled substance, or drug, or any
121 combination thereof;

122 **(14) "Intoxication-related boating offense"**, operating a vessel

123 while intoxicated; boating while intoxicated; operating a vessel with
124 excessive blood alcohol content or an offense in which the defendant
125 was operating a vessel while intoxicated and another person was
126 injured or killed in violation of any state law, county or municipal
127 ordinance, any federal offense, or any military offense;

128 (15) "Intoxication-related traffic offense", driving while
129 intoxicated, driving with excessive blood alcohol content or an offense
130 in which the defendant was operating a vehicle while intoxicated and
131 another person was injured or killed in violation of any state law,
132 county or municipal ordinance, any federal offense, or any military
133 offense;

134 (16) "Law enforcement officer" or "arresting officer", includes the
135 definition of law enforcement officer in subdivision (17) of section
136 556.061 and military policemen conducting traffic enforcement
137 operations on a federal military installation under military jurisdiction
138 in the state of Missouri;

139 (17) "Operate a vessel", to physically control the movement of a
140 vessel in motion under mechanical or sail power in water;

141 (18) "Persistent offender", a person who has been found guilty of
142 two or more intoxication-related traffic offenses committed on separate
143 occasions;

144 (19) "Persistent boating offender", a person who has been found
145 guilty of two or more intoxication-related boating offenses committed
146 on separate occasions;

147 (20) "Prior offender", a person who has been found guilty of one
148 intoxication-related traffic offense, where such prior offense occurred
149 within five years of the occurrence of the intoxication-related traffic
150 offense for which the person is charged;

151 (21) "Prior boating offender", a person who has been found guilty
152 of one intoxication-related boating offense, where such prior offense
153 occurred within five years of the occurrence of the intoxication-related
154 boating offense for which the person is charged;

155 (22) "Vessel", every motorboat and every description of motorized
156 watercraft, and any watercraft more than twelve feet in length which
157 is powered by sail alone or by a combination of sail and machinery,
158 used or capable of being used as a means of transportation on water,

159 **but not any watercraft having as the only means of propulsion a paddle**
160 **or oars.**

577.010. 1. A person commits the [crime] **offense** of ["]driving while
2 intoxicated["] if he **or she** operates a [motor] vehicle while in an intoxicated [or
3 drugged] condition.

4 **2. The offense of** driving while intoxicated is [for the first offense, a
5 class B misdemeanor. No person convicted of or pleading guilty to the offense of
6 driving while intoxicated shall be granted a suspended imposition of sentence for
7 such offense, unless such person shall be placed on probation for a minimum of
8 two years]:

9 **(1) A class B misdemeanor;**
10 **(2) A class A misdemeanor if:**
11 **(a) The defendant is a prior offender; or**
12 **(b) A person less than seventeen years of age is present in the**
13 **vehicle;**

14 **(3) A class E felony if:**
15 **(a) The defendant is a persistent offender; or**
16 **(b) While driving while intoxicated, the defendant acts with**
17 **criminal negligence to cause physical injury to another person;**

18 **(4) A class D felony if:**
19 **(a) The defendant is an aggravated offender;**
20 **(b) While driving while intoxicated, the defendant acts with**
21 **criminal negligence to cause physical injury to a law enforcement**
22 **officer or emergency personnel; or**

23 **(c) While driving while intoxicated, the defendant acts with**
24 **criminal negligence to cause serious physical injury to another person;**
25 **(5) A class C felony if:**

26 **(a) The defendant is a chronic offender;**
27 **(b) While driving while intoxicated, the defendant acts with**
28 **criminal negligence to cause serious physical injury to a law**
29 **enforcement officer or emergency personnel; or**

30 **(c) While driving while intoxicated, the defendant acts with**
31 **criminal negligence to cause the death of another person;**

32 **(6) A class B felony if:**
33 **(a) The defendant is a habitual offender;**
34 **(b) While driving while intoxicated, the defendant acts with**

35 **criminal negligence to cause the death of a law enforcement officer or**
36 **emergency personnel; or**

37 **(c) While driving while intoxicated, the defendant acts with**
38 **criminal negligence to cause the death of two or more persons unless**
39 **it is a second or subsequent violation of this subsection, in which case**
40 **it is a class A felony.**

41 3. Notwithstanding the provisions of subsection 2 of this section, [in a
42 circuit where a DWI court or docket created under section 478.007 or other
43 court-ordered treatment program is available, no person who operated a motor
44 vehicle with fifteen-hundredths of one percent or more by weight of alcohol in
45 such person's blood shall be granted a suspended imposition of sentence unless
46 the individual participates and successfully completes a program under such DWI
47 court or docket or other court-ordered treatment program] **a person found**
48 **guilty of the offense of driving while intoxicated as a first offense shall**
49 **not be granted a suspended imposition of sentence:**

50 **(1) Unless such person shall be placed on probation for a**
51 **minimum of two years; or**

52 **(2) In a circuit where a DWI court or docket created under**
53 **section 478.007 or other court-ordered treatment program is available,**
54 **and where the offense was committed with fifteen-hundredths of one**
55 **percent or more by weight of alcohol in such person's blood, unless the**
56 **individual participates and successfully completes a program under**
57 **such DWI court or docket or other court-ordered treatment program.**

58 4. If a person is not granted a suspended imposition of sentence for the
59 reasons described in subsection 3 of this section [for such first offense]:

60 **(1) If the individual operated the motor vehicle with fifteen-hundredths**
61 **to twenty-hundredths of one percent by weight of alcohol in such person's blood,**
62 **the required term of imprisonment shall be not less than forty-eight hours;**

63 **(2) If the individual operated the motor vehicle with greater than**
64 **twenty-hundredths of one percent by weight of alcohol in such person's blood, the**
65 **required term of imprisonment shall be not less than five days.**

66 **5. A person found guilty of the offense of driving while**
67 **intoxicated as a first offense shall be ordered to participate in and**
68 **successfully complete a substance abuse traffic offender program**
69 **pursuant to the provisions governing substance abuse traffic offender**
70 **programs in chapter 302.**

71 **6. A person found guilty of the offense of driving while
72 intoxicated:**

73 **(1) As a prior offender, persistent offender, aggravated offender,
74 chronic offender, or habitual offender shall not be granted a suspended
75 imposition of sentence or be sentenced to pay a fine in lieu of a term of
76 imprisonment, section 557.011 to the contrary notwithstanding;**

77 **(2) As a prior offender shall not be granted parole or probation
78 until he or she has served a minimum of ten days' imprisonment:**

79 **(a) Unless as a condition of such parole or probation such person
80 performs at least two hundred forty hours of community service under
81 the supervision of the court in those jurisdictions which have a
82 recognized program for community service; or**

83 **(b) The offender participates in and successfully completes a
84 program established under section 478.007 or other court-ordered
85 treatment program, if available, and as part of either program, the
86 offender performs at least thirty days of community service under the
87 supervision of the court;**

88 **(3) As a persistent offender shall not be eligible for parole or
89 probation until he or she has served a minimum of thirty days
90 imprisonment:**

91 **(a) Unless as a condition of such parole or probation such person
92 performs at least four hundred eighty hours of community service
93 under the supervision of the court in those jurisdictions which have a
94 recognized program for community service; or**

95 **(b) The offender participates in and successfully completes a
96 program established under section 478.007 or other court-ordered
97 treatment program, if available, and as part of either program, the
98 offender performs at least sixty days of community service under the
99 supervision of the court;**

100 **(4) As an aggravated offender shall not be eligible for parole or
101 probation until he or she has served a minimum of sixty days
102 imprisonment;**

103 **(5) As a chronic offender shall not be eligible for parole or
104 probation until he or she has served a minimum of two years
105 imprisonment.**

2 excessive blood alcohol content["] if such person operates:

3 **(1) A [motor] vehicle [in this state with] while having eight-hundredths**
4 of one percent or more by weight of alcohol in [such person's] **his or her** blood;
5 **or**

6 **(2) A commercial motor vehicle while having four one-**
7 **hundredths of a percent or more by weight of alcohol in his or her**
8 **blood.**

9 2. As used in this section, percent by weight of alcohol in the blood shall
10 be based upon grams of alcohol per one hundred milliliters of blood or two
11 hundred ten liters of breath and may be shown by chemical analysis of the
12 person's blood, breath, saliva or urine. For the purposes of determining the
13 alcoholic content of a person's blood under this section, the test shall be
14 conducted in accordance with the provisions of sections 577.020 to 577.041.

15 3. [For the first offense,] **The offense of driving with excessive blood**
16 **alcohol content is [a class B misdemeanor]:**

17 **(1) A class B misdemeanor;**

18 **(2) A class A misdemeanor if the defendant is alleged and proved**
19 **to be a prior offender;**

20 **(3) A class E felony if the defendant is alleged and proved to be**
21 **a persistent offender;**

22 **(4) A class D felony if the defendant is alleged and proved to be**
23 **an aggravated offender;**

24 **(5) A class C felony if the defendant is alleged and proved to be**
25 **a chronic offender;**

26 **(6) A class B felony if the defendant is alleged and proved to be**
27 **a habitual offender.**

28 4. [In a circuit where a DWI court or docket created under section 478.007
29 or other court-ordered treatment program is available, no person who operated
30 a motor vehicle with fifteen-hundredths of one percent or more by weight of
31 alcohol in such person's blood shall be granted a suspended imposition of sentence
32 unless the individual participates and successfully completes a program under
33 such DWI court or docket or other court-ordered treatment program] **A person**
34 **found guilty of the offense of driving with an excessive blood alcohol**
35 **content as a first offense shall not be granted a suspended imposition**
36 **of sentence:**

37 **(1) Unless such person shall be placed on probation for a**

38 **minimum of two years; or**

39 **(2) In a circuit where a DWI court or docket created under**
40 **section 478.007 or other court-ordered treatment program is available,**
41 **and where the offense was committed with fifteen-hundredths of one**
42 **percent or more by weight of alcohol in such person's blood, unless the**
43 **individual participates in and successfully completes a program under**
44 **such DWI court or docket or other court-ordered treatment program.**

45 5. If a person is not granted a suspended imposition of sentence for the
46 reasons described in subsection 4 of this section[, for such first offense]:

47 (1) If the individual operated the [motor] vehicle with fifteen-hundredths
48 to twenty-hundredths of one percent by weight of alcohol in such person's blood,
49 the required term of imprisonment shall be not less than forty-eight hours;

50 (2) If the individual operated the [motor] vehicle with greater than
51 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
52 required term of imprisonment shall be not less than five days.

53 **A person found guilty of the offense of driving with excessive blood**
54 **alcohol content as a first offense shall be ordered to participate in and**
55 **successfully complete a substance abuse traffic offender program**
56 **pursuant to the provisions governing substance abuse traffic offender**
57 **programs in chapter 302.**

58 6. **A person found guilty of driving with excessive blood alcohol**
59 **content:**

60 (1) **As a prior offender, persistent offender, aggravated offender,**
61 **chronic offender or habitual offender shall not be granted a suspended**
62 **imposition of sentence or be sentenced to pay a fine in lieu of a term of**
63 **imprisonment, section 557.011, to the contrary notwithstanding;**

64 (2) **As a prior offender shall not be granted parole or probation**
65 **until he or she has served a minimum of ten days imprisonment:**

66 (a) **Unless as a condition of such parole or probation such person**
67 **performs at least two hundred forty hours of community service under**
68 **the supervision of the court in those jurisdictions which have a**
69 **recognized program for community service; or**

70 (b) **The offender participates in and successfully completes a**
71 **program established under section 478.007 or other court-ordered**
72 **treatment program, if available, and as part of either program, the**
73 **offender performs at least thirty days of community service under the**

74 supervision of the court;

75 (3) As a persistent offender shall not be granted parole or
76 probation until he or she has served a minimum of thirty days
77 imprisonment:

78 (a) Unless as a condition of such parole or probation such person
79 performs at least four hundred eighty hours of community service
80 under the supervision of the court in those jurisdictions which have a
81 recognized program for community service; or

82 (b) The offender participates in and successfully completes a
83 program established under section 478.007 or other court-ordered
84 treatment program, if available, and as part of either program, the
85 offender performs at least sixty days of community service under the
86 supervision of the court;

87 (4) As an aggravated offender shall not be eligible for parole or
88 probation until he or she has served a minimum of sixty days
89 imprisonment;

90 (5) As a chronic offender shall not be eligible for parole or
91 probation until he or she has served a minimum of two years
92 imprisonment.

577.013. 1. A person commits the offense of boating while
2 intoxicated if he or she operates a vessel while in an intoxicated
3 condition.

4 2. The offense of boating while intoxicated is:

5 (1) A class B misdemeanor;

6 (2) A class A misdemeanor if:

7 (a) The defendant is a prior boating offender; or

8 (b) A person less than seventeen years of age is present in the
9 vessel;

10 (3) A class E felony if:

11 (a) The defendant is a persistent boating offender; or

12 (b) While boating while intoxicated, the defendant acts with
13 criminal negligence to cause physical injury to another person;

14 (4) A class D felony if:

15 (a) The defendant is an aggravated boating offender;

16 (b) While boating while intoxicated, the defendant acts with
17 criminal negligence to cause physical injury to a law enforcement

18 officer or emergency personnel; or

19 (c) While boating while intoxicated, the defendant acts with

20 criminal negligence to cause serious physical injury to another person;

21 (5) A class C felony if:

22 (a) The defendant is a chronic boating offender;

23 (b) While boating while intoxicated, the defendant acts with

24 criminal negligence to cause serious physical injury to a law

25 enforcement officer or emergency personnel; or

26 (c) While boating while intoxicated, the defendant acts with

27 criminal negligence to cause the death of another person;

28 (6) A class B felony if:

29 (a) The defendant is a habitual boating offender;

30 (b) While boating while intoxicated, the defendant acts with

31 criminal negligence to cause the death of a law enforcement officer or

32 emergency personnel; or

33 (c) While boating while intoxicated, the defendant acts with

34 criminal negligence to cause the death of two or more persons unless

35 it is a second or subsequent violation of this subsection, in which case

36 it is a class A felony.

37 3. Notwithstanding the provisions of subsection 2 of this section,

38 a person found guilty of the offense of boating while intoxicated as a

39 first offense shall not be granted a suspended imposition of sentence:

40 (1) Unless such person shall be placed on probation for a

41 minimum of two years; or

42 (2) In a circuit where a DWI court or docket created under

43 section 478.007 or other court-ordered treatment program is available,

44 and where the offense was committed with fifteen-hundredths of one

45 percent or more by weight of alcohol in such person's blood, unless the

46 individual participates in and successfully completes a program under

47 such DWI court or docket or other court-ordered treatment program.

48 4. If a person is not granted a suspended imposition of sentence

49 for the reasons described in subsection 3 of this section:

50 (1) If the individual operated the vessel with fifteen-hundredths

51 to twenty-hundredths of one percent by weight of alcohol in such

52 person's blood, the required term of imprisonment shall be not less

53 than forty-eight hours;

54 (2) If the individual operated the vessel with greater than
55 twenty-hundredths of one percent by weight of alcohol in such person's
56 blood, the required term of imprisonment shall be not less than five
57 days.

58 5. A person found guilty of the offense of boating while
59 intoxicated:

60 (1) As a prior boating offender, persistent boating offender,
61 aggravated boating offender, chronic boating offender or habitual
62 boating offender shall not be granted a suspended imposition of
63 sentence or be sentenced to pay a fine in lieu of a term of
64 imprisonment, section 557.011 to the contrary notwithstanding;

65 (2) As a prior boating offender shall not be granted parole or
66 probation until he or she has served a minimum of ten days
67 imprisonment;

68 (a) Unless as a condition of such parole or probation such person
69 performs at least two hundred forty hours of community service under
70 the supervision of the court in those jurisdictions which have a
71 recognized program for community service; or

72 (b) The offender participates in and successfully completes a
73 program established under section 478.007 or other court-ordered
74 treatment program, if available;

75 (3) As a persistent offender shall not be eligible for parole or
76 probation until he or she has served a minimum of thirty days
77 imprisonment:

78 (a) Unless as a condition of such parole or probation such person
79 performs at least four hundred eighty hours of community service
80 under the supervision of the court in those jurisdictions which have a
81 recognized program for community service; or

82 (b) The offender participates in and successfully completes a
83 program established under section 478.007 or other court-ordered
84 treatment program, if available;

85 (4) As an aggravated boating offender shall not be eligible for
86 parole or probation until he or she has served a minimum of sixty days
87 imprisonment;

88 (5) As a chronic boating offender shall not be eligible for parole
89 or probation until he or she has served a minimum of two years

90 imprisonment.

577.014. 1. A person commits the offense of boating with
2 excessive blood alcohol content if he or she operates a vessel while
3 having eight-hundredths of one percent or more by weight of alcohol
4 in his or her blood.

5 2. As used in this section, percent by weight of alcohol in the
6 blood shall be based upon grams of alcohol per one hundred milliliters
7 of blood or two hundred ten liters of breath and may be shown by
8 chemical analysis of the person's blood, breath, saliva or urine. For the
9 purposes of determining the alcoholic content of a person's blood under
10 this section, the test shall be conducted in accordance with the
11 provisions of sections 577.020 to 577.041.

12 3. The offense of boating with excessive blood alcohol content is:

13 (1) A class B misdemeanor;

14 (2) A class A misdemeanor if the defendant is alleged and proved
15 to be a prior boating offender;

16 (3) A class E felony if the defendant is alleged and proved to be
17 a persistent boating offender;

18 (4) A class D felony if the defendant is alleged and proved to be
19 an aggravated boating offender;

20 (5) A class C felony if the defendant is alleged and proved to be
21 a chronic boating offender;

22 (6) A class B felony if the defendant is alleged and proved to be
23 a habitual boating offender.

24 4. A person found guilty of the offense of boating with excessive
25 blood alcohol content as a first offense shall not be granted a
26 suspended imposition of sentence:

27 (1) Unless such person shall be placed on probation for a
28 minimum of two years; or

29 (2) In a circuit where a DWI court or docket created under
30 section 478.007 or other court-ordered treatment program is available,
31 and where the offense was committed with fifteen-hundredths of one
32 percent or more by weight of alcohol in such person's blood unless the
33 individual participates in and successfully completes a program under
34 such DWI court or docket or other court-ordered treatment program.

35 5. When a person is not granted a suspended imposition of

36 sentence for the reasons described in subsection 3 of this section:

37 (1) If the individual operated the vessel with fifteen-hundredths
38 to twenty hundredths of one percent by weight of alcohol in such
39 person's blood, the required term of imprisonment shall be not less
40 than forty-eight hours;

41 (2) If the individual operated the vessel with greater than twenty
42 hundredths of one percent by weight of alcohol in such person's blood,
43 the required term of imprisonment shall be not less than five days.

44 6. A person found guilty of the offense of boating with excessive
45 blood alcohol content:

46 (1) As a prior boating offender, persistent boating offender,
47 aggravated boating offender, chronic boating offender or habitual
48 boating offender shall not be granted a suspended imposition of
49 sentence or be sentenced to pay a fine in lieu of a term of
50 imprisonment, section 557.011, to the contrary notwithstanding;

51 (2) As a prior boating offender shall not be granted parole or
52 probation until he or she has served a minimum of ten days
53 imprisonment:

54 (a) Unless as a condition of such parole or probation such person
55 performs at least two hundred forty hours of community service under
56 the supervision of the court in those jurisdictions which have a
57 recognized program for community service; or

58 (b) The offender participates in and successfully completes a
59 program established under section 478.007 or other court-ordered
60 treatment program, if available;

61 (3) As a persistent boating offender shall not be granted parole
62 or probation until he or she has served a minimum of thirty days
63 imprisonment:

64 (a) Unless as a condition of such parole or probation such person
65 performs at least four hundred eighty hours of community service
66 under the supervision of the court in those jurisdictions which have a
67 recognized program for community service; or

68 (b) The offender participates in and successfully completes a
69 program established under section 478.007 or other court-ordered
70 treatment program, if available;

71 (4) As an aggravated boating offender shall not be eligible for

72 **parole or probation until he or she has served a minimum of sixty days**
73 **imprisonment;**

74 **(5) As a chronic boating offender shall not be eligible for parole**
75 **or probation until he or she has served a minimum of two years**
76 **imprisonment.**

[577.203.] **577.015.** 1. [It is unlawful for any] A person [to operate, or
2 act as a flight crew member of, any aircraft in this state:

3 **(1) While under the influence of alcohol or a controlled substance, or any**
4 **combination thereof;**

5 **(2) With four one-hundredths of one percent or more by weight of alcohol**
6 **in his blood; or**

7 **(3) Within eight hours after the consumption of any alcoholic beverage.**

8 **2. Any person found guilty of violating this section and section 577.201**
9 **shall have committed a class C misdemeanor.**

10 **3. Any person found guilty a second or subsequent time of violating this**
11 **section and section 577.201 shall have committed a class A misdemeanor]**
12 **commits the offense of operating an aircraft while intoxicated if he or**
13 **she, while in an intoxicated condition, knowingly operates any aircraft**
14 **or knowingly acts as a copilot, flight engineer or flight navigator for an**
15 **aircraft while in operation.**

16 **2. The offense of operating an aircraft while intoxicated is:**

17 **(1) A class C misdemeanor;**

18 **(2) A class A misdemeanor if the person has previously been**
19 **found guilty of the offense of operating an aircraft while intoxicated or**
20 **with an excessive blood alcohol content, or any offense committed in**
21 **another jurisdiction which, if committed in this state, would be the**
22 **offense of operating an aircraft with excessive blood alcohol content or**
23 **while intoxicated.**

577.016. 1. **A person commits the offense of operating an aircraft**
2 **with excessive blood alcohol content if he or she knowingly operates**
3 **any aircraft or knowingly acts as a copilot, flight engineer or flight**
4 **navigator for an aircraft while in operation:**

5 **(1) With four one-hundredths of one percent or more by weight**
6 **of alcohol in his or her blood; or**

7 **(2) Within eight hours after the consumption of any alcoholic**
8 **beverage.**

9 **2. The offense of operating an aircraft with excessive blood**
10 **alcohol content is:**

11 **(1) A class C misdemeanor;**
12 **(2) A class A misdemeanor if the defendant has been found guilty**
13 **of operating an aircraft with excessive blood alcohol content or**
14 **operating an aircraft while intoxicated or any offense committed in any**
15 **jurisdiction which, if committed in this state, would be the offense of**
16 **operating an aircraft with excessive blood alcohol content or operating**
17 **an aircraft while intoxicated.**

577.017. 1. [No] A person [shall consume any] **commits the offense of**
2 **consumption of an** alcoholic beverage while [operating] **driving if he or she**
3 **operates** a moving motor vehicle upon [the highways, as defined in section

4 **301.010] any public thoroughfare for vehicles, including state roads,**
5 **county roads and public streets, avenues, boulevards, parkways or**
6 **alleys in any municipality while consuming any alcoholic beverage.**

7 2. [Any person found guilty of violating the provisions of this section is
8 guilty of an infraction.

9 3. Any infraction under this section shall not reflect on any records with
10 the department of revenue] **The offense of consumption of an alcoholic**
11 **beverage while driving is an infraction and shall not be reflected on**
12 **any records maintained by the department of revenue.**

577.020. 1. Any person who operates a [motor] vehicle upon the public
2 highways of this state, **a vessel, or any aircraft, or acts as a flight crew**
3 **member of an aircraft** shall be deemed to have given consent [to], subject to
4 the provisions of sections 577.019 to 577.041, **to** a chemical test or tests of the
5 person's breath, blood, saliva, or urine for the purpose of determining the alcohol
6 or drug content of the person's blood pursuant to the following circumstances:

7 (1) If the person is arrested for any offense arising out of acts which the
8 arresting officer had reasonable grounds to believe were committed while the
9 person was [driving a motor] **operating a vehicle or a vessel** while in an
10 intoxicated [or drugged] condition; or

11 (2) **Detained for any offense of operating an aircraft while**
12 **intoxicated under section 577.015 or operating an aircraft with**
13 **excessive blood alcohol content under section 577.016; or**

14 (3) If the person is under the age of twenty-one, has been stopped by a
15 law enforcement officer, and the law enforcement officer has reasonable grounds

16 to believe that such person was [driving a motor] **operating a vehicle or a**
17 **vessel** with a blood alcohol content of two-hundredths of one percent or more by
18 weight; or

19 [(3)] **(4)** If the person is under the age of twenty-one, has been stopped
20 by a law enforcement officer, and the law enforcement officer has reasonable
21 grounds to believe that such person has committed a violation of the traffic laws
22 of the state, or any political subdivision of the state, and such officer has
23 reasonable grounds to believe, after making such stop, that such person has a
24 blood alcohol content of two-hundredths of one percent or greater;

25 [(4)] **(5)** If the person is under the age of twenty-one, has been stopped
26 at a sobriety checkpoint or roadblock and the law enforcement officer has
27 reasonable grounds to believe that such person has a blood alcohol content of
28 two-hundredths of one percent or greater;

29 [(5)] **(6)** If the person, while operating a [motor] vehicle, has been
30 involved in a [motor vehicle] collision **or accident** which resulted in a fatality
31 or a readily apparent serious physical injury as defined in section 565.002, or has
32 been arrested as evidenced by the issuance of a uniform traffic ticket for the
33 violation of any state law or county or municipal ordinance with the exception of
34 equipment violations contained in [chapter] **chapters 306 and 307**, or similar
35 provisions contained in county or municipal ordinances; or

36 [(6) If the person, while operating a motor vehicle, has been involved in
37 a motor vehicle collision which resulted in a fatality or serious physical injury as
38 defined in section 565.002.]

39 **(7)** The test shall be administered at the direction of the law enforcement
40 officer whenever the person has been [arrested or] stopped, **detained, or**
41 **arrested** for any reason.

42 2. The implied consent to submit to the chemical tests listed in subsection
43 1 of this section shall be limited to not more than two such tests arising from the
44 same **stop, detention, arrest, incident or charge**.

45 3. **To be considered valid**, chemical analysis of the person's breath,
46 blood, saliva, or urine [to be considered valid pursuant to the provisions of
47 sections 577.019 to 577.041] shall be performed, according to methods approved
48 by the state department of health and senior services, by licensed medical
49 personnel or by a person possessing a valid permit issued by the state department
50 of health and senior services for this purpose.

51 4. The state department of health and senior services shall approve

52 satisfactory techniques, devices, equipment, or methods to be [considered valid]
53 **used in the chemical test** pursuant to the provisions of sections 577.019 to
54 577.041 [and]. **The department** shall **also** establish standards to ascertain the
55 qualifications and competence of individuals to conduct **such** analyses and [to]
56 issue permits **for such purpose**, which shall be subject to termination or
57 revocation by the state department of health and senior services.

58 5. The person tested may have a physician, or a qualified technician,
59 chemist, registered nurse, or other qualified person at the choosing and expense
60 of the person to be tested, administer a test in addition to any administered at
61 the direction of a law enforcement officer. The failure or inability to obtain an
62 additional test by a person shall not preclude the admission of evidence relating
63 to the test taken at the direction of a law enforcement officer.

64 6. Upon the request of the person who is tested, full information
65 concerning the test shall be made available to such person. Full information is
66 limited to the following:

67 (1) The type of test administered and the procedures followed;
68 (2) The time of the collection of the blood [or], breath [sample], or urine
69 **sample** analyzed;
70 (3) The numerical results of the test indicating the alcohol content of the
71 blood and breath and urine;

72 (4) The type and status of any permit which was held by the person who
73 performed the test;

74 (5) If the test was administered by means of a breath-testing instrument,
75 the date [of performance] of the most recent [required] maintenance of such
76 instrument. Full information does not include manuals, schematics, or software
77 of the instrument used to test the person or any other material that is not in the
78 actual possession of the state. Additionally, full information does not include
79 information in the possession of the manufacturer of the test instrument.

80 7. Any person given a chemical test of the person's breath pursuant to
81 subsection 1 of this section or a field sobriety test may be videotaped during any
82 such test at the direction of the law enforcement officer. Any such video
83 recording made during the chemical test pursuant to this subsection or a field
84 sobriety test shall be admissible as evidence at [either] any trial of such person
85 for [either] a violation of any state law or county or municipal ordinance, [or]
86 **and at** any license revocation or suspension proceeding **held** pursuant to the
87 provisions of chapter 302.

577.021. 1. Any state, county or municipal law enforcement officer [who
2 has the power of arrest for violations of section 577.010 or 577.012 and] who is
3 certified pursuant to chapter 590 may, prior to arrest, administer a chemical test
4 to any person suspected of operating a [motor] vehicle [in violation of section
5 577.010 or 577.012], **vessel, or aircraft or acting as a flight crew member**
6 **of an aircraft while in an intoxicated condition or with an excessive**
7 **blood alcohol content.**

8 2. Any state, county, or municipal law enforcement officer who has the
9 power of arrest for violations of section 577.010 or 577.012 and who is certified
10 under chapter 590 shall make all reasonable efforts to administer a chemical test
11 to any person suspected of [driving a motor] **operating a vehicle or vessel**
12 involved in a collision **or accident** which resulted in a fatality or serious
13 physical injury as defined in section [565.002] **556.061.**

14 3. A test administered pursuant to this section shall be admissible as
15 evidence of probable cause to arrest and as exculpatory evidence, but shall not be
16 admissible as evidence of blood alcohol content. The provisions of sections
17 577.019 and 577.020 shall not apply to a test administered prior to arrest
18 pursuant to this section. [The provisions changing chapter 577 are severable
19 from this legislation. The general assembly would have enacted the remainder
20 of this legislation without the changes made to chapter 577, and the remainder
21 of the legislation is not essentially and inseparably connected with or dependent
22 upon the changes to chapter 577.]

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

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

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

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

14 (2) A "chronic offender" is:

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

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

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

33 (3) "Continuous alcohol monitoring", automatically testing breath, blood,
34 or transdermal alcohol concentration levels and tampering attempts at least once
35 every hour, regardless of the location of the person who is being monitored, and
36 regularly transmitting the data. Continuous alcohol monitoring shall be
37 considered an electronic monitoring service under subsection 3 of section 217.690;

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

47 (5) A "persistent offender" is one of the following:

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

50 (b) A person who has pleaded guilty to or has been found guilty of

51 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of
52 section 565.024, assault in the second degree pursuant to subdivision (4) of
53 subsection 1 of section 565.060, assault of a law enforcement officer in the second
54 degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

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

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

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

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

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

71 6. No state, county, or municipal court shall suspend the imposition of
72 sentence as to a prior offender, persistent offender, aggravated offender, or
73 chronic offender under this section nor sentence such person to pay a fine in lieu
74 of a term of imprisonment, section 557.011 to the contrary notwithstanding.

75 (1) No prior offender shall be eligible for parole or probation until he or
76 she has served a minimum of ten days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs
78 at least thirty days involving at least two hundred forty hours of community
79 service under the supervision of the court in those jurisdictions which have a
80 recognized program for community service; or

81 (b) The offender participates in and successfully completes a program
82 established pursuant to section 478.007 or other court-ordered treatment
83 program, if available, and as part of either program, the offender performs at
84 least thirty days of community service under the supervision of the court.

85 (2) No persistent offender shall be eligible for parole or probation until he
86 or she has served a minimum of thirty days imprisonment:

87 (a) Unless as a condition of such parole or probation such person performs
88 at least sixty days involving at least four hundred eighty hours of community
89 service under the supervision of the court; or

90 (b) The offender participates in and successfully completes a program
91 established pursuant to section 478.007 or other court-ordered treatment
92 program, if available, and as part of either program, the offender performs at
93 least sixty days of community service under the supervision of the court.

94 (3) No aggravated offender shall be eligible for parole or probation until
95 he or she has served a minimum of sixty days imprisonment.

96 (4) No chronic offender shall be eligible for parole or probation until he
97 or she has served a minimum of two years imprisonment. In addition to any
98 other terms or conditions of probation, the court shall consider, as a condition of
99 probation for any person who pleads guilty to or is found guilty of an
100 intoxication-related traffic offense, requiring the offender to abstain from
101 consuming or using alcohol or any products containing alcohol as demonstrated
102 by continuous alcohol monitoring or by verifiable breath alcohol testing performed
103 a minimum of four times per day as scheduled by the court for such duration as
104 determined by the court, but not less than ninety days. The court may, in
105 addition to imposing any other fine, costs, or assessments provided by law,
106 require the offender to bear any costs associated with continuous alcohol
107 monitoring or verifiable breath alcohol testing.

108 7. The state, county, or municipal] A court shall find the defendant to be
109 a prior offender, **prior boating offender**, persistent offender, **persistent**
110 **boating offender**, aggravated offender, [or] **aggravated boating offender**,
111 chronic offender, **chronic boating offender**, habitual offender, or habitual
112 **boating offender** if:

113 (1) The indictment or information, original or amended, or the information
114 in lieu of an indictment pleads all essential facts warranting a finding that the
115 defendant is a prior offender, **prior boating offender**, persistent offender,
116 **persistent boating offender**, **aggravated offender**, **aggravated boating**
117 **offender**, **chronic offender**, **chronic boating offender**, habitual offender,
118 **or habitual boating offender**; and

119 (2) Evidence is introduced that establishes sufficient facts pleaded to
120 warrant a finding beyond a reasonable doubt the defendant is a prior offender,
121 **prior boating offender**, persistent offender, **persistent boating offender**,
122 aggravated offender, [or] **aggravated boating offender**, chronic offender,

123 **chronic boating offender, habitual offender, or habitual boating**
124 **offender;** and

125 (3) The court makes findings of fact that warrant a finding beyond a
126 reasonable doubt by the court that the defendant is a prior offender, **prior**
127 **boating offender, persistent offender, persistent boating offender,**
128 aggravated offender, [or] **aggravated boating offender, chronic offender,**
129 **chronic boating offender, habitual offender, or habitual boating**
130 **offender.**

131 [8.] 2. In a jury trial, the [facts] **defendant's status as a prior**
132 **offender, prior boating offender, persistent offender, persistent boating**
133 **offender, aggravated offender, aggravated boating offender, chronic**
134 **offender, chronic boating offender, habitual offender, or habitual**
135 **boating offender** shall be [pleaded, established and] found prior to submission
136 to the jury outside of its hearing.

137 [9.] 3. In a trial without a jury or upon a plea of guilty, [the court may
138 defer the proof in findings of such facts to a later time, but] **a determination**
139 **of the defendant's status as a prior offender, prior boating offender,**
140 **persistent offender, persistent boating offender, aggravated offender,**
141 **aggravated boating offender, chronic offender, chronic boating**
142 **offender, habitual offender, or habitual boating offender may be made**
143 **by the court at any time** prior to sentencing.

144 4. Evidence offered as proof of the defendant's status as a prior
145 **offender, prior boating offender, persistent offender, persistent boating**
146 **offender, aggravated offender, aggravated boating offender, chronic**
147 **offender, chronic boating offender, habitual offender or habitual**
148 **boating offender shall include but not be limited to evidence of findings**
149 **of guilt received by a search of the records of the Missouri uniform law**
150 **enforcement system, including criminal history records from the**
151 **central repository or records from the driving while intoxicated**
152 **tracking system (DWITS) maintained by the Missouri state highway**
153 **patrol, or the certified driving record maintained by the Missouri**
154 **department of revenue. Any findings of guilt used to establish**
155 **defendant's status as a prior offender, prior boating offender,**
156 **persistent offender, persistent boating offender, aggravated offender,**
157 **aggravated boating offender, chronic offender, chronic boating**
158 **offender, habitual offender or habitual boating offender shall be prior**

159 to the date of commission of the present offense.

160 [10.] 5. The defendant shall be accorded full rights of confrontation and
161 cross-examination, with the opportunity to present evidence, at such hearings.

162 [11.] 6. The defendant may waive proof of the facts [alleged] used to
163 prove his or her status as a prior offender, prior boating offender,
164 persistent offender, persistent boating offender, aggravated offender,
165 aggravated boating offender, chronic offender, chronic boating
166 offender, habitual offender, or habitual boating offender.

167 [12. Nothing in this section shall prevent the use of presentence
168 investigations or commitments.

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

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

174 [15.] 7. If a court finds the defendant to be a prior offender, prior
175 boating offender, persistent offender, persistent boating offender,
176 aggravated offender, aggravated boating offender, chronic offender,
177 chronic boating offender, habitual offender, or habitual boating
178 offender, the court shall not instruct the jury as to the range of punishment or
179 allow the jury, upon a finding of guilt, to assess and declare the punishment as
180 part of its verdict [in cases of prior offenders, persistent offenders, aggravated
181 offenders, or chronic offenders].

182 [16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an
183 intoxication-related traffic offense shall be heard and determined by the trial
184 court out of the hearing of the jury prior to the submission of the case to the jury,
185 and shall include but not be limited to evidence received by a search of the
186 records of the Missouri uniform law enforcement system, including criminal
187 history records from the central repository or records from the driving while
188 intoxicated tracking system (DWITS) maintained by the Missouri state highway
189 patrol, or the certified driving record maintained by the Missouri department of
190 revenue. After hearing the evidence, the court shall enter its findings thereon.
191 A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended
192 imposition of sentence, suspended execution of sentence, probation or parole or
193 any combination thereof in any intoxication-related traffic offense in a state,
194 county or municipal court or any combination thereof, shall be treated as a prior

195 plea of guilty or finding of guilt for purposes of this section.]

196 **8. At sentencing, all parties shall be permitted to present**
197 **additional information bearing on the issue of the sentence. Nothing**
198 **in this section shall prevent the use of presentence investigations,**
199 **sentencing advisory reports or commitments.**

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

577.031. No person who administers any test pursuant to the provisions
2 of sections 577.020 to 577.041 upon the request of a law enforcement officer, no
3 hospital in or with which such person is employed or is otherwise associated or
4 in which such test is administered, and no other person, firm, or corporation by
5 whom or with which such person is employed or is in any way associated, shall
6 be civilly liable in damages to the person tested unless for gross negligence [or
7 by], willful or wanton act, or omission.

577.037. 1. Upon the trial of any person for [violation of any of the
2 provisions of section 565.024, or section 565.060, or section 577.010 or 577.012,
3 or upon the trial of any criminal action] **any criminal offense** or violations of
4 county or municipal ordinances, or in any license suspension or revocation
5 proceeding pursuant to the provisions of **this** chapter [302] arising out of acts
6 alleged to have been committed by any person while [driving] **operating** a motor
7 vehicle, **vessel, or aircraft, or acting as a flight crew member of any**
8 **aircraft**, while in an intoxicated condition **or with an excessive blood**
9 **alcohol content**, the amount of alcohol in the person's blood at the time of the
10 act [alleged], as shown by any chemical analysis of the person's blood, breath,
11 saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of

12 section 491.060 shall not prevent the admissibility or introduction of such
13 evidence if otherwise admissible. [If there was eight-hundredths of one percent
14 or more by weight of alcohol in the person's blood, this shall be **prima facie**
15 evidence that the person was intoxicated at the time the specimen was taken.]

16 **2. If a chemical analysis of the defendant's breath, blood, saliva,**
17 **or urine demonstrates there was eight-hundredths of one percent or**
18 **more by weight of alcohol in the person's blood, this shall be prima**
19 **facie evidence that the person was intoxicated at the time the specimen**
20 **was taken. If a chemical analysis of the defendant's breath, blood,**
21 **saliva, or urine demonstrates that there was less than eight-hundredths**
22 **of one percent of alcohol in the defendant's blood, any charge alleging**
23 **a criminal offense related to the operation of a vehicle, vessel, or**
24 **aircraft while in an intoxicated condition or with an excessive blood**
25 **alcohol content shall be dismissed with prejudice unless one or more**
26 **of the following considerations cause the court to find a dismissal**
27 **unwarranted:**

28 **(1) There is evidence that the chemical analysis is unreliable as**
29 **evidence of the defendant's intoxication at the time of the alleged**
30 **violation due to the lapse of time between the alleged violation and the**
31 **obtaining of the specimen;**

32 **(2) There is evidence that the defendant was under the influence**
33 **of a controlled substance, or drug, or a combination of either or both**
34 **with or without alcohol; or**

35 **(3) There is substantial evidence of intoxication from physical**
36 **observations of witnesses or admissions of the defendant.**

37 **3.** Percent by weight of alcohol in the blood shall be based upon grams of
38 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred
39 ten liters of breath.

40 **[3.] 4.** The foregoing provisions of this section shall not be construed as
41 limiting the introduction of any other competent evidence bearing upon the
42 question **of** whether the person was intoxicated.

43 **[4.] 5.** A chemical analysis of a person's breath, blood, saliva or urine, in
44 order to give rise to the presumption or to have the effect provided for in
45 subsection **[1] 2** of this section, shall have been performed as provided in sections
46 577.020 to 577.041 and in accordance with methods and standards approved by
47 the state department of health and senior services.

48 [5. Any charge alleging a violation of section 577.010 or 577.012 or any
49 county or municipal ordinance prohibiting driving while intoxicated or driving
50 under the influence of alcohol shall be dismissed with prejudice if a chemical
51 analysis of the defendant's breath, blood, saliva, or urine performed in accordance
52 with sections 577.020 to 577.041 and rules promulgated thereunder by the state
53 department of health and senior services demonstrate that there was less than
54 eight-hundredths of one percent of alcohol in the defendant's blood unless one or
55 more of the following considerations cause the court to find a dismissal
56 unwarranted:

57 (1) There is evidence that the chemical analysis is unreliable as evidence
58 of the defendant's intoxication at the time of the alleged violation due to the lapse
59 of time between the alleged violation and the obtaining of the specimen;

60 (2) There is evidence that the defendant was under the influence of a
61 controlled substance, or drug, or a combination of either or both with or without
62 alcohol; or

63 (3) There is substantial evidence of intoxication from physical
64 observations of witnesses or admissions of the defendant.]

577.041. 1. If a person [under arrest, or who has been stopped pursuant
2 to] **detained, stopped, or arrested under** subdivision (2) or (3) of subsection
3 1 of section 577.020, refuses upon the request of the officer to submit to any test
4 allowed pursuant to section 577.020, then evidence of the refusal shall be
5 admissible in [a] **any** proceeding [pursuant to section 565.024, 565.060, or
6 565.082, or section 577.010 or 577.012] **related to the acts resulting from**
7 **such detention, stop, or arrest.**

8 2. The request of the officer **to submit to any chemical test** shall
9 include the reasons of the officer for requesting the person to submit to a test and
10 also shall inform the person that evidence of refusal to take the test may be used
11 against such person [and that the person's]. **If such person was operating a**
12 **vehicle prior to such detention, stop, or arrest, he or she shall further**
13 **be informed that his or her** license shall be immediately revoked upon refusal
14 to take the test.

