

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 807
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 4, 2015, with recommendation that the Senate Committee Substitute do pass.

1938S.07C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 105.716, 217.360, 221.111, 272.030, 272.230, 311.310, 452.315, 452.317, 456.950, 473.663, 478.463, 488.2206, 513.430, 516.105, 541.033, 565.225, 566.210, 566.211, 566.212, 566.213, 578.005, 578.007, 578.011, 595.030, 600.042, 600.090, and 600.101, RSMo, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof thirty-five new sections relating to the administration of justice, with penalty provisions and an effective date for a certain section.

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

Section A. Sections 105.716, 217.360, 221.111, 272.030, 272.230, 311.310,
2 452.315, 452.317, 456.950, 473.663, 478.463, 488.2206, 513.430, 516.105, 541.033,
3 565.225, 566.210, 566.211, 566.212, 566.213, 578.005, 578.007, 578.011, 595.030,
4 600.042, 600.090, and 600.101, RSMo, section 198.070 as enacted by senate bill
5 no. 491, ninety-seventh general assembly, second regular session, section 198.070

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

6 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first
7 regular session, section 570.010 as enacted by house bill no. 1888, ninety-first
8 general assembly, second regular session, section 570.030 as enacted by senate
9 bill no. 491, ninety-seventh general assembly, second regular session, section
10 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first
11 regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh
12 general assembly, second regular session, and section 577.012 as enacted by
13 senate bill no. 491, ninety-seventh general assembly, second regular session, are
14 repealed and thirty-five new sections enacted in lieu thereof, to be known as
15 sections 105.716, 198.070, 217.360, 221.111, 272.030, 272.230, 311.310, 452.315,
16 452.317, 456.950, 456.1-113, 473.663, 478.463, 488.2206, 488.2244, 488.2257,
17 513.430, 516.105, 541.033, 565.225, 566.210, 566.211, 566.212, 566.213, 570.010,
18 570.030, 577.010, 577.012, 578.005, 578.007, 578.040, 595.030, 600.042, 600.090,
19 and 600.101, to read as follows:

105.716. 1. Any investigation, defense, negotiation, or compromise of any
2 claim covered by sections 105.711 to 105.726 shall be conducted by the attorney
3 general[;]. Provided, **however**, that in the case of any claim against the
4 department of conservation, the department of transportation or a public
5 institution which awards baccalaureate degrees, or any officer or employee of
6 such department or such institution, any investigation, defense, negotiation, or
7 compromise of any claim covered by sections 105.711 to 105.726 shall be
8 conducted by legal counsel provided by the respective entity against which the
9 claim is made or which employs the person against whom the claim is made. **In**
10 **such cases where the investigation, defense, negotiation, or compromise**
11 **of a claim covered by sections 105.711 to 105.726 is conducted by the**
12 **legal counsel of a public institution which awards baccalaureate**
13 **degrees, decisions regarding settlement of a claim shall be reserved**
14 **exclusively to the discretion of the attorney general, and in accordance**
15 **with subsection 5 of section 105.711, payments for any claim shall not**
16 **be made from the state legal expense fund without the approval of the**
17 **attorney general. If the attorney general refuses to approve a**
18 **settlement offer recommended for acceptance by a public institution**
19 **which awards baccalaureate degrees, then the attorney general may, at**
20 **the request of the public institution which awards baccalaureate**
21 **degrees, assume all responsibility of the investigation, defense,**
22 **negotiation, and compromise of the claim against the public institution**

23 **which awards baccalaureate degrees from that point forward. The**
24 **settlement of a claim against a public institution which awards**
25 **baccalaureate degrees that does not involve funds from the state legal**
26 **expense fund is not subject to the approval of the attorney general or**
27 **the provisions of this section.**

28 **2.** In the case of any payment from the state legal expense fund based
29 upon a claim or judgment against the department of conservation, the department
30 of transportation or any officer or employee thereof, the department so affected
31 shall immediately transfer to the state legal expense fund from the department
32 funds a sum equal to the amount expended from the state legal expense fund on
33 its behalf.

34 **[2.] 3.** All persons and entities protected by the state legal expense fund
35 shall cooperate with the attorneys conducting any investigation and preparing
36 any defense under the provisions of sections 105.711 to 105.726 by assisting such
37 attorneys in all respects, including the making of settlements, the securing and
38 giving of evidence, and the attending and obtaining witness to attend hearings
39 and trials. Funds in the state legal expense fund shall not be used to pay claims
40 and judgments against those persons and entities who do not cooperate as
41 required by this subsection.

42 **[3.] 4.** The provisions of sections 105.711 to 105.726 notwithstanding, the
43 attorney general may investigate, defend, negotiate, or compromise any claim
44 covered by sections 105.711 to 105.726 against any public institution which
45 awards baccalaureate degrees whose governing body has declared a state of
46 financial exigency.

47 **[4.] 5.** Notwithstanding the provisions of subsection 2 of section 105.711,
48 funds in the state legal expense fund may be expended prior to the payment of
49 any claim or any final judgment to pay costs of defense, including reasonable
50 attorney's fees for retention of legal counsel, when the attorney general
51 determines that a conflict exists or particular expertise is required, and also to
52 pay for related legal expenses including medical examination fees, expert witness
53 fees, court reporter expenses, travel costs and ancillary legal expenses incurred
54 prior to the payment of a claim or any final judgment.

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

20 **(2) In the event of suspected sexual assault of the resident, in**
21 **addition to the report to be made to the department, a report shall be**
22 **made under federal law pursuant to the provisions of 42 U.S.C. 1320b-25**
23 **to local law enforcement.**

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

28 4. In addition to the penalties imposed by this section, any administrator
29 who knowingly conceals any act of abuse or neglect resulting in death or serious
30 physical injury, as defined in section 556.061, is guilty of a class E felony.

31 5. In addition to those persons required to report pursuant to subsection
32 1 of this section, any other person having reasonable cause to believe that a
33 resident has been abused or neglected may report such information to the
34 department.

35 6. Upon receipt of a report, the department shall initiate an investigation
36 within twenty-four hours and, as soon as possible during the course of the
37 investigation, shall notify the resident's next of kin or responsible party of the
38 report and the investigation and further notify them whether the report was
39 substantiated or unsubstantiated unless such person is the alleged perpetrator
40 of the abuse or neglect. As provided in section 192.2425, substantiated reports

41 of elder abuse shall be promptly reported by the department to the appropriate
42 law enforcement agency and prosecutor.

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

55 8. Reports shall be confidential, as provided pursuant to section 192.2500.

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

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

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

77 12. Any person who abuses or neglects a resident of a facility is subject
78 to criminal prosecution under section 565.184.

79 13. The department shall maintain the employee disqualification list and
80 place on the employee disqualification list the names of any persons who are or
81 have been employed in any facility and who have been finally determined by the
82 department pursuant to section 192.2490 to have knowingly or recklessly abused
83 or neglected a resident. For purposes of this section only, "knowingly" and
84 "recklessly" shall have the meanings that are ascribed to them in this section. A
85 person acts "knowingly" with respect to the person's conduct when a reasonable
86 person should be aware of the result caused by his or her conduct. A person acts
87 "recklessly" when the person consciously disregards a substantial and
88 unjustifiable risk that the person's conduct will result in serious physical injury
89 and such disregard constitutes a gross deviation from the standard of care that
90 a reasonable person would exercise in the situation.

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

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. **(1)** The report shall contain the name and address of the facility, the
17 name of the resident, information regarding the nature of the abuse or neglect,

18 the name of the complainant, and any other information which might be helpful
19 in an investigation.

20 **(2) In the event of suspected sexual assault of the resident, in**
21 **addition to the report to be made to the department, a report shall be**
22 **made under federal law pursuant to the provisions of 42 U.S.C. 1320b-25**
23 **to local law enforcement.**

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

28 4. In addition to the penalties imposed by this section, any administrator
29 who knowingly conceals any act of abuse or neglect resulting in death or serious
30 physical injury, as defined in section 565.002, is guilty of a class D felony.

31 5. In addition to those persons required to report pursuant to subsection
32 1 of this section, any other person having reasonable cause to believe that a
33 resident has been abused or neglected may report such information to the
34 department.

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

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

54 days.

55 8. Reports shall be confidential, as provided pursuant to section 660.320.

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

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

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

78 12. Any person who abuses or neglects a resident of a facility is subject
79 to criminal prosecution under section 565.180, 565.182, or 565.184.

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

90 and such disregard constitutes a gross deviation from the standard of care that
91 a reasonable person would exercise in the situation.

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

217.360. 1. It shall be an offense for any person to knowingly deliver,
2 attempt to deliver, have in his possession, deposit or conceal in or about the
3 premises of any correctional center, or city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon
5 the written prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt
7 liquor, or any intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is
9 prohibited by law or by rule and regulation of the division from receiving or
10 possessing;

11 (4) Any gun, knife, weapon, or other article or item of personal property
12 that may be used in such manner as to endanger the safety or security of the
13 correctional center, or city or county jail, or private prison or jail or as to
14 endanger the life or limb of any offender or employee of such a center; **or**

15 **(5) Any two-way telecommunications device or its component**
16 **parts.**

17 2. The violation of subdivision (1) of subsection 1 of this section shall be
18 a class C felony; the violation of subdivision (2) **or (5)** of subsection 1 of this
19 section shall be a class D felony; the violation of subdivision (3) of subsection 1
20 of this section shall be a class A misdemeanor; and the violation of subdivision
21 (4) of subsection 1 of this section shall be a class B felony.