15 3. If a person when requested to submit to any test allowed pursuant to
16 section 577.020 requests to speak to an attorney, the person shall be granted
17 twenty minutes in which to attempt to contact an attorney. If, upon the
18 completion of the twenty-minute period the person continues to refuse to submit
19 to any test, it shall be deemed a refusal. [In this event, the officer shall, on

20 behalf of the director of revenue, serve the notice of license revocation personally
21 upon the person and shall take possession of any license to operate a motor
22 vehicle issued by this state which is held by that person. The officer shall issue
23 a temporary permit, on behalf of the director of revenue, which is valid for fifteen
24 days and shall also give the person a notice of such person's right to file a
25 petition for review to contest the license revocation.

26 2. The officer shall make a certified report under penalties of perjury for
27 making a false statement to a public official. The report shall be forwarded to the
28 director of revenue and shall include the following:

29 (1) That the officer has:

30 (a) Reasonable grounds to believe that the arrested person was driving a
31 motor vehicle while in an intoxicated or drugged condition; or

32 (b) Reasonable grounds to believe that the person stopped, being under
33 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
34 content of two-hundredths of one percent or more by weight; or

35 (c) Reasonable grounds to believe that the person stopped, being under the
36 age of twenty-one years, was committing a violation of the traffic laws of the
37 state, or political subdivision of the state, and such officer has reasonable grounds
38 to believe, after making such stop, that the person had a blood alcohol content of
39 two-hundredths of one percent or greater;

40 (2) That the person refused to submit to a chemical test;

41 (3) Whether the officer secured the license to operate a motor vehicle of
42 the person;

43 (4) Whether the officer issued a fifteen-day temporary permit;

44 (5) Copies of the notice of revocation, the fifteen-day temporary permit
45 and the notice of the right to file a petition for review, which notices and permit
46 may be combined in one document; and

47 (6) Any license to operate a motor vehicle which the officer has taken into
48 possession.

49 3. Upon receipt of the officer's report, the director shall revoke the license
50 of the person refusing to take the test for a period of one year; or if the person is
51 a nonresident, such person's operating permit or privilege shall be revoked for one
52 year; or if the person is a resident without a license or permit to operate a motor
53 vehicle in this state, an order shall be issued denying the person the issuance of
54 a license or permit for a period of one year.

55 4. If a person's license has been revoked because of the person's refusal

56 to submit to a chemical test, such person may petition for a hearing before a
57 circuit division or associate division of the court in the county in which the arrest
58 or stop occurred. The person may request such court to issue an order staying
59 the revocation until such time as the petition for review can be heard. If the
60 court, in its discretion, grants such stay, it shall enter the order upon a form
61 prescribed by the director of revenue and shall send a copy of such order to the
62 director. Such order shall serve as proof of the privilege to operate a motor
63 vehicle in this state and the director shall maintain possession of the person's
64 license to operate a motor vehicle until termination of any revocation pursuant
65 to this section. Upon the person's request the clerk of the court shall notify the
66 prosecuting attorney of the county and the prosecutor shall appear at the hearing
67 on behalf of the director of revenue. At the hearing the court shall determine
68 only:

- 69 (1) Whether or not the person was arrested or stopped;
70 (2) Whether or not the officer had:

71 (a) Reasonable grounds to believe that the person was driving a motor
72 vehicle while in an intoxicated or drugged condition; or
73 (b) Reasonable grounds to believe that the person stopped, being under
74 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
75 content of two-hundredths of one percent or more by weight; or

76 (c) Reasonable grounds to believe that the person stopped, being under the
77 age of twenty-one years, was committing a violation of the traffic laws of the
78 state, or political subdivision of the state, and such officer had reasonable
79 grounds to believe, after making such stop, that the person had a blood alcohol
80 content of two-hundredths of one percent or greater; and

- 81 (3) Whether or not the person refused to submit to the test.

82 5. If the court determines any issue not to be in the affirmative, the court
83 shall order the director to reinstate the license or permit to drive.

84 6. Requests for review as provided in this section shall go to the head of
85 the docket of the court wherein filed.

86 7. No person who has had a license to operate a motor vehicle suspended
87 or revoked pursuant to the provisions of this section shall have that license
88 reinstated until such person has participated in and successfully completed a
89 substance abuse traffic offender program defined in section 577.001, or a program
90 determined to be comparable by the department of mental health or the
91 court. Assignment recommendations, based upon the needs assessment as

92 described in subdivision (24) of section 302.010, shall be delivered in writing to
93 the person with written notice that the person is entitled to have such assignment
94 recommendations reviewed by the court if the person objects to the
95 recommendations. The person may file a motion in the associate division of the
96 circuit court of the county in which such assignment was given, on a printed form
97 provided by the state courts administrator, to have the court hear and determine
98 such motion pursuant to the provisions of chapter 517. The motion shall name
99 the person or entity making the needs assessment as the respondent and a copy
100 of the motion shall be served upon the respondent in any manner allowed by
101 law. Upon hearing the motion, the court may modify or waive any assignment
102 recommendation that the court determines to be unwarranted based upon a
103 review of the needs assessment, the person's driving record, the circumstances
104 surrounding the offense, and the likelihood of the person committing a like
105 offense in the future, except that the court may modify but may not waive the
106 assignment to an education or rehabilitation program of a person determined to
107 be a prior or persistent offender as defined in section 577.023, or of a person
108 determined to have operated a motor vehicle with fifteen-hundredths of one
109 percent or more by weight in such person's blood. Compliance with the court
110 determination of the motion shall satisfy the provisions of this section for the
111 purpose of reinstating such person's license to operate a motor vehicle. The
112 respondent's personal appearance at any hearing conducted pursuant to this
113 subsection shall not be necessary unless directed by the court.

114 8. The fees for the substance abuse traffic offender program, or a portion
115 thereof to be determined by the division of alcohol and drug abuse of the
116 department of mental health, shall be paid by the person enrolled in the
117 program. Any person who is enrolled in the program shall pay, in addition to any
118 fee charged for the program, a supplemental fee to be determined by the
119 department of mental health for the purposes of funding the substance abuse
120 traffic offender program defined in section 302.010 and section 577.001. The
121 administrator of the program shall remit to the division of alcohol and drug abuse
122 of the department of mental health on or before the fifteenth day of each month
123 the supplemental fee for all persons enrolled in the program, less two percent for
124 administrative costs. Interest shall be charged on any unpaid balance of the
125 supplemental fees due the division of alcohol and drug abuse pursuant to this
126 section and shall accrue at a rate not to exceed the annual rates established
127 pursuant to the provisions of section 32.065, plus three percentage points. The

128 supplemental fees and any interest received by the department of mental health
129 pursuant to this section shall be deposited in the mental health earnings fund
130 which is created in section 630.053.

131 9. Any administrator who fails to remit to the division of alcohol and drug
132 abuse of the department of mental health the supplemental fees and interest for
133 all persons enrolled in the program pursuant to this section shall be subject to a
134 penalty equal to the amount of interest accrued on the supplemental fees due the
135 division pursuant to this section. If the supplemental fees, interest, and penalties
136 are not remitted to the division of alcohol and drug abuse of the department of
137 mental health within six months of the due date, the attorney general of the state
138 of Missouri shall initiate appropriate action of the collection of said fees and
139 interest accrued. The court shall assess attorney fees and court costs against any
140 delinquent program.

141 10. Any person who has had a license to operate a motor vehicle revoked
142 under this section and who has a prior alcohol-related enforcement contact, as
143 defined in section 302.525, shall be required to file proof with the director of
144 revenue that any motor vehicle operated by the person is equipped with a
145 functioning, certified ignition interlock device as a required condition of license
146 reinstatement. Such ignition interlock device shall further be required to be
147 maintained on all motor vehicles operated by the person for a period of not less
148 than six months immediately following the date of reinstatement. If the monthly
149 monitoring reports show that the ignition interlock device has registered any
150 confirmed blood alcohol concentration readings above the alcohol setpoint
151 established by the department of transportation or that the person has tampered
152 with or circumvented the ignition interlock device, then the period for which the
153 person must maintain the ignition interlock device following the date of
154 reinstatement shall be extended for an additional six months. If the person fails
155 to maintain such proof with the director as required by this section, the license
156 shall be rerevoked and the person shall be guilty of a class A misdemeanor.

157 11. The revocation period of any person whose license and driving
158 privilege has been revoked under this section and who has filed proof of financial
159 responsibility with the department of revenue in accordance with chapter 303 and
160 is otherwise eligible, shall be terminated by a notice from the director of revenue
161 after one year from the effective date of the revocation. Unless proof of financial
162 responsibility is filed with the department of revenue, the revocation shall remain
163 in effect for a period of two years from its effective date. If the person fails to

164 maintain proof of financial responsibility in accordance with chapter 303, the
165 person's license and driving privilege shall be rerevoked and the person shall be
166 guilty of a class A misdemeanor.]

[577.041. 1. If a person under arrest, or who has been
2 stopped pursuant to subdivision (2) or (3) of subsection 1 of section
3 577.020, refuses upon the request of the officer to submit to any
4 test allowed pursuant to section 577.020, then evidence of the
5 refusal shall be admissible in a proceeding pursuant to section
6 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The
7 request of the officer shall include the reasons of the officer for
8 requesting the person to submit to a test and also shall inform the
9 person that evidence of refusal to take the test may be used against
10 such person and that the person's license shall be immediately
11 revoked upon refusal to take the test. If a person when requested
12 to submit to any test allowed pursuant to section 577.020 requests
13 to speak to an attorney, the person shall be granted twenty
14 minutes in which to attempt to contact an attorney. If upon the
15 completion of the twenty-minute period the person continues to
16 refuse to submit to any test, it shall be deemed a refusal. In this
17 event, the officer shall, on behalf of the director of revenue, serve
18 the notice of license revocation personally upon the person and
19 shall take possession of any license to operate a motor vehicle
20 issued by this state which is held by that person. The officer shall
21 issue a temporary permit, on behalf of the director of revenue,
22 which is valid for fifteen days and shall also give the person a
23 notice of such person's right to file a petition for review to contest
24 the license revocation.

25 2. The officer shall make a certified report under penalties
26 of perjury for making a false statement to a public official. The
27 report shall be forwarded to the director of revenue and shall
28 include the following:

29 (1) That the officer has:

30 (a) Reasonable grounds to believe that the arrested person
31 was driving a motor vehicle while in an intoxicated or drugged
32 condition; or

33 (b) Reasonable grounds to believe that the person stopped,

34 being under the age of twenty-one years, was driving a motor
35 vehicle with a blood alcohol content of two-hundredths of one
36 percent or more by weight; or

37 (c) Reasonable grounds to believe that the person stopped,
38 being under the age of twenty-one years, was committing a
39 violation of the traffic laws of the state, or political subdivision of
40 the state, and such officer has reasonable grounds to believe, after
41 making such stop, that the person had a blood alcohol content of
42 two-hundredths of one percent or greater;

43 (2) That the person refused to submit to a chemical test;

44 (3) Whether the officer secured the license to operate a
45 motor vehicle of the person;

46 (4) Whether the officer issued a fifteen-day temporary
47 permit;

48 (5) Copies of the notice of revocation, the fifteen-day
49 temporary permit and the notice of the right to file a petition for
50 review, which notices and permit may be combined in one
51 document; and

52 (6) Any license to operate a motor vehicle which the officer
53 has taken into possession.

54 3. Upon receipt of the officer's report, the director shall
55 revoke the license of the person refusing to take the test for a
56 period of one year; or if the person is a nonresident, such person's
57 operating permit or privilege shall be revoked for one year; or if the
58 person is a resident without a license or permit to operate a motor
59 vehicle in this state, an order shall be issued denying the person
60 the issuance of a license or permit for a period of one year.

61 4. If a person's license has been revoked because of the
62 person's refusal to submit to a chemical test, such person may
63 petition for a hearing before a circuit division or associate division
64 of the court in the county in which the arrest or stop occurred. The
65 person may request such court to issue an order staying the
66 revocation until such time as the petition for review can be heard.
67 If the court, in its discretion, grants such stay, it shall enter the
68 order upon a form prescribed by the director of revenue and shall
69 send a copy of such order to the director. Such order shall serve as

70 proof of the privilege to operate a motor vehicle in this state and
71 the director shall maintain possession of the person's license to
72 operate a motor vehicle until termination of any revocation
73 pursuant to this section. Upon the person's request the clerk of the
74 court shall notify the prosecuting attorney of the county and the
75 prosecutor shall appear at the hearing on behalf of the director of
76 revenue. At the hearing the court shall determine only:

77 (1) Whether or not the person was arrested or stopped;

78 (2) Whether or not the officer had:

79 (a) Reasonable grounds to believe that the person was
80 driving a motor vehicle while in an intoxicated or drugged
81 condition; or

82 (b) Reasonable grounds to believe that the person stopped,
83 being under the age of twenty-one years, was driving a motor
84 vehicle with a blood alcohol content of two-hundredths of one
85 percent or more by weight; or

86 (c) Reasonable grounds to believe that the person stopped,
87 being under the age of twenty-one years, was committing a
88 violation of the traffic laws of the state, or political subdivision of
89 the state, and such officer had reasonable grounds to believe, after
90 making such stop, that the person had a blood alcohol content of
91 two-hundredths of one percent or greater; and

92 (3) Whether or not the person refused to submit to the test.

93 5. If the court determines any issue not to be in the
94 affirmative, the court shall order the director to reinstate the
95 license or permit to drive.

96 6. Requests for review as provided in this section shall go
97 to the head of the docket of the court wherein filed.

98 7. No person who has had a license to operate a motor
99 vehicle suspended or revoked pursuant to the provisions of this
100 section shall have that license reinstated until such person has
101 participated in and successfully completed a substance abuse traffic
102 offender program defined in section 577.001, or a program
103 determined to be comparable by the department of mental health
104 or the court. Assignment recommendations, based upon the needs
105 assessment as described in subdivision (23) of section 302.010,

106 shall be delivered in writing to the person with written notice that
107 the person is entitled to have such assignment recommendations
108 reviewed by the court if the person objects to the
109 recommendations. The person may file a motion in the associate
110 division of the circuit court of the county in which such assignment
111 was given, on a printed form provided by the state courts
112 administrator, to have the court hear and determine such motion
113 pursuant to the provisions of chapter 517. The motion shall name
114 the person or entity making the needs assessment as the
115 respondent and a copy of the motion shall be served upon the
116 respondent in any manner allowed by law. Upon hearing the
117 motion, the court may modify or waive any assignment
118 recommendation that the court determines to be unwarranted
119 based upon a review of the needs assessment, the person's driving
120 record, the circumstances surrounding the offense, and the
121 likelihood of the person committing a like offense in the future,
122 except that the court may modify but may not waive the
123 assignment to an education or rehabilitation program of a person
124 determined to be a prior or persistent offender as defined in section
125 577.023, or of a person determined to have operated a motor vehicle
126 with fifteen-hundredths of one percent or more by weight in such
127 person's blood. Compliance with the court determination of the
128 motion shall satisfy the provisions of this section for the purpose
129 of reinstating such person's license to operate a motor vehicle. The
130 respondent's personal appearance at any hearing conducted
131 pursuant to this subsection shall not be necessary unless directed
132 by the court.

133 8. The fees for the substance abuse traffic offender program,
134 or a portion thereof to be determined by the division of alcohol and
135 drug abuse of the department of mental health, shall be paid by the
136 person enrolled in the program. Any person who is enrolled in the
137 program shall pay, in addition to any fee charged for the program,
138 a supplemental fee to be determined by the department of mental
139 health for the purposes of funding the substance abuse traffic
140 offender program defined in section 302.010 and section
141 577.001. The administrator of the program shall remit to the

142 division of alcohol and drug abuse of the department of mental
143 health on or before the fifteenth day of each month the
144 supplemental fee for all persons enrolled in the program, less two
145 percent for administrative costs. Interest shall be charged on any
146 unpaid balance of the supplemental fees due the division of alcohol
147 and drug abuse pursuant to this section and shall accrue at a rate
148 not to exceed the annual rates established pursuant to the
149 provisions of section 32.065, plus three percentage points. The
150 supplemental fees and any interest received by the department of
151 mental health pursuant to this section shall be deposited in the
152 mental health earnings fund which is created in section 630.053.

153 9. Any administrator who fails to remit to the division of
154 alcohol and drug abuse of the department of mental health the
155 supplemental fees and interest for all persons enrolled in the
156 program pursuant to this section shall be subject to a penalty equal
157 to the amount of interest accrued on the supplemental fees due the
158 division pursuant to this section. If the supplemental fees,
159 interest, and penalties are not remitted to the division of alcohol
160 and drug abuse of the department of mental health within six
161 months of the due date, the attorney general of the state of
162 Missouri shall initiate appropriate action of the collection of said
163 fees and interest accrued. The court shall assess attorney fees and
164 court costs against any delinquent program.

165 10. Any person who has had a license to operate a motor
166 vehicle revoked more than once for violation of the provisions of
167 this section shall be required to file proof with the director of
168 revenue that any motor vehicle operated by the person is equipped
169 with a functioning, certified ignition interlock device as a required
170 condition of license reinstatement. Such ignition interlock device
171 shall further be required to be maintained on all motor vehicles
172 operated by the person for a period of not less than six months
173 immediately following the date of reinstatement. If the person fails
174 to maintain such proof with the director as required by this section,
175 the license shall be rerevoked and the person shall be guilty of a
176 class A misdemeanor.

177 11. The revocation period of any person whose license and

178 driving privilege has been revoked under this section and who has
179 filed proof of financial responsibility with the department of
180 revenue in accordance with chapter 303 and is otherwise eligible,
181 shall be terminated by a notice from the director of revenue after
182 one year from the effective date of the revocation. Unless proof of
183 financial responsibility is filed with the department of revenue, the
184 revocation shall remain in effect for a period of two years from its
185 effective date. If the person fails to maintain proof of financial
186 responsibility in accordance with chapter 303, the person's license
187 and driving privilege shall be rerevoked and the person shall be
188 guilty of a class A misdemeanor.]

577.060. 1. A person commits the [crime] **offense** of leaving the scene of
2 [a motor vehicle] **an** accident when:

3 **(1) Being the operator [or driver] of a vehicle [on the highway or on any**
4 publicly or privately owned parking lot or parking facility generally open for use
5 by the public and knowing that an injury has been caused to a person or damage
6 has been caused to property, due to his culpability or to accident,] **or a vessel**
7 **involved in an accident resulting in injury or death or damage to**
8 **property of another person; and**

9 **(2) Having knowledge of such accident he or she leaves the place**
10 of the injury, damage or accident without stopping and giving [his name,
11 residence, including city and street number, motor vehicle number and driver's
12 license number, if any,] **the following information** to the [injured] other
13 party or to a [police] **law enforcement** officer, or if no [police] **law**
14 **enforcement** officer is in the vicinity, then to the nearest [police station or
15 judicial officer] **law enforcement agency**:

16 **(a) His or her name; and**

17 **(b) His or her residence, including city and street number; and**

18 **(c) The registration or license number for his or her vehicle or**
19 **vessel; and**

20 **(d) His or her operator's license number, if any.**

21 2. For the purposes of this section, all [peace] **law enforcement** officers
22 shall have jurisdiction, when invited by an injured person, to enter the premises
23 of any privately owned [parking lot or parking facility] **property** for the purpose
24 of investigating an accident and performing all necessary duties regarding such
25 accident.

26 **3. The offense of** leaving the scene of [a motor vehicle] **an** accident is
27 [a class A misdemeanor, except that it shall be a class D felony if the accident
28 resulted in:

29 (1) Physical injury to another party; or
30 (2) Property damage in excess of one thousand dollars; or
31 (3) If the defendant has previously pled guilty to or been found guilty of
32 a violation of this section]:

33 **(1) A class A misdemeanor;**
34 **(2) A class E felony if:**
35 **(a) Physical injury was caused to another party; or**
36 **(b) Damage in excess of one thousand dollars was caused to the**
37 **property of another person; or**
38 **(c) The defendant has previously been found guilty of a violation**
39 **of any offense committed in another jurisdiction which, if committed**
40 **in this state, would be a violation of an offense in this section.**

41 **4. A law enforcement officer who investigates or receives**
42 **information of an accident involving an all-terrain vehicle and also**
43 **involving the loss of life or serious physical injury shall make a written**
44 **report of the investigation or information received and such additional**
45 **facts relating to the accident as may come to his or her knowledge, mail**
46 **the information to the department of public safety, and keep a record**
47 **thereof in his or her office.**

48 **5. The provisions of this section shall not apply to the operation**
49 **of all-terrain vehicles when property damage is sustained in sanctioned**
50 **all-terrain vehicle races, derbies and rallies.**

577.068. 1. A person commits the [crime] **offense** of [leaving the scene
2 of] **failure to report** a shooting when[.]:

3 **(1) Being in possession of a firearm or projectile weapon as defined in**
4 **section 571.010, [such person] he or she discharges such firearm or projectile**
5 **weapon and causes injury or death to another person [and such person,]; and**

6 **(2) Knowing that he or she has caused such injury or death, [leaves the**
7 **place of the shooting without giving his name, address, and driver's license**
8 **number, if applicable,] fails to report such shooting to a law enforcement**
9 **officer. If no such officer is in the vicinity where the shooting occurs, the person**
10 **must provide such information to the nearest [police station or] law enforcement**
11 **officer. A person is not in violation of this section if he leaves the scene of a**

12 shooting in order to obtain medical assistance or contact law enforcement
13 authorities to notify them of the shooting, so long as such person returns to the
14 scene of the shooting or otherwise provides the information required by this
15 section to a law enforcement officer within a reasonable time after the shooting]
16 **agency.**

17 **2. Failure to report a shooting is:**

18 **(1) A class A misdemeanor;**

19 **(2) A class E felony if the person has previously been found**
20 **guilty of a violation of this section or any offense committed in another**
21 **jurisdiction which, if committed in this state, would be a violation of an**
22 **offense described in this section.**

23 **3. A person is not in violation of this section if he or she fails to**
24 **report a shooting in order to obtain medical assistance or contact law**
25 **enforcement authorities to notify them of the shooting, so long as such**
26 **person returns to the scene of the shooting or otherwise reports the**
27 **shooting as provided herein within a reasonable time after the**
28 **shooting.**

29 **[2.] 4. All [peace] law enforcement officers and reserve [peace] law**
30 **enforcement officers [certified under the provisions of chapter 590] shall have**
31 **authority to investigate shootings and arrest a person who violates subsection 1**
32 **of this section, except that conservation agents may enforce such provisions as to**
33 **hunting related shootings. For the purpose of this section, a "hunting-related**
34 **shooting" shall be defined as any shooting in which a person is injured as a result**
35 **of hunting activity that involves the discharge of a hunting weapon.**

36 **[3. Leaving the scene of a shooting is a class A misdemeanor, except that**
37 **it is a class D felony if the person has previously pled guilty to or been found**
38 **guilty of a violation of this section.]**

577.070. 1. A person commits the [crime] **offense** of littering if he
2 [throws or] **or she** places, **deposits**, or causes to be [thrown or] placed **or**
3 **deposited**, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage,
4 trash, refuse, or rubbish of any kind, nature or description on the right-of-way of
5 any public road or state highway or on or in any of the waters in this state or on
6 the banks of any stream, or on any land or water owned, operated or leased by
7 the state, any board, department, agency or commission thereof or on any land
8 or water owned, operated or leased by the federal government or on any private
9 real property owned by another without [his] **the owner's** consent.

10 **2. The offense of littering is a class [A] C misdemeanor unless:**
11 **(1) Such littering creates a substantial risk of physical injury or**
12 **property damage to another; or**
13 **(2) The person has been found guilty of a violation of this section**
14 **or an offense committed in another jurisdiction which, if committed in**
15 **this state, would be a violation under this section, in which case it is a**
16 **class A misdemeanor.**

577.073. 1. [It is unlawful for any person to throw waste paper, tin cans,
2 bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or
3 stream within a state park, nor shall any person other than authorized personnel
4 of the department of natural resources cut, prune, pick or deface or injure in any
5 manner the flowers, trees, shrub or any other flora growing on the land or in the
6 water of any state park] **A person commits the offense of damaging state**
7 **park property if he or she:**

8 **(1) Knowingly places or deposits waste paper, tin cans, bottles,**
9 **or rubbish of any kind within a state park;**

10 **(2) Contaminates, in any manner, any spring, pool, or stream**
11 **within a state park;**

12 **(3) Cuts, prunes, picks, defaces, or injures, in any manner, the**
13 **flowers, trees, shrub, or any other flora growing on the land or in the**
14 **water of any state park except as performed or directed by authorized**
15 **personnel of the department of natural resources; or**

16 **(4) Removes, injures, disfigures, defaces, or destroys an object**
17 **of archaeological or historical value or interest within a state park**
18 **except as performed or directed by authorized personnel of the**
19 **department of natural resources.**

20 2. [No person shall be permitted to offer or advertise merchandise or other
21 goods for sale or hire, or to maintain any concession, or use any park facilities,
22 buildings, trails, roads or other state park property for commercial use except by
23 written permission or concession contract with the department of natural
24 resources; except that, the provisions of this subsection shall not apply to the
25 normal and customary use of public roads by commercial and noncommercial
26 organizations for the purpose of transporting persons or vehicles, including, but
27 not limited to, canoes.

28 3. No object of archaeological or historical value or interest within a state
29 park may be removed, injured, disfigured, defaced or destroyed except by

30 authorized personnel.

31 4. Any person violating any of the provisions of this section shall be
32 deemed guilty of a misdemeanor] **The offense of damaging state park**
33 **property is a class C misdemeanor, unless:**

34 (1) **Such damage creates a substantial risk of physical injury or**
35 **property damage to another; or**

36 (2) **The defendant has previously been found guilty of a violation**
37 **of this section or an offense committed in another jurisdiction which,**
38 **if committed in this state, would be a violation under this section, in**
39 **which case it is a class A misdemeanor.**

577.075. 1. [It shall be unlawful for any] A person **commits the offense**
2 **of unlawful release of anhydrous ammonia if he or she is not the owner**
3 **or not in lawful control of an approved container of anhydrous ammonia [to**
4 **release or allow] and knowingly releases or allows the escape of anhydrous**
5 **ammonia into the atmosphere.**

6 2. **The offense of** unlawful release of anhydrous ammonia is a class B
7 felony, unless such release causes **serious physical injury or** death [of a
8 human being or causes serious physical injury] to any person in which case it is
9 a class A felony.

577.076. 1. [If any] A person [or persons shall put any dead animal,
2 carcass or part thereof, the offal or any other filth] **commits the offense of**
3 **unlawful disposition of a dead animal if he or she knowingly places or**
4 **causes to be placed the carcass or offal of any dead animal:**

5 (1) Into any well, spring, brook, branch, creek, pond, or lake[, every
6 person so offending shall, on conviction thereof, be fined not less than twenty-five
7 nor more than five hundred dollars.

8 2. If any person shall remove, or cause to be removed and placed in or
9 near any]; or

10 (2) **On any** public road or highway, **river, stream, or watercourse** or
11 upon premises not his **or her** own[, or in any river, stream or watercourse any
12 dead animal, carcass or part thereof, or other nuisance, to the annoyance of the
13 citizens of this state, or any of them, every person so offending shall, upon
14 conviction thereof, be fined for every offense not less than twenty-five dollars nor
15 more than five hundred dollars, and if such nuisance be not removed within three
16 days thereafter, it shall be deemed a second offense against the provisions of this
17 section] **for the purpose of annoying another or others.**

18 **2. The offense of unlawful disposition of a dead animal is a class**
19 **C misdemeanor.**

[569.072.] **577.078.** 1. A person commits the [crime] **offense** of criminal
2 water contamination if such person knowingly introduces any dangerous
3 radiological, chemical or biological agent or substance into any public or private
4 waters of the state or any water supply with the purpose of causing death or
5 serious physical injury to another person.

6 **2. The offense of** criminal water contamination is a class B felony.

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

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

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

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

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

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

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

14 2. For purposes of this section, the last owner of record of a [motor]
15 vehicle, vessel, or trailer found abandoned and not shown to be transferred
16 pursuant to sections 301.196 and 301.197 shall be deemed *prima facie* [to have
17 been the owner] **evidence of ownership** of such [motor] vehicle, vessel, or
18 trailer at the time it was abandoned and [to have been] the person who
19 abandoned the [motor] vehicle, vessel, or trailer or caused or procured its
20 abandonment. The registered owner of the abandoned [motor] vehicle, vessel, or
21 trailer shall not be subject to the penalties provided by this section if the [motor]
22 vehicle, vessel, or trailer was in the care, custody, or control of another person at
23 the time of the violation. In such instance, the owner shall submit such evidence
24 in an affidavit permitted by the court setting forth the name, address, and other
25 pertinent information of the person who leased, rented, or otherwise had care,
26 custody, or control of the [motor] vehicle, vessel, or trailer at the time of the
27 alleged violation. The affidavit submitted pursuant to this subsection shall be
28 admissible in a court proceeding adjudicating the alleged violation and shall raise

29 a rebuttable presumption that the person identified in the affidavit was in actual
30 control of the [motor] vehicle, vessel, or trailer. In such case, the court has the
31 authority to terminate the prosecution of the summons issued to the owner and
32 issue a summons to the person identified in the affidavit as the operator. If the
33 [motor] vehicle, vessel, or trailer is alleged to have been stolen, the owner of the
34 [motor] vehicle, vessel, or trailer shall submit proof that a police report was filed
35 in a timely manner indicating that the vehicle or vessel was stolen at the time of
36 the alleged violation.

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

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

577.100. 1. A person commits the [crime] **offense** of abandonment of **an**
2 **airtight [icebox] or semiairtight container** if he **or she knowingly** abandons,
3 discards, or [knowingly] permits to remain on premises under his **or her** control,
4 in a place accessible to children, any abandoned or discarded icebox, refrigerator,
5 or other airtight or semiairtight container which has a capacity of one and
6 one-half cubic feet or more and an opening of fifty square inches or more and
7 which has a door or lid equipped with hinge, latch or other fastening device
8 capable of securing such door or lid, without rendering such equipment harmless
9 to human life by removing such hinges, latches or other hardware which may
10 cause a person to be confined therein.

11 2. Subsection 1 of this section does not apply to an icebox, refrigerator or
12 other airtight or semiairtight container located in that part of a building occupied
13 by a dealer, [warehouseman or repairman] **warehouse operator or repair**
14 **person**.

15 3. The defendant shall have the burden of injecting the issue under
16 subsection 2 of this section.

17 **4. The offense of abandonment of an airtight [icebox] or semiairtight**
18 **container** is a class B misdemeanor.

577.150. [Whoever willfully or maliciously] **1. A person commits the**
2 offense of tampering with a water supply if he or she purposely:

3 **(1) Poisons, defiles or in any way corrupts the water of a well, spring,**
4 **brook or reservoir used for domestic or municipal purposes[,** or whoever willfully
5 **or maliciously]; or**

6 **(2) Diverts, dams up and holds back from its natural course and flow any**
7 **spring, brook or other water supply for domestic or municipal purposes, after said**
8 **water supply shall have once been taken for use by any person or persons,**
9 **corporation, town or city for their use[, shall be adjudged guilty of a**
10 **misdemeanor, and punished by a fine not less than fifty nor more than five**
11 **hundred dollars, or by imprisonment in the county jail not exceeding one year, or**
12 **by both such fine and imprisonment, and shall be liable to the party injured for**
13 **three times the actual damage sustained, to be recovered by suit at law].**

14 **2. The offense of tampering with a water supply is a class A**
15 **misdemeanor.**

577.155. **1. [No] A person, firm, corporation or political subdivision [shall**
2 **construct or use any waste disposal well located in this state] commits the**
3 **offense of construction or use of a waste disposal well if such person,**
4 **firm, corporation, or political subdivision knowingly constructs or uses**
5 **a waste disposal well.**

6 **2. As used in this section,"waste disposal well" [shall mean] means any**
7 **subsurface void porous formation or cavity, natural or artificial, used for the**
8 **disposal of liquid or semi-aqueous waste except as excluded in subsection 3 of this**
9 **section.**

10 **3. "Waste disposal well" shall not include:**

11 **(1) Sanitary landfills or surface mining pits used for the disposal of**
12 **nonputrescible solid wastes as defined in section 64.460;**

13 **(2) Cesspools used solely for disposal of waste from private residences; or**
14 **(3) Septic tanks used solely for disposal of waste.**

15 **4. It shall not be a violation of this section to:**

16 **(1) Inject or return fluids into subsurface formations in connection with**
17 **oil or gas operations regulated by the state oil and gas council pursuant to**
18 **chapter 259;**

19 **(2) Inject or return water into subsurface formations pursuant to chapter**

20 644 and section 192.020 in connection with the following instances:

21 (a) Any groundwater heat pump injection/withdrawal well that is limited
22 to a single family residence;

23 (b) Any groundwater heat pump injection/withdrawal well that is limited
24 to eight or less single family residences as long as the combined
25 injection/withdrawal rate is less than six hundred thousand British Thermal
26 Units per hour;

27 (c) All other uses of groundwater heat pump injection/withdrawal wells
28 shall be subject to a permitting procedure as established and regulated by the
29 clean water commission; or

30 (3) Backfill cavities as an integral part of the mining operation with
31 aggregate or other material obtained from that operation to either reduce
32 accumulation of waste on the surface or to provide additional ground support in
33 the mined-out areas or to inundate such cavities with water devoid of toxic liquid
34 wastes, but the person, firm, or corporation who so backfills may not do so
35 without the consent of the owner of the property to be backfilled.

36 5. [Any person, firm, or corporation who violates any provision of this
37 section is guilty of a misdemeanor and, upon conviction, shall be punished as
38 provided by law] **The offense of construction or use of a waste disposal**
39 **well is a class A misdemeanor.** Each day of violation constitutes a separate
40 offense.

577.161. 1. [No] **A person [shall prohibit] commits the offense of**
2 **prohibiting** the use of a life jacket **if he or she knowingly disallows the use**
3 **of a life jacket** in a swimming pool by any individual who, as evidenced by a
4 statement signed by a licensed physician, suffers from a physical disability or
5 condition which necessitates the use of such life jacket.

6 2. [Any person violating subsection 1 of this section shall be guilty of] **As**
7 **used in this section the following terms mean:**

8 (1) "Swimming pool", any artificial basin of water which is
9 modified, improved, constructed or installed for the purpose of public
10 swimming, and includes: pools for community use, pools at apartments,
11 condominiums, and other groups of associations having five or more
12 living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and
13 Y.W.C.A. parks, recreational areas, motels, hotels and other commercial
14 establishments. It does not include pools at private residences intended
15 only for the use of the owner or guests;

16 **(2) "Person"**, any individual, group of individuals, association,
17 trust, partnership, corporation, person doing business under an
18 assumed name, county, municipality, the state of Missouri, or any
19 political subdivision or department thereof, or any other entity;

20 **(3) "Life jacket"**, a life jacket, life vest or any other flotation
21 device designed to be worn about the body to assist in maintaining
22 buoyancy in water.

23 **3. The offense of prohibiting the use of a life jacket is a class C**
24 misdemeanor.

[568.052.] **577.300.** 1. As used in this section, the following terms mean:

2 **(1) "Collision"**, the act of a motor vehicle coming into contact with an
3 object or a person;

4 **(2) ["Injury",] "Injures", to cause** physical harm to the body of a person;

5 **(3) "Motor vehicle"**, any automobile, truck, truck-tractor, or any motor bus
6 or motor-propelled vehicle not exclusively operated or driven on fixed rails or
7 tracks;

8 **(4) "Unattended"**, not accompanied by an individual fourteen years [of
9 age] **old** or older.

10 2. A person commits the [crime] **offense** of leaving a child unattended in
11 a motor vehicle in the first degree if such person knowingly leaves a child [ten
12 years of age or] less **than eleven years of age** unattended in a motor vehicle
13 and such child fatally injures another person by causing a motor vehicle collision
14 or by causing the motor vehicle to fatally injure a pedestrian. [Such person shall
15 be guilty of]

16 **3. Leaving a child unattended in a motor vehicle in the first**
17 **degree is a class C felony.**

18 [3.] 4. A person commits the [crime] **offense** of leaving a child
19 unattended in a motor vehicle in the second degree if such person knowingly
20 leaves a child [ten years of age or] less **than eleven years old** unattended in
21 a motor vehicle and such child injures another person by causing a motor vehicle
22 collision or by causing the motor vehicle to injure a pedestrian. [Such person
23 shall be guilty of]

24 **5. The offense of leaving a child unattended in a motor vehicle**
25 **in the second degree is a class A misdemeanor.**

577.599. 1. A person commits the offense of failure to comply
2 with ignition interlock device requirements if he or she knowingly

3 **operates a motor vehicle that is not equipped with a functioning**
4 **certified ignition interlock device in violation of a court order to use**
5 **such a device.**

6 **2. The offense of failure to comply with ignition interlock device**
7 **requirements is a class A misdemeanor.**

577.600. 1. [In addition to any other provisions of law, a court may
2 require that any person who is found guilty of or pleads guilty to a first
3 intoxication-related traffic offense, as defined in section 577.023, and a court shall
4 require that any person who is found guilty of or pleads guilty to a second or
5 subsequent intoxication-related traffic offense, as defined in section 577.023, shall
6 not operate any motor vehicle unless that vehicle is equipped with a functioning,
7 certified ignition interlock device for a period of not less than six months from the
8 date of reinstatement of the person's driver's license. In addition, any court
9 authorized to grant a limited driving privilege under section 302.309 to any
10 person who is found guilty of or pleads guilty to a second or subsequent
11 intoxication-related traffic offense shall require the use of an ignition interlock
12 device on all vehicles operated by the person as a required condition of the
13 limited driving privilege. These requirements shall be in addition to any other
14 provisions of this chapter or chapter 302 requiring installation and maintenance
15 of an ignition interlock device. Any person required to use an ignition interlock
16 device, either under the provisions of this chapter or chapter 302, shall comply
17 with such requirement subject to the penalties provided by this section.

18 **2. No] A person [shall knowingly rent, lease or lend a motor] commits**
19 **the offense of renting, leasing, or lending a vehicle to a person [known to**
20 have had that person's driving privilege restricted as provided in subsection 1 of
21 this section,] **with a limited driving privilege if he or she knowingly**
22 **rents, leases, or lends a vehicle to a person subject to a limited driving**
23 **privilege under section 302.309 requiring that person to use an ignition**
24 **interlock device on all vehicles operated by the person unless the vehicle**
25 **[is equipped with a functioning, certified ignition interlock device. Any person**
26 whose driving privilege is restricted as provided in subsection 1 of this section
27 shall notify any other person who rents, leases or loans a motor vehicle to that
28 person of the driving restriction imposed pursuant to this section.

29 **3. Any person convicted of a violation of this section shall be guilty of]**
30 **being rented, leased, or loaned is equipped with a functioning, certified**
31 **ignition interlock device.**

32 **2. The offense of renting, leasing, or lending a vehicle to a person**
33 **with a restricted driving privilege is a class A misdemeanor.**

577.605. 1. **A person commits the offense of failure to notify**
2 **another of driving restrictions if he or she is subject to a limited**
3 **driving privilege under section 302.309, requiring him or her to use an**
4 **ignition interlock device on all vehicles he or she operates and he or**
5 **she knowingly fails to notify any other person who rents, leases or**
6 **loans a vehicle to that person of such driving restriction.**

7 **2. The offense of failing to notify another of driving restrictions**
8 **is a class A misdemeanor.**

577.612. 1. [It is unlawful for any] A person [whose driving privilege is
2 restricted pursuant to the provisions of this chapter or chapter 302 to request or
3 solicit any other person to blow into an ignition interlock device or to start a
4 motor vehicle equipped with the device for the purpose of providing the person
5 so restricted with an operable motor vehicle.

6 **2. It is unlawful to blow] commits the offense of tampering with or**
7 **circumventing the operation of an ignition interlock device if:**

8 **(1) His or her driving privilege is restricted by a prohibition on**
9 **the operation of any vehicle unless that vehicle is equipped with a**
10 **functioning, certified ignition interlock device, and he or she**
11 **knowingly requests or solicits any other person to blow into an ignition**
12 **interlock device or to start a vehicle equipped with the device for the**
13 **purpose of providing the person so restricted with an operable vehicle;**
14 **or**

15 **(2) He or she blows into an ignition interlock device or [to start a**
16 **motor] starts a vehicle equipped with the device for the purpose of providing an**
17 **operable [motor] vehicle to a person whose driving privilege is restricted**
18 **pursuant to the provisions of this chapter or chapter 302].**

19 **3. It is unlawful to tamper] by a prohibition on the operation of any**
20 **vehicle unless that vehicle is equipped with a functioning, certified**
21 **ignition interlock device; or**

22 **(3) He or she tampers with, or [circumvent] circumvents the**
23 **operation of, an ignition interlock device.**

24 **[4. Any person who violates any provision of this section is guilty of]**

25 **2. The offense of tampering with or circumventing the operation**
26 **of an ignition interlock device is a class A misdemeanor.**

577.675. 1. [It shall be unlawful for any person to knowingly transport,
2 move, or attempt to transport in the state of Missouri] **A person commits the**
3 **offense of transportation of an illegal alien if he or she knowingly**
4 **transports, moves, or attempts to transport or move** any illegal alien who
5 is not lawfully present in the United States, according to the terms of 8 U.S.C.
6 Section 1101, et seq., for the purposes of trafficking in violation of sections
7 566.200 to 566.215, drug trafficking in violation of sections [195.222 and 195.223]
8 **579.065 and 579.068**, prostitution in violation of chapter 567, or employment.