22 3. Any person who has been found guilty of or has pled guilty to a
23 violation of subdivision (2) of subsection 1 of this section involving any alkaloid
24 shall be entitled to expungement of the record of the violation. The procedure to
25 expunge the record shall be pursuant to section 610.123. The record of any person
26 shall not be expunged if such person has been found guilty of or has pled guilty
27 to knowingly delivering, attempting to deliver, having in his possession, or
28 depositing or concealing any alkaloid of any controlled substance in or about the
29 premises of any correctional center, or city or county jail, or private prison or jail.

30 **4. Subdivision (5) of subsection 1 of this section shall not apply**
31 **to:**

32 **(1) Any law enforcement officer employed by a state, federal**
33 **agency, or political subdivision lawfully engaged in his or her duties as**
34 **a law enforcement officer; or**

35 **(2) Any other person who is authorized by the correctional**
36 **center, city or county jail, or private prison to possess or use a two-way**
37 **telecommunications device in the correctional center, city or county**
38 **jail, or private prison or jail.**

221.111. 1. A person commits the offense of possession of unlawful items
2 in a prison or jail if such person knowingly delivers, attempts to deliver,
3 possesses, deposits, or conceals in or about the premises of any correctional center
4 as the term "correctional center" is defined under section 217.010, or any city,
5 county, or private jail:

6 (1) Any controlled substance as that term is defined by law, except upon
7 the written prescription of a licensed physician, dentist, or veterinarian;

8 (2) Any other alkaloid of any kind or any intoxicating liquor as the term
9 intoxicating liquor is defined in section 311.020;

10 (3) Any article or item of personal property which a prisoner is prohibited
11 by law, by rule made pursuant to section 221.060, or by regulation of the
12 department of corrections from receiving or possessing, except as herein provided;

13 (4) Any gun, knife, weapon, or other article or item of personal property
14 that may be used in such manner as to endanger the safety or security of the
15 institution or as to endanger the life or limb of any prisoner or employee thereof;

16 **(5) Any two-way telecommunications device or its component**
17 **parts.**

18 2. The violation of subdivision (1) of subsection 1 of this section shall be
19 a class D felony; the violation of subdivision (2) **or (5) of subsection 1** of this
20 section shall be a class E felony; the violation of subdivision (3) **of subsection**
21 **1** of this section shall be a class A misdemeanor; and the violation of subdivision
22 (4) **of subsection 1** of this section shall be a class B felony.

23 3. The chief operating officer of a county or city jail or other correctional
24 facility or the administrator of a private jail may deny visitation privileges to or
25 refer to the county prosecuting attorney for prosecution any person who
26 knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or
27 about the premises of such jail or facility any personal item which is prohibited

28 by rule or regulation of such jail or facility. Such rules or regulations, including
29 a list of personal items allowed in the jail or facility, shall be prominently posted
30 for viewing both inside and outside such jail or facility in an area accessible to
31 any visitor, and shall be made available to any person requesting such rule or
32 regulation. Violation of this subsection shall be an infraction if not covered by
33 other statutes.

34 4. Any person who has been found guilty of a violation of subdivision (2)
35 of subsection 1 of this section involving any alkaloid shall be entitled to
36 expungement of the record of the violation. The procedure to expunge the record
37 shall be pursuant to section 610.123. The record of any person shall not be
38 expunged if such person has been found guilty of knowingly delivering,
39 attempting to deliver, possessing, depositing, or concealing any alkaloid of any
40 controlled substance in or about the premises of any correctional center, or city
41 or county jail, or private prison or jail.

42 5. **Subdivision (5) of subsection 1 of this section shall not apply**
43 **to:**

44 **(1) Any law enforcement officer employed by a state, federal**
45 **agency, or political subdivision lawfully engaged in his or her duties as**
46 **a law enforcement officer; or**

47 **(2) Any other person who is authorized by the correctional**
48 **center, or city, county, or private jail to possess or use a two-way**
49 **telecommunications device in the correctional center, or city, county,**
50 **or private jail.**

272.030. [If any horses, cattle or other stock shall break over or through
2 any lawful fence, as defined in section 272.020, and by so doing obtain access to,
3 or do trespass upon, the premises of another, the owner of such animal shall, for
4 the first trespass, make reparation to the party injured for the true value of the
5 damages sustained, to be recovered with costs before a circuit or associate circuit
6 judge, and for any subsequent trespass the party injured may put up said animal
7 or animals and take good care of the same and immediately notify the owner, who
8 shall pay to taker-up the amount of the damages sustained, and such
9 compensation as shall be reasonable for the taking up and keeping of such
10 animals, before he shall be allowed to remove the same, and if the owner and
11 taker-up cannot agree upon the amount of the damages and compensation, either
12 party may institute an action in circuit court as in other civil cases. If the owner
13 recover, he shall recover his costs and any damages he may have sustained, and

14 the court shall issue an order requiring the taker-up to deliver to him the
15 animals. If the taker-up recover, the judgment shall be a lien upon the animals
16 taken up, and in addition to a general judgment and execution, he shall have a
17 special execution against such animals to pay the judgment rendered, and costs]
18 **The owner of any livestock that trespasses on the premises of another**
19 **shall not be held strictly liable for any damages.**

272.230. [If any horses, cattle or other stock trespass upon the premises
2 of another, the owner of the animal shall for the first trespass make reparation
3 to the party injured for the true value of the damages sustained, to be recovered
4 with costs before an associate circuit judge, or in any court of competent
5 jurisdiction, and for any subsequent trespass the party injured may put up the
6 animal or animals and take good care of them and immediately notify the owner,
7 who shall pay to the taker-up the amount of the damages sustained, and such
8 compensation as shall be reasonable for the taking up and keeping of the animals,
9 before he shall be allowed to remove them, and if the owner and taker-up cannot
10 agree upon the amount of the damages and compensation either party may make
11 complaint to an associate circuit judge of the county, setting forth the fact of the
12 disagreement, and the associate circuit judge shall be possessed of the cause, and
13 shall issue a summons to the adverse party and proceed with the cause as in
14 other civil cases. If the owner recovers, he shall recover his costs and any
15 damages he may have sustained, and the associate circuit judge shall issue an
16 order requiring the taker-up to deliver to him the animals. If the taker-up
17 recover, the judgment shall be a lien upon the animals taken up, and, in addition
18 to a general judgment and execution, he shall have a special execution against
19 the animals to pay the judgment rendered and costs] **The owner of any**
20 **livestock that trespasses on the premises of another shall not be held**
21 **strictly liable for any damages sustained.**

311.310. 1. Any licensee under this chapter, or his employee, who shall
2 sell, vend, give away or otherwise supply any intoxicating liquor in any quantity
3 whatsoever to any person under the age of twenty-one years, or to any person
4 intoxicated or appearing to be in a state of intoxication, or to a habitual
5 drunkard, and any person whomsoever except his parent or guardian who shall
6 procure for, sell, give away or otherwise supply intoxicating liquor to any person
7 under the age of twenty-one years, or to any intoxicated person or any person
8 appearing to be in a state of intoxication, or to a habitual drunkard, shall be
9 deemed guilty of a misdemeanor, except that this section shall not apply to the

10 supplying of intoxicating liquor to a person under the age of twenty-one years for
11 medical purposes only, or to the administering of such intoxicating liquor to any
12 person by a duly licensed physician. No person shall be denied a license or
13 renewal of a license issued under this chapter solely due to a conviction for
14 unlawful sale or supply to a minor when serving in the capacity as an employee
15 of a licensed establishment.

16 2. Any owner, occupant, or other person or legal entity with a lawful right
17 to the exclusive use and enjoyment of any property who knowingly allows a
18 person under the age of twenty-one to drink or possess intoxicating liquor or
19 knowingly fails to stop a person under the age of twenty-one from drinking or
20 possessing intoxicating liquor on such property, unless such person allowing the
21 person under the age of twenty-one to drink or possess intoxicating liquor is his
22 or her parent or guardian, is guilty of a class **[B] A** misdemeanor. Any second or
23 subsequent violation of this subsection is a class **[A misdemeanor] E felony**.

24 3. It shall be a defense to prosecution under this section if:

25 (1) The defendant is a licensed retailer, club, drinking establishment, or
26 caterer or holds a temporary permit, or an employee thereof;

27 (2) The defendant sold the intoxicating liquor to the minor with
28 reasonable cause to believe that the minor was twenty-one or more years of age;
29 and

30 (3) To purchase the intoxicating liquor, the person exhibited to the
31 defendant a driver's license, Missouri nondriver's identification card, or other
32 official or apparently official document, containing a photograph of the minor and
33 purporting to establish that such minor was twenty-one years of age and of the
34 legal age for consumption of intoxicating liquor.

452.315. 1. In a proceeding for dissolution of marriage or legal
2 separation, either party may move for temporary maintenance and for temporary
3 support for each child entitled to support. The motion shall be accompanied by
4 an affidavit setting forth the factual basis for the motion and the amounts
5 requested. In a proceeding for disposition of property, maintenance or support
6 following the dissolution of the marriage by a court which lacked personal
7 jurisdiction over the absent spouse, either party may move for maintenance and
8 for support of each child entitled to support. This motion shall be accompanied
9 by an affidavit setting forth the factual basis for the motion and the amounts
10 requested. This motion and the affidavit shall be served as though an original
11 pleading upon the opposite party.