9 2. [Any person violating the provisions of subsection 1 of this section shall
10 be guilty of a felony for which the authorized term of imprisonment is a term of
11 years not less than one year, or by a fine in an amount not less than one
12 thousand dollars, or by both such fine and imprisonment] **The offense of**
13 **transportation of an illegal alien is a class D felony.**

14 3. Nothing in this section shall be construed to deny any victim of an
15 offense under sections 566.200 to 566.215 of rights afforded by the federal
16 Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

[578.300.] **577.700.** As used in sections [578.300 to 578.330] **577.700 to**
2 **577.718** and section 307.176 unless the context clearly requires otherwise, the
3 following terms shall mean:

4 (1) "Bus", any passenger bus or coach or other motor vehicle having a
5 seating capacity of not less than fifteen passengers operated by a bus
6 transportation company for the purpose of carrying passengers or cargo for hire,
7 but not to include a bus or coach utilized exclusively to transport children to and
8 from schools;

9 (2) "Bus transportation company" or "company", any person, groups of
10 persons or corporation providing for-hire transport to passengers or cargo by bus
11 upon the highways of this state, whether in interstate or intrastate travel, but
12 not to include a company utilizing buses transporting children to and from
13 school. This term shall also include bus transportation facilities owned or
14 operated by local public bodies, municipalities, public corporations, boards and
15 commissions except school districts established under the laws of this state;

16 (3) "Charter", a group of persons who, pursuant to a common purpose and
17 under a single contract, and at a fixed charge for the vehicle in accordance with
18 a bus transportation company's tariff, have acquired the exclusive use of a bus to
19 travel together as a group to a specified destination;

20 (4) "Passenger", any person served by the transportation company and, in

21 addition to the ordinary meaning of passenger, this term shall also include
22 persons accompanying or meeting another who is transported by a company, any
23 person shipping or receiving cargo;

24 (5) "Terminal", a bus station or depot or any facility operated or leased by
25 or operated on behalf of a bus transportation company, including a reasonable
26 area immediately adjacent to any designated stop along the route traveled by any
27 coach operated by a bus transportation company, and parking lots or parking
28 areas adjacent to a terminal.

[578.305.] **577.703.** 1. A **person commits** the offense of ["bus
2 hijacking[" is defined as the seizure or exercise of] if **he or she seizes or**
3 **exercises** control, by force or violence or threat of force or violence, of any bus
4 [within the jurisdiction of this state]. The **offense of** bus hijacking [shall be]
5 **is** a class B felony.

6 2. The offense of "assault with the intent to commit bus hijacking" is
7 defined as an intimidation, threat, assault or battery toward any driver,
8 attendant or guard of a bus so as to interfere with the performance of duties by
9 such person. Assault to commit bus hijacking [shall be] **is** a class [C] **D** felony.

10 3. Any person, who, in the commission of such intimidation, threat,
11 assault or battery with the intent to commit bus hijacking, employs a dangerous
12 or deadly weapon or other means capable of inflicting serious bodily injury shall,
13 upon conviction, be guilty of a class A felony.

14 4. Any passenger who boards a bus with a dangerous or deadly weapon
15 or other means capable of inflicting serious bodily injury concealed upon his **or**
16 **her** person or effects is guilty of the felony of "possession and concealment of a
17 dangerous or deadly weapon" upon a bus. Possession and concealment of a
18 dangerous and deadly weapon by a passenger upon a bus [shall be] **is** a class [C]
19 **D** felony. The provisions of this subsection shall not apply to duly elected or
20 appointed law enforcement officers or commercial security personnel who are in
21 possession of weapons used within the course and scope of their employment; nor
22 shall the provisions of this subsection apply to persons who are in possession of
23 weapons or other means of inflicting serious bodily injury with the consent of the
24 owner of such bus, [or] his **or her** agent, or the lessee or bailee of such bus.

[578.310.] **577.706.** 1. [It is unlawful for any person at any time to bomb
2 or to plant or place] A **person commits the offense of planting a bomb or**
3 **explosive in or near a bus or terminal if he or she bombs, plants, or**
4 **places** any bomb or other explosive matter or thing in, upon, or near any

5 terminal or bus, wherein a person or persons are located or being transported, or
6 where there is being stored, [or] shipped or prepared for shipment, any goods,
7 wares, merchandise or anything of value. [Any person who violates the
8 provisions of this subsection shall be guilty of] **The offense of planting a**
9 bomb or explosive in or near a bus or terminal is a class A felony.

10 2. [It is unlawful for any person to threaten to commit the offense defined
11 in subsection 1 of this section.] Any person [convicted of threatening] **who**
12 **threatens** to commit the offense [defined in subsection 1] **of planting a bomb**
13 **or explosive in or near a bus or terminal** shall be guilty of a class [C] D
14 felony.

15 3. [It is unlawful to discharge] **Any person who discharges** any
16 firearm or [hurl] **hurls** any missile at, [or] into [and/or], **or** upon any bus,
17 terminal, or other transportation facility[. Any person who violates the
18 provisions of this subsection] shall be guilty of a class B felony.

[578.315.] **577.709.** 1. It is unlawful, while on a bus, in the terminal, or
2 on property contiguous thereto for any person:

3 (1) To threaten a breach of the peace or use any obscene, profane, or
4 vulgar language;

5 (2) To be under the influence of alcohol [or], unlawfully under the
6 influence of a controlled substance [or], to ingest or have in his possession any
7 controlled substance unless properly prescribed by a physician or medical facility,
8 or to drink intoxicating liquor of any kind in or upon any passenger bus except
9 a chartered bus;

10 (3) To fail to obey a reasonable request or order of a bus driver or any
11 duly authorized company representative.

12 2. If any person shall violate any provision of [subsection 1] **this section**,
13 the driver of the bus, or person in charge thereof, may stop it at the place where
14 the offense is committed, or at the next regular or convenient stopping place of
15 the bus and require the person to leave the bus.

16 3. [Any person violating any provision of subsection 1 is deemed guilty of]
17 **Violation of this section is** a class C misdemeanor.

[578.320.] **577.712.** 1. In order to provide for the safety, comfort, and
2 well-being of passengers and others having a bona fide business interest in any
3 terminal, a bus transportation company may refuse admission to terminals to any
4 person not having bona fide business within the terminal. Any such refusal shall
5 not be inconsistent or contrary to state or federal laws, regulations pursuant

6 thereto, or to any ordinance of the political subdivision in which such terminal
7 is located. A duly authorized company representative may ask any person in a
8 terminal or on the premises of a terminal to identify himself **or herself** and state
9 his **or her** business. Failure to comply with such request or failure to state an
10 acceptable business purpose shall be grounds for the company representative to
11 request that such person leave the terminal. Refusal to comply with such request
12 shall constitute disorderly conduct. Disorderly conduct shall be a class C
13 misdemeanor.

14 2. It is unlawful for any person to carry a deadly or dangerous weapon or
15 any explosives or hazardous material into a terminal or aboard a bus. Possession
16 of a deadly or dangerous weapon, explosive or hazardous material shall be a class
17 [C] **D** felony. Upon the discovery of any such item or material, the company may
18 obtain possession and retain custody of such item or material until it is
19 transferred to the custody of law enforcement officers.

[578.325.] **577.715.** A duly authorized security guard may detain within
2 the terminal any person committing an act declared unlawful by any provision of
3 sections [578.300 to 578.330] **577.700 to 577.718** and section 307.176 until law
4 enforcement authorities arrive. Such detention shall not constitute unlawful
5 imprisonment and neither the company nor such company representative
6 personally shall be civilly or criminally liable upon grounds of unlawful
7 imprisonment or assault providing that only reasonable force is exercised against
8 any person so detained.

[578.330.] **577.718.** [1. It is unlawful to remove] **A person commits the offense of removal of baggage or cargo without the owner's permission if he or she removes** any baggage, cargo or other item transported
2 upon a bus or stored in a terminal without the consent of the owner of such
3 property or the company, or its duly authorized representative. [Any person
4 violating the provisions of this subsection shall be guilty of a class D felony.
5

6 2. The actual value of an item removed in violation of subsection 1 shall
7 not be material to the crime herein defined.] **The actual value of an item**
8 **removed is not material to the offense. The offense of removal of**
9 **baggage or cargo without the owner's permission is a class E felony.**

578.009. 1. A person [is guilty] **commits the offense** of animal neglect
2 if he **or she:**
3 (1) Has custody or ownership [or both] of an animal and fails to provide
4 adequate care; **or**

5 **(2) Knowingly abandons an animal in any place without making**
6 **provisions for its adequate care.**

7 2. [A person is guilty of abandonment if he has knowingly abandoned an
8 animal in any place without making provisions for its adequate care.

9 3.] **The offense of** animal neglect [and abandonment] is a class C
10 misdemeanor [upon first conviction and for each offense, punishable by
11 imprisonment or a fine not to exceed five hundred dollars, or both, and a class B
12 misdemeanor punishable by imprisonment or a fine not to exceed one thousand
13 dollars, or both upon the second and all subsequent convictions] **unless the**
14 **person has previously been found guilty of an offense under this**
15 **section, or an offense in another jurisdiction which would constitute an**
16 **offense under this section, in which case it is a class B misdemeanor.**

17 3. All fines and penalties for a first [conviction of animal neglect or
18 abandonment] **finding of guilt under this section** may be waived by the court
19 [provided that] if the person found guilty of animal neglect [or abandonment]
20 shows that adequate, permanent remedies for the neglect [or abandonment] have
21 been made. Reasonable costs incurred for the care and maintenance of neglected
22 [or abandoned] animals may not be waived. This section shall not apply to the
23 provisions of section 578.007 or sections 272.010 to 272.370.

24 4. In addition to any other penalty imposed by this section, the court may
25 order a person found guilty of animal neglect [or abandonment] to pay all
26 reasonable costs and expenses necessary for:

27 (1) The care and maintenance of neglected [or abandoned] animals within
28 the person's custody or ownership;

29 (2) The disposal of any dead or diseased animals within the person's
30 custody or ownership;

31 (3) The reduction of resulting organic debris affecting the immediate area
32 of the neglect [or abandonment]; and

33 (4) The avoidance or minimization of any public health risks created by
34 the neglect [or abandonment] of the animals.

578.012. 1. A person [is guilty] **commits the offense** of animal abuse
2 if [a person] **he or she**:

3 (1) Intentionally or purposely kills an animal in any manner not allowed
4 by or expressly exempted from the provisions of sections 578.005 to 578.023 and
5 273.030;

6 (2) Purposely or intentionally causes injury or suffering to an animal; or

7 (3) Having ownership or custody of an animal knowingly fails to provide
8 adequate care which results in substantial harm to the animal.

9 2. Animal abuse is a class A misdemeanor, unless the defendant has
10 previously [pled guilty to or has] been found guilty of animal abuse or the
11 suffering involved in subdivision (2) of subsection 1 of this section is the result
12 of torture or mutilation[, or both,] consciously inflicted while the animal was
13 alive, in which case it is a class [D] E felony.

578.018. 1. Any duly authorized public health official or law enforcement
2 official may seek a warrant from the appropriate court to enable him **or her** to
3 enter private property in order to inspect, care for, or impound neglected or
4 abused animals. All requests for such warrants shall be accompanied by an
5 affidavit stating the probable cause to believe a violation of sections 578.005 to
6 578.023 has occurred. A person acting under the authority of a warrant shall:

7 (1) Be given a disposition hearing before the court through which the
8 warrant was issued, within thirty days of the filing of the request for the purpose
9 of granting immediate disposition of the animals impounded;

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

15 (3) Humanely kill any animal impounded if it is determined by a licensed
16 veterinarian that the animal is diseased or disabled beyond recovery for any
17 useful purpose;

18 (4) Not be liable for any necessary damage to property while acting under
19 such warrant.

20 2. The owner or custodian or any person claiming an interest in any
21 animal that has been impounded because of neglect or abuse may prevent
22 disposition of the animal by posting bond or security in an amount sufficient to
23 provide for the animal's care and keeping for at least thirty days, inclusive of the
24 date on which the animal was taken into custody. Notwithstanding the fact that
25 bond may be posted pursuant to this subsection, the authority having custody of
26 the animal may humanely dispose of the animal at the end of the time for which
27 expenses are covered by the bond or security, unless there is a court order
28 prohibiting such disposition. Such order shall provide for a bond or other security
29 in the amount necessary to protect the authority having custody of the animal

30 from any cost of the care, keeping or disposal of the animal. The authority taking
31 custody of an animal shall give notice of the provisions of this section by posting
32 a copy of this section at the place where the animal was taken into custody or by
33 delivering it to a person residing on the property.

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

578.021. If a person is [adjudicated] **found** guilty of the [crime] **offense**
2 of animal neglect or animal abuse and the court having jurisdiction is satisfied
3 that an animal owned or controlled by such person would in the future be subject
4 to such neglect or abuse, such animal shall not be returned to or allowed to
5 remain with such person, but its disposition shall be determined by the court.

578.023. 1. [No person may keep] **A person commits the offense of**
2 **keeping a dangerous wild animal if he or she keeps** any lion, tiger,
3 leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat,
4 jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous,
5 or poisonous reptile, or any deadly or dangerous reptile over eight feet long, in
6 any place other than a properly maintained zoological park, circus, scientific, or
7 educational institution, research laboratory, veterinary hospital, or animal refuge,
8 unless [such person] **he or she** has registered such animals with the local law
9 enforcement agency in the county in which the animal is kept.

10 2. [Any person violating the provisions of this section shall be guilty of]
11 **The offense of keeping a dangerous wild animal is a class C misdemeanor.**

578.024. 1. [If a dog that has] **A person commits the offense of**
2 **keeping a dangerous dog if he or she owns or possesses a dog that has**
3 previously bitten a person or a domestic animal without provocation **and that**
4 **dog** bites any person on a subsequent occasion[, the owner or possessor is guilty
5 of a class B misdemeanor unless such attack].

6 **2. The offense of keeping a dangerous dog is a class B**
7 **misdemeanor, unless such attack:**

8 (1) Results in serious injury to any person, in which case, [the owner or
9 possessor is guilty of] **it is** a class A misdemeanor; or

10 (2) Results in serious injury to any person and any previous attack also

11 resulted in serious injury to any person, in which case, [the owner or possessor
12 is guilty of] **it is** a class [D] **E** felony; or

13 (3) Results in the death of any person, in which case, [the owner or
14 possessor shall be guilty of] **it is** a class [C] **D** felony.

15 [2.] 3. In addition to the penalty included in subsection [1] **2** of this
16 section, if any dog that has previously bitten a person or a domestic animal
17 without provocation bites any person on a subsequent occasion or if a dog that
18 has not previously bitten a person attacks and causes serious injury to or the
19 death of any human, the dog shall be seized immediately by an animal control
20 authority or by the county sheriff. The dog shall be impounded and held for ten
21 business days after the owner or possessor is given written notification and
22 thereafter destroyed.

23 [3.] 4. The owner or possessor of the dog that has been impounded may
24 file a written appeal to the circuit court to contest the impoundment and
25 destruction of such dog. The owner or possessor shall provide notice of the filing
26 of the appeal to the animal control authority or county sheriff who seized the dog.
27 If the owner or possessor files such an appeal and provides proper notice, the dog
28 shall remain impounded and shall not be destroyed while such appeal is pending
29 and until the court issues an order for the destruction of the dog. The court shall
30 hold a disposition hearing within thirty days of the filing of the appeal to
31 determine whether such dog shall be humanely destroyed. The court may order
32 the owner or possessor of the dog to pay the costs associated with the animal's
33 keeping and care during the pending appeal.

34 [4.] 5. Notwithstanding any provision of sections 273.033 and 273.036,
35 section 578.022 and this section to the contrary, if a dog attacks or bites a person
36 who is engaged in or attempting to engage in a criminal activity at the time of the
37 attack, the owner or possessor is not guilty of any crime specified under this
38 section or section 273.036, and is not civilly liable under this section or section
39 273.036, nor shall such dog be destroyed as provided in subsection [2] **3** of this
40 section, nor shall such person engaged in or attempting to engage in a criminal
41 activity at the time of the attack be entitled to the defenses set forth in section
42 273.033. For purposes of this section "criminal activity" shall not include the act
43 of trespass upon private property under section 569.150 as long as the trespasser
44 does not otherwise engage in, attempt to engage in, or have intent to engage in
45 other criminal activity nor shall it include any trespass upon private property by
46 a person under the age of twelve under section 569.140.

578.025. 1. [Any person who] **A person commits the offense of dogfighting if he or she:**

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

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

(3) Permits any act as described in subdivision (1) or (2) of this subsection to be done on any premises under his **or her** charge or control, or aids or abets any such act [is guilty of a class D felony].

2. [Any person who] **The offense of dogfighting is a class E felony.**

3. A person commits the offense of spectating dogfighting if he or she is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of this section, with the intent to be present at such exhibition, fighting, or injuring [is guilty of a class A misdemeanor].

4. The offense of spectating dogfighting is a class A misdemeanor.

[3.] 5. Nothing in this section shall be construed to prohibit:

(1) The use of dogs in the management of livestock by the owner of such livestock [or], his **or her** employees or agents, or other persons in lawful custody of such livestock; **or**

(2) The use of dogs in hunting; or

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

578.027. 1. [No person shall tie or attach or fasten] **A person commits the offense of causing a dog to pursue a live animal propelled by a device if he or she ties or attaches or fastens** any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs.

2. [Any person violating this section is guilty of] **The offense of causing a dog to pursue a live animal propelled by a device is a class A misdemeanor.**

578.028. [Any] 1. **A person [who] commits the offense of unlawful removal of an electronic dog collar or radio transmitting device if he**

3 **or she** removes an electronic or radio transmitting collar from a dog without the
4 permission of the owner of the dog with the intent to prevent or hinder the owner
5 from locating the dog [is guilty of a class A misdemeanor. Upon a plea or finding
6 of guilt,].

7 **2. The offense of unlawful removal of an electronic dog collar or**
8 **radio transmitting device is a class A misdemeanor.** The court shall order
9 [that the defendant] **any person found guilty under this section to pay as**
10 **restitution the actual value of any dog lost or killed as a result of such**
11 **removal. The court may also order restitution to the owner for any lost breeding**
12 **revenues.**

578.029. 1. A person commits the [crime] **offense** of knowingly releasing
2 an animal if [that person] **he or she**, acting without the consent of the owner or
3 custodian of an animal, intentionally releases any animal that is lawfully
4 confined for the purpose of companionship or protection of persons or property or
5 for recreation, exhibition or educational purposes.

6 2. As used in this section "animal" means every living creature,
7 domesticated or wild, but not including Homo sapiens.

8 3. The provisions of this section shall not apply to a public servant acting
9 in the course of such servant's official duties.

10 4. **The offense of** intentionally releasing an animal is a class B
11 misdemeanor [except that the second or any subsequent offense], **unless the**
12 **defendant has previously been found guilty of a violation under this**
13 **section, in which case it is a class [D] E felony.**

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

5 2. Any member of the state highway patrol or other law enforcement
6 officer making an arrest under section 578.025 shall lawfully take possession of
7 all dogs or other animals and all paraphernalia, implements, or other property
8 or things used or employed, or about to be employed, in the violation of any of the
9 provisions of section 578.025. Such officer, after taking possession of such dogs,
10 animals, paraphernalia, implements or other property or things, shall file with
11 the court before whom the complaint is made against any person so arrested an
12 affidavit stating therein the name of the person charged in such complaint, a
13 description of the property so taken and the time and place of the taking thereof

14 together with the name of the person from whom the same was taken and the
15 name of the person who claims to own such property, if known, and that the
16 affiant has reason to believe and does believe, stating the ground of such belief,
17 that the property so taken was used or employed, or was about to be used or
18 employed, in such violation of section 578.025. He **or she** shall thereupon deliver
19 the property so taken to the court, which shall, by order in writing, place the
20 same in the custody of an officer or other proper person named and designated
21 in such order, to be kept by him **or her** until the conviction or final discharge of
22 such person complained against, and shall send a copy of such order without
23 delay to the prosecuting attorney of the county. The officer or person so named
24 and designated in such order shall immediately thereupon assume the custody of
25 such property and shall retain the same, subject to the order of the court before
26 which such person so complained against may be required to appear for
27 trial. Upon the conviction of the person so charged, all property so seized shall
28 be adjudged by the court to be forfeited and shall thereupon be destroyed or
29 otherwise disposed of as the court may order. In the event of the acquittal or final
30 discharge without conviction of the person so charged, such court shall, on
31 demand, direct the delivery of such property so held in custody to the owner
32 thereof.

578.050. [Any person who shall keep or use] **1. A person commits the offense of bullbaiting or cockfighting if he or she:**

(1) Keeps, uses, or in any way [be] is connected with or interested in the
4 management of, or [shall receive] **receives** money for the admission of any
5 person to, any place kept or used for the purpose of fighting or baiting any bull,
6 bear, cock, or other creature, except dogs[, and any person who shall encourage,
7 aid or assist or be present thereat,];

(2) Encourages, aids, assists, or is present at any place kept or used for such purpose; or [who shall permit or suffer]

(3) Permits or suffers any place belonging to him **or her**, or under his
11 **or her** control, to be so kept or used[, shall, on conviction thereof, be guilty of a
12 class A misdemeanor].

2. The offense of bullbaiting or cockfighting is a class A misdemeanor.

578.095. 1. [Any person who] **A person commits the offense of desecrating a flag if he or she** purposefully and publicly mutilates, defaces,
3 defiles, tramples upon or otherwise desecrates the national flag of the United

4 States or the state flag of the state of Missouri [is guilty of the crime of flag
5 desecration].

6 **2. [National flag desecration] The offense of desecrating a flag** is a
7 class A misdemeanor.

578.100. 1. **[Whoever] A person commits the offense of selling**
2 **goods on a Sunday if he or she** engages on Sunday in the business of selling
3 or sells or offers for sale on such day, at retail, motor vehicles; clothing and
4 wearing apparel; clothing accessories; furniture; housewares; home, business or
5 office furnishings; household, business or office appliances; hardware; tools;
6 paints; building and lumber supply materials; jewelry; silverware; watches;
7 clocks; luggage; musical instruments and recordings or toys; excluding novelties
8 and souvenirs[; is guilty of a misdemeanor and shall upon conviction for the first
9 offense be sentenced to pay a fine of not exceeding one hundred dollars, and for
10 the second or any subsequent offense be sentenced to pay a fine of not exceeding
11 two hundred dollars or undergo confinement not exceeding thirty days in the
12 county jail in default thereof].

13 **2. The offense of selling goods on a Sunday is a misdemeanor and**
14 **persons found guilty for the first offense shall be sentenced to pay a**
15 **fine not exceeding one hundred dollars, and for the second or any**
16 **subsequent offense be sentenced to pay a fine not exceeding two**
17 **hundred dollars or undergo confinement not exceeding thirty days in**
18 **the county jail.**

19 **3. Each separate sale or offer to sell shall constitute a separate offense.**

20 **[3.] 4. Information charging violations of this section shall be brought**
21 **within five days after the commission of the alleged offense and not thereafter.**

22 **[4.] 5. The operation of any place of business where any goods, wares or**
23 **merchandise are sold or exposed for sale in violation of this section is hereby**
24 **declared to be a public and common nuisance.**

25 **[5. Any county of this state containing all or part of a city with a**
26 **population of over four hundred thousand may exempt itself from the application**
27 **of this section by submission of the proposition to the voters of the county at a**
28 **general election or a special election called for that purpose, and the proposition**
29 **receiving a majority of the votes cast therein. The proposal to exempt the county**
30 **from the provisions of this section shall be submitted to the voters of the county**
31 **upon a majority vote of the governing body of the county or when a petition**
32 **requesting the submission of the proposal to the voters and signed by a number**

33 of qualified voters residing in the county equal to eight percent of the votes cast
34 in the county in the next preceding gubernatorial election is filed with the
35 governing body of the county. The ballot of submission shall contain, but not be
36 limited to, the following language:

37 FOR the exemption of County from the Sunday sales law
38 AGAINST the exemption of County from the Sunday sales law
39 If a majority of the votes cast on the proposal by the qualified voters voting
40 thereon in the county are in favor of the proposal, then the provisions of this
41 section shall no longer apply within that county. If a majority of the votes cast
42 on the proposal by the qualified voters voting thereon in the county are opposed
43 to the proposal, then the provisions of this section shall continue to apply and be
44 enforced within that county. The exemption of any county from the provisions of
45 this section shall not become effective in that county until the results of the vote
46 exempting the county have been filed with the secretary of state and with the
47 revisor of statutes and have been certified as received by those officers. The
48 revisor of statutes shall note which counties are exempt from the provisions of
49 this section in the Missouri revised statutes.]

50 **6. This section shall not apply to any county in which the voters
51 have elected to be exempted from the provision of this section as of
52 January 1, 2016, nor shall it apply to any county that exempts itself
53 under this section.** In addition to any other method of exemption provided by
54 law, the governing body of any county of this state may exempt itself from the
55 application of this section by order or ordinance of the governing body of the
56 county after public hearing upon the matter. Such public hearing shall be
57 preceded by public notice which shall, at a minimum, be published at least three
58 different times in the newspaper with the greatest circulation in the
59 county. Upon such order or ordinance becoming effective, such county shall be
60 exempt from the provisions of this section and no election or other method of
61 exemption shall be required. The exemption of any county from the provisions
62 of this section by order or ordinance shall not become effective in that county
63 until the order or ordinance has been filed with the secretary of state and the
64 revisor of statutes and has been certified as received by those officers. The
65 revisor of statutes shall note which counties are exempt from the provisions of
66 this section in the Missouri revised statutes.

67 **7. Any other county may exempt itself from the application of
68 this section by a vote of the qualified voters of the county. The county**

69 shall submit the proposition to the voters of the county at any election,
70 and the proposition shall receive a majority of the votes cast. The
71 proposition to exempt the county from the provisions of this section
72 shall be submitted to the voters of the county upon a majority vote of
73 the governing body of the county or when a petition requesting the
74 submission of the proposition to the voters and signed by a number of
75 registered voters residing in the county equal to eight percent of the
76 votes cast in the county in the next preceding gubernatorial election is
77 filed with the governing body of the county. The ballot of submission
78 shall contain, but need not be limited to, the following language:
79 To exempt County from the Sunday sales law.

80 YES NO

81 If a majority of the votes cast on the proposal by the registered voters
82 voting thereon in the county are in favor of the proposal, then the
83 provisions of this section shall no longer apply within that county. If
84 a majority of the votes cast on the proposal by the registered voters
85 voting thereon in the county are opposed to the proposal, then the
86 provisions of section 578.100 shall continue to apply and be enforced
87 within that county. The exemption of the county from the provisions
88 of section 578.100 shall not become effective in that county until the
89 results of the vote exempting the county have been filed with the
90 secretary of state and with the revisor of statutes and have been
91 certified as received by those officers. The revisor of statutes shall
92 note which counties are exempt from the provisions of this section in
93 the Missouri revised statutes.

94 8. (1) Notwithstanding any provision in this chapter to the
95 contrary, no dealer, distributor or manufacturer licensed under section
96 301.559 may keep open, operate, or assist in keeping open or operating
97 any established place of business for the purpose of buying, selling,
98 bartering or exchanging, or offering for sale, barter or exchange, any
99 motor vehicle, whether new or used, on Sunday. However, this section
100 does not apply to the sale of manufactured housing; the sale of
101 recreational motor vehicles; washing, towing, wrecking or repairing
102 operations; the sale of petroleum products, tires, and repair parts and
103 accessories; or new vehicle shows or displays participated in by five or
104 more franchised dealers or in towns or cities with five or fewer dealers,

105 **a majority.**

106 **(2) No association consisting of motor vehicle dealers,**
107 **distributors or manufacturers licensed under section 301.559 shall be**
108 **in violation of antitrust or restraint of trade statutes under chapter 416**
109 **or regulations promulgated thereunder solely because it encourages its**
110 **members not to open or operate on Sunday a place of business for the**
111 **purpose of buying, selling, bartering or exchanging any motor vehicle.**

112 **(3) Violation of the provisions of this subsection is a class C**
113 **misdemeanor.**

578.151. 1. It is the intent of the general assembly of the state of
2 Missouri to recognize that all persons shall have the right to hunt, fish and trap
3 in this state in accordance with law and the rules and regulations made by the
4 commission as established in article IV of the Constitution of Missouri.

5 **2. [Any person who] A person commits the offense of interference**
6 **with hunting, fishing, or trapping in the first degree if he or she**
7 intentionally interferes with the lawful taking of wildlife by another [is guilty of
8 the crime of interference with lawful hunting, fishing or trapping in the first
9 degree].

10 3. It shall be considered a violation of this section to intentionally harass,
11 drive, or disturb any game animal or fish for the purpose of disrupting lawful
12 hunting, fishing or trapping.

13 4. **The offense of interference with lawful hunting, fishing or trapping**
14 **in the first degree is a class A misdemeanor.**

578.152. 1. **[Any person who] A person commits the offense of**
2 **interference with hunting, fishing, or trapping in the second degree if**
3 **he or she enters or remains in a hunting, fishing or trapping area where lawful**
4 **hunting, fishing or trapping may occur with the intent to interfere with the**
5 **lawful taking of wildlife [is guilty of the crime of interference with lawful**
6 **hunting, fishing or trapping in the second degree].**

7 2. **The offense of interference with lawful hunting, fishing, or trapping**
8 **in the second degree is a class B misdemeanor.**

578.153. 1. A peace officer as defined by chapter 590 who reasonably
2 believes that a person has violated section 578.151 or 578.152 may order the
3 person to desist. **The offense of failure to obey the order of a peace officer to**
4 **desist from conduct in violation of sections 578.151 and 578.152 [shall be] is a**
5 **class A misdemeanor.**

6 2. Any law enforcement officer shall and any agent of the conservation
7 commission may enforce the provisions of sections 578.151, 578.152 and this
8 section and arrest violators of such sections.

9 3. The conduct declared unlawful by sections 578.151 and 578.152 shall
10 not include any lawful activity by the landowner or persons in lawful possession
11 of the land.

578.173. [Baiting or fighting animals -- penalty.]

2 1. [Any person who commits any of the following acts is guilty of a class
3 D felony] **A person commits the offense of baiting or fighting animals if**
4 **he or she:**

5 (1) [Baiting or fighting] **Baits or fights** animals;

6 (2) [Permitting] **Permits** baiting or animal fighting to be done on any
7 premises under his **or her** charge or control;

8 (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages**
9 a baiting or fight between two or more animals;

10 (4) [Advertising] **Advertises** a baiting or fight between two or more
11 animals;

12 (5) [Collecting] **Collects** any admission fee for a baiting or fight between
13 two or more animals[.

14 2. Any person who commits any of the following acts is guilty of a class
15 A misdemeanor:

16 (1);

17 (6) Knowingly [attending] **attends** the baiting or fighting of animals;

18 [(2)] (7) Knowingly [selling, offering for sale, shipping, or transporting]
19 **sells, offers for sale, ships, or transports** any animal which has been bred
20 or trained to bait or fight another animal;

21 [(3) Owning or possessing]

22 (8) **Owns or possesses** any of the cockfighting implements, commonly
23 known as gaffs and slashers, or any other sharp implement designed to be
24 attached to the leg of a gamecock; **or**

25 [(4) Manufacturing, selling, bartering or exchanging]

26 (9) **Manufactures, sells, barters, or exchanges** any of the
27 cockfighting implements, commonly known as gaffs and slashers, or any other
28 sharp implement designed to be attached to the leg of a gamecock.

29 **2. The offense of baiting or fighting animals is a class E felony.**

578.176. [Bear wrestling -- penalty. Any person who commits any of the

2 following acts is guilty of a class A misdemeanor] 1. **A person commits the**
3 **offense of bear wrestling if he or she:**

4 (1) **Wrestles a bear [wrestling];**

5 (2) **[Permitting] Permits bear wrestling to be done on any premises**
6 **under his or her charge or control;**

7 (3) **[Promoting, conducting, or staging] Promotes, conducts, or stages**
8 **bear wrestling;**

9 (4) **[Advertising] Advertises bear wrestling;**

10 (5) **[Collecting] Collects any admission fee for bear wrestling;**

11 (6) **[Purchasing, selling, or possessing] Purchases, sells, or possesses**
12 **a bear which he or she knows will be used for bear wrestling;**

13 (7) **[Training] Trains a bear for bear wrestling;**

14 (8) **[Subjecting] Subjects a bear to surgical alteration for bear wrestling.**

15 **2. The offense of bear wrestling is a class A misdemeanor.**

578.350. 1. **[Any] A person licensed under chapter 334 or 335 who treats**
2 **a person for a wound inflicted by gunshot [shall] commits the infraction of**
3 **medical deception if he or she knowingly fails to immediately report to a**
4 **local law enforcement official the name and address of the person, if known, and**
5 **if unknown, a description of the person, together with an explanation of the**
6 **nature of the wound and the circumstances under which the treatment was**
7 **rendered.**

8 2. **[Any person licensed under chapter 334 or 335 who knowingly fails to**
9 **report the injuries described in this section is guilty of the offense of medical**
10 **deception.**

11 3. **Medical deception is an infraction.] A person licensed under**
12 **chapter 334 or 335 who, in good faith, makes a report under this section**
13 **shall have immunity from civil liability that otherwise might result**
14 **from such report and shall have the same immunity with respect to any**
15 **good faith participation in any judicial proceeding in which the**
16 **reported gunshot wound is an issue. Notwithstanding the provisions**
17 **of subdivision (5) of section 491.060, the existence of a physician-patient**
18 **relationship shall not prevent a physician from submitting the report**
19 **required in this section, or testifying regarding information acquired**
20 **from a patient treated for a gunshot wound if such testimony is**
21 **otherwise admissible.**

578.365. 1. A person commits the **[crime] offense of hazing if he or she**

2 knowingly participates in or causes [hazing, as it is defined in section 578.360.

3 2. Hazing is a class A misdemeanor, unless the act creates a substantial
4 risk to the life of the student or prospective member, in which case it is a class
5 C felony] **a willful act, occurring on or off the campus of a public or**
6 private college or university, directed against a student or a
7 prospective member of an organization operating under the sanction
8 of a public or private college or university, that recklessly endangers
9 the mental or physical health or safety of a student or prospective
10 member for the purpose of initiation or admission into or continued
11 membership in any such organization to the extent that such person is
12 knowingly placed at probable risk of the loss of life or probable bodily
13 or psychological harm. Acts of hazing include:

14 (1) Any activity which recklessly endangers the physical health
15 or safety of the student or prospective member, including but not
16 limited to physical brutality, whipping, beating, branding, exposure to
17 the elements, forced consumption of any food, liquor, drug or other
18 substance, or forced smoking or chewing of tobacco products; or

19 (2) Any activity which recklessly endangers the mental health of
20 the student or prospective member, including but not limited to sleep
21 deprivation, physical confinement, or other extreme stress-inducing
22 activity; or

23 (3) Any activity that requires the student or prospective member
24 to perform a duty or task which involves a violation of the criminal
25 laws of this state or any political subdivision in this state.

26 2. Public or private colleges or universities in this state shall
27 adopt a written policy prohibiting hazing by any organization
28 operating under the sanction of the institution.

29 3. Nothing in [sections 578.360 to 578.365] this section shall be
30 interpreted as creating a new private cause of action against any educational
31 institution.

32 4. Consent is not a defense to hazing. Section 565.080 does not apply to
33 hazing cases or to homicide cases arising out of hazing activity.

34 5. The offense of hazing is a class A misdemeanor, unless the act
35 creates a substantial risk to the life of the student or prospective
36 member, in which case it is a class D felony.

578.398. 1. A person commits the offense of sports bribery in the

2 first degree if he or she gives, promises or offers any benefit to any
3 participant or prospective participant in any sport or game with the
4 purpose to influence him or her to lose or try to lose or cause to be lost
5 or to limit the margin of victory in any sport or game in which the
6 participant is taking part, or expects to take part, or has any duty or
7 connection therewith.

8 **2. The offense of sports bribery in the first degree is a class D**
9 **felony.**

578.399. 1. A person commits the offense of sports bribery in the
2 second degree if he or she, being a participant or prospective
3 participant in any sport or game, accepts, attempts to obtain, or solicits
4 any benefit in exchange for losing or trying to lose or causing to be lost
5 or limiting the margin of victory in any sport or game in which the
6 participant is taking part, or expects to take part, or has any duty or
7 connection therewith.

8 **2. The offense of sports bribery in the second degree is a class A**
9 **misdemeanor.**

578.405. 1. [Sections 578.405 to 578.412] **This section** shall be known
2 and may be cited as "The Animal Research and Production Facilities Protection
3 Act".

4 2. As used in [sections 578.405 to 578.412] **this section**, the following
5 terms mean:

6 (1) "Animal", every living creature, domestic or wild, but not including
7 Homo sapiens;

8 (2) "Animal facility", any facility engaging in legal scientific research or
9 agricultural production or involving the use of animals, including any
10 organization with a primary purpose of representing livestock production or
11 processing, any organization with a primary purpose of promoting or marketing
12 livestock or livestock products, any person licensed to practice veterinary
13 medicine, any organization involved in the production of pet food or pet food
14 research, and any organization with a primary purpose of representing any such
15 person, organization, or institution. The term shall include the owner, operator,
16 and employees of any animal facility and the offices and vehicles of any such
17 persons while engaged in duties related to the animal facility, and any premises
18 where animals are located[;

19 (3) "Director", the director of the department of agriculture].

[578.407. No person shall] **3. A person commits the offense of prohibited acts against animal research and production facilities if he or she:**

(1) [Release, steal] **Releases, steals**, or otherwise intentionally [cause] causes the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on an animal facility;

(3) [Obtain] **Obtains** access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) [Enter] **Enters** or otherwise [interfere] **interferes** with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly [obtain] **obtains**, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; **or**

(6) [Enter or remain] **Enters or remains** on an animal facility with the intent to commit an act prohibited by this section.

4. The offense of prohibited acts against animal research and production facilities is a class A misdemeanor unless:

(1) The loss or damage to the animal facility is fifty dollars or more, in which case it is a class E felony;

(2) The loss or damage to the animal facility is seven hundred fifty dollars or more, in which case it is a class D felony;

(3) The loss or damage to the animal facility is one thousand dollars or more, in which case it is a class C felony;

(4) The loss or damage to the animal facility is twenty-five thousand dollars or more, in which case it is a class B felony.

5. Any person who intentionally agrees with another person to violate this section and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 4 of this section.

6. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the

37 reasonable cost of replacement of materials, data, equipment, animals,
38 and records that were damaged, destroyed, lost, or cannot be returned,
39 as well as the reasonable cost of lost production funds and repeating
40 experimentation that may have been disrupted or invalidated as a
41 result of the violation of this section.

42 7. Any persons found guilty of a violation of this section shall be
43 ordered by the court to make restitution, jointly and severally, to the
44 owner, operator, or both, of the animal facility, in the full amount of
45 the reasonable cost as determined under subsection 6 of this section.

46 8. Any person who has been damaged by a violation of this
47 section may recover all actual and consequential damages, punitive
48 damages, and court costs, including reasonable attorneys' fees, from the
49 person causing such damage.

50 9. Nothing in this section shall preclude any animal facility
51 injured in its business or property by a violation of this section from
52 seeking appropriate relief under any other provision of law or remedy
53 including the issuance of an injunction against any person who violates
54 this section. The owner or operator of the animal facility may petition
55 the court to permanently enjoin such persons from violating this
56 section and the court shall provide such relief.

57 10. The director of the department of agriculture may
58 promulgate rules and regulations necessary for the enforcement of this
59 section. The director shall have the authority to investigate any
60 alleged violation of this section, along with any other law enforcement
61 agency, and may take any action within the director's authority
62 necessary for the enforcement of this section. The attorney general, the
63 highway patrol, and other law enforcement officials shall provide
64 assistance required in the conduct of an investigation. Any rule or
65 portion of a rule, as that term is defined in section 536.010, that is
66 created under the authority delegated in this section shall become
67 effective only if it complies with and is subject to all of the provisions
68 of chapter 536 and if applicable, section 536.028. This section and
69 chapter 536 are nonseverable and if any of the powers vested with the
70 general assembly pursuant to chapter 536 to review, to delay the
71 effective date, or to disapprove and annul a rule are subsequently held
72 unconstitutional, then the grant of rulemaking authority and any rule

73 **proposed or adopted after January 1, 2016, shall be invalid and void.**

578.421. As used in sections 578.421 to 578.437, the following terms
2 mean:

3 (1) "Criminal street gang", any ongoing organization, association, or group
4 of three or more persons, whether formal or informal, having as one of its primary
5 activities the commission of one or more of the criminal acts enumerated in
6 subdivision (2) of this section, which has a common name or common identifying
7 sign or symbol, whose members individually or collectively engage in or have
8 engaged in a pattern of criminal gang activity;

9 (2) "Pattern of criminal street gang activity", the commission, attempted
10 commission, or solicitation of two or more of the following offenses, provided at
11 least one of those offenses occurred after August 28, 1993, and the last of those
12 offenses occurred within three years after a prior offense, and the offenses are
13 committed on separate occasions, or by two or more persons:

14 (a) Assault with a deadly weapon or by means of force likely to cause
15 serious physical injury, as provided in sections 565.050 and [565.060] **565.052**;

16 (b) Robbery, arson and those offenses under chapter 569 which are related
17 to robbery and arson;

18 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

19 (d) Any violation of the provisions of chapter [195] **579** which involves the
20 distribution, delivery or manufacture of a substance prohibited by chapter [195]
21 **579**;

22 (e) [Unlawful use of a weapon which is a felony pursuant to section
23 571.030] **Any felony offense of sections 571.031 to 571.044; or**

24 (f) Tampering with witnesses and victims, as provided in section 575.270.

578.425. Any person who is convicted of a felony or a misdemeanor which
2 is committed for the benefit of, at the direction of, or in association with, any
3 criminal street gang, with the specific intent to promote, further, or assist in any
4 criminal conduct by gang members, shall be punished in the following manner:

5 (1) Any person who violates this section in the commission of a
6 misdemeanor shall be punished by imprisonment in the county jail not to exceed
7 one year, or by imprisonment in a state correctional facility for one, two, or three
8 years;

9 (2) Any person who violates this section in the commission of a felony
10 shall, upon conviction of that felony, in addition and consecutive to the
11 punishment prescribed for the felony of which he **or she** has been convicted, be

12 punished by an additional term of one, two, or three years at the court's
13 discretion. If the underlying felony is committed on the grounds of, or within one
14 thousand feet of a public or private elementary, vocational, junior high or high
15 school, the additional term shall be two, three, or four years, at the court's
16 discretion. The court shall order the imposition of the middle term of the
17 sentence enhancement, unless there are circumstances in aggravation or
18 mitigation. The court shall state the reasons for its choice of sentence
19 enhancements on the record at the time of sentencing;

20 (3) Any person who violates this section in the commission of a felony
21 punishable by death or imprisonment for life shall not be paroled until a
22 minimum of fifteen calendar years have been served in the custody of the
23 department of corrections.