12 2. As a part of a motion for temporary maintenance or support or by
13 independent motion accompanied by affidavit, either party may request the court
14 to issue an order after notice and hearing:

15 (1) Restraining any person from transferring, encumbering, concealing,
16 or in any way disposing of any property except in the usual course of business or
17 for the necessities of life and, if so restrained, requiring the person to notify the
18 moving party of any proposed extraordinary expenditures and to account to the
19 court for all extraordinary expenditures made after the order is issued;

20 (2) Enjoining a party from harassing, abusing, molesting or disturbing the
21 peace of the other party or of any child;

22 (3) Excluding a party from the family home or from the home of the other
23 party upon a showing that physical or emotional harm would otherwise result;

24 (4) Establishing and ordering compliance with a custody order and
25 providing for the support of each child;

26 **(5) Reallocating or reapportioning between the parties any or all**
27 **insurance costs under section 452.317 incurred during the pendency of**
28 **the dissolution of marriage or legal separation.**

29 3. The court may issue a restraining order only if it finds on the evidence
30 that irreparable injury would result to the moving party if an order is not issued
31 until the time for answering has elapsed.

32 4. An answer may be filed within ten days after service of notice of motion
33 or at the time specified in the restraining order.

34 5. On the basis of the showing made and in conformity with section
35 452.335 on maintenance and section 452.340 on support, the court may issue a
36 temporary injunction and an order for temporary maintenance or support in such
37 amounts and on such terms as are just and proper in the circumstances.

38 6. A restraining order or temporary injunction:

39 (1) Does not prejudice the rights of the parties or the child which are to
40 be adjudicated at subsequent hearings in the proceedings;

41 (2) May be revoked or modified prior to final judgment on a showing by
42 affidavit of the facts necessary to revocation or modification of a final judgment
43 pursuant to section 452.370; and

44 (3) Terminates when the final judgment is entered or when the petition
45 for dissolution or legal separation is voluntarily dismissed.

46 7. The court shall enter a temporary order requiring the provision of child
47 support pending the final judicial determination if there is clear and convincing

48 evidence establishing a presumption of paternity pursuant to section 210.822. In
49 determining the amount of child support, the court shall consider the factors set
50 forth in section 452.340.

51 8. Any order entered in modification or vacation of any temporary order
52 entered pursuant to this section may be retroactive to the date of entry of the
53 original temporary order.

452.317. From the date of filing of the petition for dissolution of marriage
2 or legal separation, no party shall terminate coverage during the pendency of the
3 proceeding for any other party or any minor child of the marriage under any
4 existing policy of health, dental or vision insurance. **Any insurance costs**
5 **incurred during the pendency of the dissolution of marriage or legal**
6 **separation shall be subject to court order for temporary maintenance**
7 **or support under subdivision (5) of subsection 2 of section 452.315.**

456.950. 1. As used in this section, "qualified spousal trust" means a
2 trust:

3 (1) The settlors of which are [husband and wife] **married to each other**
4 at the time of the creation of the trust; and

5 (2) The terms of which provide that during the joint lives of the settlors
6 all property [or interests in property] transferred to, or held by, the trustee are:

7 (a) Held and administered in one trust for the benefit of both settlors,
8 revocable by either **settlor** or both settlors [acting together] while either or both
9 are alive, and each settlor having the right to receive distributions of income or
10 principal, whether mandatory or within the discretion of the trustee, from the
11 entire trust for the joint lives of the settlors and for the survivor's life; or

12 (b) Held and administered in two separate shares of one trust for the
13 benefit of each of the settlors, with the trust revocable by each settlor with
14 respect to that settlor's separate share of that trust without the participation or
15 consent of the other settlor, and each settlor having the right to receive
16 distributions of income or principal, whether mandatory or within the discretion
17 of the trustee, from that settlor's separate share for that settlor's life; or

18 (c) Held and administered under the terms and conditions contained in
19 paragraphs (a) and (b) of this subdivision.

20 2. A qualified spousal trust may contain any other trust terms that are
21 not inconsistent with the provisions of this section, **including, without**
22 **limitation, a discretionary power to distribute trust property to a**
23 **person in addition to a settlor.**

24 3. [Any property or interests in property that are at any time transferred
25 to the trustee of a qualified spousal trust of which the husband and wife are the
26 settlors, shall thereafter be administered as provided by the trust terms in
27 accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this
28 section. All trust property and interests in property that is deemed for purposes
29 of this section to be held as tenants by the entirety, including the proceeds
30 thereof, the income thereon, and any property into which such property, proceeds,
31 or income may be converted, shall have the same immunity from the claims of the
32 separate creditors of the settlors as would have existed if the settlors had
33 continued to hold that property as husband and wife as tenants by the
34 entirety. Property or interests in property held by a husband and wife as tenants
35 by the entirety or as joint tenants or other form of joint ownership with right of
36 survivorship shall be conclusively deemed for purposes of this section to be held
37 as tenants by the entirety upon its transfer to the qualified spousal trust. All
38 such transfers shall retain said immunity, so long as:

39 (1) Both settlors are alive and remain married; and

40 (2) The property, proceeds, or income continue to be held in trust by the
41 trustee of the qualified spousal trust] **All property at any time held in a
42 qualified spousal trust, without regard to how such property was titled
43 prior to it being so held, shall have the same immunity from the claims
44 of a separate creditor of either settlor as if such property were held
45 outside the trust by the settlors as tenants by the entirety, unless
46 otherwise provided in writing by the settlor or settlors who transferred
47 such property to the trust, and such property shall be treated for that
48 purpose, including without limitation, federal and state bankruptcy
49 laws, as tenants by entirety property. Property held in a qualified
50 spousal trust shall cease to receive immunity from the claims of
51 creditors upon dissolution of marriage of the settlors by the court.**

52 4. [Property or interests in property held by a husband and wife or held
53 in the sole name of a husband or wife that are not held as tenants by the entirety
54 or deemed held as tenants by the entirety for purposes of this section and are
55 transferred to a qualified spousal trust shall be held as directed in the qualified
56 spousal trust's governing instrument or in the instrument of transfer and the
57 rights of any claimant to any interest in that property shall not be affected by
58 this section] **As used in this section, "property" means any interest in any
59 type of property held in a qualified spousal trust, the income thereon,**

60 **and any property into which such interest, proceeds, or income may be**
61 **converted.**

62 5. Upon the death of each settlor, all property [and interests in property]
63 held by the trustee of the qualified spousal trust shall be distributed as directed
64 by the then current terms of the governing instrument of such trust. Upon the
65 death of the first settlor to die, if immediately prior to death the predeceased
66 settlor's interest in the qualified spousal trust was then held in such settlor's
67 separate share, the property [or interests in property] **held** in such settlor's
68 separate share may pass into an irrevocable trust for the benefit of the surviving
69 settlor upon such terms as the governing instrument shall direct, including
70 without limitation a spendthrift provision as provided in section 456.5-502.

71 6. [No transfer by a husband and wife as settlors to a qualified spousal
72 trust shall affect or change either settlor's marital property rights to the
73 transferred property or interest therein immediately prior to such transfer in the
74 event of dissolution of marriage of the spouses, unless both spouses otherwise
75 expressly agree in writing.] **The respective rights of settlors who are**
76 **married to each other in any property for purposes of a dissolution of**
77 **the settlors' marriage shall not be affected or changed by reason of the**
78 **transfer of that property to, or its subsequent administration as an**
79 **asset of, a qualified spousal trust during the marriage of the settlors,**
80 **unless both settlors expressly agree otherwise in writing.**

81 7. **No transfer to a qualified spousal trust shall avoid or defeat**
82 **the Missouri Uniform Fraudulent Transfer Act in chapter 428.**

83 8. This section shall apply to all trusts which fulfill the criteria set forth
84 in this section for a qualified spousal trust regardless of whether such trust was
85 created before, **on**, or after August 28, 2011.

456.1-113. Any transfer of an asset to a trustee of a trust, to such
2 **trust itself, or to a share of such trust, in a manner that is reasonably**
3 **calculated to identify such trust or that share of such trust, subjects**
4 **that asset to the terms of such trust or that share.**

473.663. 1. If a person has died leaving property or any interest in
2 property in this state and if no administration has been commenced on the estate
3 of such decedent in this state within one year after the date of decedent's death,
4 and if no written will of such decedent has been presented for probate in this
5 state within the time period provided in subsection [2] 3 of section 473.050, then
6 any person claiming an interest in such property as heir or through an heir may

7 file a petition in the probate division of the circuit court which would be of proper
8 venue for the administration of the estate of such decedent to determine the heirs
9 of the decedent at the date of the decedent's death and their respective interests
10 or interests as heirs in the estate. The petition shall include all of the following
11 known by, or can with reasonable diligence be ascertained by, the petitioner:

12 (1) The name, age, domicile, last residence address and the fact and date
13 of death of the decedent;

14 (2) The names, relationship to the decedent and residence addresses of the
15 heirs of the decedent at the time of the decedent's death;

16 (3) The names and residence addresses of any persons claiming through
17 an heir of the decedent when such heir has died after the decedent;

18 (4) A particular description of the property of the decedent in this state
19 with respect to which the determination is sought and the value of such property.