578.430. 1. Any room, building, structure or inhabitable structure as
2 defined in section [569.010] **556.061** which is used by a criminal street gang in
3 a pattern of criminal street gang activity shall be deemed a public nuisance. No
4 person shall keep or maintain such a public nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in
6 addition to any criminal prosecutions, prosecute a suit in equity to enjoin the
7 public nuisance. If the court finds that the owner of the room, building, structure
8 or inhabitable structure knew that the premises were being used for criminal
9 street gangs in a pattern of criminal street gang activity, the court may order that
10 the premises shall not be occupied or used for such period as the court may
11 determine, not to exceed one year.

12 3. All persons, including owners, lessees, officers, agents, offenders or
13 employees, aiding or facilitating such a nuisance may be made defendants in any
14 suit to enjoin the nuisance.

15 4. **It is unlawful for a person to keep or maintain such a public
16 nuisance. In addition to any other criminal prosecutions, the
17 prosecuting attorney or circuit attorney may by information or
18 indictment charge the owner or the occupant, or both the owner and
19 the occupant, of the room, building, structure, or inhabitable structure
20 with the crime of keeping or maintaining a public nuisance. Keeping
21 or maintaining a public nuisance is a class D felony.**

578.437. No weapon shall be declared a nuisance pursuant to section
2 578.435 and this section unless reasonable notice has been given to the lawful
3 owner thereof, if his **or her** identity and address can be reasonably

4 ascertained. The law enforcement agency shall inform the lawful owner at that
5 person's last known address by registered mail that the owner of the weapon has
6 thirty days from the date of receipt of the notice to respond to the clerk of the
7 court to confirm his **or her** desire for a hearing, and that the failure to respond
8 shall result in a default order and thereupon such weapon shall be declared a
9 nuisance. If the person requests a hearing the court shall set a hearing no later
10 than sixty days from the receipt of such request, and shall notify the person, the
11 law enforcement agency involved, and the prosecuting attorney of the date, time,
12 and place of the hearing. At such hearing the burden of proof shall be upon the
13 state to show by a preponderance of the evidence that the seized item has been
14 or will be used in criminal street gang activity, or that the return of the weapon
15 would likely result in the endangering of the lives of others.

[566.221.] **578.475.** 1. An international marriage broker shall provide
2 notice to each recruit that the criminal history record information and marital
3 history information of clients and basic rights information are available from the
4 organization. The notice of the availability of such information must be in a
5 conspicuous location, in the recruit's native language, in lettering that is at least
6 one-quarter of an inch in height, and presented in a manner that separates the
7 different types of information available.

8 2. An international marriage broker shall disseminate to a recruit the
9 criminal history record information and marital history information of a client
10 and basic rights information no later than thirty days after the date the
11 international marriage broker receives the criminal history record information
12 and the marital history information on the client. Such information must be
13 provided in the recruit's native language and the organization shall pay the costs
14 incurred to translate the information.

15 3. A client of an international marriage broker shall:

- 16 (1) Obtain a copy of his or her own criminal history record information;
- 17 (2) Provide the criminal history record information to the international
18 marriage broker; and
- 19 (3) Provide to the international marriage broker his or her own marital
20 history information.

21 4. An international marriage broker shall require the client to affirm that
22 the marital history information is complete and accurate and includes information
23 regarding marriages, annulments, and dissolutions that occurred in another state
24 or foreign country.

25 5. An international marriage broker shall not provide any further services
26 to the client or the recruit until the organization has obtained the required
27 criminal history record information and marital history information and provided
28 the information to the recruit.

29 6. An international marriage broker shall be deemed to be doing business
30 in Missouri if it contracts for matchmaking services with a Missouri resident or
31 is considered to be doing business pursuant to other laws of the state.

32 7. A person who [pleads guilty to or] is found guilty of violating the
33 provisions of this section shall not be required to register as a sexual offender
34 pursuant to the provisions of section 589.400, unless such person is otherwise
35 required to register pursuant to the provisions of such section.

36 8. It shall be a class [D] E felony to willfully provide incomplete or false
37 information pursuant to this section.

38 9. Failure to provide the information and notice required pursuant to this
39 section shall be a class [D] E felony.

40 10. No provision of this section shall preempt any other right or remedy
41 available under law to any party utilizing the services of an international
42 marriage broker or other international marriage organization.

578.520. 1. [No person shall fish, hunt, or trap] **A person commits the
2 offense of unlawful fishing, hunting, or trapping on private land if he
3 or she fishes, hunts, or traps upon or [retrieve] retrieves** wildlife from any
4 private land that is not owned or in the possession of such person without
5 permission from the owner or lessee of such land.

6 2. [Any person who violates the provisions of this section is guilty of a
7 class B misdemeanor.

8 3.] Any person who knowingly enters or remains on private property for
9 the purpose of hunting, fishing, trapping, or retrieving wildlife in violation of
10 subsection 1 of this section may, in addition to the penalty in subsection [2] 4 of
11 this section, be required by the court to surrender and deliver any license or
12 permit issued by the department of conservation to hunt, fish, or trap. The court
13 shall notify the conservation commission of any conviction under this section and
14 request the commission take necessary action to revoke all privileges to hunt,
15 fish, or trap for at least one year from the date of conviction.

16 3. **It shall be an affirmative defense to prosecution for a violation
17 of this section that the premises were at the time open to members of
18 the public and the person complied with all lawful conditions imposed**

19 **concerning access to or the privilege of remaining on the premises.**

20 **4. The offense of unlawful fishing, hunting, or trapping on**
21 **private land is a class B misdemeanor.**

578.525. 1. [No person shall] **A person commits the offense of**
2 **unlawful retrieval of large or small game if he or she**, while engaged in
3 the retrieval of wildlife from private land that is not owned or in the possession
4 of such person with permission of the landowner or lessee of the land:

5 (1) Intentionally [drive or flush] **drives or flushes** any large or small
6 game located on the land toward other hunters of the retriever's same hunting
7 group located on other parcels of land or right-of-ways; or

8 (2) Intentionally [discharge] **discharges** a firearm at large or small game
9 that originates from the private land during retrieval.

10 2. [Unlawful retrieval of large or small game is a class B misdemeanor.]
11 **It shall be an affirmative defense to prosecution for a violation of this**
12 **section that the premises were at the time open to members of the**
13 **public and the person complied with all lawful conditions imposed**
14 **concerning access to or the privilege of remaining on the premises.**

15 3. **The offense of unlawful retrieval of large or small game is a**
16 **class B misdemeanor.**

578.614. 1. Subject to subsection 2 of this section, any person who
2 violates sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any
3 person who fails to obtain a permit as required by sections 578.600 to 578.624 is
4 guilty of a class A misdemeanor. Any person who intentionally releases a large
5 carnivore except to the care, custody, and control of another person is guilty of a
6 class [D] **E** felony. In addition, a person who violates sections 578.600 to 578.624
7 may be punished by one or more of the following:

8 (1) Community service work for not more than five hundred hours;
9 (2) The loss of privileges to own or possess any animal.

10 2. Subsection 1 of this section does not apply to a law enforcement officer,
11 animal control officer, qualified veterinarian, or department of agriculture
12 employee with respect to the performance of the duties of a law enforcement
13 officer, animal control officer, qualified veterinarian, or department of agriculture
14 employee under sections 578.600 to 578.624.

195.202.] **579.015.** 1. [Except as authorized by sections 195.005 to
2 195.425, it is unlawful for any person to possess or have under his control a
3 controlled substance] **A person commits the offense of possession of a**

4 controlled substance if he or she knowingly possesses a controlled
5 substance, except as authorized by this chapter or chapter 195.

6 2. [Any person who violates this section with respect to] The offense of
7 possession of any controlled substance except thirty-five grams or less of
8 marijuana or any synthetic cannabinoid is [guilty of a class C] a class E felony.

9 3. [Any person who violates this section with respect to] The offense of
10 possession of not more than thirty-five grams of marijuana or any synthetic
11 cannabinoid is [guilty of a class A] a class D misdemeanor, unless the
12 defendant has previously been found guilty of any offense of the laws
13 related to controlled substances of this state, or of the United States,
14 or any state, territory, or district, in which case, it shall be a class A
15 misdemeanor. Prior findings of guilt shall be pleaded and proven in
16 the same manner as required by section 558.021.

17 4. In any complaint, information, or indictment, and in any
18 action or proceeding brought for the enforcement of any provision of
19 this chapter, it shall not be necessary to include any exception, excuse,
20 proviso, or exemption contained in this chapter, and the burden of
21 proof of any such exception, excuse, proviso or exemption shall be upon
22 the defendant.

[195.212.] 579.020. 1. A person commits the offense of [unlawful
2 distribution of a controlled substance to a minor if he violates section 195.211 by
3 distributing or delivering any controlled substance to a person under seventeen
4 years of age who is at least two years that person's junior.

5 2. Unlawful distribution of a controlled substance to a minor is a class B
6 felony.

7 3. It is not a defense to a violation of this section that the defendant did
8 not know the age of the person to whom he was distributing or delivering.]
9 delivery of a controlled substance if, except as authorized in this
10 chapter or chapter 195, he or she:

11 (1) Knowingly distributes or delivers a controlled substance; or
12 (2) Attempts to distribute or deliver a controlled substance; or
13 (3) Knowingly possesses a controlled substance with the intent
14 to distribute or deliver any amount of a controlled substance; or
15 (4) Knowingly permits a minor child to purchase or transport
16 illegally obtained controlled substances.

17 2. The offense of delivery of a controlled substance, except when

18 the controlled substance is thirty-five grams or less of marijuana or
19 synthetic cannabinoid, is a class C felony.

20 3. The offense of delivery of thirty-five grams or less of
21 marijuana or synthetic cannabinoid is a class E felony.

22 4. The offense of delivery of a controlled substance is a class B
23 felony if:

24 (1) The delivery or distribution is any amount of a controlled
25 substance except thirty-five grams or less of marijuana or synthetic
26 cannabinoid, to a person less than seventeen years of age who is at
27 least two years younger than the defendant; or

28 (2) The person knowingly permits a minor child to purchase or
29 transport illegally obtained controlled substances.

30 5. The offense of delivery of thirty-five grams or less of
31 marijuana or thirty-five grams or less of synthetic cannabinoid to a
32 person less than seventeen years of age who is at least two years
33 younger than the defendant is a class C felony.

34 [195.218.] **579.030.** 1. A person commits the offense of distribution of a
35 controlled substance [near public housing or other governmental assisted housing
36 if he violates section 195.211 by unlawfully distributing or delivering any
37 controlled substance to a person in or on, or within one thousand feet of the real
38 property comprising public housing or other governmental assisted housing.

39 2. Distribution of a controlled substance near public housing or other
40 governmental assisted housing is a class A felony which term shall be served
41 without probation or parole if the court finds the defendant is a persistent drug
42 offender] in a restricted location if he or she knowingly distributes, sells,
43 or delivers any controlled substance, except thirty-five grams or less of
44 marijuana or synthetic cannabinoid, to a person with knowledge that
45 that distribution, delivery or sale is:

46 (1) In, on, or within one thousand feet of, the real property
47 comprising a public or private elementary or secondary school, public
48 vocational school, or on any school bus; or

49 (2) In or on, or within one thousand feet of, the real property
50 comprising a public park, state park, county park, municipal park, or
51 private park designed for public recreational purposes, as park is
52 defined in section 253.010; or

53 (3) In or on the real property comprising public housing or other

21 **governmental assisted housing.**

22 **2. The offense of unlawful distribution of a controlled substance**
23 **in a restricted location is a class A felony.**

579.040. 1. A person commits the offense of unlawful
distribution, delivery, or sale of drug paraphernalia if he or she
unlawfully distributes, delivers, or sells, or possesses with intent to
distribute, deliver, or sell drug paraphernalia knowing, or under
circumstances in which one reasonably should know, that it will be
used to plant, propagate, cultivate, grow, harvest, manufacture,
compound, convert, produce, process, prepare, test, analyze, pack,
repack, store, contain, conceal, inject, ingest, inhale, or otherwise
introduce into the human body a controlled substance or an imitation
controlled substance in violation of this chapter.

11 **2. The offense of unlawful delivery of drug paraphernalia is a**
12 **class A misdemeanor, unless done for commercial purposes in which**
13 **case it is a class E felony.**

[195.204.] 579.045. 1. A person commits the offense of fraudulently
attempting to obtain a controlled substance if he **or she knowingly** obtains or
attempts to obtain a controlled substance, or **knowingly** procures or attempts
to procure [the] **an** administration of the controlled substance by fraud[**I**], deceit,
misrepresentation, or subterfuge; or by the forgery or alteration of a prescription
or of any written order; or by the concealment of a material fact; or by the use of
a false name or the giving of a false address]. The [crime] **offense** of
fraudulently attempting to obtain a controlled substance shall include, but shall
not be limited to nor be limited by, the following:

10 (1) Knowingly making a false statement in any prescription, order, report,
11 or record, required by [sections 195.005 to 195.425] **this chapter or chapter**
12 **195;**

13 (2) For the purpose of obtaining a controlled substance, falsely assuming
14 the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist,
15 physician, dentist, podiatrist, veterinarian, **nurse**, or other authorized person;

16 (3) Making or uttering any false or forged prescription or false or forged
17 written order;

18 (4) Affixing any false or forged label to a package or receptacle containing
19 controlled substances;

20 (5) Possess a false or forged prescription with intent to obtain a controlled

21 substance.

22 **2. The offense of** fraudulently attempting to obtain a controlled
23 substance is a class [D] E felony.

24 **3. Information communicated to a physician in an effort unlawfully to**
25 procure a controlled substance or unlawfully to procure the administration of any
26 such drug [shall not be] **is not** deemed a privileged communication; provided,
27 however, that no physician or surgeon shall be competent to testify concerning
28 any information which he **or she** may have acquired from any patient while
29 attending him **or her** in a professional character and which information was
30 necessary to enable him **or her** to prescribe for such patient as a physician, or
31 to perform any act for him **or her** as a surgeon.

32 [4. The provisions of this section shall apply to all transactions relating
33 to narcotic drugs under the provisions of section 195.080, in the same way as they
34 apply to transactions under all other sections.]

579.050. 1. A person commits the offense of manufacture of an
2 **imitation controlled substance if he or she knowingly manufactures**
3 **with intent to deliver any imitation controlled substances.**

4 **2. The offense of manufacture of an imitation controlled**
5 **substance is a class E felony.**

[195.211.] **579.055. 1. [Except as authorized by sections 195.005 to**
2 195.425 and except as provided in section 195.222, it is unlawful for any person
3 to distribute, deliver, manufacture, produce or attempt to distribute, deliver,
4 manufacture or produce a controlled substance or to possess with intent to
5 distribute, deliver, manufacture, or produce a controlled substance] A person
6 **commits the offense of manufacture of a controlled substance if, except**
7 **as authorized in this chapter or chapter 195, he or she:**

8 **(1) Knowingly manufactures, produces, or grows a controlled**
9 **substance; or**

10 **(2) Attempts to manufacture, produce, or grow a controlled**
11 **substance; or**

12 **(3) Knowingly possesses a controlled substance with the intent**
13 **to manufacture, produce, or grow any amount of controlled substance.**

14 **2. [Any person who violates or attempts to violate this section with**
15 respect to manufacturing or production of a controlled substance of any amount
16 except for five grams or less of marijuana in a residence where a child resides or]
17 **The offense of manufacturing or attempting to manufacture any amount**

18 **of controlled substance is a class B felony when committed** within [two]
19 one thousand feet of the real property comprising a public or private elementary
20 or public or private elementary or secondary school, public vocational school or
21 a public or private community college, **or a** college or university[, or any school
22 bus is guilty of]. It is a class A felony **if a person has suffered serious**
23 **physical injury or has died as a result of a fire or explosion started in**
24 **an attempt by the defendant to produce methamphetamine.**

25 3. [Any person who violates or attempts to violate this section with
26 respect to any] **The offense of manufacturing or attempting to**
27 **manufacture any amount of a controlled substance, except [five]** thirty-five
28 grams or less of marijuana **or synthetic cannabinoid** is [guilty of] a class [B]
29 C felony.

30 4. [Any person who violates this section with respect to distributing or
31 delivering not more than five grams of marijuana is guilty of a class C felony]
32 **The offense of manufacturing thirty-five grams or less of marijuana or**
33 **synthetic cannabinoid is a class E felony.**

579.060. 1. A person commits the offense of unlawful sale or
2 distribution of over-the-counter methamphetamine precursor drugs if
3 he or she:

4 (1) Recklessly sells, distributes, dispenses, or otherwise provides
5 any number of packages of any drug product containing detectable
6 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
7 any of their salts, optical isomers, or salts of optical isomers, in a total
8 amount greater than nine grams to the same individual within a thirty-
9 day period, unless the amount is dispensed, sold, or distributed
10 pursuant to a valid prescription; or

11 (2) Recklessly dispenses or offers drug products that are not
12 excluded from Schedule V in subsection 17 or 18 of section 195.017 and
13 that contain detectable amounts of ephedrine, phenylpropanolamine,
14 or pseudoephedrine, or any of their salts, optical isomers, or salts of
15 optical isomers, without ensuring that such products are located
16 behind a pharmacy counter where the public is not permitted and that
17 such products are dispensed by a registered pharmacist or pharmacy
18 technician under subsection 11 of section 195.017; or

19 (3) Holds a retail sales license issued under chapter 144 and
20 knowingly sells or dispenses packages that do not conform to the

21 packaging requirements of section 195.418.

22 2. A pharmacist, intern pharmacist, or registered pharmacy
23 technician commits the offense of unlawful sale or distribution of over-
24 the-counter methamphetamine precursor drugs if he or she:

25 (1) Recklessly sells, distributes, dispenses, or otherwise provides
26 any number of packages of any drug product containing detectable
27 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
28 any of their salts or optical isomers, or salts of optical isomers, in a
29 total amount greater than three and six-tenth grams to the same
30 individual within a twenty-four hour period, unless the amount is
31 dispensed, sold, or distributed pursuant to a valid prescription; or

32 (2) Recklessly fails to submit information under subsection 13 of
33 section 195.017 and subsection 5 of section 195.417 about the sales of
34 any compound, mixture, or preparation of products containing
35 detectable amounts of ephedrine, phenylpropanolamine, or
36 pseudoephedrine, or any of their salts, optical isomers, or salts of
37 optical isomers, in accordance with transmission methods and
38 frequency established by the department of health and senior services;
39 or

40 (3) Recklessly fails to implement and maintain an electronic log,
41 as required by subsection 12 of section 195.017, of each transaction
42 involving any detectable quantity of pseudoephedrine, its salts,
43 isomers, or salts of optical isomers or ephedrine, its salts, optical
44 isomers, or salts of optical isomers; or

45 (4) Knowingly sells, distributes, dispenses or otherwise provides
46 to an individual under eighteen years of age without a valid
47 prescription any number of packages of any drug product containing
48 any detectable quantity of pseudoephedrine, its salts, isomers, or salts
49 of optical isomers, or ephedrine, its salts or optical isomers, or salts of
50 optical isomers.

51 3. Any person who violates the packaging requirements of
52 section 195.418 and is considered the general owner or operator of the
53 outlet where ephedrine, pseudoephedrine, or phenylpropanolamine
54 products are available for sale shall not be penalized if he or she
55 documents that an employee training program was in place to provide
56 the employee who made the unlawful retail sale with information on

57 the state and federal regulations regarding ephedrine,
58 pseudoephedrine, or phenylpropanolamine.

59 **4. The offense of unlawful sale or distribution of over-the-counter
60 methamphetamine precursor drugs is a class A misdemeanor.**

1 [195.222.] **579.065.** 1. A person commits the [crime] offense of
2 trafficking drugs in the first degree if, except as authorized by [sections 195.005
3 to 195.425, he] **this chapter or chapter 195, such person knowingly**
4 distributes, delivers, manufactures, produces or attempts to distribute, deliver,
5 manufacture or produce [more than thirty grams of a mixture or substance
6 containing a detectable amount of heroin. Violations of this subsection shall be
7 punished as follows:

8 (1) If the quantity involved is more than thirty grams but less than ninety
9 grams the person shall be sentenced to the authorized term of imprisonment for
10 a class A felony;

11 (2) If the quantity involved is ninety grams or more the person shall be
12 sentenced to the authorized term of imprisonment for a class A felony which term
13 shall be served without probation or parole.

14 2. A person commits the crime of trafficking drugs in the first degree if,
15 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
16 manufactures, produces or attempts to distribute, deliver, manufacture or produce
17 more than one hundred fifty grams of a mixture or substance containing a
18 detectable amount of coca leaves, except coca leaves and extracts of coca leaves
19 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
20 removed; cocaine salts and their optical and geometric isomers, and salts of
21 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any
22 compound, mixture, or preparation which contains any quantity of any of the
23 foregoing substances. Violations of this subsection shall be punished as follows:

24 (1) If the quantity involved is more than one hundred fifty grams but less
25 than four hundred fifty grams the person shall be sentenced to the authorized
26 term of imprisonment for a class A felony;

27 (2) If the quantity involved is four hundred fifty grams or more the person
28 shall be sentenced to the authorized term of imprisonment for a class A felony
29 which term shall be served without probation or parole.

30 3. A person commits the crime of trafficking drugs in the first degree if,
31 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
32 manufactures, produces or attempts to distribute, deliver, manufacture or produce

33 more than eight grams of a mixture or substance described in subsection 2 of this
34 section which contains cocaine base. Violations of this subsection shall be
35 punished as follows:

36 (1) If the quantity involved is more than eight grams but less than
37 twenty-four grams the person shall be sentenced to the authorized term of
38 imprisonment for a class A felony;

39 (2) If the quantity involved is twenty-four grams or more the person shall
40 be sentenced to the authorized term of imprisonment for a class A felony which
41 term shall be served without probation or parole.

42 4. A person commits the crime of trafficking drugs in the first degree if,
43 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
44 manufactures, produces or attempts to distribute, deliver, manufacture or produce
45 more than five hundred milligrams of a mixture or substance containing a
46 detectable amount of lysergic acid diethylamide (LSD). Violations of this
47 subsection shall be punished as follows:

48 (1) If the quantity involved is more than five hundred milligrams but less
49 than one gram the person shall be sentenced to the authorized term of
50 imprisonment for a class A felony;

51 (2) If the quantity involved is one gram or more the person shall be
52 sentenced to the authorized term of imprisonment for a class A felony which term
53 shall be served without probation or parole.

54 5. A person commits the crime of trafficking drugs in the first degree if,
55 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
56 manufactures, produces or attempts to distribute, deliver, manufacture or produce
57 more than thirty grams of a mixture or substance containing a detectable amount
58 of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

59 (1) If the quantity involved is more than thirty grams but less than ninety
60 grams the person shall be sentenced to the authorized term of imprisonment for
61 a class A felony;

62 (2) If the quantity involved is ninety grams or more the person shall be
63 sentenced to the authorized term of imprisonment for a class A felony which term
64 shall be served without probation or parole.

65 6. A person commits the crime of trafficking drugs in the first degree if,
66 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
67 manufactures, produces or attempts to distribute, deliver, manufacture or produce
68 more than four grams of phencyclidine. Violations of this subsection shall be

69 punished as follows:

70 (1) If the quantity involved is more than four grams but less than twelve
71 grams the person shall be sentenced to the authorized term of imprisonment for
72 a class A felony;

73 (2) If the quantity involved is twelve grams or more the person shall be
74 sentenced to the authorized term of imprisonment for a class A felony which term
75 shall be served without probation or parole.

76 7. A person commits the crime of trafficking drugs in the first degree if,
77 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
78 manufactures, produces or attempts to distribute, deliver, manufacture or produce
79 more than thirty kilograms of a mixture or substance containing
80 marijuana. Violations of this subsection shall be punished as follows:

81 (1) If the quantity involved is more than thirty kilograms but less than
82 one hundred kilograms the person shall be sentenced to the authorized term of
83 imprisonment for a class A felony;

84 (2) If the quantity involved is one hundred kilograms or more the person
85 shall be sentenced to the authorized term of imprisonment for a class A felony
86 which term shall be served without probation or parole.

87 8. A person commits the crime of trafficking drugs in the first degree if,
88 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
89 manufactures, produces or attempts to distribute, deliver, manufacture or produce
90 more than thirty grams of any material, compound, mixture or preparation which
91 contains any quantity of the following substances having a stimulant effect on the
92 central nervous system: amphetamine, its salts, optical isomers and salts of its
93 optical isomers; methamphetamine, its salts, optical isomers and salts of its
94 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of
95 this subsection or attempts to violate this subsection shall be punished as follows:

96 (1) If the quantity involved is more than thirty grams but less than ninety
97 grams the person shall be sentenced to the authorized term of imprisonment for
98 a class A felony;

99 (2) If the quantity involved is ninety grams or more, or if the quantity
100 involved was thirty grams or more and the location of the offense was within two
101 thousand feet of a school or public housing as defined in section 195.214 or
102 section 195.218 or within a motor vehicle, or any structure or building which
103 contains rooms furnished for the accommodation or lodging of guests, and kept,
104 used, maintained, advertised, or held out to the public as a place where sleeping

105 accommodations are sought for pay or compensation to transient guests or
106 permanent guests, the person shall be sentenced to the authorized term of
107 imprisonment for a class A felony which term shall be served without probation
108 or parole.

109 9. A person commits the crime of trafficking drugs in the first degree if,
110 except as authorized by sections 195.005 to 195.425, he or she distributes,
111 delivers, manufactures, produces or attempts to distribute, deliver, manufacture
112 or produce more than thirty grams of any material, compound, mixture or preparation
113 which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of
114 this subsection or attempts to violate this subsection shall be punished as follows:

115 (1) If the quantity involved is more than thirty grams but less than ninety
116 grams the person shall be sentenced to the authorized term of imprisonment for
117 a class A felony;

118 (2) If the quantity involved is ninety grams or more, or if the quantity
119 involved was thirty grams or more and the location of the offense was within two
120 thousand feet of a school or public housing as defined in section 195.214 or
121 section 195.218 or within a motor vehicle, or any structure or building which
122 contains rooms furnished for the accommodation or lodging of guests, and kept,
123 used, maintained, advertised, or held out to the public as a place where sleeping
124 accommodations are sought for pay or compensation to transient guests or
125 permanent guests, the person shall be sentenced to the authorized term of
126 imprisonment for a class A felony which term shall be served without probation
127 or parole.]:

128 **(1) More than thirty grams but less than ninety grams of a
129 mixture or substance containing a detectable amount of heroin;**

130 **(2) More than one hundred fifty grams but less than four
131 hundred fifty grams of a mixture or substance containing a detectable
132 amount of coca leaves, except coca leaves and extracts of coca leaves
133 from which cocaine, ecgonine, and derivatives of ecgonine or their salts
134 have been removed; cocaine salts and their optical and geometric
135 isomers, and salts of isomers; ecgonine, its derivatives, their salts,
136 isomers, and salts of isomers; or any compound, mixture, or preparation
137 which contains any quantity of any of the foregoing substances;**

138 **(3) More than eight grams but less than twenty-four grams of a
139 mixture or substance described in subdivision (2) of this subsection
140 which contains cocaine base;**

141 (4) More than five hundred milligrams but less than one gram of
142 a mixture or substance containing a detectable amount of lysergic acid
143 diethylamide (LSD);

144 (5) More than thirty grams but less than ninety grams of a
145 mixture or substance containing a detectable amount of phencyclidine
146 (PCP);

147 (6) More than four grams but less than twelve grams of
148 phencyclidine;

149 (7) More than thirty kilograms but less than one hundred
150 kilograms of a mixture or substance containing marijuana;

151 (8) More than thirty grams but less than ninety grams of any
152 material, compound, mixture, or preparation containing any quantity
153 of the following substances having a stimulant effect on the central
154 nervous system: amphetamine, its salts, optical isomers and salts of its
155 optical isomers; methamphetamine, its salts, optical isomers and salts
156 of its optical isomers; phenmetrazine and its salts; or methylphenidate;
157 or

158 (9) More than thirty grams but less than ninety grams of any
159 material, compound, mixture, or preparation which contains any
160 quantity of 3,4-methylenedioxymethamphetamine.

161 2. The offense of trafficking drugs in the first degree is a class
162 B felony.

163 3. The offense of trafficking drugs in the first degree is a class
164 A felony if the quantity involved is:

165 (1) Ninety grams or more of a mixture or substance containing
166 a detectable amount of heroin; or

167 (2) Four hundred fifty grams or more of a mixture or substance
168 containing a detectable amount of coca leaves, except coca leaves and
169 extracts of coca leaves from which cocaine, ecgonine, and derivatives
170 of ecgonine or their salts have been removed; cocaine salts and their
171 optical and geometric isomers, and salts of isomers; ecgonine, its
172 derivatives, their salts, isomers, and salts of isomers; or any compound,
173 mixture, or preparation which contains any quantity of any of the
174 foregoing substances; or

175 (3) Twenty-four or more grams of a mixture or substance
176 described in subdivision (2) of this subsection which contains cocaine

177 base; or

178 (4) One gram or more of a mixture or substance containing a
179 detectable amount of lysergic acid diethylamide (LSD); or

180 (5) Ninety grams or more of a mixture or substance containing
181 a detectable amount of phencyclidine (PCP); or

182 (6) Twelve grams or more of phencyclidine; or

183 (7) One hundred kilograms or more of a mixture or substance
184 containing marijuana; or

185 (8) Ninety grams or more of any material, compound, mixture, or
186 preparation containing any quantity of the following substances having
187 a stimulant effect on the central nervous system: amphetamine, its
188 salts, optical isomers and salts of its optical isomers;
189 methamphetamine, its salts, optical isomers and salts of its optical
190 isomers; phenmetrazine and its salts; or methylphenidate; or

191 (9) More than thirty grams of any material, compound, mixture,
192 or preparation containing any quantity of the following substances
193 having a stimulant effect on the central nervous system: amphetamine,
194 its salts, optical isomers, and salts of its optical isomers;
195 methamphetamine, its salts, optical isomers, and salts of its optical
196 isomers; phenmetrazine and its salts; or methylphenidate, and the
197 location of the offense was within one thousand feet of a school, in or
198 on the real property comprising public housing or any other
199 governmental assisted housing, or within a motor vehicle, or in any
200 structure or building which contains rooms furnished for the
201 accommodation or lodging of guests, and kept, used, maintained,
202 advertised, or held out to the public as a place where sleeping
203 accommodations are sought for pay or compensation to transient guests
204 or permanent guests; or

205 (10) Ninety grams or more of any material, compound, mixture
206 or preparation which contains any quantity of 3,4-
207 methylenedioxymethamphetamine; or

208 (11) More than thirty grams of any material, compound, mixture,
209 or preparation which contains any quantity of 3,4-
210 methylenedioxymethamphetamine and the location of the offense was
211 within one thousand feet of a school, in or on the real property
212 comprising public housing or any other governmental assisted housing,

213 **within a motor vehicle, or in any structure or building which contains**
214 **rooms furnished for the accommodation or lodging of guests, and kept,**
215 **used, maintained, advertised, or held out to the public as a place where**
216 **sleeping accommodations are sought for pay or compensation to**
217 **transient guests or permanent guests.**

[195.223.] **579.068.** 1. A person commits the [crime] **offense** of
2 trafficking drugs in the second degree if, except as authorized by [sections
3 195.005 to 195.425, he] **this chapter or chapter 195, such person**
4 **knowingly** possesses or has under his **or her** control, purchases or attempts to
5 purchase, or brings into this state [more than thirty grams of a mixture or
6 substance containing a detectable amount of heroin. Violations of this subsection
7 shall be punished as follows:

8 (1) If the quantity involved is more than thirty grams but less than ninety
9 grams the person shall be guilty of a class B felony;

10 (2) If the quantity involved is ninety grams or more the person shall be
11 guilty of a class A felony.

12 2. A person commits the crime of trafficking drugs in the second degree
13 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
14 his control, purchases or attempts to purchase, or brings into this state more than
15 one hundred fifty grams of a mixture or substance containing a detectable amount
16 of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
17 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine
18 salts and their optical and geometric isomers, and salts of isomers; ecgonine, its
19 derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
20 or preparation which contains any quantity of any of the foregoing
21 substances. Violations of this subsection shall be punished as follows:

22 (1) If the quantity involved is more than one hundred fifty grams but less
23 than four hundred fifty grams the person shall be guilty of a class B felony;

24 (2) If the quantity involved is four hundred fifty grams or more the person
25 shall be guilty of a class A felony.

26 3. A person commits the crime of trafficking drugs in the second degree
27 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
28 his control, purchases or attempts to purchase, or brings into this state more than
29 eight grams of a mixture or substance described in subsection 2 of this section
30 which contains cocaine base. Violations of this subsection shall be punished as
31 follows:

32 (1) If the quantity involved is more than eight grams but less than
33 twenty-four grams the person shall be guilty of a class B felony;

34 (2) If the quantity involved is twenty-four grams or more the person shall
35 be guilty of a class A felony.

36 4. A person commits the crime of trafficking drugs in the second degree
37 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
38 his control, purchases or attempts to purchase, or brings into this state more than
39 five hundred milligrams of a mixture or substance containing a detectable amount
40 of lysergic acid diethylamide (LSD). Violations of this subsection shall be
41 punished as follows:

42 (1) If the quantity involved is more than five hundred milligrams but less
43 than one gram the person shall be guilty of a class B felony;

44 (2) If the quantity involved is one gram or more the person shall be guilty
45 of a class A felony.

46 5. A person commits the crime of trafficking drugs in the second degree
47 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
48 his control, purchases or attempts to purchase, or brings into this state more than
49 thirty grams of a mixture or substance containing a detectable amount of
50 phencyclidine (PCP). Violations of this subsection shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety
52 grams the person shall be guilty of a class B felony;

53 (2) If the quantity involved is ninety grams or more the person shall be
54 guilty of a class A felony.

55 6. A person commits the crime of trafficking drugs in the second degree
56 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
57 his control, purchases or attempts to purchase, or brings into this state more than
58 four grams of phencyclidine. Violations of this subsection shall be punished as
59 follows:

60 (1) If the quantity involved is more than four grams but less than twelve
61 grams the person shall be guilty of a class B felony;

62 (2) If the quantity involved is twelve grams or more the person shall be
63 guilty of a class A felony.

64 7. A person commits the crime of trafficking drugs in the second degree
65 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
66 his control, purchases or attempts to purchase, or brings into this state more than
67 thirty kilograms or more of a mixture or substance containing

68 marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than
70 one hundred kilograms the person shall be guilty of a class B felony;

71 (2) If the quantity involved is one hundred kilograms or more the person
72 shall be guilty of a class A felony.

73 8. A person commits the class A felony of trafficking drugs in the second
74 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
75 under his control, purchases or attempts to purchase, or brings into this state
76 more than five hundred marijuana plants.

77 9. A person commits the crime of trafficking drugs in the second degree
78 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
79 his control, purchases or attempts to purchase, or brings into this state more than
80 thirty grams of any material, compound, mixture or preparation which contains
81 any quantity of the following substances having a stimulant effect on the central
82 nervous system: amphetamine, its salts, optical isomers and salts of its optical
83 isomers; methamphetamine, its salts, isomers and salts of its isomers;
84 phenmetrazine and its salts; or methylphenidate. Violations of this subsection
85 or attempts to violate this subsection shall be punished as follows:

86 (1) If the quantity involved is more than thirty grams but less than ninety
87 grams the person shall be guilty of a class B felony;

88 (2) If the quantity involved is ninety grams or more but less than four
89 hundred fifty grams, the person shall be guilty of a class A felony;

90 (3) If the quantity involved is four hundred fifty grams or more, the
91 person shall be guilty of a class A felony and the term of imprisonment shall be
92 served without probation or parole.

93 10. A person commits the crime of trafficking drugs in the second degree
94 if, except as authorized by sections 195.005 to 195.425, he or she possesses or has
95 under his or her control, purchases or attempts to purchase, or brings into this
96 state more than thirty grams of any material, compound, mixture or preparation
97 which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations
98 of this subsection or attempts to violate this subsection shall be punished as
99 follows:

100 (1) If the quantity involved is more than thirty grams but less than ninety
101 grams the person shall be guilty of a class B felony;

102 (2) If the quantity involved is ninety grams or more but less than four
103 hundred fifty grams, the person shall be guilty of a class A felony;

104 (3) If the quantity involved is four hundred fifty grams or more, the
105 person shall be guilty of a class A felony and the term of imprisonment shall be
106 served without probation or parole.]:

107 **(1) More than thirty grams but less than ninety grams of a
108 mixture or substance containing a detectable amount of heroin;**

109 **(2) More than one hundred fifty grams but less than four
110 hundred fifty grams of a mixture or substance containing a detectable
111 amount of coca leaves, except coca leaves and extracts of coca leaves
112 from which cocaine, egonine, and derivatives of egonine or their salts
113 have been removed; cocaine salts and their optical and geometric
114 isomers, and salts of isomers; egonine, its derivatives, their salts,
115 isomers, and salts of isomers; or any compound, mixture, or preparation
116 which contains any quantity of any of the foregoing substances;**

117 **(3) More than eight grams but less than twenty-four grams of a
118 mixture or substance described in subdivision (2) of this subsection
119 which contains cocaine base;**

120 **(4) More than five hundred milligrams but less than one gram of
121 a mixture or substance containing a detectable amount of lysergic acid
122 diethylamide (LSD);**

123 **(5) More than thirty grams but less than ninety grams of a
124 mixture or substance containing a detectable amount of phencyclidine
125 (PCP);**

126 **(6) More than four grams but less than twelve grams of
127 phencyclidine;**

128 **(7) More than thirty kilograms but less than one hundred
129 kilograms of a mixture or substance containing marijuana;**

130 **(8) More than thirty grams but less than ninety grams of any
131 material, compound, mixture, or preparation containing any quantity
132 of the following substances having a stimulant effect on the central
133 nervous system: amphetamine, its salts, optical isomers and salts of its
134 optical isomers; methamphetamine, its salts, optical isomers and salts
135 of its optical isomers; phenmetrazine and its salts; or methylphenidate;
136 or**

137 **(9) More than thirty grams but less than ninety grams of any
138 material, compound, mixture, or preparation which contains any
139 quantity of 3,4-methylenedioxymethamphetamine.**

140 **2. The offense of trafficking drugs in the second degree is a class**
141 **C felony.**

142 **3. The offense of trafficking drugs in the second degree is a class**
143 **B felony if the quantity involved is:**

144 **(1) Ninety grams or more of a mixture or substance containing**
145 **a detectable amount of heroin; or**

146 **(2) Four hundred fifty grams or more of a mixture or substance**
147 **containing a detectable amount of coca leaves, except coca leaves and**
148 **extracts of coca leaves from which cocaine, ecgonine, and derivatives**
149 **of ecgonine or their salts have been removed; cocaine salts and their**
150 **optical and geometric isomers, and salts of isomers; ecgonine, its**
151 **derivatives, their salts, isomers, and salts of isomers; or any compound,**
152 **mixture, or preparation which contains any quantity of any of the**
153 **foregoing substances; or**

154 **(3) Twenty-four or more grams of a mixture or substance**
155 **described in subdivision (2) of this subsection which contains cocaine**
156 **base; or**

157 **(4) One gram or more of a mixture or substance containing a**
158 **detectable amount of lysergic acid diethylamide (LSD); or**

159 **(5) Ninety grams or more of a mixture or substance containing**
160 **a detectable amount of phencyclidine (PCP); or**

161 **(6) Twelve grams or more of phencyclidine; or**

162 **(7) One hundred kilograms or more of a mixture or substance**
163 **containing marijuana; or**

164 **(8) More than five hundred marijuana plants; or**

165 **(9) Ninety grams or more but less than four hundred fifty grams**
166 **of any material, compound, mixture, or preparation containing any**
167 **quantity of the following substances having a stimulant effect on the**
168 **central nervous system: amphetamine, its salts, optical isomers and**
169 **salts of its optical isomers; methamphetamine, its salts, optical isomers**
170 **and salts of its optical isomers; phenmetrazine and its salts; or**
171 **methylphenidate; or**

172 **(10) Ninety grams or more but less than four hundred fifty grams**
173 **of any material, compound, mixture, or preparation which contains any**
174 **quantity of 3,4-methylenedioxymethamphetamine.**

175 **4. The offense of trafficking drugs in the second degree is a class**

176 A felony if the quantity involved is four hundred fifty grams or more of
177 any material, compound, mixture or preparation which contains:

178 (1) Any quantity of the following substances having a stimulant
179 effect on the central nervous system: amphetamine, its salts, optical
180 isomers and salts of its optical isomers; methamphetamine, its salts,
181 isomers and salts of its isomers; phenmetrazine and its salts; or
182 methylphenidate; or

183 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

[565.065.] **579.070.** 1. A person commits the [crime] offense of
2 [unlawful endangerment of another] creating a danger if, while [engaged in or
3 as a part of the enterprise for the production of] producing, or attempting to
4 produce, a controlled substance, he or she purposely protects or attempts to
5 protect the production of the controlled substance by creating, setting up,
6 building, erecting, or using any device or weapon which causes or is intended to
7 cause physical injury to another person.

8 2. [Unlawful endangerment of another] The offense of creating a
9 danger is a class C felony.

[195.226.] **579.072.** 1. [No] A person [shall provide] commits the
2 offense of furnishing materials for the production of a controlled
3 substance if he or she provides any reagents, solvents or precursor materials
4 used in the production of a controlled substance as defined in section 195.010 to
5 any other person knowing that the person to whom such materials are provided
6 intends to use such materials for the illegal production of a controlled substance.

7 2. [Any person who violates the provisions of subsection 1 of this section
8 is guilty of a class D felony] The offense of furnishing materials for the
9 production of a controlled substance is a class E felony.

[195.233.] **579.074.** 1. [It is unlawful for any person to use, or to
2 possess] A person commits the offense of unlawful possession of drug
3 paraphernalia if he or she knowingly uses, or possesses with intent to
4 use, drug paraphernalia to plant, propagate, cultivate, grow, harvest,
5 manufacture, compound, convert, produce, process, prepare, test, analyze, pack,
6 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into
7 the human body, a controlled substance or an imitation controlled substance in
8 violation of [sections 195.005 to 195.425] this chapter.

9 2. [A person who violates this section is guilty of a class A misdemeanor,
10 unless the person uses, or possesses with intent to use, the paraphernalia in

11 combination with each other to manufacture, compound, produce, prepare, test
12 or analyze amphetamine or methamphetamine or any of their analogues] **The**
13 **offense of unlawful possession of drug paraphernalia is a class D**
14 **misdemeanor, unless the person has previously been found guilty of any**
15 **offense of the laws of this state related to controlled substances or of**
16 **the laws of another jurisdiction related to controlled substances, in**
17 **which case the violation of this section is a class [D felony.] A**
18 **misdemeanor. Prior findings of guilt shall be pleaded and proven in**
19 **the same manner as required by section 558.021.**

20 **3. The offense of unlawful possession of drug paraphernalia is a**
21 **class E felony if the person uses, or possesses with intent to use, the**
22 **paraphernalia in combination with each other to manufacture,**
23 **compound, produce, prepare, test, or analyze amphetamine or**
24 **methamphetamine or any of their analogues.**

[195.235.] **579.076.** 1. [It is unlawful for any person to deliver, possess
2 with intent to deliver, or manufacture, with intent to deliver,] **A person**
3 **commits the offense of unlawful manufacture of drug paraphernalia if**
4 **he or she unlawfully manufactures with intent to deliver drug**
5 **paraphernalia, knowing, or under circumstances where one reasonably should**
6 **know, that it will be used to plant, propagate, cultivate, grow, harvest,**
7 **manufacture, compound, convert, produce, process, prepare, test, analyze, pack,**
8 **repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into**
9 **the human body a controlled substance or an imitation controlled substance in**
10 **violation of [sections 195.005 to 195.425] this chapter.**

11 2. [Possession of more than twenty-four grams of any methamphetamine
12 precursor drug or combination of methamphetamine precursor drugs shall be
13 prima facie evidence of intent to violate this section. This subsection shall not
14 apply to any practitioner or to any product possessed in the course of a legitimate
15 business.

16 3. A person who violates this section is guilty of a class D felony.] **The**
17 **offense of unlawful manufacture of drug paraphernalia is a class A**
18 **misdemeanor, unless done for commercial purposes, in which case it is**
19 **a class E felony.**

[195.241.] **579.078.** 1. [It is unlawful for any person to possess an
2 imitation controlled substance in violation of this chapter.] **A person commits**
3 **the offense of possession of an imitation controlled substance if he or**

4 **she knowingly possesses an imitation controlled substance.**

5 2. [A person who violates this section is guilty of] **The offense of**
6 **possession of an imitation controlled substance is a class A misdemeanor.**

1 [195.242.] **579.080.** 1. [It is unlawful for any person to deliver, possess
2 with intent to deliver, manufacture with intent to deliver, or cause] **A person**
3 **commits the offense of delivery of an imitation controlled substance if**
4 **he or she knowingly delivers, possesses with intent to deliver, or causes**
5 **to be delivered any imitation controlled substance.**

6 2. [A person who violates this section is guilty of a class D felony.] **The**
7 **offense of delivery of an imitation controlled substance is a class E**
8 **felony.**

1 [195.248.] **579.082.** 1. [It is unlawful for any person to market, sell,
2 distribute, advertise or label] **A person commits the offense of unlawful**
3 **marketing of ephedrine or pseudoephedrine if he or she knowingly**
4 **markets, sells, distributes, advertises, or labels** any drug product
5 containing ephedrine, its salts, optical isomers and salts of optical isomers, or
6 pseudoephedrine, its salts, optical isomers and salts of optical isomers, for
7 indication of stimulation, mental alertness, weight loss, appetite control, energy
8 or other indications not approved [pursuant to] **under** the pertinent federal
9 over-the-counter drug Final Monograph or Tentative Final Monograph or
10 approved new drug application.

11 2. [A person who violates this section is guilty of a class D] **The offense**
12 **of unlawful marketing of ephedrine or pseudoephedrine is a class E**
13 **felony.**

1 [195.252.] **579.084.** 1. [It is unlawful for any] **A person commits the**
2 **offense of distribution of a controlled substance in violation of**
3 **registration requirements if he or she:**

4 (1) [Who] Is subject to the provisions of sections 195.005 to 195.198 [to
5 distribute or dispense], **and knowingly distributes or dispenses** a controlled
6 substance in violation of section 195.030;

7 (2) [Who] Is a registrant, [to manufacture a controlled substance not
8 authorized by that person's registration, or to distribute or dispense] **and**
9 **knowingly distributes or dispenses** a controlled substance not authorized by
10 that person's registration to another registrant or other authorized person;

11 (3) [To refuse or fail] **Knowingly refuses or fails** to make, keep or
12 furnish any record, notification, order form, statement, invoice or information

13 required under section 195.050.

14 2. [Any person who violates subdivision (1) of subsection 1 of this section
15 or subdivision (2) of subsection 1 of this section is guilty of a class D felony.] **The
16 offense of distribution of a controlled substance in violation of
17 registration requirements is a class E felony when the offense is a
18 violation of subdivision (1) or (2) of subsection 1 of this section.**

19 3. [Any person who violates subdivision (3) of subsection 1 of this section
20 is guilty of a class A misdemeanor.] **The offense of distribution of a
21 controlled substance in violation of registration requirements is a class
22 A misdemeanor when the offense is a violation of subdivision (3) of
23 subsection 1 of this section.**

[195.254.] **579.086.** 1. [It is unlawful for any] **A manufacturer or
2 distributor [or agent], or an employee of a manufacturer or distributor, [having
3 reasonable cause to believe that] commits the offense of unlawful delivery
4 of a controlled substance when he or she knowingly delivers a controlled
5 substance while acting recklessly as to whether the controlled
6 substance will be used in violation of [sections 195.005 to 195.425 to deliver the
7 controlled substance] this chapter.**

8 2. [Any person who violates this section is guilty of a class D] **The
9 offense of unlawful delivery of a controlled substance by a
10 manufacturer or distributor is a class E felony.**

[565.350.] **579.090.** 1. Any pharmacist licensed [pursuant to] **under
2 chapter 338 commits the [crime] offense of tampering with a prescription or a
3 prescription drug order as defined in section 338.095 if such person knowingly:**

4 (1) Causes the intentional adulteration of the concentration or chemical
5 structure of a prescribed drug or drug therapy without the knowledge and consent
6 of the prescribing practitioner; **or**

7 (2) Misrepresents a misbranded, altered, or diluted prescription drug or
8 drug therapy with the purpose of misleading the recipient or the administering
9 person of the prescription drug or drug therapy; **or**

10 (3) Sells a misbranded, altered, or diluted prescription drug therapy with
11 the intention of misleading the purchaser.

12 2. **The offense of tampering with a prescription drug order is a class A
13 felony.**

[578.154.] **579.095.** 1. A person commits the [crime] **offense of
2 possession of anhydrous ammonia in a nonapproved container if he or she**

3 possesses any quantity of anhydrous ammonia in a cylinder or other portable
4 container that was not designed, fabricated, tested, constructed, marked and
5 placarded in accordance with the United States Department of Transportation
6 Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised
7 as of October 1, 2002, [which are herein incorporated by reference,] and approved
8 for the storage and transportation of anhydrous ammonia, or any container that
9 is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse)
10 tank or field applicator.

11 2. Cylinder and other portable container valves and other fittings, or
12 hoses attached thereto, used in anhydrous ammonia service shall be constructed
13 of material resistant to anhydrous ammonia and shall not be constructed of brass,
14 copper, silver, zinc, or other material subject to attack by ammonia. Each
15 cylinder utilized for the storage and transportation of anhydrous ammonia shall
16 be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA"
17 or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

18 3. [A violation of this section is a class D] **The offense of possession**
19 **of anhydrous ammonia in a nonapproved container is a class E felony.**

[578.250.] **579.097.** No person shall intentionally smell or inhale the
2 fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
3 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or
4 induce any other person to do so, for the purpose of causing a condition of, or
5 inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement,
6 irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or
7 nervous system, or for the purpose of, in any manner, changing, distorting, or
8 disturbing the audio, visual, or mental processes; except that this section shall
9 not apply to the inhalation of any anesthesia for medical or dental purposes.

[578.255.] **579.099.** 1. As used in this section, "alcohol beverage
2 vaporizer" means any device which, by means of heat, a vibrating element, or any
3 other method, is capable of producing a breathable mixture containing one or
4 more alcoholic beverages to be dispensed for inhalation into the lungs via the
5 nose or mouth or both.

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

- 11 (1) Solvents, particularly toluol;
- 12 (2) Ethyl alcohol;
- 13 (3) Amyl nitrite and its iso-analogues;
- 14 (4) Butyl nitrite and its iso-analogues;
- 15 (5) Cyclohexyl nitrite and its iso-analogues;
- 16 (6) Ethyl nitrite and its iso-analogues;
- 17 (7) Pentyl nitrite and its iso-analogues; and
- 18 (8) Propyl nitrite and its iso-analogues.

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

23 4. No person shall intentionally possess any solvent, particularly toluol,
24 amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and
25 propyl nitrite and their iso-analogues for the purpose of using it in the manner
26 prohibited by section [578.250] **579.097** and this section.

27 5. No person shall possess or use an alcoholic beverage vaporizer.

28 6. Nothing in this section shall be construed to prohibit the legal
29 consumption of intoxicating liquor, as defined by section 311.020, or
30 nonintoxicating beer[, as defined by section 312.010].

[578.260.] **579.101.** 1. No person shall intentionally possess or buy any
2 solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl
3 nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose
4 of inducing or aiding any other person to violate the provisions of sections
5 [578.250 and 578.255] **579.097 and 579.099.**

6 2. Any person who violates any provision of sections [578.250 to 578.260]
7 **579.097 to 579.101** is guilty of a class B misdemeanor for the first violation and
8 a class [D] E felony for any subsequent violations.

[578.265.] **579.103.** 1. [No person shall] **A person commits the**
2 **offense of selling or transferring solvents to cause certain symptoms if**
3 **he or she** knowingly and intentionally [sell] **sells** or otherwise [transfer]
4 **transfers** possession of any solvent, particularly toluol, amyl nitrite, butyl
5 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their
6 iso-analogues to any person for the purpose of causing a condition of, or inducing
7 symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational
8 behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous

9 system, or for the purpose of, in any manner, changing, distorting, or disturbing
10 the audio, visual, or mental processes.

11 2. No person who owns or operates any business which receives over fifty
12 percent of its gross annual income from the sale of alcoholic beverages or beer,
13 **or which operates as a venue for live entertainment performance or**
14 **receives fifty percent of its gross annual income from the sale of**
15 **recorded video equipment,** shall sell or offer for sale toluol, amyl nitrite, butyl
16 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their
17 iso-analogues, or any toxic glue.

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

23 4. Any person who violates the provisions] **Violation** of [subsection 1 or
24 2 of] this section is [guilty of] a class **[C] D** felony.

1 [195.130.] **579.105.** 1. [Any room, building, structure or inhabitable
2 structure as defined in section 569.010 which is used for the illegal use, keeping
3 or selling of controlled substances is a "public nuisance". No person shall keep
4 or maintain such a public nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in
6 addition to any criminal prosecutions, prosecute a suit in equity to enjoin the
7 public nuisance. If the court finds that the owner of the room, building, structure
8 or inhabitable structure knew that the premises were being used for the illegal
9 use, keeping or selling of controlled substances, the court may order that the
10 premises shall not be occupied or used for such period as the court may
11 determine, not to exceed one year.

12 3. All persons, including owners, lessees, officers, agents, inmates or
13 employees, aiding or facilitating such a nuisance may be made defendants in any
14 suit to enjoin the nuisance.

15 4. It is unlawful for a person to keep or maintain such a public nuisance.]
16 **A person commits the offense of keeping or maintaining a public**
17 **nuisance if he or she knowingly keeps or maintains:**

18 (1) **Any room, building, structure or inhabitable structure, as**
19 **defined in section 556.061, which is used for the illegal manufacture,**
20 **distribution, storage, or sale of any amount of a controlled substance,**

21 except thirty-five grams or less of marijuana or thirty-five grams or less
22 of any synthetic cannabinoid; or

23 (2) Any room, building, structure or inhabitable structure, as
24 defined in section 556.061, where on three or more separate occasions
25 within the period of a year, two or more persons, who were not
26 residents of the room, building, structure, or inhabitable structure,
27 gathered for the principal of unlawfully ingesting, injecting, inhaling
28 or using any amount of a controlled substance, except thirty-five grams
29 or less of marijuana or thirty-five grams or less of any synthetic
30 cannabinoid.

31 2. In addition to any other criminal prosecutions, the prosecuting attorney
32 or circuit attorney may by information or indictment charge the owner or the
33 occupant, or both the owner and the occupant of the room, building, structure, or
34 inhabitable structure with the [crime] offense of keeping or maintaining a public
35 nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

36 3. The offense of keeping or maintaining a public nuisance is a
37 class E felony.

38 [5.] 4. Upon the conviction of the owner pursuant to subsection [4] 2 of
39 this section, the room, building, structure, or inhabitable structure is subject to
40 the provisions of sections 513.600 to 513.645.

1 [195.180.] 579.107. 1. A person may lawfully possess or have under his
2 or her control a controlled substance if [such person] he or she obtained the
3 controlled substance directly from, or pursuant to, a valid prescription or [order
4 of a practitioner while acting] practitioner's order issued in the course of a
5 practitioner's professional practice or except as otherwise authorized by [sections
6 195.005 to 195.425] this chapter or chapter 195.

7 2. In any complaint, information, or indictment, and in any action or
8 proceeding brought for the enforcement of any provision of [sections 195.005 to
9 195.425] this chapter or chapter 195, it shall not be necessary to negative any
10 exception, excuse, proviso, or exemption, contained in [sections 195.005 to
11 195.425] this chapter or chapter 195, and the burden of proof of any such
12 exception, excuse, proviso or exemption, shall be upon the defendant.

1 [195.420.] 579.110. 1. [It is unlawful for any person to possess] A
2 person commits the offense of possession of methamphetamine
3 precursors if he or she knowingly possesses one or more chemicals listed
4 in subsection 2 of section 195.400, [or] reagents, [or] solvents, or any other

5 chemicals proven to be precursor ingredients of methamphetamine or
6 amphetamine, as established by expert testimony [pursuant to subsection 3 of
7 this section], with the intent to manufacture, compound, convert, produce,
8 process, prepare, test, or otherwise alter that chemical to create a controlled
9 substance or a controlled substance analogue in violation of [sections 195.005 to
10 195.425] **this chapter.**

11 2. [A person who violates this section is guilty of a class C felony.]
12 **Possession of more than twenty-four grams of ephedrine or**
13 **pseudoephedrine shall be prima facie evidence of intent to violate this**
14 **section. This subsection shall not apply to any practitioner or to any**
15 **product possessed in the course of a legitimate business.**

16 3. [The state may present expert testimony to provide a prima facie case
17 that any chemical, whether or not listed in subsection 2 of section 195.400, is an
18 immediate precursor ingredient for producing methamphetamine or
19 amphetamine.] **The offense of possession of methamphetamine precursors**
20 **is a class E felony.**

1 [195.515.] **579.115.** 1. Any manufacturer or wholesaler who sells,
2 transfers, or otherwise furnishes ephedrine, pseudoephedrine or
3 phenylpropanolamine, or any of their salts, optical isomers and salts of optical
4 isomers, alone or in a mixture, and is required by federal law to report any
5 suspicious transaction to the United States attorney general, shall submit a copy
6 of the report to the chief law enforcement official with jurisdiction before
7 completion of the sale or as soon as practicable thereafter.

8 2. As used in this section, "suspicious transaction" means any sale or
9 transfer required to be reported pursuant to 21 U.S.C. 830(b)(1).

10 3. [Any violation of this section shall be a class D felony.] **The offense**
11 **of failure to report suspicious transactions is a class E felony.**

1 [577.625.] **579.150.** 1. [No person less than twenty-one years of age shall
2 distribute] **A person commits the offense of distribution of prescription**
3 **medication on school property if he or she is less than twenty-one years**
4 **of age and knowingly distributes** upon the real property comprising a public
5 or private elementary or secondary school or school bus a prescription medication
6 to any individual who does not have a valid prescription for such medication. For
7 purposes of this section, prescription medication shall not include medication
8 containing a controlled substance, as defined in section 195.010.

9 2. The provisions of this section shall not apply to any person authorized

10 to distribute a prescription medication by any school personnel who are
11 responsible for storing, maintaining, or dispensing any prescription medication
12 under chapter 338. This section shall not limit the use of any prescription
13 medication by emergency personnel[, as defined in section 565.081,] during an
14 emergency situation.

15 3. [Any person less than twenty-one years of age who violates this section
16 is guilty of] **The offense of distribution of prescription medication on
17 school property is** a class B misdemeanor for a first offense and a class A
18 misdemeanor for any second or subsequent offense.

19 [577.628.] **579.155.** 1. [No person less than twenty-one years of age shall
20 possess] **A person commits the offense of possession of prescription
21 medication on school property if he or she is less than twenty-one years
22 of age and knowingly possesses** upon the real property comprising a public
23 or private elementary or secondary school or school bus prescription medication
24 without a valid prescription for such medication. For purposes of this section,
25 prescription medication shall not include medication containing a controlled
26 substance, as defined in section 195.010.

27 2. The provisions of this section shall not apply to any person authorized
28 to possess a prescription medication by any school personnel who are responsible
29 for storing, maintaining, or dispensing any prescription medication under chapter
30 338. This section shall not limit the use of any prescription medication by
31 emergency personnel[, as defined in section 565.081,] during an emergency
32 situation.

33 3. [Any person less than twenty-one years of age who violates the
34 provisions of this section is guilty of] **The offense of possession of
35 prescription medication on school property is** a class C misdemeanor for
36 a first offense and a class B misdemeanor for any second or subsequent offense.

37 [195.275.] **579.170.** 1. The following words or phrases as used in
38 [sections 195.005 to 195.425] **this chapter** have the following meanings, unless
39 the context otherwise requires:

40 (1) "Prior drug offender", one who [has previously pleaded guilty to or]
41 has been found guilty of any felony offense of the laws of this state, or of the
42 United States, or any other state, territory or district relating to controlled
43 substances;

44 (2) "Persistent drug offender", one who [has previously pleaded guilty to
45 or] has been found guilty of two or more felony offenses of the laws of this state

10 or of the United States, or any other state, territory or district relating to
11 controlled substances.

12 2. Prior [pleas of guilty and prior] findings of [guilty] **guilt** shall be
13 pleaded and proven in the same manner as required by section 558.021.

14 3. The court shall not instruct the jury as to the range of punishment or
15 allow the jury, upon a finding of guilty, to assess and declare the punishment as
16 part of its verdict in cases of prior drug offenders or persistent drug offenders.

17 4. [The provisions of sections 195.285 to 195.296 shall not be construed
18 to affect and may be used in addition to the sentencing provisions of sections
19 558.016 and 558.019.] **The court shall sentence a person who has been
20 found to be a prior drug offender and is found guilty of a class C, D, or
21 E felony under this chapter to the authorized term of imprisonment for
22 one class higher offense than the offense for which the person was
23 found guilty.**

24 5. **The court shall sentence a person who has been found to be a
25 persistent drug offender and is found guilty of a class B, C, D, or E
26 felony under this chapter to the authorized term of imprisonment for
27 two classes higher offense than the offense for which the person was
28 found guilty. The court shall sentence a persistent drug offender who
29 is found guilty of a class B felony under this chapter to the authorized
30 term of imprisonment for a class A felony offense.**

[195.280.] **579.175.** Any peace officer of the state of Missouri, or of any
2 political subdivision thereof, may, within the boundaries of the political entity
3 from which he **or she** derives his **or her** authority, arrest without a warrant any
4 person he **or she** sees violating or whom he **or she** has probable cause to believe
5 has violated any provision of this chapter.

[195.367.] **579.180.** 1. It is not necessary for the state to negate any
2 exemption or exception in [sections 195.005 to 195.425] **this chapter or
3 chapter 195** in any complaint, information, indictment, or other pleading or in
4 any trial, hearing, or other proceeding under [sections 195.005 to 195.425] **this
5 chapter or chapter 195.** The burden of producing evidence of any exemption
6 or exception is upon the person claiming it.

7 2. **In the absence of proof that a person is the duly authorized
8 holder of an appropriate registration or order form issued under
9 chapter 195, the person is presumed not to be the holder of the
10 registration or form. The burden of producing evidence with respect**

11 **to the registration or order form is upon such person claiming to be the**
12 **authorized holder of the registration or form.**

[195.371.] **579.185.** No criminal liability is imposed by [sections 195.005
2 to 195.425] **this chapter** upon any authorized state, county, or municipal officer,
3 lawfully engaged in the enforcement of [sections 195.005 to 195.425] **this**
4 **chapter** in good faith.

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

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

18 3. (1) A person commits the crime of failing to register as a sex offender
19 as a third offense by failing to meet the requirements of sections 589.400 to
20 589.425 and he or she has, on two or more occasions, previously pled guilty to or
21 has previously been found guilty of failing to register as a sex offender. Failing
22 to register as a sex offender as a third offense is a felony which shall be punished
23 by a term of imprisonment of not less than ten years and not more than thirty
24 years.

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

29 (3) A person sentenced under this subsection shall not be eligible for
30 conditional release or parole until he or she has served at least two years of

31 imprisonment.

32 (4) Upon release, an offender who has committed failing to register as a
33 sex offender as a third offense shall be electronically monitored as a mandatory
34 condition of supervision. Electronic monitoring may be based on a global
35 positioning system or any other technology which identifies and records the
36 offender's location at all times.

1 [566.224.] **595.223.** No prosecuting or circuit attorney, peace officer,
2 governmental official, or employee of a law enforcement agency shall request or
3 require a victim of [rape in the second degree under section 566.031, sexual
4 assault under section 566.040 as it existed prior to August 28, 2013, rape in the
5 first degree under section 566.030, or forcible rape under section 566.030 as it
6 existed prior to August 28, 2013] **an offense under chapter 566, or a victim**
7 **of an offense of domestic assault or stalking** to submit to any polygraph test
8 or psychological stress evaluator exam as a condition for proceeding with a
9 criminal investigation of such [crime] **offense**.

1 [566.226.] **595.226.** 1. After August 28, 2007, any information contained
2 in any court record, whether written or published on the internet, that could be
3 used to identify or locate any victim of [sexual assault,] **an offense under**
4 **chapter 566 or a victim of** domestic assault, stalking, rape in the first or
5 second degree, or forcible rape shall be closed and redacted from such record prior
6 to disclosure to the public. Identifying information shall include the name, home
7 or temporary address, telephone number, Social Security number, **place of**
8 **employment**, or physical characteristics.

9 2. If the court determines that a person or entity who is requesting
10 identifying information of a victim has a legitimate interest in obtaining such
11 information, the court may allow access to the information, but only if the court
12 determines that disclosure to the person or entity would not compromise the
13 welfare or safety of such victim, **and only after providing reasonable notice**
14 **to the victim and after allowing the victim the right to respond to such**
15 **request.**

16 3. Notwithstanding the provisions of subsection 1 of this section, the judge
17 presiding over a [sexual assault,] **case under chapter 566, or a case of**
18 domestic assault, stalking, forcible rape, or rape in the first or second degree case
19 shall have the discretion to publicly disclose identifying information regarding the
20 defendant which could be used to identify or locate the victim of the crime. The
21 victim may provide a statement to the court regarding whether he or she desires

22 such information to remain closed. When making the decision to disclose such
23 information, the judge shall consider the welfare and safety of the victim and any
24 statement to the court received from the victim regarding the disclosure.

[557.041.] **595.229.** 1. Prior to the acceptance of a plea bargain by the
2 court with respect to any person who has pled guilty to an offense after initially
3 being charged with a felony, the court shall allow the victim of such offense to
4 submit a written statement or appear before the court personally or by counsel
5 for the purpose of making a statement. The statement shall relate solely to the
6 facts of the case and any personal injuries or financial loss incurred by the victim.
7 A member of the immediate family of the victim may appear personally or by
8 counsel to make a statement if the victim has died or is otherwise unable to
9 appear as a result of the offense committed by the defendant.

10 2. At the time of sentencing of any person who has pled guilty or been
11 found guilty of a felony offense, the victim of such offense may appear before the
12 court personally or by counsel for the purpose of making a statement or may
13 submit a written statement. The statement shall relate solely to the facts of the
14 case and any personal injuries or financial loss incurred by the victim. A member
15 of the immediate family of the victim may appear personally or by counsel to
16 make a statement if the victim has died or is otherwise unable to appear as a
17 result of the offense committed by the defendant.

18 3. The prosecuting attorney shall inform the victim or shall inform a
19 member of the immediate family of the victim if the victim is dead or otherwise
20 is unable to make a statement as a result of the offense committed by the
21 defendant of the right to make a statement pursuant to subsections 1 and 2 of
22 this section. If the victim or member of the immediate family supplies a stamped,
23 self-addressed envelope, the prosecutor shall send notice of the time and location
24 that the court will hear the guilty plea or render sentence.

[570.222.] **595.232.** 1. Notwithstanding that jurisdiction may lie
2 elsewhere for investigation and prosecution of [a crime] **an offense** of identity
3 theft, victims of identity theft have the right to contact the local law enforcement
4 agency where the victim is domiciled and request that an incident report about
5 the identity theft be prepared and filed. The victim may also request from the
6 local law enforcement agency to receive a copy of the incident report. The law
7 enforcement agency may share the incident report with law enforcement agencies
8 located in other jurisdictions.

9 2. As used in this section, "incident report" means a loss or other similar

10 report prepared and filed by a local law enforcement agency.

11 3. Nothing in this section shall interfere with the discretion of a local law
12 enforcement agency to allocate resources for investigations of crimes or to provide
13 an incident report as permitted in this section. An incident report prepared and
14 filed under this section shall not be an open case for purposes of compiling open
15 case statistics.

610.125. 1. A person subject to an order of the court in subsection 4 of
2 section 610.123 who knowingly fails to expunge or obliterate, or releases arrest
3 information which has been ordered expunged pursuant to section 610.123 is
4 guilty of a class B misdemeanor.

5 2. A person subject to an order of the court in subsection 4 of section
6 610.123 who, knowing the records have been ordered expunged, uses the arrest
7 information for financial gain is guilty of a class [D] E felony.

[577.054.] **610.130.** 1. After a period of not less than ten years, an
2 individual who has pleaded guilty or has been convicted for a first
3 [alcohol-related driving] **intoxication-related traffic offense or**
4 **intoxication-related boating** offense which is a misdemeanor or a county or
5 city ordinance violation and which is not a conviction for driving a commercial
6 motor vehicle while under the influence of alcohol and who since such date has
7 not been convicted of any [other alcohol-related driving] **intoxication-related**
8 **traffic offense or intoxication-related boating** offense may apply to the
9 court in which he or she pled guilty or was sentenced for an order to expunge
10 from all official records all recordations of his or her arrest, plea, trial or
11 conviction.

12 2. If the court determines, after hearing, that such person has not been
13 convicted of any subsequent [alcohol-related driving] **intoxication-related**
14 **traffic offense or intoxication-related boating** offense, has no other
15 subsequent alcohol-related enforcement contacts as defined in section 302.525,
16 and has no other [alcohol-related driving charges] **intoxication-related traffic**
17 **offense or intoxication-related boating offenses** or alcohol-related
18 enforcement actions pending at the time of the hearing on the application, the
19 court shall enter an order of expungement.

20 3. Upon granting of the order of expungement, the records and files
21 maintained in any administrative or court proceeding in an associate or circuit
22 division of the circuit court under this section shall be confidential and only
23 available to the parties or by order of the court for good cause shown. The effect

24 of such order shall be to restore such person to the status he or she occupied prior
25 to such arrest, plea or conviction and as if such event had never taken place. No
26 person as to whom such order has been entered shall be held thereafter under
27 any provision of any law to be guilty of perjury or otherwise giving a false
28 statement by reason of his or her failure to recite or acknowledge such arrest,
29 plea, trial, conviction or expungement in response to any inquiry made of him or
30 her for any purpose whatsoever and no such inquiry shall be made for
31 information relating to an expungement under this section. A person shall only
32 be entitled to one expungement pursuant to this section. Nothing contained in
33 this section shall prevent the director from maintaining such records as to ensure
34 that an individual receives only one expungement pursuant to this section for the
35 purpose of informing the proper authorities of the contents of any record
36 maintained pursuant to this section.

37 [2.] 4. The provisions of this section shall not apply to any individual
38 who has been issued a commercial driver's license or is required to possess a
39 commercial driver's license issued by this state or any other state.

630.155. 1. A person commits the [crime] **offense** of ["]patient, resident
2 or client abuse or neglect["] against any person admitted on a voluntary or
3 involuntary basis to any mental health facility or mental health program in which
4 people may be civilly detained pursuant to chapter 632, or any patient, resident
5 or client of any residential facility, day program or specialized service operated,
6 funded or licensed by the department if he knowingly does any of the following:

7 (1) Beats, strikes or injures any person, patient, resident or client;
8 (2) Mistreats or maltreats, handles or treats any such person, patient,
9 resident or client in a brutal or inhuman manner;

10 (3) Uses any more force than is reasonably necessary for the proper
11 control, treatment or management of such person, patient, resident or client;

12 (4) Fails to provide services which are reasonable and necessary to
13 maintain the physical and mental health of any person, patient, resident or client
14 when such failure presents either an imminent danger to the health, safety or
15 welfare of the person, patient, resident or client, or a substantial probability that
16 death or serious physical harm will result.

17 2. Patient, resident or client abuse or neglect is a class A misdemeanor
18 unless committed under subdivision (2) or (4) of subsection 1 of this section in
19 which case such abuse or neglect shall be a class [D] E felony.

[565.216.] **630.161.** The department of mental health shall investigate

2 incidents and reports of vulnerable person abuse using the procedures established
3 in sections 630.163 to 630.167 and, upon substantiation of the report of
4 vulnerable person abuse, shall promptly report the incident to the appropriate
5 law enforcement agency and prosecutor. If the department is unable to
6 substantiate whether abuse occurred due to the failure of the operator or any of
7 the operator's agents or employees to cooperate with the investigation, the
8 incident shall be promptly reported to appropriate law enforcement agencies.

630.162. 1. When any physician, physician assistant, dentist,
2 **chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse**
3 **practitioner, medical examiner, social worker, licensed professional**
4 **counselor, certified substance abuse counselor, psychologist, physical**
5 **therapist, pharmacist, other health practitioner, minister, Christian**
6 **Science practitioner, facility administrator, nurse's aide or orderly in**
7 **a residential facility, day program or specialized service operated,**
8 **funded or licensed by the department or in a mental health facility or**
9 **mental health program in which people may be admitted on a voluntary**
10 **basis or are civilly detained under chapter 632; or employee of the**
11 **departments of social services, mental health, or health and senior**
12 **services; or home health agency or home health agency employee;**
13 **hospital and clinic personnel engaged in examination, care, or**
14 **treatment of persons; in-home services owner, provider, operator, or**
15 **employee; law enforcement officer; long-term care facility**
16 **administrator or employee; mental health professional; peace officer;**
17 **probation or parole officer; or other nonfamilial person with**
18 **responsibility for the care of a vulnerable person, as defined by section**
19 **630.005, has reasonable cause to suspect that such a person has been**
20 **subjected to abuse or neglect or observes such a person being subjected**
21 **to conditions or circumstances that would reasonably result in abuse**
22 **or neglect, he or she shall immediately report or cause a report to be**
23 **made to the department in accordance with section 630.163. Any other**
24 **person who becomes aware of circumstances which may reasonably be**
25 **expected to be the result of or result in abuse or neglect may report to**
26 **the department. Notwithstanding any other provision of this section,**
27 **a duly ordained minister, clergy, religious worker, or Christian Science**
28 **practitioner while functioning in his or her ministerial capacity shall**
29 **not be required to report concerning a privileged communication made**

30 to him or her in his or her professional capacity.

31 **2. Any residential facility, day program or specialized service**
32 **operated, funded or licensed by the department that prevents or**
33 **discourages a patient, resident or client, employee or other person from**
34 **reporting that a patient, resident or client of a facility, program or**
35 **service has been abused or neglected shall be subject to loss of their**
36 **license issued under sections 630.705 to 630.760, and civil fines of up to**
37 **five thousand dollars for each attempt to prevent or discourage**
38 **reporting.**

39 **3. Nothing in this section shall be construed to mean that a**
40 **vulnerable person is abused or neglected solely because such person**
41 **chooses to rely on spiritual means through prayer, in lieu of medical**
42 **care, for his or her health care, as evidenced by such person's explicit**
43 **consent, advance directive for health care, or practice.**

[565.220.] **630.164.** Any person, official or institution complying with the
2 provisions of section [565.218] **630.162**, in the making of a report, or in
3 cooperating with the department in any of its activities pursuant to sections
4 [565.216 and 565.218] **630.161 to 630.167**, except [any] the person, official, or
5 institution [violating section 565.210, 565.212, or 565.214] **accused of abusing**
6 **or neglecting the vulnerable person** shall be immune from any civil or
7 criminal liability for making such a report, or in cooperating with the department,
8 unless such person acted negligently, recklessly, in bad faith, or with malicious
9 purpose.

630.165. 1. When any physician, physician assistant, dentist,
2 chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner,
3 medical examiner, social worker, licensed professional counselor, certified
4 substance abuse counselor, psychologist, other health practitioner, minister,
5 Christian Science practitioner, peace officer, pharmacist, physical therapist,
6 facility administrator, nurse's aide, orderly or any other direct-care staff in a
7 residential facility, day program, group home or developmental disability facility
8 as defined in section 633.005, or specialized service operated, licensed, certified,
9 or funded by the department or in a mental health facility or mental health
10 program in which people may be admitted on a voluntary basis or are civilly
11 detained pursuant to chapter 632, or employee of the departments of social
12 services, mental health, or health and senior services; or home health agency or
13 home health agency employee; hospital and clinic personnel engaged in

14 examination, care, or treatment of persons; in-home services owner, provider,
15 operator, or employee; law enforcement officer, long-term care facility
16 administrator or employee; mental health professional, probation or parole officer,
17 or other nonfamilial person with responsibility for the care of a patient, resident,
18 or client of a facility, program, or service has reasonable cause to suspect that a
19 patient, resident or client of a facility, program or service has been subjected to
20 abuse or neglect or observes such person being subjected to conditions or
21 circumstances that would reasonably result in abuse or neglect, he or she shall
22 immediately report or cause a report to be made to the department in accordance
23 with section 630.163.

24 2. Any person who knowingly fails to make a report as required in
25 subsection 1 of this section is guilty of a class A misdemeanor and shall be
26 subject to a fine up to one thousand dollars. Penalties collected for violations of
27 this section shall be transferred to the state school moneys fund as established
28 in section 166.051 and distributed to the public schools of this state in the
29 manner provided in section 163.031. Such penalties shall not be considered
30 charitable for tax purposes.

31 3. Every person who has been previously convicted of or pled guilty to
32 failing to make a report as required in subsection 1 of this section and who is
33 subsequently convicted of failing to make a report under subsection 2 of this
34 section is guilty of a class [D] E felony and shall be subject to a fine up to five
35 thousand dollars. Penalties collected for violation of this subsection shall be
36 transferred to the state school moneys fund as established in section 166.051 and
37 distributed to the public schools of this state in the manner provided in section
38 163.031. Such penalties shall not be considered charitable for tax purposes.

39 4. Any person who knowingly files a false report of vulnerable person
40 abuse or neglect is guilty of a class A misdemeanor and shall be subject to a fine
41 up to one thousand dollars. Penalties collected for violations of this subsection
42 shall be transferred to the state school moneys fund as established in section
43 166.051 and distributed to the public schools of this state in the manner provided
44 in section 163.031. Such penalties shall not be considered charitable for tax
45 purposes.

46 5. Every person who has been previously convicted of or pled guilty to
47 making a false report to the department and who is subsequently convicted of
48 making a false report under subsection 4 of this section is guilty of a class [D] E
49 felony and shall be subject to a fine up to five thousand dollars. Penalties

50 collected for violations of this subsection shall be transferred to the state school
51 moneys fund as established in section 166.051 and distributed to the public
52 schools of this state in the manner provided in section 163.031. Such penalties
53 shall not be considered charitable for tax purposes.

54 6. Evidence of prior convictions of false reporting shall be heard by the
55 court, out of the hearing of the jury, prior to the submission of the case to the
56 jury, and the court shall determine the existence of the prior convictions.

57 7. Any residential facility, day program, or specialized service operated,
58 funded, or licensed by the department that prevents or discourages a patient,
59 resident, client, employee, or other person from reporting that a patient, resident,
60 or client of a facility, program, or service has been abused or neglected shall be
61 subject to loss of their license issued pursuant to sections 630.705 to 630.760 and
62 civil fines of up to five thousand dollars for each attempt to prevent or discourage
63 reporting.

[195.501.] **650.150.** Sections [195.501 to 195.511] **650.150 to 650.165**
2 shall be known and may be cited as the "Intergovernmental Drug Laws
3 Enforcement Act".

[195.503.] **650.153.** As used in sections [195.501 to 195.511] **650.150 to**
2 **650.165**, the following terms mean:

3 (1) "Department", the department of public safety;
4 (2) "Director", the director of the department of public safety;
5 (3) "Drug laws", all laws regulating the production, sale, prescribing,
6 manufacturing, administering, transporting, having in possession, dispensing,
7 distributing, or use of controlled substances, as defined in section 195.010;
8 (4) "Multijurisdictional enforcement group", or "MEG", a combination of
9 political subdivisions established under sections 573.500 and 573.503, section
10 178.653, and section 311.329 to investigate and enforce computer, internet-based,
11 narcotics, and drug violations.

[195.505.] **650.156.** 1. Any two or more political subdivisions or the state
2 highway patrol and any one or more political subdivisions may by order or
3 ordinance agree to cooperate with one another in the formation of a
4 multijurisdictional enforcement group for the purpose of intensive professional
5 investigation of computer, internet-based, narcotics and drug law violations.

6 2. The power of arrest of any peace officer who is duly authorized as a
7 member of a MEG unit shall only be exercised during the time such peace officer
8 is an active member of a MEG unit and only within the scope of the investigation

9 on which the MEG unit is working. Notwithstanding other provisions of law to
10 the contrary, such MEG officer shall have the power of arrest, as limited in this
11 subsection, anywhere in the state and shall provide prior notification to the chief
12 of police of the municipality in which the arrest is to take place or the sheriff of
13 the county if the arrest is to be made in his venue. If exigent circumstances exist,
14 such arrest may be made; however, notification shall be made to the chief of
15 police or sheriff, as appropriate, as soon as practical. The chief of police or sheriff
16 may elect to work with the MEG unit at his **or her** option when such MEG is
17 operating within the jurisdiction of such chief of police or sheriff.

[195.507.] **650.159.** 1. A county bordering another state may enter into
2 agreement with the political subdivisions in such other state's contiguous county
3 pursuant to section 70.220 to form a multijurisdictional enforcement group for the
4 enforcement of drug and controlled substance laws and work in cooperation
5 pursuant to sections [195.501 to 195.511] **650.150 to 650.165.**

6 2. Such other state's law enforcement officers may be deputized as officers
7 of the counties of this state participating in an agreement pursuant to subsection
8 1 of this section, and shall be deemed to have met all requirements of peace
9 officer training and certification pursuant to chapter 590 for the purposes of
10 conducting investigations and making arrests in this state pursuant to the
11 provisions of section 195.505, provided such officers have satisfied the applicable
12 peace officer training and certification standards in force in such other state.

13 3. Such other state's law enforcement officers shall have the same powers
14 and immunities when working under an agreement pursuant to subsection 1 of
15 this section as if working under an agreement with another political subdivision
16 in Missouri pursuant to section 70.815.

17 4. A multijurisdictional enforcement group formed pursuant to this section
18 is eligible to receive state grants to help defray the costs of its operation pursuant
19 to the terms of section 195.509.

20 5. The provisions of subsections 2, 3, and 4 of this section shall not be in
21 force unless such other state has provided or shall provide legal authority for its
22 political subdivisions to enter into such agreements and to extend reciprocal
23 powers and privileges to the law enforcement officers of this state working
24 pursuant to such agreements.

[195.509.] **650.161.** 1. A multijurisdictional enforcement group which
2 meets the minimum criteria established in this section is eligible to receive state
3 grants to help defray the costs of operation.

4 2. To be eligible for state grants, a MEG shall:

5 (1) Be established and operating pursuant to intergovernmental contracts
6 written and executed in conformity by law, and involve two or more units of local
7 government;

8 (2) Establish a MEG policy board composed of an elected official, or his
9 designee, and the chief law enforcement officer from each participating unit of
10 local government and a representative of a hazardous materials response team
11 or, if such team is not formed, then a representative of the local fire response
12 agency, to oversee the operations of the MEG and make such reports to the
13 department of public safety as the department may require;

14 (3) Designate a single appropriate official of a participating unit of local
15 government to act as the financial officer of the MEG for all participating units
16 of the local government and to receive funds for the operation of the MEG;

17 (4) Limit its target operation to enforcement of drug laws;

18 (5) Cooperate with the department of public safety in order to assure
19 compliance with sections [195.501 to 195.511] **650.150 to 650.165** and to enable
20 the department to fulfill its duties under sections [195.501 to 195.511] **650.150**
21 **to 650.165** and supply the department with all information the department
22 deems necessary therefor;

23 (6) Cooperate with the local hazardous material response team to
24 establish a local emergency response strategy.

25 3. The department of public safety shall monitor the operations of all
26 MEG units which receive state grants. From the moneys appropriated annually,
27 if funds are made available by the general assembly for this purpose, the director
28 shall determine and certify to the auditor the amount of the grant to be made to
29 each designated MEG financial officer. No provision of this section shall prohibit
30 funding of multijurisdictional enforcement groups by sources other than those
31 provided by the general assembly, if such funding is in accordance with and in
32 such a manner as provided by law.

[195.511.] **650.165.** The director shall report annually, no later than
2 January first of each year, to the governor and the general assembly on the
3 operations of the multijurisdictional enforcement groups, including a breakdown
4 of the appropriation for the current fiscal year indicating the amount of the state
5 grant each MEG received or will receive.

[578.390.] **660.360.** The department **of social services** shall establish
2 and maintain a statewide toll-free telephone service which shall be operated eight

3 hours per day during the work week to receive complaints of [a] suspected public
4 assistance fraud. This service shall receive reports over a single statewide
5 toll-free number.