20 2. Upon the filing of the petition, the court shall set the time for the
21 hearing of the petition, notice of which shall be given to:

22 (1) All persons known or believed to claim any interest in the property as
23 heir or through an heir of the decedent;

24 (2) All persons who may at the date of the filing of the petition be shown
25 by the records of conveyances of the county in which any real property described
26 in such petition is located to claim any interest in such real property through the
27 heirs of the decedent; and

28 (3) Any unknown heirs of the decedent.

29 3. The notice shall be given by publication by publishing the notice once
30 each week for four consecutive weeks, the last insertion of publication to be at
31 least seven days before the date set for the hearing. In addition, notice under
32 subdivision (1) of subsection 2 of section 472.100, or notice by registered or
33 certified mail, as the court shall direct, shall be given to every person named in
34 the petition whose address is known to the petitioner.

35 4. Upon the hearing of the petition, the court shall make a decree
36 determining the person or persons entitled to the property with respect to which
37 a determination is sought, and their respective interest in the property as heirs
38 or successors in interest to such heirs. The decree is conclusive evidence of the
39 facts determined in such decree as against all parties to the proceedings.

40 5. A certified copy of the decree shall be recorded at the expense of the
41 petitioner in each county in which any real property described in the decree is
42 situated.

43 6. This section shall apply to those persons whose deaths occur on or after
44 July 13, 1989.

478.463. There shall be nineteen circuit judges in the sixteenth judicial
2 circuit consisting of the county of Jackson. These judges shall sit in nineteen
3 divisions. Divisions one, three, four, six, seven, eight, nine, ten, eleven, [twelve,]
4 thirteen, fourteen, fifteen and eighteen shall sit at the city of Kansas City and
5 divisions two, five, **twelve**, sixteen and seventeen shall sit at the city of
6 Independence. Division nineteen shall sit at both the city of Kansas City and the
7 city of Independence. Notwithstanding the foregoing provisions, the judge of the
8 probate division shall sit at both the city of Kansas City and the city of
9 Independence.

488.2206. 1. In addition to all court fees and costs prescribed by law, a
2 surcharge of up to ten dollars shall be assessed as costs in each court proceeding
3 filed in any court within the thirty-first judicial circuit in all criminal cases
4 including violations of any county or municipal ordinance or any violation of a
5 criminal or traffic law of the state, including an infraction, except that no such
6 surcharge shall be collected in any proceeding in any court when the proceeding
7 or defendant has been dismissed by the court or when costs are to be paid by the
8 state, county, or municipality. For violations of the general criminal laws of the
9 state or county ordinances, no such surcharge shall be collected unless it is
10 authorized, by order, ordinance, or resolution by the county government where
11 the violation occurred. For violations of municipal ordinances, no such surcharge
12 shall be collected unless it is authorized by order, ordinance, or resolution by the
13 municipal government where the violation occurred. Such surcharges shall be
14 collected and disbursed by the clerk of each respective court responsible for
15 collecting court costs in the manner provided by sections 488.010 to 488.020, and
16 shall be payable to the treasurer of the political subdivision authorizing such
17 surcharge, **who shall deposit the funds in a separate account known as**
18 **the "justice center fund", to be established maintained by the political**
19 **subdivision.**

20 2. Each county or municipality shall use all funds received pursuant to
21 this section only to pay for the costs associated with the land assemblage and
22 purchase, **planning** construction, maintenance, and operation of any county or
23 municipal judicial facility including, but not limited to, **architectural,**
24 **engineering, and other plans and studies,** debt service, utilities,
25 maintenance, and building security. The county or municipality shall maintain

26 records identifying such [operating] costs, and any moneys not needed for the
27 [operating] costs of the county or municipal judicial facility shall be transmitted
28 quarterly to the general revenue fund of the county or municipality respectively.

29 **3. No moneys from a justice center fund shall be used to pay for**
30 **the land assemblage and purchase, planning, construction,**
31 **maintenance, and operation of any municipal judicial facility located**
32 **at the established seat of justice for the county, unless a feasibility**
33 **study has been conducted and submitted to the governing bodies of the**
34 **county and the municipality. The feasibility study shall:**

35 **(1) Examine the costs related to operating the existing circuit**
36 **and municipal judicial facilities, including court functions, security,**
37 **and accessibility;**

38 **(2) Provide estimated costs for the construction of a new**
39 **municipal judicial facility;**

40 **(3) Provide estimated costs for the renovation or expansion of**
41 **the existing circuit judicial facility;**

42 **(4) Provide estimated costs for the co-location of circuit and**
43 **municipal court operations in a shared judicial facility;**

44 **(5) Assess whether existing facilities have the capability to**
45 **accommodate a shared judicial facility;**

46 **(6) Compare the potential costs of separate, individual facilities**
47 **with the potential costs of a single, shared judicial facility; and**

48 **(7) Evaluate the relative potential of each configuration to**
49 **provide safe, secure, and efficient court facilities and produce**
50 **efficiencies and cost savings for all county and city taxpayers.**

51 **4. The provisions of the section shall expire on August 28, 2025.**

52 **488.2244. 1. There is hereby created in the state treasury the**
2 **"Jasper County Judicial Fund", which shall consist of moneys collected**
3 **under subsection 2 of this section. The state treasurer shall be**
4 **custodian of the fund. In accordance with sections 30.170 and 30.180,**
5 **the state treasurer may approve disbursements. The fund shall be a**
6 **dedicated fund and, upon appropriation, moneys in the fund shall be**
7 **used solely as described under subsection 4 of this section. The state**
8 **treasurer shall invest moneys in the fund in the same manner as other**
9 **funds are invested. Any interest and moneys earned on such**
10 **investments shall be credited to the fund.**

11 **2. In addition to any other court costs prescribed by law, court**

12 proceedings in the twenty-ninth judicial circuit shall have additional
13 court costs assessed in the following manner, except that no such
14 additional costs shall be collected for any violation of a traffic law or
15 in any proceeding when the proceeding or defendant has been
16 dismissed by the court or when costs are to be paid by the state,
17 county, or municipality:

18 (1) All civil cases filed shall be assessed a surcharge of ten
19 dollars;

20 (2) All misdemeanor criminal cases filed shall be assessed a
21 surcharge of twenty-five dollars; and

22 (3) All felony criminal cases filed shall be assessed a surcharge
23 of fifty dollars.

24 3. The judge may waive the assessment of the surcharge in those
25 cases where the defendant is found by the judge to be indigent and
26 unable to pay the costs.

27 4. Any county of the first classification with more than one
28 hundred fifteen thousand but fewer than one hundred fifty thousand
29 inhabitants shall use moneys in the Jasper County judicial fund to pay
30 for the costs associated with the purchase, lease, and operation of a
31 county juvenile center and the county judicial facility including, but
32 not limited to, utilities, maintenance, and building security. The county
33 shall maintain records identifying such operating costs, and any
34 moneys not needed for the operation and maintenance of a county
35 juvenile center or county judicial facility shall revert to the credit of
36 the general revenue fund.

37 5. The provisions of this section shall expire on August 28, 2025.

488.2257. 1. In addition to all other court costs prescribed by
2 law, a surcharge of up to ten dollars shall be assessed as costs in each
3 court proceeding filed in any court in the state located in any county
4 of the third classification without a township form of government and
5 with more than thirty-seven thousand but fewer than forty-one
6 thousand inhabitants and with a city of the third classification with
7 more than eleven thousand five hundred but fewer than thirteen
8 thousand inhabitants as the county seat in all civil and criminal cases
9 including violations of any county or municipal ordinance or
10 infractions, except that no such surcharge shall be collected for any
11 violation of a traffic law or ordinance or in any proceeding when the

12 proceeding or defendant has been dismissed by the court or when costs
13 are to be paid by the state, county, or municipality. For violations of
14 the criminal laws of the state or county ordinances, including
15 infractions, no such surcharge shall be collected unless it is authorized
16 by order, ordinance, or resolution by the county government where the
17 violation occurred. For violations of municipal ordinances, no such
18 surcharge shall be collected unless it is authorized by order, ordinance,
19 or resolution by the municipal government where the violation
20 occurred. Such surcharges shall be collected and disbursed by the
21 clerk of each respective court responsible for collecting court costs in
22 the manner provided by sections 488.010 to 488.020, and shall be
23 payable to the treasurer of the political subdivision authorizing such
24 surcharge.

25 **2. Each county or municipality shall use all funds received**
26 **pursuant to this section only to pay for the costs associated with the**
27 **land assemblage and purchase, planning, and construction of a new**
28 **facility, maintenance, and operation of any county or municipal judicial**
29 **facility or justice center including, but not limited to, architectural,**
30 **engineering, and other plans and studies, utilities, maintenance, and**
31 **building security of any judicial facility. The county or municipality**
32 **shall establish and maintain a separate account known as the "justice**
33 **center fund" limited to the uses authorized by this section. The county**
34 **or municipality shall maintain records identifying all surcharges and**
35 **expenditures made from the justice center fund.**

36 **3. The provisions of this section shall expire on August 28, 2025.**

513.430. 1. The following property shall be exempt from attachment and
2 execution to the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances,
4 books, animals, crops or musical instruments that are held primarily for personal,
5 family or household use of such person or a dependent of such person, not to
6 exceed three thousand dollars in value in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in
8 value and other jewelry held primarily for the personal, family or household use
9 of such person or a dependent of such person, not to exceed five hundred dollars
10 in value in the aggregate;

11 (3) Any other property of any kind, not to exceed in value six hundred
12 dollars in the aggregate;

13 (4) Any implements or professional books or tools of the trade of such
14 person or the trade of a dependent of such person not to exceed three thousand
15 dollars in value in the aggregate;

16 (5) Any motor vehicles, not to exceed three thousand dollars in value in
17 the aggregate;

18 (6) Any mobile home used as the principal residence but not attached to
19 real property in which the debtor has a fee interest, not to exceed five thousand
20 dollars in value;

21 (7) Any one or more unmatured life insurance contracts owned by such
22 person, other than a credit life insurance contract, **and up to fifteen thousand**
23 **dollars of any matured life insurance proceeds for actual funeral,**
24 **cremation, or burial expenses where the deceased is the spouse, child,**
25 **or parent of the beneficiary;**

26 (8) The amount of any accrued dividend or interest under, or loan value
27 of, any one or more unmatured life insurance contracts owned by such person
28 under which the insured is such person or an individual of whom such person is
29 a dependent; provided, however, that if proceedings under Title 11 of the United
30 States Code are commenced by or against such person, the amount exempt in
31 such proceedings shall not exceed in value one hundred fifty thousand dollars in
32 the aggregate less any amount of property of such person transferred by the life
33 insurance company or fraternal benefit society to itself in good faith if such
34 transfer is to pay a premium or to carry out a nonforfeiture insurance option and
35 is required to be so transferred automatically under a life insurance contract with
36 such company or society that was entered into before commencement of such
37 proceedings. No amount of any accrued dividend or interest under, or loan value
38 of, any such life insurance contracts shall be exempt from any claim for child
39 support. Notwithstanding anything to the contrary, no such amount shall be
40 exempt in such proceedings under any such insurance contract which was
41 purchased by such person within one year prior to the commencement of such
42 proceedings;

43 (9) Professionally prescribed health aids for such person or a dependent
44 of such person;

45 (10) Such person's right to receive:

46 (a) A Social Security benefit, unemployment compensation or a public
47 assistance benefit;

48 (b) A veteran's benefit;

49 (c) A disability, illness or unemployment benefit;

50 (d) Alimony, support or separate maintenance, not to exceed seven
51 hundred fifty dollars a month;

52 (e) Any payment under a stock bonus plan, pension plan, disability or
53 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan
54 described, defined, or established pursuant to section 456.014, the person's right
55 to a participant account in any deferred compensation program offered by the
56 state of Missouri or any of its political subdivisions, or annuity or similar plan or
57 contract on account of illness, disability, death, age or length of service, to the
58 extent reasonably necessary for the support of such person and any dependent of
59 such person unless:

60 a. Such plan or contract was established by or under the auspices of an
61 insider that employed such person at the time such person's rights under such
62 plan or contract arose;

63 b. Such payment is on account of age or length of service; and

64 c. Such plan or contract does not qualify under Section 401(a), 403(a),
65 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26
66 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or 409);
67 except that any such payment to any person shall be subject to attachment or
68 execution pursuant to a qualified domestic relations order, as defined by Section
69 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in
70 any proceeding for dissolution of marriage or legal separation or a proceeding for
71 disposition of property following dissolution of marriage by a court which lacked
72 personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of
73 marital property at the time of the original judgment of dissolution;

74 (f) Any money or assets, payable to a participant or beneficiary from, or
75 any interest of any participant or beneficiary in, a retirement plan, profit-sharing
76 plan, health savings plan, or similar plan, including an inherited account or plan,
77 that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the
78 Internal Revenue Code of 1986, as amended, whether such participant's or
79 beneficiary's interest arises by inheritance, designation, appointment, or
80 otherwise, except as provided in this paragraph. Any plan or arrangement
81 described in this paragraph shall not be exempt from the claim of an alternate
82 payee under a qualified domestic relations order; however, the interest of any and
83 all alternate payees under a qualified domestic relations order shall be exempt
84 from any and all claims of any creditor, other than the state of Missouri through

85 its department of social services. As used in this paragraph, the terms "alternate
86 payee" and "qualified domestic relations order" have the meaning given to them
87 in Section 414(p) of the Internal Revenue Code of 1986, as amended. If
88 proceedings under Title 11 of the United States Code are commenced by or
89 against such person, no amount of funds shall be exempt in such proceedings
90 under any such plan, contract, or trust which is fraudulent as defined in
91 subsection 2 of section 428.024 and for the period such person participated within
92 three years prior to the commencement of such proceedings. For the purposes of
93 this section, when the fraudulently conveyed funds are recovered and after, such
94 funds shall be deducted and then treated as though the funds had never been
95 contributed to the plan, contract, or trust;

96 (11) The debtor's right to receive, or property that is traceable to, a
97 payment on account of the wrongful death of an individual of whom the debtor
98 was a dependent, to the extent reasonably necessary for the support of the debtor
99 and any dependent of the debtor.

100 2. Nothing in this section shall be interpreted to exempt from attachment
101 or execution for a valid judicial or administrative order for the payment of child
102 support or maintenance any money or assets, payable to a participant or
103 beneficiary from, or any interest of any participant or beneficiary in, a retirement
104 plan which is qualified pursuant to Section 408A of the Internal Revenue Code
105 of 1986, as amended.

516.105. All actions against physicians, hospitals, dentists, registered or
2 licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors,
3 professional physical therapists, **mental health professionals licensed under**
4 **chapter 337**, and any other entity providing health care services and all
5 employees of any of the foregoing acting in the course and scope of their
6 employment, for damages for malpractice, negligence, error or mistake related to
7 health care shall be brought within two years from the date of occurrence of the
8 act of neglect complained of, except that:

9 (1) In cases in which the act of neglect complained of is introducing and
10 negligently permitting any foreign object to remain within the body of a living
11 person, the action shall be brought within two years from the date of the
12 discovery of such alleged negligence, or from the date on which the patient in the
13 exercise of ordinary care should have discovered such alleged negligence,
14 whichever date first occurs; and

15 (2) In cases in which the act of neglect complained of is the negligent

16 failure to inform the patient of the results of medical tests, the action for failure
17 to inform shall be brought within two years from the date of the discovery of such
18 alleged negligent failure to inform, or from the date on which the patient in the
19 exercise of ordinary care should have discovered such alleged negligent failure to
20 inform, whichever date first occurs; except that, no such action shall be brought
21 for any negligent failure to inform about the results of medical tests performed
22 more than two years before August 28, 1999. For purposes of this subdivision,
23 the act of neglect based on the negligent failure to inform the patient of the
24 results of medical tests shall not include the act of informing the patient of the
25 results of negligently performed medical tests or the act of informing the patient
26 of erroneous test results; and

27 (3) In cases in which the person bringing the action is a minor less than
28 eighteen years of age, such minor shall have until his or her twentieth birthday
29 to bring such action.

30 In no event shall any action for damages for malpractice, error, or mistake be
31 commenced after the expiration of ten years from the date of the act of neglect
32 complained of or for two years from a minor's eighteenth birthday, whichever is
33 later.

541.033. 1. Persons accused of committing offenses against the laws of
2 this state, except as may be otherwise provided by law, shall be prosecuted:

3 (1) In the county in which the offense is committed; or

4 (2) If the offense is committed partly in one county and partly in another,
5 or if the elements of the crime occur in more than one county, then in any of the
6 counties where any element of the offense occurred.

7 2. Persons accused of committing [the] offenses [of identity theft against
8 the laws of this state in sections 570.223, 570.224, and 575.120] **under chapter**
9 **570** shall be prosecuted:

10 (1) In the county in which the offense is committed;

11 (2) If the offense is committed partly in one county and partly in another,
12 or if the elements of the offense occur in more than one county, then in any of the
13 counties where any element of the offense occurred;

14 (3) In the county in which the victim resides **or conducts business**; or

15 (4) In the county in which the property obtained or attempted to be
16 obtained was located.

565.225. 1. As used in this section and section 565.227, the term
2 "disturbs" shall mean to engage in a course of conduct directed at a specific

3 person that serves no legitimate purpose and that would cause a reasonable
4 person under the circumstances to be frightened, intimidated, or emotionally
5 distressed.

6 2. A person commits the offense of stalking in the first degree if he or she
7 purposely, through his or her course of conduct, disturbs or follows with the
8 intent of disturbing another person and:

9 (1) Makes a threat communicated with the intent to cause the person who
10 is the target of the threat to reasonably fear for his or her safety, the safety of his
11 or her family or household member, or the safety of domestic animals or livestock
12 as defined in section 276.606 kept at such person's residence or on such person's
13 property. The threat shall be against the life of, or a threat to cause physical
14 injury to, or the kidnapping of the person, the person's family or household
15 members, or the person's domestic animals or livestock as defined in section
16 276.606 kept at such person's residence or on such person's property; or

17 (2) At least one of the acts constituting the course of conduct is in
18 violation of an order of protection and the person has received actual notice of
19 such order; or

20 (3) At least one of the actions constituting the course of conduct is in
21 violation of a condition of probation, parole, pretrial release, or release on bond
22 pending appeal; or

23 (4) At any time during the course of conduct, the other person is
24 seventeen years of age or younger and the person disturbing the other person is
25 twenty-one years of age or older; or

26 (5) He or she has previously been found guilty of domestic assault,
27 violation of an order of protection, or any other crime where the other person was
28 the victim; or

29 **(6) At any time during the course of conduct, the other person is**
30 **a participant of the address confidentiality program under sections**
31 **589.660 to 589.681, and the person disturbing the other person**
32 **knowingly accesses or attempts to access the address of the other**
33 **person.**

34 3. Any law enforcement officer may arrest, without a warrant, any person
35 he or she has probable cause to believe has violated the provisions of this section.