[578.392.] **660.362.** The department shall study analytical
2 modeling-based methods of detecting fraud and issue a report to the general
3 assembly and governor by December 1, 2013, relating to the benefits and
4 limitations of such a model, experiences in other states using such a model, and
5 estimated costs for implementation.

701.320. 1. Except as otherwise provided, violation of the provisions of
2 sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A
3 misdemeanor.

4 2. Any lead inspector, risk assessor, lead abatement supervisor, lead
5 abatement worker, project designer, or lead abatement contractor who engages
6 in a lead abatement project while such person's license, issued under section
7 701.312, is under suspension or revocation is guilty of a class [D] E felony.

[130.031. 1. No contribution of cash in an amount of more
2 than one hundred dollars shall be made by or accepted from any
3 single contributor for any election by a political action committee,
4 a campaign committee, a political party committee, an exploratory
5 committee or a candidate committee.

6 2. Except for expenditures from a petty cash fund which is
7 established and maintained by withdrawals of funds from the
8 committee's depository account and with records maintained
9 pursuant to the record-keeping requirements of section 130.036 to
10 account for expenditures made from petty cash, each expenditure
11 of more than fifty dollars, except an in-kind expenditure, shall be
12 made by check drawn on the committee's depository and signed by
13 the committee treasurer, deputy treasurer or candidate. A single
14 expenditure from a petty cash fund shall not exceed fifty dollars,
15 and the aggregate of all expenditures from a petty cash fund during
16 a calendar year shall not exceed the lesser of five thousand dollars
17 or ten percent of all expenditures made by the committee during
18 that calendar year. A check made payable to "cash" shall not be
19 made except to replenish a petty cash fund.

20 3. No contribution shall be made or accepted and no
21 expenditure shall be made or incurred, directly or indirectly, in a

22 fictitious name, in the name of another person, or by or through
23 another person in such a manner as to conceal the identity of the
24 actual source of the contribution or the actual recipient and
25 purpose of the expenditure. Any person who receives contributions
26 for a committee shall disclose to that committee's treasurer, deputy
27 treasurer or candidate the recipient's own name and address and
28 the name and address of the actual source of each contribution
29 such person has received for that committee. Any person who
30 makes expenditures for a committee shall disclose to that
31 committee's treasurer, deputy treasurer or candidate such person's
32 own name and address, the name and address of each person to
33 whom an expenditure has been made and the amount and purpose
34 of the expenditures the person has made for that committee.

35 4. No anonymous contribution of more than twenty-five
36 dollars shall be made by any person, and no anonymous
37 contribution of more than twenty-five dollars shall be accepted by
38 any candidate or committee. If any anonymous contribution of
39 more than twenty-five dollars is received, it shall be returned
40 immediately to the contributor, if the contributor's identity can be
41 ascertained, and if the contributor's identity cannot be ascertained,
42 the candidate, committee treasurer or deputy treasurer shall
43 immediately transmit that portion of the contribution which
44 exceeds twenty-five dollars to the state treasurer and it shall
45 escheat to the state.

46 5. The maximum aggregate amount of anonymous
47 contributions which shall be accepted in any calendar year by any
48 committee shall be the greater of five hundred dollars or one
49 percent of the aggregate amount of all contributions received by
50 that committee in the same calendar year. If any anonymous
51 contribution is received which causes the aggregate total of
52 anonymous contributions to exceed the foregoing limitation, it shall
53 be returned immediately to the contributor, if the contributor's
54 identity can be ascertained, and, if the contributor's identity cannot
55 be ascertained, the committee treasurer, deputy treasurer or
56 candidate shall immediately transmit the anonymous contribution
57 to the state treasurer to escheat to the state.

58 6. Notwithstanding the provisions of subsection 5 of this
59 section, contributions from individuals whose names and addresses
60 cannot be ascertained which are received from a fund-raising
61 activity or event, such as defined in section 130.011, shall not be
62 deemed anonymous contributions, provided the following conditions
63 are met:

64 (1) There are twenty-five or more contributing participants
65 in the activity or event;

66 (2) The candidate, committee treasurer, deputy treasurer
67 or the person responsible for conducting the activity or event
68 makes an announcement that it is illegal for anyone to make or
69 receive a contribution in excess of one hundred dollars unless the
70 contribution is accompanied by the name and address of the
71 contributor;

72 (3) The person responsible for conducting the activity or
73 event does not knowingly accept payment from any single person
74 of more than one hundred dollars unless the name and address of
75 the person making such payment is obtained and recorded
76 pursuant to the record-keeping requirements of section 130.036;

77 (4) A statement describing the event shall be prepared by
78 the candidate or the treasurer of the committee for whom the funds
79 were raised or by the person responsible for conducting the activity
80 or event and attached to the disclosure report of contributions and
81 expenditures required by section 130.041. The following
82 information to be listed in the statement is in addition to, not in
83 lieu of, the requirements elsewhere in this chapter relating to the
84 recording and reporting of contributions and expenditures:

85 (a) The name and mailing address of the person or persons
86 responsible for conducting the event or activity and the name and
87 address of the candidate or committee for whom the funds were
88 raised;

89 (b) The date on which the event occurred;

90 (c) The name and address of the location where the event
91 occurred and the approximate number of participants in the event;

92 (d) A brief description of the type of event and the
93 fund-raising methods used;

94 (e) The gross receipts from the event and a listing of the
95 expenditures incident to the event;

96 (f) The total dollar amount of contributions received from
97 the event from participants whose names and addresses were not
98 obtained with such contributions and an explanation of why it was
99 not possible to obtain the names and addresses of such
100 participants;

101 (g) The total dollar amount of contributions received from
102 contributing participants in the event who are identified by name
103 and address in the records required to be maintained pursuant to
104 section 130.036.

105 7. No candidate or committee in this state shall accept
106 contributions from any out-of-state committee unless the
107 out-of-state committee from whom the contributions are received
108 has filed a statement of organization pursuant to section 130.021
109 or has filed the reports required by sections 130.049 and 130.050,
110 whichever is applicable to that committee.

111 8. Any person publishing, circulating, or distributing any
112 printed matter relative to any candidate for public office or any
113 ballot measure shall on the face of the printed matter identify in
114 a clear and conspicuous manner the person who paid for the
115 printed matter with the words "Paid for by" followed by the proper
116 identification of the sponsor pursuant to this section. For the
117 purposes of this section, "printed matter" shall be defined to
118 include any pamphlet, circular, handbill, sample ballot,
119 advertisement, including advertisements in any newspaper or other
120 periodical, sign, including signs for display on motor vehicles, or
121 other imprinted or lettered material; but "printed matter" is
122 defined to exclude materials printed and purchased prior to May
123 20, 1982, if the candidate or committee can document that delivery
124 took place prior to May 20, 1982; any sign personally printed and
125 constructed by an individual without compensation from any other
126 person and displayed at that individual's place of residence or on
127 that individual's personal motor vehicle; any items of personal use
128 given away or sold, such as campaign buttons, pins, pens, pencils,
129 book matches, campaign jewelry, or clothing, which is paid for by

130 a candidate or committee which supports a candidate or supports
131 or opposes a ballot measure and which is obvious in its
132 identification with a specific candidate or committee and is
133 reported as required by this chapter; and any news story,
134 commentary, or editorial printed by a regularly published
135 newspaper or other periodical without charge to a candidate,
136 committee or any other person.

137 (1) In regard to any printed matter paid for by a candidate
138 from the candidate's personal funds, it shall be sufficient
139 identification to print the first and last name by which the
140 candidate is known.

141 (2) In regard to any printed matter paid for by a committee,
142 it shall be sufficient identification to print the name of the
143 committee as required to be registered by subsection 5 of section
144 130.021 and the name and title of the committee treasurer who was
145 serving when the printed matter was paid for.

146 (3) In regard to any printed matter paid for by a
147 corporation or other business entity, labor organization, or any
148 other organization not defined to be a committee by subdivision (9)
149 of section 130.011 and not organized especially for influencing one
150 or more elections, it shall be sufficient identification to print the
151 name of the entity, the name of the principal officer of the entity,
152 by whatever title known, and the mailing address of the entity, or
153 if the entity has no mailing address, the mailing address of the
154 principal officer.

155 (4) In regard to any printed matter paid for by an
156 individual or individuals, it shall be sufficient identification to
157 print the name of the individual or individuals and the respective
158 mailing address or addresses, except that if more than five
159 individuals join in paying for printed matter it shall be sufficient
160 identification to print the words "For a list of other sponsors
161 contact:" followed by the name and address of one such individual
162 responsible for causing the matter to be printed, and the individual
163 identified shall maintain a record of the names and amounts paid
164 by other individuals and shall make such record available for
165 review upon the request of any person. No person shall accept for

166 publication or printing nor shall such work be completed until the
167 printed matter is properly identified as required by this subsection.

168 9. Any broadcast station transmitting any matter relative
169 to any candidate for public office or ballot measure as defined by
170 this chapter shall identify the sponsor of such matter as required
171 by federal law.

172 10. The provisions of subsection 8 or 9 of this section shall
173 not apply to candidates for elective federal office, provided that
174 persons causing matter to be printed or broadcast concerning such
175 candidacies shall comply with the requirements of federal law for
176 identification of the sponsor or sponsors.

177 11. It shall be a violation of this chapter for any person
178 required to be identified as paying for printed matter pursuant to
179 subsection 8 of this section or paying for broadcast matter pursuant
180 to subsection 9 of this section to refuse to provide the information
181 required or to purposely provide false, misleading, or incomplete
182 information.

183 12. It shall be a violation of this chapter for any committee
184 to offer chances to win prizes or money to persons to encourage
185 such persons to endorse, send election material by mail, deliver
186 election material in person or contact persons at their homes;
187 except that, the provisions of this subsection shall not be construed
188 to prohibit hiring and paying a campaign staff.

189 13. Political action committees shall only receive
190 contributions from individuals; unions; federal political action
191 committees; and corporations, associations, and partnerships
192 formed under chapters 347 to 360, and shall be prohibited from
193 receiving contributions from other political action committees,
194 candidate committees, political party committees, campaign
195 committees, exploratory committees, or debt service
196 committees. However, candidate committees, political party
197 committees, campaign committees, exploratory committees, and
198 debt service committees shall be allowed to return contributions to
199 a donor political action committee that is the origin of the
200 contribution.

201 14. The prohibited committee transfers described in

202 subsection 13 of this section shall not apply to the following
203 committees:

204 (1) The state house committee per political party designated
205 by the respective majority or minority floor leader of the house of
206 representatives or the chair of the state party if the party does not
207 have majority or minority party status;

208 (2) The state senate committee per political party
209 designated by the respective majority or minority floor leader of the
210 senate or the chair of the state party if the party does not have
211 majority or minority party status.

212 15. No person shall transfer anything of value to any
213 committee with the intent to conceal, from the ethics commission,
214 the identity of the actual source. Any violation of this subsection
215 shall be punishable as follows:

216 (1) For the first violation, the ethics commission shall notify
217 such person that the transfer to the committee is prohibited under
218 this section within five days of determining that the transfer is
219 prohibited, and that such person shall notify the committee to
220 which the funds were transferred that the funds must be returned
221 within ten days of such notification;

222 (2) For the second violation, the person transferring the
223 funds shall be guilty of a class C misdemeanor;

224 (3) For the third and subsequent violations, the person
225 transferring the funds shall be guilty of a class D felony.

226 16. Beginning January 1, 2011, all committees required to
227 file campaign financial disclosure reports with the Missouri ethics
228 commission shall file any required disclosure report in an electronic
229 format as prescribed by the ethics commission.]

[195.025. 1. No person shall:

2 (1) Transport, carry, and convey any controlled substance
3 by means of any vessel, vehicle, or aircraft, except as authorized in
4 sections 195.010 to 195.320;

5 (2) Conceal or possess any controlled substance in or upon
6 any vessel, vehicle or aircraft; or

7 (3) Use any vessel, vehicle, or aircraft to facilitate the
8 transportation, carriage, conveyance, concealment, receive

9 possession, purchase, sell, barter, exchange or giving away of any
10 controlled substance.

11 2. When used in this section the term:

12 (1) "Aircraft" includes every description of craft or carriage
13 or other contrivance used or capable of being used as a means of
14 transportation through air;

15 (2) "Vehicle" includes every description of carriage or other
16 contrivance used or capable of being used as a means of
17 transportation, on, below, or above the land, and shall include but
18 not be limited to automobiles, trucks, station wagons, trailers and
19 motorcycles, but does not include aircraft;

20 (3) "Vessel" includes every description of water craft or
21 other contrivance used or capable of being used as a means of
22 transportation in water, but does not include aircraft.]

195.110. A person to whom or for whose use any controlled
2 substance in Schedule II has been prescribed, sold, or dispensed by
3 a physician, dentist, podiatrist, or pharmacist, or other person
4 authorized under the provisions of section 195.050 and the owner
5 of any animal for which any such drug has been prescribed, sold,
6 or dispensed, by a veterinarian, may lawfully possess it only in the
7 container in which it was delivered to him by the person selling or
8 dispensing the same.]

195.135. 1. A search warrant may issue, and execution
2 and seizure may be had, as provided in the rules of criminal
3 procedure for the courts of Missouri, for any controlled substance
4 or imitation controlled substance unlawfully in the possession or
5 under the control of any person, or for any drug paraphernalia for
6 the unauthorized administration or use of controlled substances or
7 imitation controlled substances in the possession or under the
8 control of any person.

9 2. Any peace officer of the state, upon making an arrest for
10 a violation of this chapter, shall seize without warrant any
11 controlled substance or imitation controlled substance or drug
12 paraphernalia kept for the unauthorized administration or use of
13 a controlled substance or imitation controlled substance in the
14 possession or under the control of the person or persons arrested,

15 providing such seizure shall be made incident to the arrest.]

1 [195.213. 1. A person commits the crime of unlawful
2 purchase or transport of a controlled substance with a minor if he
3 knowingly permits a minor child to purchase or transport illegally
4 obtained controlled substances.

5 2. Unlawful purchase or transport of a controlled substance
6 with a minor is a class B felony.]

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

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

12 [195.217. 1. A person commits the offense of distribution
2 of a controlled substance near a park if such person violates section
3 195.211 by unlawfully distributing or delivering heroin, cocaine,
4 cocaine base, LSD, amphetamine, or methamphetamine to a person
5 in or on, or within one thousand feet of, the real property
6 comprising a public park, state park, county park, or municipal
7 park or a public or private park designed for public recreational
8 purposes, as park is defined in section 253.010.

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

11 [195.219. 1. A person commits the crime of unlawful
12 endangerment of property if, while engaged in or as a part of the
13 enterprise for the production of a controlled substance, he protects
14 or attempts to protect the production of the controlled substance by
15 creating, setting up, building, erecting or using any device or
16 weapon which causes or is intended to cause damage to the
17 property of, or injury to, another person.

18 2. Unlawful endangerment of property is a class C felony,

9 unless there is physical injury to a person whereby the offense is
10 a class B felony, or there is serious physical injury to a person
11 whereby the offense is a class A felony.]

1 [195.246. 1. It is unlawful for any person to possess any
2 methamphetamine precursor drug with the intent to manufacture
3 amphetamine, methamphetamine or any of their analogs.

4 2. Possession of more than twenty-four grams of any
5 methamphetamine precursor drug or combination of
6 methamphetamine precursor drugs shall be *prima facie* evidence
7 of intent to violate this section. This subsection shall not apply to
8 any practitioner or to any product possessed in the course of a
9 legitimate business.

10 3. A person who violates this section is guilty of a class D
11 felony.]

1 [195.256. 1. It is unlawful for any person to manufacture,
2 deliver or possess with intent to manufacture or deliver, a
3 controlled substance which, or the container or labeling of which,
4 without authorization and with knowledge of the nature of his
5 actions, bears the trademark, trade name, or other identifying
6 mark, imprint, number or device or any likeness thereof, of a
7 manufacturer, distributor, or dispenser, other than the person who
8 in fact manufactured, distributed, or dispensed the substance.

9 2. A person who violates this section is guilty of a class D
10 felony.]

1 [195.285. 1. Any person who has pleaded guilty to or been
2 found guilty of a violation of subsection 2 of section 195.202 shall
3 be sentenced to the authorized term of imprisonment for a class B
4 felony if the court finds the defendant is a prior drug offender.

5 2. Any person who has pleaded guilty to or been found
6 guilty of a violation of subsection 2 of section 195.202 shall be
7 sentenced to the authorized term of imprisonment for a class A
8 felony if it finds the defendant is a persistent drug offender.]

1 [195.291. 1. Any person who has pleaded guilty to or been
2 found guilty of a violation of section 195.211, when punishable as
3 a class B felony, shall be sentenced to the authorized term of
4 imprisonment for a class A felony if the court finds the defendant

5 is a prior drug offender.

6 2. Any person who has pleaded guilty to or been found
7 guilty of a violation of section 195.211, when punishable as a class
8 B felony, shall be sentenced to the authorized term of
9 imprisonment for a class A felony which term shall be served
10 without probation or parole if the court finds the defendant is a
11 persistent drug offender.]

1 [195.292. Any person who has pleaded guilty to or been
2 found guilty of a violation of section 195.212 or 195.213 shall be
3 sentenced to the authorized term of imprisonment for a class A
4 felony which term shall be served without probation or parole if the
5 court finds the defendant is a prior drug offender.]

2 [195.295. 1. Any person who has pleaded guilty to or been
3 found guilty of violation of subdivision (1) of subsection 1 of section
4 195.223, subdivision (1) of subsection 2 of section 195.223,
5 subdivision (1) of subsection 3 of section 195.223, subdivision (1) of
6 subsection 4 of section 195.223, subdivision (1) of subsection 5 of
7 section 195.223, subdivision (1) of subsection 6 of section 195.223,
8 or subdivision (1) of subsection 7 of section 195.223 shall be
9 sentenced to the authorized term of imprisonment for a class A
10 felony if the court finds the defendant is a prior drug offender.

11 2. Any person who has pleaded guilty to or been found
12 guilty of a violation of subdivision (1) of subsection 1 of section
13 195.223, subdivision (1) of subsection 2 of section 195.223,
14 subdivision (1) of subsection 3 of section 195.223, subdivision (1) of
15 subsection 4 of section 195.223, subdivision (1) of subsection 5 of
16 section 195.223, subdivision (1) of subsection 6 of section 195.223,
17 or subdivision (1) of subsection 7 of section 195.223, or subdivision
18 (1) of subsection 9 of section 195.223 shall be sentenced to the
19 authorized term of imprisonment for a class A felony, which term
20 shall be without probation or parole, if the court finds the
21 defendant is a persistent drug offender.

22 3. Any person who has pleaded guilty to or been found
23 guilty of a violation of subdivision (2) of subsection 1 of section
24 195.223, subdivision (2) of subsection 2 of section 195.223,
25 subdivision (2) of subsection 3 of section 195.223, subdivision (2) of

25 subsection 4 of section 195.223, subdivision (2) of subsection 5 of
26 section 195.223, subdivision (2) of subsection 6 of section 195.223,
27 or subdivision (2) of subsection 7 of section 195.223 or subsection
28 8 of section 195.223, or subdivision (2) of subsection 9 of section
29 195.223 shall be sentenced to the authorized term of imprisonment
30 for a class A felony, which term shall be served without probation
31 or parole, if the court finds the defendant is a prior drug offender.]

195.296. Any person who has pleaded guilty to or been
2 found guilty of violation of subdivision (1) of subsection 1 of section
3 195.222, subdivision (1) of subsection 2 of section 195.222,
4 subdivision (1) of subsection 3 of section 195.222, subdivision (1) of
5 subsection 4 of section 195.222, subdivision (1) of subsection 5 of
6 section 195.222, subdivision (1) of subsection 6 of section 195.222,
7 or subdivision (1) of subsection 7 of section 195.222, or subdivision
8 (1) of subsection 8 of section 195.222 shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term
10 shall be served without probation or parole if the court finds the
11 defendant is a prior drug offender.]

195.369. In the absence of proof that a person is the duly
2 authorized holder of an appropriate registration or order form
3 issued under sections 195.005 to 195.425, the person is presumed
4 not to be the holder of the registration or form. The burden of
5 producing evidence with respect to the registration or order form
6 is upon that person.]

217.360. 1. It shall be an offense for any person to
2 knowingly deliver, attempt to deliver, have in his possession,
3 deposit or conceal in or about the premises of any correctional
4 center, or city or county jail, or private prison or jail:

5 (1) Any controlled substance as that term is defined by law,
6 except upon the written prescription of a licensed physician,
7 dentist, or veterinarian;

8 (2) Any other alkaloid of any controlled substance, any
9 spirituous or malt liquor, or any intoxicating liquor as defined in
10 section 311.020;

11 (3) Any article or item of personal property which an
12 offender is prohibited by law or by rule and regulation of the

13 division from receiving or possessing;

14 (4) Any gun, knife, weapon, or other article or item of
15 personal property that may be used in such manner as to endanger
16 the safety or security of the correctional center, or city or county
17 jail, or private prison or jail or as to endanger the life or limb of
18 any offender or employee of such a center.

19 2. The violation of subdivision (1) of subsection 1 of this
20 section shall be a class C felony; the violation of subdivision (2) of
21 subsection 1 of this section shall be a class D felony; the violation
22 of subdivision (3) of subsection 1 of this section shall be a class A
23 misdemeanor; and the violation of subdivision (4) of subsection 1
24 of this section shall be a class B felony.

25 3. Any person who has been found guilty of or has pled
26 guilty to a violation of subdivision (2) of subsection 1 of this section
27 involving any alkaloid shall be entitled to expungement of the
28 record of the violation. The procedure to expunge the record shall
29 be pursuant to section 610.123. The record of any person shall not
30 be expunged if such person has been found guilty of or has pled
31 guilty to knowingly delivering, attempting to deliver, having in his
32 possession, or depositing or concealing any alkaloid of any
33 controlled substance in or about the premises of any correctional
34 center, or city or county jail, or private prison or jail.]

2 [306.112. 1. A person commits the crime of operating a
3 vessel with excessive blood alcohol content if such person operates
4 a vessel on the Mississippi River, Missouri River or the lakes of
5 this state with eight-hundredths of one percent or more by weight
of alcohol in such person's blood.

6 2. As used in this section, percent by weight of alcohol in
7 the blood shall be based upon grams of alcohol per one hundred
8 milliliters of blood and may be shown by chemical analysis of the
9 person's blood, breath, urine, or saliva.

10 3. Operating a vessel with excessive blood alcohol content
11 is a class B misdemeanor.]

2 [306.114. 1. No person convicted of or pleading guilty to a
3 violation of section 306.111 or 306.112 shall be granted a
suspended imposition of sentence, unless such person is placed on

4 probation for a minimum of two years and a record of the
5 conviction or plea of guilty is entered into the records of the
6 Missouri uniform law enforcement system maintained by the
7 Missouri state highway patrol.

8 2. Chemical tests of a person's blood, breath, urine, or
9 saliva to be considered valid under the provisions of sections
10 306.111 to 306.119 shall be performed according to methods and
11 devices approved by the department of health and senior services
12 by licensed medical personnel or by a person possessing a valid
13 permit issued by the department of health and senior services for
14 this purpose. In addition, any state, county, or municipal law
15 enforcement officer who is certified pursuant to chapter 590 may,
16 prior to arrest, administer a portable chemical test to any person
17 suspected of operating any vessel in violation of section 306.111 or
18 306.112. A portable chemical test shall be admissible as evidence
19 of probable cause to arrest and as exculpatory evidence, but shall
20 not be admissible as evidence of blood alcohol content. The
21 provisions of section 306.116 shall not apply to a test administered
22 prior to arrest pursuant to this section.

23 3. The department of health and senior services shall
24 approve satisfactory techniques, devices, equipment, or methods to
25 conduct tests required by sections 306.111 to 306.119, and shall
26 establish standards as to the qualifications and competence of
27 individuals to conduct analyses and to issue permits which shall be
28 subject to termination, suspension or revocation by the department
29 of health and senior services.

30 4. A licensed physician, registered nurse, or trained medical
31 technician, acting at the request and direction of a law enforcement
32 officer, shall withdraw blood for the purpose of determining the
33 alcohol content of the blood, unless the medical personnel, in the
34 exercise of good faith medical judgment, believes such procedure
35 would endanger the life or health of the person in custody. Blood
36 may be withdrawn only by such medical personnel, but such
37 restriction shall not apply to the taking of a breath test or a urine
38 or saliva specimen. In withdrawing blood for the purpose of
39 determining the alcohol content in the blood, only a previously

40 unused and sterile needle and sterile vessel shall be used and the
41 withdrawal shall otherwise be in strict accord with accepted
42 medical practices. Upon the request of the person who is tested,
43 full information concerning the test taken at the direction of the
44 law enforcement officer shall be made available to such person.

45 5. No person who administers any test pursuant to the
46 provisions of sections 306.111 to 306.119 upon the request of a law
47 enforcement officer, no hospital in or with which such person is
48 employed or is otherwise associated or in which such test is
49 administered, and no other person, firm, or corporation by whom
50 or with which such person is employed or is in any way associated
51 shall be civilly liable for damages to the person tested, except for
52 negligence in administering of the test or for willful and wanton
53 acts or omissions.

54 6. Any person who is dead, unconscious or who is otherwise
55 in a condition rendering such person incapable of refusing to take
56 a test as provided in sections 306.111 to 306.119 shall be deemed
57 not to have withdrawn the consent provided by section 306.116 and
58 the test or tests may be administered.]

2 [306.116. 1. Any person who operates a vessel upon the
3 Mississippi River, Missouri River or the lakes of this state shall be
4 deemed to have given consent to, subject to the provisions of
5 sections 306.111 to 306.119, a chemical test or tests of such
6 person's breath, blood, urine, or saliva for the purpose of
7 determining the alcohol or drug content of such person's blood if
8 arrested for any offense arising out of acts which the arresting law
9 enforcement officer had reasonable grounds to believe were
10 committed while the person was operating a vessel upon the
11 Mississippi River, Missouri River or lakes of this state in violation
12 of section 306.111 or 306.112. The test shall be administered at
13 the direction of the arresting law enforcement officer whenever the
14 person has been arrested for the offense.

14 2. The implied consent to submit to the chemical tests
15 listed in subsection 1 of this section shall be limited to not more
16 than two such tests arising from the same arrest, incident, or
17 charge.

18 3. The person tested may have a physician, or a qualified
19 technician, chemist, registered nurse, or other qualified person of
20 such person's choosing and at such person's expense administer a
21 test in addition to any administered at the direction of a law
22 enforcement officer. The failure or inability to obtain an additional
23 test by a person shall not preclude the admission of evidence
24 relating to the test taken at the direction of a law enforcement
25 officer.

26 4. Upon the request of the person who is tested, full
27 information concerning the test shall be made available to such
28 person.]

1 [306.117. 1. Upon the trial of any person for violation of
2 any of the provisions of section 306.111 or 306.112 the amount of
3 alcohol or drugs in the person's blood at the time of the act alleged
4 as shown by any chemical analysis of the person's blood, breath,
5 urine, or saliva is admissible in evidence and the provisions of
6 subdivision (5) of section 491.060 shall not prevent the
7 admissibility or introduction of such evidence if otherwise
8 admissible. Evidence of alcohol in a person's blood shall be given
9 the following effect:

10 (1) If there was five-hundredths of one percent or less by
11 weight of alcohol in such person's blood, it shall be presumed that
12 the person was not intoxicated at the time the specimen was
13 obtained;

14 (2) If there was in excess of five-hundredths of one percent
15 but less than eight-hundredths of one percent by weight of alcohol
16 in such person's blood, the fact shall not give rise to any
17 presumption that the person was or was not intoxicated, but the
18 fact may be considered with other competent evidence in
19 determining whether the person was intoxicated;

20 (3) If there was eight-hundredths of one percent or more by
21 weight of alcohol in the person's blood, this shall be *prima facie*
22 evidence that the person was intoxicated at the time the specimen
23 was taken.

24 2. Percent by weight of alcohol in the blood shall be based
25 upon grams of alcohol per one hundred milliliters of blood.

26 3. A chemical analysis of a person's breath, blood, urine, or
27 saliva, in order to give rise to the presumption or to have the effect
28 provided for in subsection 1 of this section, shall have been
29 performed as provided in sections 306.111 to 306.119 and in
30 accordance with methods and standards approved by the
31 department of health and senior services.

32 4. The provisions of this section shall not be construed as
33 limiting the introduction of any other competent evidence bearing
34 upon the question whether the person was intoxicated or under the
35 influence of a controlled substance, or drug, or a combination of
36 either or both with or without alcohol.]

[306.118. 1. For purposes of this section, unless the context
2 clearly indicates otherwise, the following terms mean:

3 (1) "Aggravated offender", a person who:

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

6 (b) Has pleaded guilty to or has been found guilty of one or
7 more intoxication-related boating offenses and any of the following:
8 involuntary manslaughter under subsection 3 of section 306.111;
9 assault with a vessel in the second degree under subsection 4 of
10 section 306.111, or assault of a law enforcement officer in the
11 second degree under subdivision (4) of subsection 1 of section
12 565.082;

13 (2) "Chronic offender":

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

16 (b) A person who has pleaded guilty to or has been found
17 guilty of, on two or more separate occasions, any combination of the
18 following: involuntary manslaughter under subsection 3 of section
19 306.111; assault with a vessel in the second degree under
20 subsection 4 of section 306.111; or assault of a law enforcement
21 officer in the second degree under subdivision (4) of subsection 1 of
22 section 565.082; or

23 (c) A person who has pleaded guilty to or has been found
24 guilty of two or more intoxication-related boating offenses and any
25 of the following: involuntary manslaughter under subsection 3 of

26 section 306.111; assault with a vessel in the second degree under
27 subsection 4 of section 306.111; or assault of a law enforcement
28 officer in the second degree under subdivision (4) of subsection 1 of
29 section 565.082;

30 (3) "Intoxication-related boating offense", operating a vessel
31 while intoxicated under subsection 2 of section 306.111; operating
32 a vessel with excessive blood alcohol content under section 306.112;
33 involuntary manslaughter under subsection 3 of section 306.111;
34 assault with a vessel in the second degree under subsection 4 of
35 section 306.111; any violation of subsection 2 of section 306.110; or
36 assault of a law enforcement officer in the second degree under
37 subdivision (4) of subsection 1 of section 565.082;

38 (4) "Persistent offender", one of the following:

39 (a) A person who has pleaded guilty to or has been found
40 guilty of two or more intoxication-related boating offenses;

41 (b) A person who has pleaded guilty to or has been found
42 guilty of involuntary manslaughter under subsection 3 of section
43 306.111, assault in the second degree under subsection 4 of section
44 306.111, assault of a law enforcement officer in the second degree
45 under subdivision (4) of subsection 1 of section 565.082;

46 (5) "Prior offender", a person who has pleaded guilty to or
47 has been found guilty of one intoxication-related boating offense,
48 where such prior offense occurred within five years of the
49 occurrence of the intoxication-related boating offense for which the
50 person is charged.

51 2. Any person who pleads guilty to or is found guilty of a
52 violation of subsection 2 of section 306.110, section 306.111, or
53 section 306.112, who is alleged and proved to be a prior offender
54 shall be guilty of a class A misdemeanor.

55 3. Any person who pleads guilty to or is found guilty of a
56 violation of subsection 2 of section 306.110, section 306.111, or
57 section 306.112, who is alleged and proved to be a persistent
58 offender shall be guilty of a class D felony.

59 4. Any person who pleads guilty to or is found guilty of a
60 violation of subsection 2 of section 306.110, section 306.111, or
61 section 306.112, who is alleged and proved to be an aggravated

62 offender shall be guilty of a class C felony.

63 5. Any person who pleads guilty to or is found guilty of a
64 violation of subsection 2 of section 306.110, section 306.111, or
65 section 306.112 who is alleged and proved to be a chronic offender
66 shall be guilty of a class B felony.

67 6. No state, county, or municipal court shall suspend the
68 imposition of sentence as to a prior offender, persistent offender,
69 aggravated offender, or chronic offender under this section, nor
70 sentence such person to pay a fine in lieu of a term of
71 imprisonment, notwithstanding the provisions of section 557.011 to
72 the contrary notwithstanding. No prior offender shall be eligible
73 for parole or probation until he or she has served a minimum of
74 five days imprisonment, unless as a condition of such parole or
75 probation such person performs at least thirty days of community
76 service under the supervision of the court in those jurisdictions
77 which have a recognized program for community service. No
78 persistent offender shall be eligible for parole or probation until he
79 or she has served a minimum of ten days imprisonment, unless as
80 a condition of such parole or probation such person performs at
81 least sixty days of community service under the supervision of the
82 court. No aggravated offender shall be eligible for parole or
83 probation until he or she has served a minimum of sixty days
84 imprisonment. No chronic offender shall be eligible for parole or
85 probation until he or she has served a minimum of two years
86 imprisonment.

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

90 (1) The indictment or information, original or amended, or
91 the information in lieu of an indictment pleads all essential facts
92 warranting a finding that the defendant is a prior offender,
93 persistent offender, aggravated offender, or chronic offender; and

94 (2) Evidence is introduced that establishes sufficient facts
95 pleaded to warrant a finding beyond a reasonable doubt the
96 defendant is a prior offender, persistent offender, aggravated
97 offender, or chronic offender; and

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

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

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

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

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

111 12. Nothing in this section shall prevent the use of
112 presentence investigations or commitments.

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

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

118 15. The court shall not instruct the jury as to the range of
119 punishment or allow the jury, upon a finding of guilt, to assess and
120 declare the punishment as part of its verdict in cases of prior
121 offenders, persistent offenders, aggravated offenders, or chronic
122 offenders.]

1 [306.119. 1. If an arresting officer requests a person under
2 arrest to submit to a chemical test, such request shall include the
3 reasons of the officer for requesting the person to submit to a test
4 and shall inform the person that he or she may refuse such request
5 but that such person's refusal may be used as evidence against him
6 or her. If a person refuses a test as provided in this subsection, no
7 test shall be given.

8 2. If a person refuses to submit to a chemical test of such
9 person's breath, blood, urine, or saliva and that person stands trial
10 for the crimes provided in section 306.111 or 306.112, such refusal
11 may be admissible into evidence at the trial.]

[306.141. 1. A person commits the crime of leaving the scene of a vessel accident if:

(1) The person is an operator of a vessel on a waterway;

(2) The person knows that an injury was caused to another person or to the property of another person, due to the person's action, whether purposefully, negligently or accidentally; and

(3) The person leaves the place of the injury, damage, or accident without stopping and giving the following information to the other party or to a water patrol officer or other law enforcement officer or, if no officer is in the vicinity, then without delay to the nearest police station or judicial officer:

(a) The operator's name;

(b) The operator's residence, including city and street number;

(c) The vessel registration number; and

(d) The operator's license number for any license issued under chapter 302.

2. Leaving the scene of a vessel accident is a class A misdemeanor, unless:

(1) The defendant has previously pled guilty to, or been found guilty of, a violation of this section; or

(2) The accident resulted in physical injury to another person. In which cases, leaving the scene of a vessel accident is a class D felony.]

[556.016. 1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a "crime". Crimes are classified as felonies and misdemeanors.

2. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.

3. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.]

[556.022. It shall be the duty of the operator or driver of any vehicle or the rider of any animal traveling on the roads of this

3 state to stop on signal of any law enforcement officer and to obey
4 any other reasonable signal or direction of such law enforcement
5 officer given in the course of enforcing any infraction. Any person
6 who willfully fails or refuses to obey any signal or direction of a law
7 enforcement officer given in the course of enforcing any infraction,
8 or who willfully resists or opposes a law enforcement officer in the
9 proper discharge of his or her duties in the course of enforcing any
10 infraction, is guilty of a class A misdemeanor and on plea or
11 finding of guilt thereof shall be punished as provided by law for
12 such offenses.]

[556.051. When the phrase "The defendant shall have the burden of injecting the issue" is used in the code, it means

- 3 (1) The issue referred to is not submitted to the trier of fact
4 unless supported by evidence; and
- 5 (2) If the issue is submitted to the trier of fact any
6 reasonable doubt on the issue requires a finding for the defendant
7 on that issue.]

[556.056. When the phrase "affirmative defense" is used in the code, it means

- 3 (1) The defense referred to is not submitted to the trier of
4 fact unless supported by evidence; and
- 5 (2) If the defense is submitted to the trier of fact the
6 defendant has the burden of persuasion that the defense is more
7 probably true than not.]

[556.063. In all criminal statutes, unless the context requires a different definition, the following terms mean:

- 3 (1) "Access", to instruct, communicate with, store data in,
4 retrieve or extract data from, or otherwise make any use of any
5 resources of, a computer, computer system, or computer network;
- 6 (2) "Computer", the box that houses the central processing
7 unit (cpu), along with any internal storage devices, such as internal
8 hard drives, and internal communication devices, such as internal
9 modems capable of sending or receiving electronic mail or fax
10 cards, along with any other hardware stored or housed
11 internally. Thus, computer refers to hardware, software and data
12 contained in the main unit. Printers, external modems attached by

13 cable to the main unit, monitors, and other external attachments
14 will be referred to collectively as peripherals and discussed
15 individually when appropriate. When the computer and all
16 peripherals are referred to as a package, the term "computer
17 system" is used. Information refers to all the information on a
18 computer system including both software applications and data;

19 (3) "Computer equipment", computers, terminals, data
20 storage devices, and all other computer hardware associated with
21 a computer system or network;

22 (4) "Computer hardware", all equipment which can collect,
23 analyze, create, display, convert, store, conceal or transmit
24 electronic, magnetic, optical or similar computer impulses or
25 data. Hardware includes, but is not limited to, any data processing
26 devices, such as central processing units, memory typewriters and
27 self-contained laptop or notebook computers; internal and
28 peripheral storage devices, transistor-like binary devices and other
29 memory storage devices, such as floppy disks, removable disks,
30 compact disks, digital video disks, magnetic tape, hard drive,
31 optical disks and digital memory; local area networks, such as two
32 or more computers connected together to a central computer server
33 via cable or modem; peripheral input or output devices, such as
34 keyboards, printers, scanners, plotters, video display monitors and
35 optical readers; and related communication devices, such as
36 modems, cables and connections, recording equipment, RAM or
37 ROM units, acoustic couplers, automatic dialers, speed dialers,
38 programmable telephone dialing or signaling devices and electronic
39 tone-generating devices; as well as any devices, mechanisms or
40 parts that can be used to restrict access to computer hardware,
41 such as physical keys and locks;

42 (5) "Computer network", a complex consisting of two or
43 more interconnected computers or computer systems;

44 (6) "Computer program", a set of instructions, statements,
45 or related data that directs or is intended to direct a computer to
46 perform certain functions;

47 (7) "Computer software", digital information which can be
48 interpreted by a computer and any of its related components to

49 direct the way they work. Software is stored in electronic,
50 magnetic, optical or other digital form. It commonly includes
51 programs to run operating systems and applications, such as word
52 processing, graphic, or spreadsheet programs, utilities, compilers,
53 interpreters and communications programs;

54 (8) "Computer-related documentation", written, recorded,
55 printed or electronically stored material which explains or
56 illustrates how to configure or use computer hardware, software or
57 other related items;

58 (9) "Computer system", a set of related, connected or
59 unconnected, computer equipment, data, or software;

60 (10) "Damage", any alteration, deletion, or destruction of
61 any part of a computer system or network;

62 (11) "Data", a representation of information, facts,
63 knowledge, concepts, or instructions prepared in a formalized or
64 other manner and intended for use in a computer or computer
65 network. Data may be in any form including, but not limited to,
66 printouts, microfiche, magnetic storage media, punched cards and
67 as may be stored in the memory of a computer;

68 (12) "Digital camera", a camera that records images in a
69 format which enables the images to be downloaded into a computer;

70 (13) "Property", anything of value as defined in subdivision
71 (10) of section 570.010 and includes, but is not limited to, financial
72 instruments, information, including electronically produced data
73 and computer software and programs in either machine or human
74 readable form, and any other tangible or intangible item of value;

75 (14) "Services", the use of a computer, computer system, or
76 computer network and includes, but is not limited to, computer
77 time, data processing, and storage or retrieval functions.]

1 [557.046. In all felony cases, the court shall give notice of
2 the time and place of sentencing to the prosecuting attorney and
3 the law enforcement agency within whose jurisdiction the
4 prosecution was initiated. The prosecuting attorney and a
5 representative of the law enforcement agency may appear at
6 sentencing and provide relevant information to the court prior to
7 the court's decision.]

[560.016. 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

- (1) For a class A misdemeanor, one thousand dollars;
- (2) For a class B misdemeanor, five hundred dollars;
- (3) For a class C misdemeanor, three hundred dollars;
- (4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.]

[560.021. 1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

- (1) Ten thousand dollars, when the conviction is of a felony;
- (2) Five thousand dollars, when the conviction is of a class A misdemeanor;
- (3) Two thousand dollars, when the conviction is of a class B misdemeanor;
- (4) One thousand dollars, when the conviction is of a class C misdemeanor;
- (5) Five hundred dollars, when the conviction is of an infraction;
- (6) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

2. In the case of an offense defined outside the code, if a special fine for a corporation is expressly specified in the statute that defines the offense, the fine fixed by the court shall be

- (1) An amount within the limits specified in the statute

22 that defines the offense; or

23 (2) Any higher amount not exceeding double the amount of
24 the corporation's gain from the commission of the offense, as
25 determined under section 560.011.]

2 [565.075. 1. A person commits the crime of assault while
on school property if the person:

3 (1) Knowingly causes physical injury to another person; or
4 (2) With criminal negligence, causes physical injury to
5 another person by means of a deadly weapon; or

6 (3) Recklessly engages in conduct which creates a grave risk
7 of death or serious physical injury to another person; and the act
8 described under subdivision (1), (2) or (3) of this subsection
9 occurred on school or school district property, or in a vehicle that
10 at the time of the act was in the service of a school or school
11 district, or arose as a result of a school or school district-sponsored
12 activity.

13 2. Assault while on school property is a class D felony.]

2 [565.081. 1. A person commits the crime of assault of a law
enforcement officer, corrections officer, emergency personnel,
3 highway worker in a construction zone or work zone, utility worker,
4 cable worker, or probation and parole officer in the first degree if
5 such person attempts to kill or knowingly causes or attempts to
6 cause serious physical injury to a law enforcement officer,
7 corrections officer, emergency personnel, highway worker in a
8 construction zone or work zone, utility worker, cable worker, or
9 probation and parole officer.