36 4. This section shall not apply to activities of federal, state, county, or
37 municipal law enforcement officers conducting investigations of any violation of
38 federal, state, county, or municipal law.

39 5. The offense of stalking in the first degree is a class E felony, unless the
40 defendant has previously been found guilty of a violation of this section or section
41 565.227, or any offense committed in another jurisdiction which, if committed in
42 this state, would be chargeable or indictable as a violation of any offense listed
43 in this section or section 565.227, in which case stalking in the first degree is a
44 class D felony.

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

2 (1) "Course of conduct", a pattern of conduct composed of two or more acts,
3 which may include communication by any means, over a period of time, however
4 short, evidencing a continuity of purpose. Constitutionally protected activity is
5 not included within the meaning of course of conduct. Such constitutionally
6 protected activity includes picketing or other organized protests;

7 (2) "Credible threat", a threat communicated with the intent to cause the
8 person who is the target of the threat to reasonably fear for his or her safety, or
9 the safety of his or her family, or household members or domestic animals or
10 livestock as defined in section 276.606 kept at such person's residence or on such
11 person's property. The threat must be against the life of, or a threat to cause
12 physical injury to, or the kidnapping of, the person, the person's family, or the
13 person's household members or domestic animals or livestock as defined in
14 section 276.606 kept at such person's residence or on such person's property;

15 (3) "Harasses", to engage in a course of conduct directed at a specific
16 person that serves no legitimate purpose, that would cause a reasonable person
17 under the circumstances to be frightened, intimidated, or emotionally distressed.

18 2. A person commits the crime of stalking if he or she purposely, through
19 his or her course of conduct, harasses or follows with the intent of harassing
20 another person.

21 3. A person commits the crime of aggravated stalking if he or she
22 purposely, through his or her course of conduct, harasses or follows with the
23 intent of harassing another person, and:

24 (1) Makes a credible threat; or

25 (2) At least one of the acts constituting the course of conduct is in
26 violation of an order of protection and the person has received actual notice of
27 such order; or

28 (3) At least one of the actions constituting the course of conduct is in
29 violation of a condition of probation, parole, pretrial release, or release on bond
30 pending appeal; or

31 (4) At any time during the course of conduct, the other person is
32 seventeen years of age or younger and the person harassing the other person is
33 twenty-one years of age or older; or

34 (5) He or she has previously pleaded guilty to or been found guilty of
35 domestic assault, violation of an order of protection, or any other crime where the
36 other person was the victim; or

37 **(6) At any time during the course of conduct, the other person is**
38 **a participant of the address confidentiality program under sections**
39 **589.660 to 589.681, and the person harassing the other person**
40 **knowingly accesses or attempts to access the address of the other**
41 **person.**

42 4. The crime of stalking shall be a class A misdemeanor unless the person
43 has previously pleaded guilty to or been found guilty of a violation of this section,
44 or of any offense committed in violation of any county or municipal ordinance in
45 any state, any state law, any federal law, or any military law which, if committed
46 in this state, would be chargeable or indictable as a violation of any offense listed
47 in this section, in which case stalking shall be a class D felony.

48 5. The crime of aggravated stalking shall be a class D felony unless the
49 person has previously pleaded guilty to or been found guilty of a violation of this
50 section, or of any offense committed in violation of any county or municipal
51 ordinance in any state, any state law, any federal law, or any military law which,
52 if committed in this state, would be chargeable or indictable as a violation of any
53 offense listed in this section, aggravated stalking shall be a class C felony.

54 6. Any law enforcement officer may arrest, without a warrant, any person
55 he or she has probable cause to believe has violated the provisions of this section.

56 7. This section shall not apply to activities of federal, state, county, or
57 municipal law enforcement officers conducting investigations of violation of
58 federal, state, county, or municipal law.

566.210. 1. A person commits the offense of sexual trafficking of a child
2 in the first degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of twelve to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from

9 participation in such activities; [or]

10 (2) Causes a person under the age of twelve to engage in a commercial sex
11 act, a sexual performance, or the production of explicit sexual material as defined
12 in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**
14 **twelve to participate in a commercial sex act, a sexual performance, or**
15 **the production of explicit sexual material as defined in section 573.010.**

16 2. It shall not be a defense that the defendant believed that the person
17 was twelve years of age or older.

18 3. The offense of sexual trafficking of a child in the first degree is a felony
19 for which the authorized term of imprisonment is life imprisonment without
20 eligibility for probation or parole until the offender has served not less than
21 twenty-five years of such sentence. Subsection 4 of section 558.019 shall not
22 apply to the sentence of a person who has been found guilty of sexual trafficking
23 of a child less than twelve years of age, and "life imprisonment" shall mean
24 imprisonment for the duration of a person's natural life for the purposes of this
25 section.

566.211. 1. A person commits the offense of sexual trafficking of a child
2 in the second degree if he or she knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of eighteen to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; [or]

10 (2) Causes a person under the age of eighteen to engage in a commercial
11 sex act, a sexual performance, or the production of explicit sexual material as
12 defined in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**
14 **eighteen to participate in a commercial sex act, a sexual performance,**
15 **or the production of explicit sexual material as defined in section**
16 **573.010.**

17 2. It shall not be a defense that the defendant believed that the person
18 was eighteen years of age or older.

19 3. The offense sexual trafficking of a child in the second degree is a felony

20 punishable by imprisonment for a term of years not less than ten years or life and
21 a fine not to exceed two hundred fifty thousand dollars if the child is under the
22 age of eighteen. If a violation of this section was effected by force, abduction, or
23 coercion, the crime of sexual trafficking of a child shall be a felony for which the
24 authorized term of imprisonment is life imprisonment without eligibility for
25 probation or parole until the defendant has served not less than twenty-five years
26 of such sentence.

566.212. 1. A person commits the crime of sexual trafficking of a child if
2 the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,
5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
6 person under the age of eighteen to participate in a commercial sex act, a sexual
7 performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from
9 participation in such activities; [or]

10 (2) Causes a person under the age of eighteen to engage in a commercial
11 sex act, a sexual performance, or the production of explicit sexual material as
12 defined in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**
14 **eighteen to participate in a commercial sex act, a sexual performance,**
15 **or the production of explicit sexual material as defined in section**
16 **573.010.**

17 2. It shall not be a defense that the defendant believed that the person
18 was eighteen years of age or older.

19 3. Sexual trafficking of a child is a felony punishable by imprisonment for
20 a term of years not less than ten years or life and a fine not to exceed two
21 hundred fifty thousand dollars if the child is under the age of eighteen. If a
22 violation of this section was effected by force, abduction, or coercion, the crime of
23 sexual trafficking of a child shall be a felony for which the authorized term of
24 imprisonment is life imprisonment without eligibility for probation or parole until
25 the defendant has served not less than twenty-five years of such sentence.

566.213. 1. A person commits the crime of sexual trafficking of a child
2 under the age of twelve if the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any
4 means, including but not limited to through the use of force, abduction, coercion,

5 fraud, deception, blackmail, or causing or threatening to cause financial harm, a
 6 person under the age of twelve to participate in a commercial sex act, a sexual
 7 performance, or the production of explicit sexual material as defined in section
 8 573.010, or benefits, financially or by receiving anything of value, from
 9 participation in such activities; [or]

10 (2) Causes a person under the age of twelve to engage in a commercial sex
 11 act, a sexual performance, or the production of explicit sexual material as defined
 12 in section 573.010; or

13 **(3) Advertises the availability of a person under the age of**
 14 **twelve to participate in a commercial sex act, a sexual performance, or**
 15 **the production of explicit sexual material as defined in section 573.010.**

16 2. It shall not be a defense that the defendant believed that the person
 17 was twelve years of age or older.

18 3. Sexual trafficking of a child less than twelve years of age shall be a
 19 felony for which the authorized term of imprisonment is life imprisonment
 20 without eligibility for probation or parole until the defendant has served not less
 21 than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not
 22 apply to the sentence of a person who has pleaded guilty to or been found guilty
 23 of sexual trafficking of a child less than twelve years of age, and "life
 24 imprisonment" shall mean imprisonment for the duration of a person's natural
 25 life for the purposes of this section.

570.010. As used in this chapter:

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 retain
 6 possession of;

7 (3) "Coercion" means a threat, however communicated:

8 (a) To commit any crime; or

9 (b) To inflict physical injury in the future on the person threatened or
 10 another; or

11 (c) To accuse any person of any crime; or

12 (d) To expose any person to hatred, contempt or ridicule; or

13 (e) To harm the credit or business repute of any person; or

14 (f) To take or withhold action as a public servant, or to cause a public
 15 servant to take or withhold action; or

16 (g) To inflict any other harm which would not benefit the actor. A threat
17 of accusation, lawsuit or other invocation of official action is not coercion if the
18 property sought to be obtained by virtue of such threat was honestly claimed as
19 restitution or indemnification for harm done in the circumstances to which the
20 accusation, exposure, lawsuit or other official action relates, or as compensation
21 for property or lawful service. The defendant shall have the burden of injecting
22 the issue of justification as to any threat;

23 (4) "Credit device" means a writing, number or other device purporting to
24 evidence an undertaking to pay for property or services delivered or rendered to
25 or upon the order of a designated person or bearer;

26 (5) "Dealer" means a person in the business of buying and selling goods;

27 (6) "Debit device" means a card, code, number or other device, other than
28 a check, draft or similar paper instrument, by the use of which a person may
29 initiate an electronic fund transfer, including but not limited to devices that
30 enable electronic transfers of benefits to public assistance recipients;

31 (7) "Deceit" means purposely making a representation which is false and
32 which the actor does not believe to be true and upon which the victim relies, as
33 to a matter of fact, law, value, intention or other state of mind. The term "deceit"
34 does not, however, include falsity as to matters having no pecuniary significance,
35 or puffing by statements unlikely to deceive ordinary persons in the group
36 addressed. Deception as to the actor's intention to perform a promise shall not
37 be inferred from the fact alone that he did not subsequently perform the promise;

38 (8) "Deprive" means:

39 (a) To withhold property from the owner permanently; or

40 (b) To restore property only upon payment of reward or other
41 compensation; or

42 (c) To use or dispose of property in a manner that makes recovery of the
43 property by the owner unlikely;

44 (9) **"Financial institution" means a bank, trust company, savings**
45 **and loan association, or credit union;**

46 (10) "Misabeled" means varying from the standard of truth or disclosure
47 in labeling prescribed by statute or lawfully promulgated administrative
48 regulations of this state lawfully filed, or if none, as set by commercial usage; or
49 represented as being another person's product, though otherwise accurately
50 labeled as to quality and quantity;

51 [(10)] (11) "New and unused property" means tangible personal property

52 that has never been used since its production or manufacture and is in its
53 original unopened package or container if such property was packaged;

54 [(11)] **(12)** "Of another" property or services is that "of another" if any
55 natural person, corporation, partnership, association, governmental subdivision
56 or instrumentality, other than the actor, has a possessory or proprietary interest
57 therein, except that property shall not be deemed property of another who has
58 only a security interest therein, even if legal title is in the creditor pursuant to
59 a conditional sales contract or other security arrangement;

60 [(12)] **(13)** "Property" means anything of value, whether real or personal,
61 tangible or intangible, in possession or in action, and shall include but not be
62 limited to the evidence of a debt actually executed but not delivered or issued as
63 a valid instrument;

64 [(13)] **(14)** "Receiving" means acquiring possession, control or title or
65 lending on the security of the property;

66 [(14)] **(15)** "Services" includes transportation, telephone, electricity, gas,
67 water, or other public service, accommodation in hotels, restaurants or elsewhere,
68 admission to exhibitions and use of vehicles;

69 [(15)] **(16)** "Writing" includes printing, any other method of recording
70 information, money, coins, negotiable instruments, tokens, stamps, seals, credit
71 cards, badges, trademarks and any other symbols of value, right, privilege or
72 identification.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to
3 deprive him or her thereof, either without his or her consent or by means of deceit
4 or coercion;

5 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of
6 another with the purpose to deprive him or her thereof, either without his or her
7 consent or by means of deceit or coercion; or

8 (3) For the purpose of depriving the owner of a lawful interest therein,
9 receives, retains or disposes of property of another knowing that it has been
10 stolen, or believing that it has been stolen.

11 2. The offense of stealing is a class A felony if the property appropriated
12 consists of any of the following containing any amount of anhydrous ammonia:
13 a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank
14 or field applicator.

15 3. The offense of stealing is a class B felony if:

16 (1) The property appropriated or attempted to be appropriated consists of
17 any amount of anhydrous ammonia or liquid nitrogen;

18 (2) The property consists of any animal considered livestock as the term
19 livestock is defined in section 144.010, or any captive wildlife held under permit
20 issued by the conservation commission, and the value of the animal or animals
21 appropriated exceeds three thousand dollars and that person has previously been
22 found guilty of appropriating any animal considered livestock or captive wildlife
23 held under permit issued by the conservation commission. Notwithstanding any
24 provision of law to the contrary, such person shall serve a minimum prison term
25 of not less than eighty percent of his or her sentence before he or she is eligible
26 for probation, parole, conditional release, or other early release by the department
27 of corrections;

28 (3) A person appropriates property consisting of a motor vehicle,
29 watercraft, or aircraft, and that person has previously been found guilty of two
30 stealing-related offenses committed on two separate occasions where such offenses
31 occurred within ten years of the date of occurrence of the present offense; [or]

32 (4) The property appropriated or attempted to be appropriated consists of
33 any animal considered livestock as the term is defined in section 144.010 if the
34 value of the livestock exceeds ten thousand dollars; **or**

35 **(5) The property appropriated or attempted to be appropriated**
36 **is owned by or in the custody of a financial institution, and the**
37 **property is taken or attempted to be taken physically from an**
38 **individual person to deprive the owner or custodian of the property.**

39 4. The offense of stealing is a class C felony if the value of the property
40 or services appropriated is twenty-five thousand dollars or more.

41 5. The offense of stealing is a class D felony if:

42 (1) The value of the property or services appropriated is seven hundred
43 fifty dollars or more;

44 (2) The offender physically takes the property appropriated from the
45 person of the victim; or

46 (3) The property appropriated consists of:

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

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

49 (c) Any credit device, debit device or letter of credit;

50 (d) Any firearms;

51 (e) Any explosive weapon as defined in section 571.010;

52 (f) Any United States national flag designed, intended and used for
53 display on buildings or stationary flagstaffs in the open;

54 (g) Any original copy of an act, bill or resolution, introduced or acted upon
55 by the legislature of the state of Missouri;

56 (h) Any pleading, notice, judgment or any other record or entry of any
57 court of this state, any other state or of the United States;

58 (i) Any book of registration or list of voters required by chapter 115;

59 (j) Any animal considered livestock as that term is defined in section
60 144.010;

61 (k) Any live fish raised for commercial sale with a value of seventy-five
62 dollars or more;

63 (l) Any captive wildlife held under permit issued by the conservation
64 commission;

65 (m) Any controlled substance as defined by section 195.010;

66 (n) Ammonium nitrate;

67 (o) Any wire, electrical transformer, or metallic wire associated with
68 transmitting telecommunications, video, internet, or voice over internet protocol
69 service, or any other device or pipe that is associated with conducting electricity
70 or transporting natural gas or other combustible fuels; or

71 (p) Any material appropriated with the intent to use such material to
72 manufacture, compound, produce, prepare, test or analyze amphetamine or
73 methamphetamine or any of their analogues.

74 6. The offense of stealing is a class E felony if:

75 (1) The property appropriated is an animal; or

76 (2) A person has previously been found guilty of three stealing-related
77 offenses committed on three separate occasions where such offenses occurred
78 within ten years of the date of occurrence of the present offense.

79 7. The offense of stealing is a class D misdemeanor if the property is not
80 of a type listed in subsection 2, 3, 5, or 6 of this section, the property
81 appropriated has a value of less than one hundred fifty dollars, and the person
82 has no previous findings of guilt for a stealing-related offense.

83 8. The offense of stealing is a class A misdemeanor if no other penalty is
84 specified in this section.

85 9. If a violation of this section is subject to enhanced punishment based on
86 prior findings of guilt, such findings of guilt shall be pleaded and proven in the
87 same manner as required by section 558.021.

88 10. The appropriation of any property or services of a type listed in
89 subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars
90 or more may be considered a separate felony and may be charged in separate
91 counts.

92 11. The value of property or services appropriated pursuant to one scheme
93 or course of conduct, whether from the same or several owners and whether at the
94 same or different times, constitutes a single criminal episode and may be
95 aggregated in determining the grade of the offense, except as set forth in
96 subsection 10 of this section.

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

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

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

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

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

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

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

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

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

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

27 (3) The property appropriated consists of:

- 28 (a) Any motor vehicle, watercraft or aircraft; or
29 (b) Any will or unrecorded deed affecting real property; or
30 (c) Any credit card or letter of credit; or
31 (d) Any firearms; or
32 (e) Any explosive weapon as defined in section 571.010; or
33 (f) A United States national flag designed, intended and used for display
34 on buildings or stationary flagstaffs in the open; or
35 (g) Any original copy of an act, bill or resolution, introduced or acted upon
36 by the legislature of the state of Missouri; or
37 (h) Any pleading, notice, judgment or any other record or entry of any
38 court of this state, any other state or of the United States; or
39 (i) Any book of registration or list of voters required by chapter 115; or
40 (j) Any animal considered livestock as that term is defined in section
41 144.010; or
42 (k) Live fish raised for commercial sale with a value of seventy-five
43 dollars; or
44 (l) Captive wildlife held under permit issued by the conservation
45 commission; or
46 (m) Any controlled substance as defined by section 195.010; or
47 (n) Anhydrous ammonia;
48 (o) Ammonium nitrate; or
49 (p) Any document of historical significance which has fair market value
50 of five hundred dollars or more.

51 4. Notwithstanding any other provision of law, stealing of any animal
52 considered livestock, as that term is defined in section 144.010, is a class B felony
53 if the value of the livestock exceeds ten thousand dollars.