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

14 3. As used in this section the term "corrections officer"
15 includes any jailer or corrections officer of the state or any political
16 subdivision of the state.

17 4. When used in this section, the terms "highway worker",
18 "construction zone", or "work zone" shall have the same meaning as
19 such terms are defined in section 304.580.

20 5. As used in this section, the term "utility worker" means
21 any employee while in performance of their job duties, including
22 any person employed under contract of a utility that provides gas,
23 heat, electricity, water, steam, telecommunications services, or
24 sewer services, whether privately, municipally, or cooperatively
25 owned.

26 6. As used in this section, the term "cable worker" means
27 any employee including any person employed under contract of a
28 cable operator, as such term is defined in section 67.2677.

29 7. Assault of a law enforcement officer, corrections officer,
30 emergency personnel, highway worker in a construction zone or
31 work zone, utility worker, cable worker, or probation and parole
32 officer in the first degree is a class A felony.]

[565.082. 1. A person commits the crime of assault of a law
2 enforcement officer, corrections officer, emergency personnel,
3 highway worker in a construction zone or work zone, utility worker,
4 cable worker, or probation and parole officer in the second degree
5 if such person:

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

11 (2) Knowingly causes or attempts to cause physical injury
12 to a law enforcement officer, corrections officer, emergency
13 personnel, highway worker in a construction zone or work zone,
14 utility worker, cable worker, or probation and parole officer by
15 means other than a deadly weapon or dangerous instrument;

16 (3) Recklessly causes serious physical injury to a law
17 enforcement officer, corrections officer, emergency personnel,
18 highway worker in a construction zone or work zone, utility worker,
19 cable worker, or probation and parole officer; or

20 (4) While in an intoxicated condition or under the influence
21 of controlled substances or drugs, operates a motor vehicle or vessel
22 in this state and when so operating, acts with criminal negligence
23 to cause physical injury to a law enforcement officer, corrections

24 officer, emergency personnel, highway worker in a construction
25 zone or work zone, utility worker, cable worker, or probation and
26 parole officer;

27 (5) Acts with criminal negligence to cause physical injury
28 to a law enforcement officer, corrections officer, emergency
29 personnel, highway worker in a construction zone or work zone,
30 utility worker, cable worker, or probation and parole officer by
31 means of a deadly weapon or dangerous instrument;

32 (6) Purposely or recklessly places a law enforcement officer,
33 corrections officer, emergency personnel, highway worker in a
34 construction zone or work zone, utility worker, cable worker, or
35 probation and parole officer in apprehension of immediate serious
36 physical injury; or

37 (7) Acts with criminal negligence to create a substantial
38 risk of death or serious physical injury to a law enforcement officer,
39 corrections officer, emergency personnel, highway worker in a
40 construction zone or work zone, utility worker, cable worker, or
41 probation and parole officer.

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

46 3. As used in this section the term "corrections officer"
47 includes any jailer or corrections officer of the state or any political
48 subdivision of the state.

49 4. When used in this section, the terms "highway worker",
50 "construction zone", or "work zone" shall have the same meaning as
51 such terms are defined in section 304.580.

52 5. As used in this section, the term "utility worker" means
53 any employee while in performance of their job duties, including
54 any person employed under contract of a utility that provides gas,
55 heat, electricity, water, steam, telecommunications services, or
56 sewer services, whether privately, municipally, or cooperatively
57 owned.

58 6. As used in this section, the term "cable worker" means
59 any employee, including any person employed under contract of a

60 cable operator, as such term is defined in section 67.2677.

61 7. Assault of a law enforcement officer, corrections officer,
62 emergency personnel, highway worker in a construction zone or
63 work zone, utility worker, cable worker, or probation and parole
64 officer in the second degree is a class B felony unless committed
65 pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
66 section in which case it is a class C felony. For any violation of
67 subdivision (1), (3), or (4) of subsection 1 of this section, the
68 defendant must serve mandatory jail time as part of his or her
69 sentence.]

[565.083. 1. A person commits the crime of assault of a law
2 enforcement officer, corrections officer, emergency personnel,
3 highway worker in a construction zone or work zone, utility worker,
4 cable worker, or probation and parole officer in the third degree if:

5 (1) Such person recklessly causes physical injury to a law
6 enforcement officer, corrections officer, emergency personnel,
7 highway worker in a construction zone or work zone, utility worker,
8 cable worker, or probation and parole officer;

9 (2) Such person purposely places a law enforcement officer,
10 corrections officer, emergency personnel, highway worker in a
11 construction zone or work zone, utility worker, cable worker, or
12 probation and parole officer in apprehension of immediate physical
13 injury;

14 (3) Such person knowingly causes or attempts to cause
15 physical contact with a law enforcement officer, corrections officer,
16 emergency personnel, highway worker in a construction zone or
17 work zone, utility worker, cable worker, or probation and parole
18 officer without the consent of the law enforcement officer,
19 corrections officer, emergency personnel, highway worker in a
20 construction zone or work zone, utility worker, cable worker, or
21 probation and parole officer.

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

26 3. As used in this section the term "corrections officer"

27 includes any jailer or corrections officer of the state or any political
28 subdivision of the state.

29 4. When used in this section, the terms "highway worker",
30 "construction zone", or "work zone" shall have the same meaning as
31 such terms are defined in section 304.580.

32 5. As used in this section, the term "utility worker" means
33 any employee while in performance of their job duties, including
34 any person employed under contract of a utility that provides gas,
35 heat, electricity, water, steam, telecommunications services, or
36 sewer services, whether privately, municipally, or cooperatively
37 owned.

38 6. As used in this section, the term "cable worker" means
39 any employee, including any person employed under contract of a
40 cable operator, as such term is defined in section 67.2677.

41 7. Assault of a law enforcement officer, corrections officer,
42 emergency personnel, highway worker in a construction zone or
43 work zone, utility worker, cable worker, or probation and parole
44 officer in the third degree is a class A misdemeanor.]

1 [565.092. 1. A patient or respondent is guilty of aggravated
2 harassment of an employee when, with intent to harass, annoy,
3 threaten or alarm a person in a facility whom the person knows or
4 reasonably should know to be an employee of such facility or the
5 department of mental health or to be an employee of any law
6 enforcement agency, the person causes or attempts to cause such
7 employee to come into contact with blood, seminal fluid, urine or
8 feces, by throwing, tossing or expelling such fluid or material.

9 2. For the purposes of this section, "patient" means any
10 person who is a patient in a facility operated by the department of
11 mental health. For purposes of this section, "respondent" means a
12 juvenile in a secure facility operated and maintained by the
13 division of youth services. For purposes of this section, "facility"
14 means a hospital operated by the department of mental health or
15 a secure facility operated by the division of youth services.

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

1 [565.149. As used in sections 565.149 to 565.169, the

2 following words and phrases mean:

- 3 (1) "Child", a person under seventeen years of age;
- 4 (2) "Legal custody", the right to the care, custody and
5 control of a child;
- 6 (3) "Parent", either a biological parent or a parent by
7 adoption;
- 8 (4) "Person having a right of custody", a parent or legal
9 guardian of the child.]

10 [565.165. 1. A person commits the crime of assisting in
11 child abduction or parental kidnapping if he:

12 (1) Before or during the commission of a child abduction or
13 parental kidnapping as defined in section 565.153 or 565.156 and
14 with the intent to promote or facilitate such offense, intentionally
15 assists another in the planning or commission of child abduction or
16 parental kidnapping, unless before the commission of the offense
17 he makes proper efforts to prevent the commission of the offense;
or

18 (2) With the intent to prevent the apprehension of a person
19 known to have committed the offense of child abduction or parental
20 kidnapping, or with the intent to obstruct or prevent efforts to
21 locate the child victim of a child abduction, knowingly destroys,
22 alters, conceals or disguises physical evidence or furnishes false
23 information.

24 2. Assisting in child abduction or parental kidnapping is a
25 class A misdemeanor.]

26 [565.169. Upon conviction or guilty plea of a person under
27 section 565.150, or section 565.153 or 565.156, the court may, in
28 addition to or in lieu of any sentence or fine imposed, assess as
29 restitution against the defendant and in favor of the legal
30 custodian or parent any reasonable expenses incurred by the legal
31 custodian or parent in searching for or returning the child.]

32 [565.180. 1. A person commits the crime of elder abuse in
33 the first degree if he attempts to kill, knowingly causes or attempts
34 to cause serious physical injury, as defined in section 565.002, to
35 any person sixty years of age or older or an eligible adult as
36 defined in section 660.250.

6 2. Elder abuse in the first degree is a class A felony.]

1 [565.182. 1. A person commits the crime of elder abuse in
2 the second degree if he:

3 (1) Knowingly causes, attempts to cause physical injury to
4 any person sixty years of age or older or an eligible adult, as
5 defined in section 660.250, by means of a deadly weapon or
6 dangerous instrument; or

7 (2) Recklessly or purposely causes serious physical injury,
8 as defined in section 565.002, to a person sixty years of age or older
9 or an eligible adult as defined in section 660.250.

10 2. Elder abuse in the second degree is a class B felony.]

1 [565.210. 1. A person commits the crime of vulnerable
2 person abuse in the first degree if he or she attempts to kill or
3 knowingly causes or attempts to cause serious physical injury to a
4 vulnerable person, as defined in section 630.005.

5 2. Vulnerable person abuse in the first degree is a class A
6 felony.]

1 [565.212. 1. A person commits the crime of vulnerable
2 person abuse in the second degree if he or she:

3 (1) Knowingly causes or attempts to cause physical injury
4 to a vulnerable person, as defined in section 630.005, by means of
5 a deadly weapon or dangerous instrument; or

6 (2) Recklessly causes serious physical injury to any
7 vulnerable person, as defined in section 630.005.

8 2. Vulnerable person abuse in the second degree is a class
9 B felony.]

1 [565.214. 1. A person commits the crime of vulnerable
2 person abuse in the third degree if he or she:

3 (1) Knowingly causes or attempts to cause physical contact
4 with any vulnerable person as defined in section 630.005, knowing
5 the other person will regard the contact as harmful or offensive; or

6 (2) Purposely engages in conduct involving more than one
7 incident that causes grave emotional distress to a vulnerable
8 person, as defined in section 630.005. The result of the conduct
9 shall be such as would cause a vulnerable person, as defined in
10 section 630.005, to suffer substantial emotional distress; or

11 (3) Purposely or knowingly places a vulnerable person, as
12 defined in section 630.005, in apprehension of immediate physical
13 injury; or

14 (4) Intentionally fails to provide care, goods or services to
15 a vulnerable person, as defined in section 630.005. The result of
16 the conduct shall be such as would cause a vulnerable person, as
17 defined in section 630.005, to suffer physical or emotional distress;
18 or

19 (5) Knowingly acts or knowingly fails to act with malice in
20 a manner that results in a grave risk to the life, body or health of
21 a vulnerable person, as defined in section 630.005; or

22 (6) Is a person who is a vendor, provider, agent, or
23 employee of a department operated, funded, licensed, or certified
24 program and engages in sexual contact, as defined by subdivision
25 (3) of section 566.010, or sexual intercourse, as defined by
26 subdivision (4) of section 566.010, with a vulnerable person.

27 2. Vulnerable person abuse in the third degree is a class A
28 misdemeanor.

29 3. Actions done in good faith and without gross negligence
30 that are designed to protect the safety of the individual and the
31 safety of others, or are provided within accepted standards of care
32 and treatment, shall not be considered as abuse of a vulnerable
33 person as defined in this section.

34 4. Nothing in this section shall be construed to mean that
35 a vulnerable person is abused solely because such person chooses
36 to rely on spiritual means through prayer, in lieu of medical care,
37 for his or her health care, as evidenced by the vulnerable person's
38 explicit consent, advance directive for health care, or practice.]

2 [565.250. As used in sections 565.250 to 565.257, the
following terms mean:

3 (1) "Full or partial nudity", the showing of all or any part
4 of the human genitals or pubic area or buttock, or any part of the
5 nipple of the breast of any female person, with less than a fully
6 opaque covering;

7 (2) "Photographs" or "films", the making of any photograph,
8 motion picture film, videotape, or any other recording or

9 transmission of the image of a person;

10 (3) "Place where a person would have a reasonable
11 expectation of privacy", any place where a reasonable person would
12 believe that a person could disrobe in privacy, without being
13 concerned that the person's undressing was being viewed,
14 photographed or filmed by another;

15 (4) "Prior invasion of privacy offender", a person who
16 previously has pleaded or been found guilty of the crime of invasion
17 of privacy;

18 (5) "Same course of conduct", more than one person has
19 been filmed in full or partial nudity under the same or similar
20 circumstances pursuant to one scheme or course of conduct,
21 whether at the same or different times;

22 (6) "Views", the looking upon of another person, with the
23 unaided eye or with any device designed or intended to improve
24 visual acuity, for the purpose of arousing or gratifying the sexual
25 desire of any person.]

26 [565.253. 1. A person commits the crime of invasion of
27 privacy in the second degree if:

28 (1) Such person knowingly views, photographs or films
29 another person, without that person's knowledge and consent,
30 while the person being viewed, photographed or filmed is in a state
31 of full or partial nudity and is in a place where one would have a
32 reasonable expectation of privacy; or

33 (2) Such person knowingly uses a concealed camcorder or
34 photographic camera of any type to secretly videotape, photograph,
35 or record by electronic means another person under or through the
36 clothing worn by that other person for the purpose of viewing the
37 body of or the undergarments worn by that other person without
38 that person's consent.

39 2. Invasion of privacy in the second degree pursuant to
40 subdivision (1) of subsection 1 of this section is a class A
41 misdemeanor; unless more than one person is viewed,
42 photographed or filmed in full or partial nudity in violation of
43 sections 565.250 to 565.257 during the same course of conduct, in
44 which case invasion of privacy is a class D felony; and unless

20 committed by a person who has previously pled guilty to or been
21 found guilty of invasion of privacy, in which case invasion of
22 privacy is a class D felony. Invasion of privacy in the second
23 degree pursuant to subdivision (2) of subsection 1 of this section is
24 a class A misdemeanor; unless more than one person is secretly
25 videotaped, photographed or recorded in violation of sections
26 565.250 to 565.257 during the same course of conduct, in which
27 case invasion of privacy is a class D felony; and unless committed
28 by a person who has previously pled guilty to or been found guilty
29 of invasion of privacy, in which case invasion of privacy is a class
30 C felony. Prior pleas or findings of guilt shall be pled and proven
31 in the same manner required by the provisions of section 558.021.]

2 [566.025. In prosecutions pursuant to this chapter or
3 chapter 568 of a sexual nature involving a victim under fourteen
4 years of age, whether or not age is an element of the crime for
5 which the defendant is on trial, evidence that the defendant has
6 committed other charged or uncharged crimes of a sexual nature
7 involving victims under fourteen years of age shall be admissible
8 for the purpose of showing the propensity of the defendant to
9 commit the crime or crimes with which he or she is charged unless
10 the trial court finds that the probative value of such evidence is
outweighed by the prejudicial effect.]

2 [566.140. 1. Any person who has pleaded guilty to or been
3 found guilty of violating the provisions of this chapter and is
4 granted a suspended imposition or execution of sentence or placed
5 under the supervision of the board of probation and parole shall be
6 required to participate in and successfully complete a program of
7 treatment, education and rehabilitation designed for perpetrators
8 of sexual offenses. Persons required to attend a program pursuant
9 to this section may be charged a reasonable fee to cover the costs
of such program.

10 2. No person who provides assessment services or who
11 makes a report, finding, or recommendation for any probationer to
12 attend any counseling or program of treatment, education or
13 rehabilitation as a condition or requirement of probation, following
14 the probationer's plea of guilty to or a finding of guilt of violating

15 any provision of this chapter or chapter 565, may be related within
16 the third degree of consanguinity or affinity to any person who has
17 a financial interest, whether direct or indirect, in the counseling or
18 program of treatment, education or rehabilitation or any financial
19 interest, whether direct or indirect, in any private entity which
20 provides the counseling or program of treatment, education or
21 rehabilitation. Any person who violates this subsection shall
22 thereafter:

23 (1) Immediately remit to the state of Missouri any financial
24 income gained as a direct or indirect result of the action
25 constituting the violation;

26 (2) Be prohibited from providing assessment or counseling
27 services or any program of treatment, education or rehabilitation
28 to, for, on behalf of, at the direction of, or in contract with the state
29 board of probation and parole or any office thereof; and

30 (3) Be prohibited from having any financial interest,
31 whether direct or indirect, in any private entity which provides
32 assessment or counseling services or any program of treatment,
33 education or rehabilitation to, for, on behalf of, at the direction of,
34 or in contract with the state board of probation and parole or any
35 office thereof.

36 3. The provisions of subsection 2 of this section shall not
37 apply when the department of corrections has identified only one
38 qualified service provider within reasonably accessible distance
39 from the offender or when the only providers available within a
40 reasonable distance are related within the third degree of
41 consanguinity or affinity to any person who has a financial interest
42 in the service provider.]

1 [566.141. Any person who is convicted of or pleads guilty or
2 nolo contendere to any sexual offense involving a child shall be
3 required as a condition of probation or parole to be involved in and
4 successfully complete an appropriate treatment program. Any
5 person involved in such a program shall be required to follow all
6 directives of the treatment program provider.]

2 [567.040. In any prosecution for prostitution or patronizing
a prostitute, the sex of the two parties or prospective parties to the

3 sexual conduct engaged in, contemplated or solicited is immaterial,
4 and it is no defense that

- 5 (1) Both persons were of the same sex; or
6 (2) The person who received, agreed to receive or solicited
7 something of value was a male and the person who gave or agreed
8 or offered to give something of value was a female.]

9 [568.100. 1. When it becomes necessary for the purposes of
10 section 568.060, 568.080 or 568.090 to determine whether a child
11 who participated in a sexual performance was younger than
12 seventeen years of age, the court or jury may make this
13 determination by any of the following methods:

- 14 (1) Personal inspection of the child;
15 (2) Inspection of the photograph or motion picture that
16 shows the child engaging in the sexual performance;
17 (3) Oral testimony by a witness to the sexual performance
18 as to the age of the child based on the child's appearance at the
19 time;
20 (4) Expert medical testimony based on the appearance of
21 the child engaging in the sexual performance; or
22 (5) Any other method authorized by law or by the rules of
evidence.

23 2. When it becomes necessary for the purposes of section
24 568.060, 568.080 or 568.090 to determine whether a child who
25 participated in the sexual conduct consented to the conduct, the
26 term "consent" shall have the meaning given it in section 556.061.

27 3. Upon request of the prosecuting attorney, the court may
28 order that the child's testimony be videotaped pursuant to section
29 492.303 or as otherwise provided by law.]

30 [568.120. 1. Any person who has pleaded guilty to or been
31 found guilty of violating the provisions of section 568.020, 568.060,
32 568.080 or 568.090, and who is granted a suspended imposition or
33 execution of sentence, or placed under the supervision of the board
34 of probation and parole, shall be required to participate in an
35 appropriate program of treatment, education and
36 rehabilitation. Persons required to attend a program pursuant to
37 this section may be charged a reasonable fee to cover the costs of
38

9 such program.

10 2. Notwithstanding other provisions of law to the contrary,
11 any person who has previously pleaded guilty to or been found
12 guilty of violating the provisions of sections 568.020, 568.060,
13 568.080 and 568.090, and who subsequently pleads guilty or is
14 found guilty of violating any one of the foregoing sections, shall not
15 be granted a suspended imposition of sentence, a suspended
16 execution of sentence, nor probation by the circuit court for the
17 subsequent offense.]

18 [569.025. 1. A person commits the crime of pharmacy
19 robbery in the first degree when he forcibly steals any controlled
20 substance from a pharmacy and in the course thereof he, or another
21 participant in the crime:

- 22 (1) Causes serious physical injury to any person;
- 23 (2) Is armed with a deadly weapon;
- 24 (3) Uses or threatens the immediate use of a dangerous
25 instrument against any person; or
- 26 (4) Displays or threatens the use of what appears to be a
27 deadly weapon or dangerous instrument.

28 2. For purposes of this section the following terms mean:
29 (1) "Controlled substance", a drug, substance or immediate
30 precursor in schedules I through V as defined in sections 195.005
31 to 195.425;

32 (2) "Pharmacy", any building, warehouse, physician's office,
33 hospital, pharmaceutical house or other structure used in whole or
34 in part for the sale, storage or dispensing of any controlled
35 substance as defined by sections 195.005 to 195.425.

36 3. Pharmacy robbery in the first degree is a class A felony,
37 but, notwithstanding any other provision of law, a person convicted
38 pursuant to this section shall not be eligible for suspended
39 execution of sentence, parole or conditional release until having
40 served a minimum of ten years of imprisonment.]

41 [569.035. 1. A person commits the crime of pharmacy
42 robbery in the second degree when he forcibly steals any controlled
43 substance from a pharmacy.

44 2. For purposes of this section the following terms mean:

5 (1) "Controlled substance", a drug, substance or immediate
6 precursor in schedules I through V as defined in sections 195.005
7 to 195.425;

8 (2) "Pharmacy", any building, warehouse, physician's office,
9 hospital, pharmaceutical house or other structure used in whole or
10 in part for the sale, storage or dispensing of any controlled
11 substance as defined by sections 195.005 to 195.425.

12 3. Pharmacy robbery in the second degree is a class B
13 felony, but, notwithstanding any other provision of law, a person
14 convicted pursuant to this section shall not be eligible for
15 suspended execution of sentence, parole or conditional release until
16 having served a minimum of five years of imprisonment.]

1 [569.067. 1. A person commits the crime of negligently
2 setting fire to a woodland, cropland, grassland, prairie or marsh
3 when he with criminal negligence causes damage to a woodland,
4 cropland, grassland, prairie or marsh of another by starting a fire.

5 2. A person commits the crime of negligently allowing a fire
6 to escape when he with criminal negligence allows a fire burning
7 on lands in his possession or control to escape onto property of
8 another.

9 3. Negligently setting fire to a woodland, cropland,
10 grassland, prairie or marsh or negligently allowing a fire to escape
11 is a class B misdemeanor.]

1 [569.094. In a prosecution under sections 569.095 to
2 569.099, computer printouts shall be competent evidence of any
3 computer software, program, or data contained in or taken from a
4 computer, computer system, or computer network.]

2 [570.033. Any person who, without lawful authority,
3 willfully takes another's animal with the intent to deprive him of
3 his property is guilty of a class D felony.]

2 [570.040. 1. Every person who has previously pled guilty
3 to or been found guilty of two stealing-related offenses committed
4 on two separate occasions where such offenses occurred within ten
5 years of the date of occurrence of the present offense and who
5 subsequently pleads guilty or is found guilty of a stealing-related
6 offense is guilty of a class D felony, unless the subsequent plea or

7 guilty verdict is pursuant to paragraph (a) of subdivision (3) of
8 subsection 3 of section 570.030, in which case the person shall be
9 guilty of a class B felony, and shall be punished accordingly.

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

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

2 [570.050. Amounts stolen pursuant to one scheme or course
3 of conduct, whether from the same or several owners and whether
4 at the same or different times, constitute a single criminal episode
4 and may be aggregated in determining the grade of the offense.]

2 [570.055. Any person who steals or appropriates, without
3 consent of the owner, any wire, electrical transformer, metallic wire
4 associated with transmitting telecommunications, or any other
5 device or pipe that is associated with conducting electricity or
6 transporting natural gas or other combustible fuels shall be guilty
6 of a class C felony.]

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

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

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

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

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

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

21 3. Except as otherwise provided in subsections 4 and 5 of
22 this section, receiving stolen property is a class A misdemeanor.

23 4. Receiving stolen property is a class C felony if:

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

26 (2) The property has been physically taken from the person
27 of the victim; or

28 (3) The property appropriated includes:

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

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

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

32 (d) Any firearm;

33 (e) Any explosive weapon as that term is defined in section
34 571.010;

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

37 (g) Any original copy of an act, bill, or resolution,
38 introduced or acted upon by the legislature of the state of Missouri;

39 (h) Any pleading, notice, judgment, or any other record or
40 entry of any court of this state, any other state, or of the United
41 States;

42 (i) Any book of registration or list of voters required by
43 chapter 115;

44 (j) Any animal considered livestock as that term is defined
45 in section 144.010;

46 (k) Any live fish raised for commercial sale with a value of
47 seventy-five dollars or more;

48 (l) Any captive wildlife held under permit issued by the
49 conservation commission;

50 (m) Any controlled substance as that term is defined in
51 section 195.010;

52 (n) Anhydrous ammonia;

53 (o) Ammonium nitrate; or

54 (p) Any document of historical significance which has a fair
55 market value of five hundred dollars or more.

56 5. The receipt of any item of property or services pursuant
57 to subsection 4 of this section which exceeds five hundred dollars
58 may be considered a separate felony and may be charged in
59 separate counts.

60 6. Any person who previously has been found guilty of, or
61 pled guilty to, receiving stolen property, when the property is of the
62 kind described under paragraph (j) or (l) of subdivision (3) of
63 subsection 4 of this section and the value of the animal or animals
64 received exceeds three thousand dollars, is guilty of a class B
65 felony. Such person shall serve a minimum prison term of not less
66 than eighty percent of his or her sentence before being eligible for
67 probation, parole, conditional release, or other early release by the
68 department of corrections.

69 7. Receiving stolen property is a class B felony if the value
70 of the property or services equals or exceeds twenty-five thousand
71 dollars.]

[570.155. 1. It shall be unlawful:

2 (1) For any person to give, promise or offer to any
3 professional or amateur baseball, football, hockey, polo, tennis or
4 basketball player or boxer or any player who participates or expects
5 to participate in any professional or amateur game or sport or any
6 jockey, driver, groom or any person participating or expecting to
7 participate in any horse race, including owners of race tracks and
8 their employees, stewards, trainers, judges, starters or special
9 policemen, or to any manager, coach or trainer of any team or
10 participant or prospective participant in any such game, contest or
11 sport, any valuable thing with intent to influence him to lose or try
12 to lose or cause to be lost or to limit his or his team's margin of

13 victory in a baseball, football, hockey or basketball game, boxing,
14 tennis or polo match or a horse race or any professional or amateur
15 sport, or game, in which such player or participant or jockey or
16 driver, is taking part or expects to take part, or has any duty or
17 connection therewith;

18 (2) For any professional or amateur baseball, football,
19 hockey, basketball, tennis or polo player, boxer, or jockey, driver,
20 or groom or participant or prospective participant in any sport or
21 game, or manager, coach or trainer of any team or individual
22 participant or prospective participant in any such game, contest or
23 sport to accept, attempt to obtain, or to solicit any valuable thing
24 to influence him to lose or try to lose or cause to be lost or to limit
25 his or his team's margin of victory in a baseball, football, hockey or
26 basketball game or boxing, tennis, or polo match, or horse race or
27 any game or sport in which he is taking part, or expects to take
28 part, or has any duty or connection therewith.

29 2. (1) Any person violating the provisions of subdivision (1)
30 of subsection 1 shall be deemed guilty of a felony, and, upon
31 conviction thereof, shall be punished by imprisonment in the
32 penitentiary for a term of not to exceed ten years or by
33 imprisonment in the county jail for a period not to exceed one year,
34 or by a fine not to exceed ten thousand dollars or by both such fine
35 and imprisonment;

36 (2) Any person violating the provisions of subdivision (2) of
37 subsection 1 shall be deemed guilty of a misdemeanor.]

2 [570.160. 1. A person commits the crime of false
3 advertising if, in connection with the promotion of the sale of, or to
4 increase the consumption of, property or services, he recklessly
5 makes or causes to be made a false or misleading statement in any
6 advertisement addressed to the public or to a substantial number
of persons.

7 2. False advertising is a class A misdemeanor.]

2 [570.170. 1. A person commits the crime of bait advertising
3 if he advertises in any manner the sale of property or services with
the purpose not to sell or provide the property or services:

4 (1) At the price which he offered them; or

5 (2) In a quantity sufficient to meet the reasonably expected
6 public demand, unless the quantity is specifically stated in the
7 advertisement; or

8 (3) At all.

9 2. Bait advertising is a class A misdemeanor.]

1 [570.190. 1. A person commits the crime of telephone
2 service fraud if the person by deceit obtains or attempts to obtain
3 telephone service without paying the lawful charge, except that it
4 shall not be unlawful for a person to purchase, rent or use
5 telephones or telephone receiving equipment acquired from a lawful
6 source, other than the telephone utility certified to serve the area
7 in which such person resides.

8 2. A person commits the crime of electronic telephone fraud
9 if the person knowingly

10 (1) Uses, in connection with the making or receiving of a
11 telephone call; or

12 (2) Has possession of; or

13 (3) Transfers possession or causes the transfer of possession
14 to another; or

15 (4) Makes or assembles; an electronic or mechanical device
16 which, when used in connection with a telephone call, will cause
17 the billing system of a telephone company to record incorrectly, or
18 omit to record correctly, any fact by which the person responsible
19 for paying the charge for a telephone call is determined.

20 3. Venue for trial shall be as follows:

21 (1) An offense under subsection 1 and subdivision (1) of
22 subsection 2 which involves the placing of telephone calls may be
23 deemed to have been committed at either the place at which the
24 telephone calls were made, or at the place where the telephone
25 calls were received.

26 (2) An offense under subdivisions (2), (3) and (4) of
27 subsection 2 may be deemed to have been committed where the
28 device was found, or at the place where the device was transferred
29 or fabricated.

30 4. (1) An offense under subsection 1 shall be punished by
31 a fine not to exceed five hundred dollars or by confinement in jail

32 for not more than six months, or both; except that if the telephone
33 charges avoided or attempted to be avoided pursuant to one scheme
34 or course of conduct exceed fifty dollars, the offense shall be
35 punished by a fine of not more than one thousand dollars, or by
36 confinement in jail for not more than one year, or both.

37 (2) An offense under subdivisions (1) through (5) of
38 subsection 2 shall be punished by a fine of not more than one
39 thousand dollars, confinement in jail for not more than one year,
40 or both; except that if defendant received consideration from
41 another as a consequence of the use, transfer, or fabrication of the
42 device, the offense shall be punished as provided in subdivision (3)
43 of subsection 4.

44 (3) If the defendant has been convicted previously of an
45 offense under this section or of an offense under the laws of
46 another state of the United States which would have been an
47 offense under this section if committed in this state, then the
48 offense shall be punished by a fine of not more than five thousand
49 dollars or by imprisonment by the department of corrections and
50 human resources for not less than two nor more than five years, or
51 both.

52 5. A search warrant shall be issued by any court of
53 competent jurisdiction upon a finding of probable cause to believe
54 an instrument or device described in subsections 1 and 2 is housed
55 in a particular structure, vehicle or upon the person.]

2 [570.200. As used in this act, unless the context clearly
indicates otherwise, the following terms shall mean:

3 (1) "Library", any public library or any library of an
4 educational, historical or eleemosynary institution, organization or
5 society; any museum; any repository of public or institutional
6 records; or any archive;

7 (2) "Library card", a card or other device utilized by a
8 library for purposes of identifying a person authorized to borrow
9 library material, subject to all limitations and conditions imposed
10 on such borrowing by the library issuing or honoring such card;

11 (3) "Library material", any book, plate, picture, photograph,
12 engraving, painting, sculpture, artifact, drawing, map, newspaper,

13 microform, sound recording, audiovisual material, magnetic or
14 other tape, electronic data processing record or other document,
15 written or printed material, regardless of physical form or
16 characteristic, which is a constituent element of a library's
17 collection or any part thereof, belonging to, on loan to, or otherwise
18 in the custody of a library;

19 (4) "Notice in writing", any notice deposited as certified or
20 registered mail in the United States mail and addressed to the
21 person at his address as it appears on the library card or to his last
22 known address. The notice shall contain a statement that failure
23 to return the library material within ten days of receipt of the
24 notice may subject the user to criminal prosecution;

25 (5) "Premises of a library", a building structure or other
26 enclosure in which a library is located or in which the library
27 keeps, displays and makes available for inspection, borrowing or
28 return of library materials.]

1 [570.210. 1. A person commits the crime of library theft if
2 with the purpose to deprive, such person:

3 (1) Knowingly removes any library material from the
4 premises of a library without authorization; or

5 (2) Borrows or attempts to borrow any library material from
6 a library by use of a library card:

7 (a) Without the consent of the person to whom it was
8 issued; or

9 (b) Knowing that the library card is revoked, canceled or
10 expired; or

11 (c) Knowing that the library card is falsely made,
12 counterfeit or materially altered; or

13 (3) Borrows library material from any library pursuant to
14 an agreement or procedure established by the library which
15 requires the return of such library material and, with the purpose
16 to deprive the library of the library material, fails to return the
17 library material to the library; or

18 (4) Knowingly writes on, injures, defaces, tears, cuts,
19 mutilates, or destroys a book, document, or other library material
20 belonging to, on loan to, or otherwise in the custody of a library.

21 2. It shall be prima facie evidence of the person's purpose
22 to deprive the library of the library materials if, within ten days
23 after notice in writing deposited as certified mail from the library
24 demanding the return of such library material, such person without
25 good cause shown fails to return the library material. A person is
26 presumed to have received the notice required by this subsection
27 if the library mails such notice to the last address provided to the
28 library by such person. Payment to the library, in an amount equal
29 to the fair market value of an item of no historical significance
30 shall be considered returning the item for purposes of this
31 subsection.

32 3. The crime of library theft is a class C misdemeanor if the
33 value of the library materials is less than five hundred
34 dollars. The crime of library theft is a class C felony if the value
35 of the library material is between five hundred dollars and
36 twenty-five thousand dollars. The crime of library theft is a class
37 B felony if the value of the library material is greater than
38 twenty-five thousand dollars.]

2 [570.215. Any librarian, his agent or employee, who has
3 reasonable grounds to believe that a person on the premises of the
4 library has committed or is about to commit the crime of library
5 theft, may detain such person in a reasonable manner and for a
6 reasonable length of time for the purpose of investigating whether
7 there has been or may be a wrongful taking of such library
8 material. Any such reasonable detention shall not constitute an
9 unlawful arrest or detention, nor shall it render the librarian, his
10 agent or employee criminally or civilly liable to the person so
detained.]

2 [570.226. No person shall, without the consent of the owner,
3 transfer or cause to be transferred to any phonograph record, disc,
4 wire, tape, film, videocassette, or other article or medium now
5 known or later developed on which sounds or images are recorded
6 or otherwise stored, any performance whether live before an
7 audience or transmitted by wire or through the air by radio or
television, with the intent to sell or cause to be sold for profit.]

1 [570.230. No person shall advertise, or offer for sale, resale,

2 or sell or resell, or cause to be sold, resold or process for such
3 purposes any article that has been produced in violation of the
4 provisions of section 570.225 or 570.226, knowing, or having
5 reasonable grounds to know, that the sounds thereon have been so
6 transferred without the consent of the owner.]

2 [570.235. As used in sections 570.225 to 570.255, the
3 following terms mean:

3 (1) "Audiovisual works", works that consist of a series of
4 related images which are intrinsically intended to be shown by the
5 use of machines, electronic equipment or other devices, now known
6 or later developed, together with accompanying sounds, if any;

7 (2) "Manufacturer", the person who transfers or causes to
8 be transferred any sounds or images to the particular article,
9 medium, recording or other physical embodiment of such sounds or
10 images then in issue;

11 (3) "Motion pictures", audiovisual works consisting of a
12 series of related images which, when shown in succession, impart
13 an impression of motion, together with accompanying sounds, if
14 any;

15 (4) "Owner", the person who owns the sounds of any
16 performance not yet fixed in a medium of expression, or the
17 original fixation of sounds embodied in the master phonograph
18 record, master disc, master tape, master film, master videocassette,
19 or other device or medium now known or later developed, used for
20 reproducing sounds on phonograph records, discs, tapes, films,
21 videocassettes, or other articles or medium upon which sound is or
22 may be recorded, and from which the transferred recorded sounds
23 are directly or indirectly derived;

24 (5) "Person", any natural person, corporation or other
25 business entity.]

2 [570.240. The label, cover, box or jacket on all phonograph
3 records, discs, wires, tapes, films, videocassettes or other articles
4 or medium now known or later developed on which sounds or
5 images are recorded shall contain thereon in clearly readable print
the name and address of the manufacturer.]

[570.241. No person shall advertise, or offer for rental, sale,

2 resale, or rent, sell, resell, or cause to be sold, resold, or possess for
3 such purposes any article that has been produced in violation of the
4 provisions of section 570.240, knowing, or having reasonable
5 grounds to know, that the article has been produced in violation of
6 the provisions of section 570.240.]

[570.245. Sections 570.225 to 570.255 do not apply to:

2 (1) Any radio or television broadcaster who transfers any
3 such sounds as part of or in connection with a radio or television
4 broadcast transmission or for archival preservation;

5 (2) Any person transferring any such sounds at home for
6 his personal use without any compensation being derived by such
7 person or any other person from such transfer;

8 (3) Any cable television company that transfers any such
9 sounds as part of its regular cable television service.]

[570.255. 1. Any person guilty of a violation of sections
2 570.225 to 570.255 is punishable as follows:

3 (1) For the first offense of a violation of sections 570.225 to
4 570.241 which is not a felony under subdivision (2) of this
5 subsection, such person is guilty of a misdemeanor, and upon
6 conviction shall be punished by a fine not exceeding five thousand
7 dollars, or by confinement in the county jail not exceeding six
8 months, or by both such fine and confinement.

9 (2) For any offense of a violation of section 570.240 or
10 570.241 involving one hundred or more articles upon which motion
11 pictures or audiovisual works are recorded, or any other violation
12 of section 570.225 to 570.241 involving one hundred or more
13 articles, such person is guilty of a felony and, upon conviction, shall
14 be punished by a fine not exceeding fifty thousand dollars, or by
15 imprisonment by the department of corrections for not more than
16 five years, or by both such fine and imprisonment.

17 (3) For the second and subsequent violations of sections
18 570.225 to 570.255, such person is guilty of a felony and, upon
19 conviction, shall be punished by a fine not exceeding one hundred
20 thousand dollars, or by imprisonment by the department of
21 corrections for not less than two years nor more than five years, or
22 by both such fine and imprisonment.

23 2. If a person is convicted of any violation of sections
24 570.225 to 570.255, the court in its judgment of conviction may
25 order the forfeiture and destruction or other disposition of all
26 unlawful recordings and all implements, devices and equipment
27 used or intended to be used in the manufacture of the unlawful
28 recordings. The court may enter an order preserving such
29 recordings and all implements, devices and equipment as evidence
30 for use in other cases or pending in the final determination of an
31 appeal. The provisions of this subsection shall not be construed to
32 allow an order to destroy any such implements, devices, or
33 equipment used or intended to be used in such manufacture subject
34 to any valid lien or rights under any security agreement or title
35 retention contract when the holder thereof is an innocent party.

36 3. The penalties provided under sections 570.225 to 570.255
37 are not exclusive and are in addition to any other penalties
38 provided by law.]

2 [571.017. Nothing contained in any other provision of law,
3 except as provided in subsection 4 of section 571.015, shall prevent
4 imposition of sentences for both armed criminal action and the
5 crime committed by, with, or through the use, assistance, or aid of
a dangerous instrument or deadly weapon.]

2 [571.030. 1. A person commits the crime of unlawful use of
weapons if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a
4 knife, a firearm, a blackjack or any other weapon readily capable
5 of lethal use; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a
8 railroad train, boat, aircraft, or motor vehicle as defined in section
9 302.010, or any building or structure used for the assembling of
people; or

11 (4) Exhibits, in the presence of one or more persons, any
12 weapon readily capable of lethal use in an angry or threatening
13 manner; or

14 (5) Has a firearm or projectile weapon readily capable of
15 lethal use on his or her person, while he or she is intoxicated, and

16 handles or otherwise uses such firearm or projectile weapon in
17 either a negligent or unlawful manner or discharges such firearm
18 or projectile weapon unless acting in self-defense; or

19 (6) Discharges a firearm within one hundred yards of any
20 occupied schoolhouse, courthouse, or church building; or

21 (7) Discharges or shoots a firearm at a mark, at any object,
22 or at random, on, along or across a public highway or discharges or
23 shoots a firearm into any outbuilding; or

24 (8) Carries a firearm or any other weapon readily capable
25 of lethal use into any church or place where people have assembled
26 for worship, or into any election precinct on any election day, or
27 into any building owned or occupied by any agency of the federal
28 government, state government, or political subdivision thereof; or

29 (9) Discharges or shoots a firearm at or from a motor
30 vehicle, as defined in section 301.010, discharges or shoots a
31 firearm at any person, or at any other motor vehicle, or at any
32 building or habitable structure, unless the person was lawfully
33 acting in self-defense; or

34 (10) Carries a firearm, whether loaded or unloaded, or any
35 other weapon readily capable of lethal use into any school, onto any
36 school bus, or onto the premises of any function or activity
37 sponsored or sanctioned by school officials or the district school
38 board.

39 2. Subdivisions (1), (8), and (10) of subsection 1 of this
40 section shall not apply to the persons described in this subsection,
41 regardless of whether such uses are reasonably associated with or
42 are necessary to the fulfillment of such person's official duties
43 except as otherwise provided in this subsection. Subdivisions (3),
44 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to
45 or affect any of the following persons, when such uses are
46 reasonably associated with or are necessary to the fulfillment of
47 such person's official duties, except as otherwise provided in this
48 subsection:

49 (1) All state, county and municipal peace officers who have
50 completed the training required by the police officer standards and
51 training commission pursuant to sections 590.030 to 590.050 and

52 who possess the duty and power of arrest for violation of the
53 general criminal laws of the state or for violation of ordinances of
54 counties or municipalities of the state, whether such officers are on
55 or off duty, and whether such officers are within or outside of the
56 law enforcement agency's jurisdiction, or all qualified retired peace
57 officers, as defined in subsection 11 of this section, and who carry
58 the identification defined in subsection 12 of this section, or any
59 person summoned by such officers to assist in making arrests or
60 preserving the peace while actually engaged in assisting such
61 officer;

62 (2) Wardens, superintendents and keepers of prisons,
63 penitentiaries, jails and other institutions for the detention of
64 persons accused or convicted of crime;

65 (3) Members of the Armed Forces or National Guard while
66 performing their official duty;

67 (4) Those persons vested by article V, section 1 of the
68 Constitution of Missouri with the judicial power of the state and
69 those persons vested by Article III of the Constitution of the United
70 States with the judicial power of the United States, the members
71 of the federal judiciary;

72 (5) Any person whose bona fide duty is to execute process,
73 civil or criminal;

74 (6) Any federal probation officer or federal flight deck
75 officer as defined under the federal flight deck officer program, 49
76 U.S.C. Section 44921 regardless of whether such officers are on
77 duty, or within the law enforcement agency's jurisdiction;

78 (7) Any state probation or parole officer, including
79 supervisors and members of the board of probation and parole;

80 (8) Any corporate security advisor meeting the definition
81 and fulfilling the requirements of the regulations established by
82 the board of police commissioners under section 84.340;

83 (9) Any coroner, deputy coroner, medical examiner, or
84 assistant medical examiner;

85 (10) Any prosecuting attorney or assistant prosecuting
86 attorney or any circuit attorney or assistant circuit attorney who
87 has completed the firearms safety training course required under

88 subsection 2 of section 571.111;

89 (11) Any member of a fire department or fire protection
90 district who is employed on a full-time basis as a fire investigator
91 and who has a valid concealed carry endorsement issued prior to
92 August 28, 2013, or a valid concealed carry permit under section
93 571.111 when such uses are reasonably associated with or are
94 necessary to the fulfillment of such person's official duties; and

95 (12) Upon the written approval of the governing body of a
96 fire department or fire protection district, any paid fire department
97 or fire protection district chief who is employed on a full-time basis
98 and who has a valid concealed carry endorsement, when such uses
99 are reasonably associated with or are necessary to the fulfillment
100 of such person's official duties.

101 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this
102 section do not apply when the actor is transporting such weapons
103 in a nonfunctioning state or in an unloaded state when ammunition
104 is not readily accessible or when such weapons are not readily
105 accessible. Subdivision (1) of subsection 1 of this section does not
106 apply to any person twenty-one years of age or older or eighteen
107 years of age or older and a member of the United States Armed
108 Forces, or honorably discharged from the United States Armed
109 Forces, transporting a concealable firearm in the passenger
110 compartment of a motor vehicle, so long as such concealable
111 firearm is otherwise lawfully possessed, nor when the actor is also
112 in possession of an exposed firearm or projectile weapon for the
113 lawful pursuit of game, or is in his or her dwelling unit or upon
114 premises over which the actor has possession, authority or control,
115 or is traveling in a continuous journey peaceably through this
116 state. Subdivision (10) of subsection 1 of this section does not
117 apply if the firearm is otherwise lawfully possessed by a person
118 while traversing school premises for the purposes of transporting
119 a student to or from school, or possessed by an adult for the
120 purposes of facilitation of a school-sanctioned firearm-related event
121 or club event.

122 4. Subdivisions (1), (8), and (10) of subsection 1 of this
123 section shall not apply to any person who has a valid concealed

124 carry permit issued pursuant to sections 571.101 to 571.121, a
125 valid concealed carry endorsement issued before August 28, 2013,
126 or a valid permit or endorsement to carry concealed firearms issued
127 by another state or political subdivision of another state.

128 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of
129 subsection 1 of this section shall not apply to persons who are
130 engaged in a lawful act of defense pursuant to section 563.031.

131 6. Notwithstanding any provision of this section to the
132 contrary, the state shall not prohibit any state employee from
133 having a firearm in the employee's vehicle on the state's property
134 provided that the vehicle is locked and the firearm is not
135 visible. This subsection shall only apply to the state as an
136 employer when the state employee's vehicle is on property owned
137 or leased by the state and the state employee is conducting
138 activities within the scope of his or her employment. For the
139 purposes of this subsection, "state employee" means an employee
140 of the executive, legislative, or judicial branch of the government
141 of the state of Missouri.

142 7. Nothing in this section shall make it unlawful for a
143 student to actually participate in school-sanctioned gun safety
144 courses, student military or ROTC courses, or other
145 school-sponsored or club-sponsored firearm-related events, provided
146 the student does not carry a firearm or other weapon readily
147 capable of lethal use into any school, onto any school bus, or onto
148 the premises of any other function or activity sponsored or
149 sanctioned by school officials or the district school board.

150 8. Unlawful use of weapons is a class D felony unless
151 committed pursuant to subdivision (6), (7), or (8) of subsection 1 of
152 this section, in which cases it is a class B misdemeanor, or
153 subdivision (5) or (10) of subsection 1 of this section, in which case
154 it is a class A misdemeanor if the firearm is unloaded and a class
155 D felony if the firearm is loaded, or subdivision (9) of subsection 1
156 of this section, in which case it is a class B felony, except that if
157 the violation of subdivision (9) of subsection 1 of this section results
158 in injury or death to another person, it is a class A felony.

159 9. Violations of subdivision (9) of subsection 1 of this

160 section shall be punished as follows:

161 (1) For the first violation a person shall be sentenced to the
162 maximum authorized term of imprisonment for a class B felony;

163 (2) For any violation by a prior offender as defined in
164 section 558.016, a person shall be sentenced to the maximum
165 authorized term of imprisonment for a class B felony without the
166 possibility of parole, probation or conditional release for a term of
167 ten years;

168 (3) For any violation by a persistent offender as defined in
169 section 558.016, a person shall be sentenced to the maximum
170 authorized term of imprisonment for a class B felony without the
171 possibility of parole, probation, or conditional release;

172 (4) For any violation which results in injury or death to
173 another person, a person shall be sentenced to an authorized
174 disposition for a class A felony.

175 10. Any person knowingly aiding or abetting any other
176 person in the violation of subdivision (9) of subsection 1 of this
177 section shall be subject to the same penalty as that prescribed by
178 this section for violations by other persons.

179 11. Notwithstanding any other provision of law, no person
180 who pleads guilty to or is found guilty of a felony violation of
181 subsection 1 of this section shall receive a suspended imposition of
182 sentence if such person has previously received a suspended
183 imposition of sentence for any other firearms- or weapons-related
184 felony offense.

185 12. As used in this section "qualified retired peace officer"
186 means an individual who:

187 (1) Retired in good standing from service with a public
188 agency as a peace officer, other than for reasons of mental
189 instability;

190 (2) Before such retirement, was authorized by law to engage
191 in or supervise the prevention, detection, investigation, or
192 prosecution of, or the incarceration of any person for, any violation
193 of law, and had statutory powers of arrest;

194 (3) Before such retirement, was regularly employed as a
195 peace officer for an aggregate of fifteen years or more, or retired

196 from service with such agency, after completing any applicable
197 probationary period of such service, due to a service-connected
198 disability, as determined by such agency;

199 (4) Has a nonforfeitable right to benefits under the
200 retirement plan of the agency if such a plan is available;

201 (5) During the most recent twelve-month period, has met,
202 at the expense of the individual, the standards for training and
203 qualification for active peace officers to carry firearms;

204 (6) Is not under the influence of alcohol or another
205 intoxicating or hallucinatory drug or substance; and

206 (7) Is not prohibited by federal law from receiving a
207 firearm.

208 13. The identification required by subdivision (1) of
209 subsection 2 of this section is:

210 (1) A photographic identification issued by the agency from
211 which the individual retired from service as a peace officer that
212 indicates that the individual has, not less recently than one year
213 before the date the individual is carrying the concealed firearm,
214 been tested or otherwise found by the agency to meet the standards
215 established by the agency for training and qualification for active
216 peace officers to carry a firearm of the same type as the concealed
217 firearm; or

218 (2) A photographic identification issued by the agency from
219 which the individual retired from service as a peace officer; and

220 (3) A certification issued by the state in which the
221 individual resides that indicates that the individual has, not less
222 recently than one year before the date the individual is carrying
223 the concealed firearm, been tested or otherwise found by the state
224 to meet the standards established by the state for training and
225 qualification for active peace officers to carry a firearm of the same
226 type as the concealed firearm.]

2 [571.072. 1. A person commits the crime of unlawful
3 possession of an explosive weapon if he or she has any explosive
4 weapon in his or her possession and:

5 (1) He or she has pled guilty to or has been convicted of a
dangerous felony, as defined in section 556.061, or of an attempt to

6 commit a dangerous felony, or of a crime under the laws of any
7 state or of the United States which, if committed within this state,
8 would be a dangerous felony, or confined therefor in this state or
9 elsewhere during the five-year period immediately preceding the
10 date of such possession; or

11 (2) He or she is a fugitive from justice, is habitually in an
12 intoxicated or drugged condition, or is currently adjudged mentally
13 incompetent.

14 2. Unlawful possession of an explosive weapon is a class C
15 felony.]

2 [571.080. A person commits the crime of transfer of a
3 concealable firearm if such person violates 18 U.S.C. Section 922(b)
4 or 18 U.S.C. Section 922(x).]

5 [573.013. In the course of a criminal investigation under
6 this chapter, when the venue of the alleged criminal conduct cannot
7 be readily determined without further investigation, the attorney
8 general may request the prosecuting attorney of Cole County to
9 request a circuit or associate circuit judge of Cole County to issue
10 a subpoena to any witness who may have information for the
11 purpose of oral examination under oath or to require access to data
12 or the production of books, papers, records, or other material of
13 evidentiary nature at the office of the attorney general. If, upon
14 review of the evidence produced pursuant to the subpoenas, it
appears that a violation of this chapter may have been committed,
the attorney general shall provide the evidence produced pursuant
to subpoena to an appropriate county prosecuting attorney or
circuit attorney having venue over the criminal offense.]

2 [573.500. As used in sections 573.500 to 573.507, the
following terms mean:

3 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar
4 establishment in which persons appear in a state of nudity in the
5 performance of their duties;

6 (2) "Nudity", the showing of either:

7 (a) The human male or female genitals or pubic area with
8 less than a fully opaque covering; or

9 (b) The female breast with less than a fully opaque covering

10 on any part of the nipple.]

1 [573.528. For purposes of sections 573.525 to 573.537, the
2 following terms shall mean:

3 (1) "Adult bookstore" or "adult video store", a commercial
4 establishment which, as one of its principal business activities,
5 offers for sale or rental for any form of consideration any one or
6 more of the following: books, magazines, periodicals, or other
7 printed matter, or photographs, films, motion pictures, video
8 cassettes, compact discs, digital video discs, slides, or other visual
9 representations which are characterized by their emphasis upon
10 the display of specified sexual activities or specified anatomical
11 areas. A "principal business activity" exists where the commercial
12 establishment:

13 (a) Has a substantial portion of its displayed merchandise
14 which consists of such items; or

15 (b) Has a substantial portion of the wholesale value of its
16 displayed merchandise which consists of such items; or

17 (c) Has a substantial portion of the retail value of its
18 displayed merchandise which consists of such items; or

19 (d) Derives a substantial portion of its revenues from the
20 sale or rental, for any form of consideration, of such items; or

21 (e) Maintains a substantial section of its interior business
22 space for the sale or rental of such items; or

23 (f) Maintains an adult arcade. "Adult arcade" means any
24 place to which the public is permitted or invited wherein
25 coin-operated or slug-operated or electronically, electrically, or
26 mechanically controlled still or motion picture machines, projectors,
27 or other image-producing devices are regularly maintained to show
28 images to five or fewer persons per machine at any one time, and
29 where the images so displayed are characterized by their emphasis
30 upon matter exhibiting specified sexual activities or specified
31 anatomical areas;

32 (2) "Adult cabaret", a nightclub, bar, juice bar, restaurant,
33 bottle club, or other commercial establishment, regardless of
34 whether alcoholic beverages are served, which regularly features
35 persons who appear semi-nude;

36 (3) "Adult motion picture theater", a commercial
37 establishment where films, motion pictures, video cassettes, slides,
38 or similar photographic reproductions, which are characterized by
39 their emphasis upon the display of specified sexual activities or
40 specified anatomical areas are regularly shown to more than five
41 persons for any form of consideration;

42 (4) "Characterized by", describing the essential character or
43 dominant theme of an item;

44 (5) "Employ", "employee", or "employment", describe and
45 pertain to any person who performs any service on the premises of
46 a sexually oriented business, on a full-time, part-time, or contract
47 basis, whether or not the person is denominated an employee,
48 independent contractor, agent, or otherwise. Employee does not
49 include a person exclusively on the premises for repair or
50 maintenance of the premises or for the delivery of goods to the
51 premises;

52 (6) "Establish" or "establishment", any of the following:

53 (a) The opening or commencement of any sexually oriented
54 business as a new business;

55 (b) The conversion of an existing business, whether or not
56 a sexually oriented business, to any sexually oriented business; or

57 (c) The addition of any sexually oriented business to any
58 other existing sexually oriented business;

59 (7) "Influential interest", any of the following:

60 (a) The actual power to operate the sexually oriented
61 business or control the operation, management, or policies of the
62 sexually oriented business or legal entity which operates the
63 sexually oriented business;

64 (b) Ownership of a financial interest of thirty percent or
65 more of a business or of any class of voting securities of a business;
66 or

67 (c) Holding an office, such as president, vice president,
68 secretary, treasurer, managing member, or managing director, in
69 a legal entity which operates the sexually oriented business;

70 (8) "Nudity" or "state of nudity", the showing of the human
71 male or female genitals, pubic area, vulva, anus, anal cleft, or

72 cleavage with less than a fully opaque covering, or the showing of
73 the female breast with less than a fully opaque covering of any part
74 of the nipple or areola;

75 (9) "Operator", any person on the premises of a sexually
76 oriented business who causes the business to function or who puts
77 or keeps in operation the business or who is authorized to manage
78 the business or exercise overall operational control of the business
79 premises. A person may be found to be operating or causing to be
80 operated a sexually oriented business whether or not such person
81 is an owner, part owner, or licensee of the business;

82 (10) "Premises", the real property upon which the sexually
83 oriented business is located, and all appurtenances thereto and
84 buildings thereon, including but not limited to the sexually
85 oriented business, the grounds, private walkways, and parking lots
86 or parking garages or both;

87 (11) "Regularly", the consistent and repeated doing of the
88 act so described;

89 (12) "Semi-nude" or "state of semi-nudity", the showing of
90 the female breast below a horizontal line across the top of the
91 areola and extending across the width of the breast at such point,
92 or the showing of the male or female buttocks. Such definition
93 includes the lower portion of the human female breast, but shall
94 not include any portion of the cleavage of the female breasts
95 exhibited by a bikini, dress, blouse, shirt, leotard, or similar
96 wearing apparel provided the areola is not exposed in whole or in
97 part;

98 (13) "Semi-nude model studio", a place where persons
99 regularly appear in a state of semi-nudity for money or any form of
100 consideration in order to be observed, sketched, drawn, painted,
101 sculptured, photographed, or similarly depicted by other
102 persons. Such definition shall not apply to any place where
103 persons appearing in a state of semi-nudity do so in a modeling
104 class operated:

105 (a) By a college, junior college, or university supported
106 entirely or partly by taxation;

107 (b) By a private college or university which maintains and

108 operates educational programs in which credits are transferable to
109 a college, junior college, or university supported entirely or partly
110 by taxation; or

111 (c) In a structure:

112 a. Which has no sign visible from the exterior of the
113 structure and no other advertising that indicates a semi-nude
114 person is available for viewing; and

115 b. Where, in order to participate in a class, a student must
116 enroll at least three days in advance of the class;

117 (14) "Sexual encounter center", a business or commercial
118 enterprise that, as one of its principal purposes, purports to offer
119 for any form of consideration physical contact in the form of
120 wrestling or tumbling between two or more persons when one or
121 more of the persons is semi-nude;

122 (15) "Sexually oriented business", an adult bookstore or
123 adult video store, an adult cabaret, an adult motion picture
124 theater, a semi-nude model studio, or a sexual encounter center;

125 (16) "Specified anatomical areas":

126 (a) Less than completely and opaquely covered: human
127 genitals, pubic region, buttock, and female breast below a point
128 immediately above the top of the areola; and

129 (b) Human male genitals in a discernibly turgid state, even
130 if completely and opaquely covered;

131 (17) "Specified criminal act", any of the following specified
132 offenses for which less than eight years has elapsed since the date
133 of conviction or the date of release from confinement for the
134 conviction, whichever is later:

135 (a) Rape and sexual assault offenses;

136 (b) Sexual offenses involving minors;

137 (c) Offenses involving prostitution;

138 (d) Obscenity offenses;

139 (e) Offenses involving money laundering;

140 (f) Offenses involving tax evasion;

141 (g) Any attempt, solicitation, or conspiracy to commit one
142 of the offenses listed in paragraphs (a) to (f) of this subdivision; or

143 (h) Any offense committed in another jurisdiction which if

144 committed in this state would have constituted an offense listed in
145 paragraphs (a) to (g) of this subdivision;

146 (18) "Specified sexual activity", any of the following:

147 (a) Intercourse, oral copulation, masturbation, or sodomy;

148 or

149 (b) Excretory functions as a part of or in connection with
150 any of the activities described in paragraph (a) of this subdivision;

151 (19) "Substantial", at least thirty percent of the item or
152 items so modified;

153 (20) "Viewing room", the room, booth, or area where a
154 patron of a sexually oriented business would ordinarily be
155 positioned while watching a film, video cassette, digital video disc,
156 or other video reproduction.]

[574.030. For the purposes of sections 574.010 and 574.020

2 (1) "Property of another" means any property in which the
3 actor does not have a possessory interest;

4 (2) "Private property" means any place which at the time is
5 not open to the public. It includes property which is owned
6 publicly or privately;

7 (3) "Public place" means any place which at the time is
8 open to the public. It includes property which is owned publicly or
9 privately;

10 (4) If a building or structure is divided into separately
11 occupied units, such units are separate premises.]

[575.350. 1. A person commits the crime of killing or
2 disabling a police animal when such person knowingly causes the
3 death of a police animal, or knowingly disables a police animal to
4 the extent it is unable to be utilized as a police animal, when that
5 animal is involved in a law enforcement investigation,
6 apprehension, tracking, or search and rescue, or the animal is in
7 the custody of or under the control of a law enforcement officer,
8 department of corrections officer, municipal police department, fire
9 department and a rescue unit or agency.

10 2. Killing or disabling a police animal is a class D felony.]

[577.026. 1. Chemical tests of the person's breath, blood,
2 saliva, or urine to be considered valid under the provisions of

3 sections 577.020 to 577.041, shall be performed according to
4 methods and devices approved by the state department of health
5 and senior services by licensed medical personnel or by a person
6 possessing a valid permit issued by the state department of health
7 and senior services for this purpose.

8 2. The state department of health and senior services shall
9 approve satisfactory techniques, devices, equipment, or methods to
10 conduct tests required by sections 577.020 to 577.041, and shall
11 establish standards as to the qualifications and competence of
12 individuals to conduct analyses and to issue permits which shall be
13 subject to termination or revocation by the state department of
14 health and senior services.]

1 [577.065. 1. Whenever any all-terrain vehicle is involved
2 in an accident resulting in loss of life, personal injury or damage
3 to property and the operator thereof has knowledge of such
4 accident, he shall stop and give his name and address, the name
5 and address of the owner thereof and the registration number of
6 the all-terrain vehicle to the injured person or the person
7 sustaining the damage or to a police officer. In case no police
8 officer nor the person sustaining the damage is present at the place
9 where the damage occurred, then the operator shall immediately
10 report the accident, as soon as he is physically able, to the nearest
11 law enforcement agency.

12 2. A law enforcement officer who investigates or receives
13 information of an accident involving an all-terrain vehicle and also
14 involving the loss of life or serious physical injury, as defined in
15 section 556.061, shall make a written report of the investigation or
16 information received, and such additional facts relating to the
17 accident as may come to his knowledge, and mail the information
18 to the department of public safety and keep a record thereof in his
19 office.

20 3. This section does not apply when property damage is
21 sustained in sanctioned all-terrain vehicle races, derbies and
22 rallies.

23 4. Any person leaving the scene of an accident involving an
24 all-terrain vehicle which results in a serious personal injury shall

25 be guilty of a class A misdemeanor, except that it shall be a class
26 D felony if the accident resulted in death of another party or if
27 defendant has previously pled guilty or been found guilty of a
28 violation of this section.]

2 [577.071. The prosecutor of any county and the circuit
3 attorney of any city not within a county shall investigate reports of
4 violations of sections 260.211 and 260.212 and may, by information
5 or indictment, institute a prosecution for any violation of sections
5 260.211 and 260.212.]

2 [577.090. Any law enforcement officer shall and any agent
3 of the conservation commission or deputy or member of the
4 highway patrol, water patrol division, may enforce the provisions
5 of sections 577.070 and 577.080 and arrest violators thereof; except
6 that conservation agents may enforce such provisions only upon the
water, the banks thereof or upon public land.]

2 [577.105. 1. "Party line", as used in this section, means a
3 subscriber's line telephone circuit, consisting of two or more main
4 telephone stations connected therewith, each station with a
5 distinctive ring or telephone number. "Emergency", as used in this
6 section, means a situation in which property or human life are in
jeopardy and the prompt summoning of aid is essential.

7 2. Any person who willfully refuses to immediately
8 relinquish a party line when informed that the line is needed for
9 an emergency call to a fire department or law enforcement official
10 or for medical aid or ambulance service, or any person who secures
11 the use of a party line by falsely stating that the line is needed for
12 an emergency call, is guilty of a misdemeanor.

13 3. Every telephone directory hereafter distributed to the
14 members of the general public in this state or in any portion
15 thereof which lists the calling numbers of telephones of any
16 telephone exchange located in this state shall contain a notice
17 which explains the offense provided for in this section, the notice
18 to be preceded by the word "warning"; provided, that the provisions
19 of this section shall not apply to those directories distributed solely
20 for business advertising purposes, commonly known as classified
21 directories, nor to any telephone directory heretofore distributed to

22 the general public. Any person, firm or corporation providing
23 telephone service which distributes or causes to be distributed in
24 the state copies of a telephone directory which is subject to the
25 provisions of this section and which do not contain the notice
26 herein provided for is guilty of a misdemeanor.]

2 [577.110. No person under the age of sixteen years shall
3 operate a motor vehicle on the highways of this state. Any person
4 who violates this section, upon conviction thereof, shall be
5 punished by a fine of not less than five dollars nor more than five
hundred dollars.]

2 [577.160. 1. As used in sections 577.160 and 577.161, the
following words mean:

3 (1) "Swimming pool", any artificial basin of water which is
4 modified, improved, constructed or installed for the purpose of
5 public swimming, and includes: pools for community use, pools at
6 apartments, condominiums, and other groups of associations having
7 five or more living units, clubs, churches, camps, schools,
8 institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas,
9 motels, hotels and other commercial establishments. It does not
10 include pools at private residences intended only for the use of the
11 owner or guests;

12 (2) "Person", any individual, group of individuals,
13 association, trust, partnership, corporation, person doing business
14 under an assumed name, county, municipality, the state of
15 Missouri, or any political subdivision or department thereof, or any
16 other entity;

17 (3) "Life jacket", a life jacket, life vest or any other flotation
18 device designed to be worn about the body to assist in maintaining
19 buoyancy in water.]

2 [577.201. As used in this section and section 577.203,
3 "flight crew member" shall include the pilot in command, copilots,
3 flight engineers and flight navigators.]

2 [577.206. 1. Any person who operates, or acts as a flight
3 crew member of, any aircraft in this state is deemed to have given
3 his or her consent to chemical testing of his or her blood, breath,
4 or urine for the purpose of determining the alcohol or drug content

5 of the blood. The consent shall be deemed only if the person is
6 detained for any offense allegedly committed in violation of sections
7 577.201 and 577.203 or if any officer requests chemical testing as
8 part of an investigation of a suspected violation of state or local
9 law. The test shall be administered at the direction of the law
10 enforcement officer.

11 2. The implied consent to submit to the chemical tests shall
12 be limited to not more than two such tests arising from the same
13 incident.]

1 [577.208. 1. Chemical tests of the person's breath, blood,
2 or urine to be considered valid shall be performed according to
3 methods and devices approved by the state department of health
4 and senior services and shall be performed by licensed medical
5 personnel or by a person possessing a valid permit issued by the
6 state department of health and senior services for this purpose. A
7 blood test shall not be performed if the medical personnel, in good
8 faith medical judgment, believe such procedure would endanger the
9 health of the person in custody.

10 2. Upon request of the person tested, full information
11 concerning the test shall be made available to him.

12 3. No person administering a chemical test under this
13 section and sections 577.206, 577.211 and 577.214, or any other
14 person, firm or corporation with whom he is associated, shall be
15 civilly liable for damages to the person tested except for negligence
16 or by willful or wanton act or omission.]

1 [577.211. Any person who is dead, unconscious, or
2 otherwise incapable of refusing to take a test shall be deemed to
3 not have withdrawn the consent, and the chemical test may be
4 administered.]

1 [577.214. The provisions of section 491.060 shall not
2 prevent the admissibility of evidence of any chemical analysis
3 performed under this section and sections 577.206, 577.208 and
4 577.211. In any criminal prosecution for the violation of sections
5 577.201 and 577.203, the results of any properly performed
6 chemical test of the defendant's blood, breath or urine shall be
7 admissible as evidence.]

[578.105. If any county of the first class having a charter form of government containing the major portion of a city of over four hundred fifty thousand inhabitants exempts itself from the application of section 578.100 by a vote of the voters of the county pursuant to provisions of law permitting such vote, then a county in the following classification may also exempt itself from the application of section 578.100: Any county of the second class as of 1977 that is adjacent to any county containing a portion of a city with a population of more than four hundred thousand inhabitants in the 1970 census. The county may exempt itself from the provisions of section 578.100 by submission of the proposition to the voters of the county at a general election or a primary election, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of section 578.100 shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to, the following language: To exempt County from the Sunday sales law.

24

 YES NO

25

If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of section 578.100 shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of section 578.100 shall continue to apply and be enforced within that county. The exemption of any county from the provisions of section 578.100 shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are

36

37 exempt from the provisions of section 578.100 in the Missouri
38 revised statutes.]

1 [578.106. 1. The governing body of any city not within a
2 county may, by ordinance, exempt areas of the city located within
3 two thousand five hundred yards of a convention center owned by
4 the city or within two thousand five hundred yards of a municipal
5 auditorium owned by the city, or either of such areas, or parts of
6 either or both of such areas, from the application of section
7 578.100. The ordinance of exemption shall specifically define the
8 area or areas to be exempted and upon passage of such ordinance
9 and filing with the secretary of state and the revisor of statutes,
10 the provisions of section 578.100 shall no longer apply within the
11 designated area or areas of the city but shall continue to apply and
12 be enforced in all parts of the city not included within the
13 designated area or areas. However, the sale of automobiles shall
14 not be permitted within the exempted area or areas. The governing
15 body of any city adopting an ordinance pursuant to this section
16 shall file a copy of such ordinance with the secretary of state and
17 with the revisor of statutes and such officer shall certify the receipt
18 of the ordinance. The revisor of statutes shall note in the Missouri
19 revised statutes that an area or areas of the named city are exempt
20 from the provisions of section 578.100.

21 2. Following the effective date of any exemption adopted
22 pursuant to subsection 1 of this section, no person who leases any
23 structure, or portion thereof, within the area to which such
24 exemption applies to any person engaged in selling merchandise at
25 retail, may include in the lease, contract, or other document
26 governing such lease any provision which would, directly or
27 indirectly, require the lessee to open his business to the general
28 public on Sundays.

29 3. Following the effective date of any exemption adopted
30 pursuant to subsection 1 of this section, no lease, contract, or other
31 document governing the lease of any structure, or portion thereof,
32 to any person engaged in selling merchandise at retail, which was
33 in effect prior to the date of such exemption shall be interpreted to
34 require the lessee to open his business to the general public on

35 Sundays if the lessee was not required to open his business to the
36 general public at the time he signed such lease, contract, or other
37 document.

38 4. If any portion of this section is found by a court of
39 competent jurisdiction to be unconstitutional, all remaining
40 portions of this section shall remain valid unless the court finds
41 that the valid provisions of this section are so essentially and
42 inseparably connected with the invalid provision that they cannot
43 stand alone.]

2 [578.110. 1. As used in this section, the term "area"
3 includes all cities not within a county, all first class counties
4 having a charter form of government and adjoining such cities not
5 within a county and all first class counties which adjoin such first
6 class counties having a charter form of government and adjoining
7 cities not within a county; and the term "county" means any county
of this state not within an area.

8 2. In addition to the counties which may exempt themselves
9 from the application of section 578.100, under the provisions of
10 section 578.100 or section 578.105, any other county or area may
11 also exempt itself from the application of section 578.100 by a vote
12 of the qualified voters of the county or area; provided that, before
13 any area may so exempt itself from the provisions of section
14 578.100, the qualified voters of each city not within a county and
15 each county within such area shall vote on the proposal for
16 exemption from the provisions of section 578.100 at the same
17 election and a majority of the total votes cast in such area shall be
18 in favor of the proposal before either such city or any of such
19 counties may be exempted from the provisions of section 578.100.

20 3. In order to exempt itself from the provisions of section
21 578.100, the county or area shall submit the proposition to the
22 voters of the county or area at any election, and the proposition
23 shall receive a majority of the votes cast. The proposition to
24 exempt the county from the provisions of section 578.100 shall be
25 submitted to the voters of the county upon a majority vote of the
26 governing body of the county or when a petition requesting the
27 submission of the proposition to the voters and signed by a number

28 of registered voters residing in the county equal to eight percent of
29 the votes cast in the county in the next preceding gubernatorial
30 election is filed with the governing body of the county. When a
31 petition signed by a number of registered voters residing in the
32 area equal to eight percent of the votes cast in the area in the next
33 preceding gubernatorial election requesting the submission of a
34 proposition to exempt the area from the provisions of section
35 578.100 is filed with each of the governing bodies of the area, the
36 proposition shall be submitted to the voters of the area. The ballot
37 of submission shall contain, but need not be limited to, the
38 following language:

39 To exempt County (or the area consisting
40 of city and
41 counties) from the Sunday sales law.

42 YES NO

43 If a majority of the votes cast on the proposal by the registered
44 voters voting thereon in the county or area are in favor of the
45 proposal, then the provisions of section 578.100 shall no longer
46 apply within that county or area. If a majority of the votes cast on
47 the proposal by the registered voters voting thereon in the county
48 or area are opposed to the proposal, then the provisions of section
49 578.100 shall continue to apply and be enforced within that county
50 or area. The exemption of the county or area from the provisions
51 of section 578.100 shall not become effective in that county or area
52 until the results of the vote exempting the county or area have
53 been filed with the secretary of state and with the revisor of
54 statutes and have been certified as received by those officers. The
55 revisor of statutes shall note which counties or areas are exempt
56 from the provisions of section 578.100 in the Missouri revised
57 statutes.]

1 [578.120. 1. Notwithstanding any provision in this chapter
2 to the contrary, no dealer, distributor or manufacturer licensed
3 under section 301.559 may keep open, operate, or assist in keeping
4 open or operating any established place of business for the purpose
5 of buying, selling, bartering or exchanging, or offering for sale,
6 barter or exchange, any motor vehicle, whether new or used, on

7 Sunday. However, this section does not apply to the sale of
8 manufactured housing; the sale of recreational motor vehicles;
9 washing, towing, wrecking or repairing operations; the sale of
10 petroleum products, tires, and repair parts and accessories; or new
11 vehicle shows or displays participated in by five or more franchised
12 dealers or in towns or cities with five or fewer dealers, a majority.

13 2. No association consisting of motor vehicle dealers,
14 distributors or manufacturers licensed under section 301.559 shall
15 be in violation of antitrust or restraint of trade statutes under
16 chapter 416 or regulation promulgated thereunder solely because
17 it encourages its members not to open or operate on Sunday a place
18 of business for the purpose of buying, selling, bartering or
19 exchanging any motor vehicle.

20 3. Any person who violates the provisions of this section
21 shall be guilty of a class C misdemeanor.]

2 [578.200. Sections 578.200 to 578.225 shall be known and
may be cited as the "Cave Resources Act".]

2 [578.205. When used in sections 578.200 to 578.225, the
3 following words and phrases shall have the meanings ascribed to
them in this section unless the context clearly requires otherwise:

4 (1) "Cave or cavern", any naturally occurring subterranean
5 cavity enterable by man including, without limitation, a pit,
6 pothole, natural well, grotto and tunnel, whether or not the
7 opening has a natural entrance;

8 (2) "Cave system", the caves in a given area related to each
9 other hydrologically, whether continuous or discontinuous from a
10 single opening;

11 (3) "Show cave", any cave or cavern wherein trails have
12 been created and some type of lighting provided by the owner or
13 operator for purpose of exhibition to the general public as a profit
14 or nonprofit enterprise, wherein a fee is generally collected for
15 entry;

16 (4) "Sinkhole", a hollow place or depression in the ground
17 in which drainage may collect with an opening therefrom into an
18 underground channel or cave including any subsurface opening
19 that might be bridged by a formation of silt, gravel, humus or any

20 other material through which percolation into the channel or cave
21 may occur.]

2 [578.220. Sections 578.200 to 578.225 shall not apply to
vertical or horizontal underground mining operations.]

2 [578.225. Any person who violates any provision of sections
578.200 to 578.225 is guilty of a class A misdemeanor.]

2 [578.353. Any person licensed under chapter 334 or 335
3 who, in good faith, makes a report pursuant to section 578.350
4 shall have immunity from civil liability that otherwise might result
5 from such report and shall have the same immunity with respect
6 to any good faith participation in any judicial proceeding in which
7 the reported gunshot wound is an issue. Notwithstanding the
8 provisions of subdivision (5) of section 491.060, the existence of a
9 physician-patient relationship shall not prevent a physician from
10 submitting the report required in section 578.350, or testifying
11 regarding information acquired from a patient treated for a
gunshot wound if such testimony is otherwise admissible.]

2 [578.360. As used in sections 578.360 to 578.365, unless the
context clearly requires otherwise, the following terms mean:

3 (1) "Educational institution", a public or private college or
4 university;

5 (2) "Hazing", a willful act, occurring on or off the campus of
6 an educational institution, directed against a student or a
7 prospective member of an organization operating under the
8 sanction of an educational institution, that recklessly endangers
9 the mental or physical health or safety of a student or prospective
10 member for the purpose of initiation or admission into or continued
11 membership in any such organization to the extent that such
12 person is knowingly placed at probable risk of the loss of life or
13 probable bodily or psychological harm. Acts of hazing shall
14 include:

15 (a) Any activity which recklessly endangers the physical
16 health or safety of the student or prospective member, including
17 but not limited to physical brutality, whipping, beating, branding,
18 exposure to the elements, forced consumption of any food, liquor,
19 drug or other substance or forced smoking or chewing of tobacco

20 products; or

21 (b) Any activity which recklessly endangers the mental
22 health of the student or prospective member, including but not
23 limited to sleep deprivation, physical confinement, or other extreme
24 stress-inducing activity; or

25 (c) Any activity that requires the student or prospective
26 member to perform a duty or task which involves a violation of the
27 criminal laws of this state or any political subdivision in this
28 state.]

2 [578.363. Each educational institution in this state shall
3 adopt a written policy prohibiting hazing by any organization
3 operating under the sanction of the institution.]

2 [578.375. As used in sections 578.375 to 578.392, the
2 following terms mean:

3 (1) "Department", the Missouri department of social
4 services or any of its divisions;

5 (2) "Electronic benefits card" or "EBT card", a debit card
6 used to access food stamps or cash benefits issued by the
7 department of social services;

8 (3) "Employment information", the following facts if
9 reasonably available: complete name, beginning and ending dates
10 of employment during the most recent five years, amount of money
11 earned in any month or months during the most recent five years,
12 last known address, date of birth, and Social Security account
13 number;

14 (4) "Food stamps", the nutrition assistance program in
15 Missouri that provides food and aid to low-income individuals who
16 are in need of benefits to purchase foods operated by the United
17 States Department of Agriculture (USDA) in conjunction with the
18 department;

19 (5) "Public assistance benefits", anything of value, including
20 money, food, EBT cards, food stamps, commodities, clothing,
21 utilities, utilities payments, shelter, drugs and medicine, materials,
22 goods, and any service including institutional care, medical care,
23 dental care, child care, psychiatric and psychological service,
24 rehabilitation instruction, training, transitional assistance, or

25 counseling, received by or paid on behalf of any person under
26 chapters 198, 205, 207, 208, 209, and 660, or benefits, programs,
27 and services provided or administered by the department or any of
28 its divisions.]

1 [578.389. 1. Every person who has been previously
2 convicted of two violations in section 578.385 or 578.387, or any two
3 of them shall, upon a subsequent conviction of any of these
4 offenses, be guilty of a class C felony and shall be punished
5 accordingly.

6 2. Evidence of prior convictions shall be heard by the court,
7 out of the hearing of the jury, prior to the submission of the case
8 to the jury, and the court shall determine the existence of the prior
9 convictions.]

1 [578.409. 1. Any person who violates section 578.407:

2 (1) Shall be guilty of a misdemeanor for each such violation
3 unless the loss, theft, or damage to the animal facility exceeds
4 three hundred dollars in value;

5 (2) Shall be guilty of a class D felony if the loss, theft, or
6 damage to the animal facility property exceeds three hundred
7 dollars in value but does not exceed ten thousand dollars in value;

8 (3) Shall be guilty of a class C felony if the loss, theft, or
9 damage to the animal facility property exceeds ten thousand
10 dollars in value but does not exceed one hundred thousand dollars
11 in value;

12 (4) Shall be guilty of a class B felony if the loss, theft, or
13 damage to the animal facility exceeds one hundred thousand
14 dollars in value.

15 2. Any person who intentionally agrees with another person
16 to violate section 578.407 and commits an act in furtherance of
17 such violation shall be guilty of the same class of violation as
18 provided in subsection 1 of this section.

19 3. In the determination of the value of the loss, theft, or
20 damage to an animal facility, the court shall conduct a hearing to
21 determine the reasonable cost of replacement of materials, data,
22 equipment, animals, and records that were damaged, destroyed,
23 lost, or cannot be returned, as well as the reasonable cost of lost

24 production funds and repeating experimentation that may have
25 been disrupted or invalidated as a result of the violation of section
26 578.407.

27 4. Any persons found guilty of a violation of section 578.407
28 shall be ordered by the court to make restitution, jointly and
29 severally, to the owner, operator, or both, of the animal facility, in
30 the full amount of the reasonable cost as determined under
31 subsection 3 of this section.

32 5. Any person who has been damaged by a violation of
33 section 578.407 may recover all actual and consequential damages,
34 punitive damages, and court costs, including reasonable attorneys'
35 fees, from the person causing such damage.

36 6. Nothing in sections 578.405 to 578.412 shall preclude any
37 animal facility injured in its business or property by a violation of
38 section 578.407 from seeking appropriate relief under any other
39 provision of law or remedy including the issuance of an injunction
40 against any person who violates section 578.407. The owner or
41 operator of the animal facility may petition the court to
42 permanently enjoin such persons from violating sections 578.405 to
43 578.412 and the court shall provide such relief.]

2 [578.412. 1. The director shall have the authority to
3 investigate any alleged violation of sections 578.405 to 578.412,
4 along with any other law enforcement agency, and may take any
5 action within the director's authority necessary for the enforcement
6 of sections 578.405 to 578.412. The attorney general, the highway
7 patrol, and other law enforcement officials shall provide assistance
required in the conduct of an investigation.

8 2. The director may promulgate rules and regulations
9 necessary for the enforcement of sections 578.405 to 578.412. No
10 rule or portion of a rule promulgated under the authority of
11 sections 578.405 to 578.412 shall become effective unless it has
12 been promulgated pursuant to the provisions of section 536.024.]

2 [578.414. Sections 578.414 to 578.420 shall be known and
3 may be cited as "The Crop Protection Act". As used in sections
578.414 to 578.420, the term "director" shall mean the director of
4 the department of agriculture.]

[578.418. 1. Any person who violates section 578.416:

2 (1) Shall be guilty of a misdemeanor for each such violation
3 unless the loss or damage to the crop exceeds five hundred dollars
4 in value;

5 (2) Shall be guilty of a class D felony if the loss or damage
6 to the crop exceeds five hundred dollars in value but does not
7 exceed one thousand dollars in value;

8 (3) Shall be guilty of a class C felony if the loss or damage
9 to the crop exceeds one thousand dollars in value but does not
10 exceed one hundred thousand dollars in value;

11 (4) Shall be guilty of a class B felony if the loss or damage
12 to the crop exceeds one hundred thousand dollars in value.

13 2. Any person who has been damaged by a violation of
14 section 578.416 may have a civil cause of action pursuant to section
15 537.353.

16 3. Nothing in sections 578.414 to 578.420 shall preclude any
17 owner or operator injured in his or her business or property by a
18 violation of section 578.416 from seeking appropriate relief under
19 any other provision of law or remedy including the issuance of an
20 injunction against any person who violates section 578.416. The
21 owner or operator of the business may petition the court to
22 permanently enjoin such persons from violating sections 578.414 to
23 578.420 and the court shall provide such relief.]

[578.420. 1. The director shall have the authority to
2 investigate any alleged violation of sections 578.414 to 578.420,
3 along with any other law enforcement agency, and may take any
4 action within the director's authority necessary for the enforcement
5 of sections 578.414 to 578.420. The attorney general, the highway
6 patrol, and other law enforcement officials shall provide assistance
7 required in the conduct of an investigation.

8 2. The director may promulgate rules and regulations
9 necessary for the enforcement of sections 578.414 to 578.420. Any
10 rule or portion of a rule, as that term is defined in section 536.010,
11 that is created under the authority delegated in sections 578.414
12 to 578.420 shall become effective only if it complies with and is
13 subject to all of the provisions of chapter 536 and, if applicable,

14 section 536.028. Sections 578.414 to 578.420 and chapter 536 are
15 nonseverable and if any of the powers vested with the general
16 assembly pursuant to chapter 536 to review, to delay the effective
17 date or to disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any
19 rule proposed or adopted after August 28, 2001, shall be invalid
20 and void.]

1 [578.433. It is unlawful for a person to keep or maintain
2 such a public nuisance. In addition to any other criminal
3 prosecutions, the prosecuting attorney or circuit attorney may by
4 information or indictment charge the owner or the occupant, or
5 both the owner and the occupant, of the room, building, structure,
6 or inhabitable structure with the crime of keeping or maintaining
7 a public nuisance. Keeping or maintaining a public nuisance is a
8 class C felony.]

2 [578.530. It shall be an affirmative defense to prosecution
3 for a violation of sections 578.520 and 578.525 that the premises
4 were at the time open to members of the public and the person
5 complied with all lawful conditions imposed concerning access to or
the privilege of remaining on the premises.]

Section B. Section A of this act shall become effective on January 1, 2016.

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