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

63 6. **If the actor appropriates or attempts to appropriate property**

64 **that is owned by or in the custody of a financial institution and the**
65 **property is taken or attempted to be taken physically from an**
66 **individual person to deprive the owner or custodian of the property,**
67 **the theft is a class B felony.**

68 **7.** The theft of any item of property or services pursuant to subsection 3
69 of this section which exceeds five hundred dollars may be considered a separate
70 felony and may be charged in separate counts.

71 **[7.] 8.** Any person with a prior conviction of paragraph (j) or (l) of
72 subdivision (3) of subsection 3 of this section and who violates the provisions of
73 paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the
74 value of the animal or animals stolen exceeds three thousand dollars is guilty of
75 a class B felony. Notwithstanding any provision of law to the contrary, such
76 person shall serve a minimum prison term of not less than eighty percent of his
77 or her sentence before he or she is eligible for probation, parole, conditional
78 release, or other early release by the department of corrections.

79 **[8.] 9.** Any offense in which the value of property or services is an
80 element is a class B felony if the value of the property or services equals or
81 exceeds twenty-five thousand dollars.

82 **[9.] 10.** Any violation of this section for which no other penalty is
83 specified in this section is a class A misdemeanor.

577.010. 1. A person commits the offense of driving while intoxicated if
2 he or she operates a vehicle while in an intoxicated condition.

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior offender; or

7 (b) A person less than seventeen years of age is present in the vehicle;

8 (3) A class E felony if:

9 (a) The defendant is a persistent offender; or

10 (b) While driving while intoxicated, the defendant acts with criminal
11 negligence to cause physical injury to another person;

12 (4) A class D felony if:

13 (a) The defendant is an aggravated offender;

14 (b) While driving while intoxicated, the defendant acts with criminal
15 negligence to cause physical injury to a law enforcement officer or emergency
16 personnel; or

17 (c) While driving while intoxicated, the defendant acts with criminal
18 negligence to cause serious physical injury to another person;

19 (5) A class C felony if:

20 (a) The defendant is a chronic offender;

21 (b) While driving while intoxicated, the defendant acts with criminal
22 negligence to cause serious physical injury to a law enforcement officer or
23 emergency personnel; or

24 (c) While driving while intoxicated, the defendant acts with criminal
25 negligence to cause the death of another person;

26 (6) A class B felony if:

27 (a) The defendant is a habitual offender; or

28 (b) While driving while intoxicated, the defendant acts with criminal
29 negligence to cause the death of a law enforcement officer or emergency
30 personnel;

31 (7) A class A felony if the defendant is a habitual offender as a result of
32 being found guilty of an act described under paragraph (d) of subdivision (10) of
33 section 577.001 and is found guilty of a subsequent violation of such paragraph.

34 3. Notwithstanding the provisions of subsection 2 of this section, a person
35 found guilty of the offense of driving while intoxicated as a first offense shall not
36 be granted a suspended imposition of sentence:

37 (1) Unless such person shall be placed on probation for a minimum of two
38 years; or

39 (2) In a circuit where a DWI court or docket created under section 478.007
40 or other court-ordered treatment program is available, and where the offense was
41 committed with fifteen-hundredths of one percent or more by weight of alcohol in
42 such person's blood, unless the individual participates and successfully completes
43 a program under such DWI court or docket or other court-ordered treatment
44 program.

45 4. If a person is not granted a suspended imposition of sentence for the
46 reasons described in subsection 3 of this section:

47 (1) If the individual operated the vehicle with fifteen-hundredths to
48 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
49 required term of imprisonment shall be not less than forty-eight hours;

50 (2) If the individual operated the 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 5. A person found guilty of the offense of driving while intoxicated:

54 (1) As a prior offender, persistent offender, aggravated offender, chronic
55 offender, or habitual offender shall not be granted a suspended imposition of
56 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
57 557.011 to the contrary notwithstanding;

58 (2) As a prior offender shall not be granted parole or probation until he
59 or she has served a minimum of ten days imprisonment:

60 (a) Unless as a condition of such parole or probation such person performs
61 at least thirty days of community service under the supervision of the court in
62 those jurisdictions which have a recognized program for community service; or

63 (b) The offender participates in and successfully completes a program
64 established under section 478.007 or other court-ordered treatment program, if
65 available, and as part of either program, the offender performs at least thirty
66 days of community service under the supervision of the court;

67 (3) As a persistent offender shall not be eligible for parole or probation
68 until he or she has served a minimum of thirty days imprisonment:

69 (a) Unless as a condition of such parole or probation such person performs
70 at least sixty days of community service under the supervision of the court in
71 those jurisdictions which have a recognized program for community service; or

72 (b) The offender participates in and successfully completes a program
73 established under section 478.007 or other court-ordered treatment program, if
74 available, and as part of either program, the offender performs at least sixty days
75 of community service under the supervision of the court;

76 (4) As an aggravated offender shall not be eligible for parole or probation
77 until he or she has served a minimum of sixty days imprisonment;

78 (5) As a chronic offender shall not be eligible for parole or probation until
79 he or she has served a minimum of two years imprisonment.

80 **6. In addition to any other terms or conditions of probation, the**
81 **court shall consider, as a condition of probation for any person who is**
82 **found guilty of driving while intoxicated, requiring the offender to**
83 **abstain from consuming or using alcohol or any products containing**
84 **alcohol as demonstrated by continuous alcohol monitoring or by**
85 **verifiable breath alcohol testing performed a minimum of four times**
86 **per day as scheduled by the court for such duration as determined by**
87 **the court, but not less than ninety days. The court may, in addition to**
88 **imposing any other fine, costs, or assessments provided by law, require**

89 **the offender to bear any costs associated with continuous alcohol**
90 **monitoring or verifiable breath alcohol testing. For purposes of this**
91 **subsection, "continuous alcohol monitoring" means automatically**
92 **testing breath, blood, or transdermal alcohol concentration levels and**
93 **tampering attempts at least once every hour, regardless of the location**
94 **of the person who is being monitored, and regularly transmitting the**
95 **data. Continuous alcohol monitoring shall be considered an electronic**
96 **monitoring service under subsection 3 of section 217.690.**

577.012. 1. A person commits the offense of driving with excessive blood
2 alcohol content if such person operates:

3 (1) A vehicle while having eight-hundredths of one percent or more by
4 weight of alcohol in his or her blood; or

5 (2) A commercial motor vehicle while having four one-hundredths of one
6 percent or more by weight of alcohol in his or her blood.

7 2. As used in this section, percent by weight of alcohol in the blood shall
8 be based upon grams of alcohol per one hundred milliliters of blood or two
9 hundred ten liters of breath and may be shown by chemical analysis of the
10 person's blood, breath, saliva or urine. For the purposes of determining the
11 alcoholic content of a person's blood under this section, the test shall be
12 conducted in accordance with the provisions of sections 577.020 to 577.041.

13 3. The offense of driving with excessive blood alcohol content is:

14 (1) A class B misdemeanor;

15 (2) A class A misdemeanor if the defendant is alleged and proved to be a
16 prior offender;

17 (3) A class E felony if the defendant is alleged and proved to be a
18 persistent offender;

19 (4) A class D felony if the defendant is alleged and proved to be an
20 aggravated offender;

21 (5) A class C felony if the defendant is alleged and proved to be a chronic
22 offender;

23 (6) A class B felony if the defendant is alleged and proved to be a habitual
24 offender.

25 4. A person found guilty of the offense of driving with an excessive blood
26 alcohol content as a first offense shall not be granted a suspended imposition of
27 sentence:

28 (1) Unless such person shall be placed on probation for a minimum of two

29 years; or

30 (2) In a circuit where a DWI court or docket created under section 478.007
31 or other court-ordered treatment program is available, and where the offense was
32 committed with fifteen-hundredths of one percent or more by weight of alcohol in
33 such person's blood, unless the individual participates in and successfully
34 completes a program under such DWI court or docket or other court-ordered
35 treatment program.

36 5. If a person is not granted a suspended imposition of sentence for the
37 reasons described in subsection 4 of this section:

38 (1) If the individual operated the vehicle with fifteen-hundredths to
39 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
40 required term of imprisonment shall be not less than forty-eight hours;

41 (2) If the individual operated the vehicle with greater than
42 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
43 required term of imprisonment shall be not less than five days.

44 6. A person found guilty of driving with excessive blood alcohol content:

45 (1) As a prior offender, persistent offender, aggravated offender, chronic
46 offender or habitual offender shall not be granted a suspended imposition of
47 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
48 557.011 to the contrary notwithstanding;

49 (2) As a prior offender shall not be granted parole or probation until he
50 or she has served a minimum of ten days imprisonment:

51 (a) Unless as a condition of such parole or probation such person performs
52 at least thirty days of community service under the supervision of the court in
53 those jurisdictions which have a recognized program for community service; or

54 (b) The offender participates in and successfully completes a program
55 established under section 478.007 or other court-ordered treatment program, if
56 available, and as part of either program, the offender performs at least thirty
57 days of community service under the supervision of the court;

58 (3) As a persistent offender shall not be granted parole or probation until
59 he or she has served a minimum of thirty days imprisonment:

60 (a) Unless as a condition of such parole or probation such person performs
61 at least sixty days of community service under the supervision of the court in
62 those jurisdictions which have a recognized program for community service; or

63 (b) The offender participates in and successfully completes a program
64 established under section 478.007 or other court-ordered treatment program, if

65 available, and as part of either program, the offender performs at least sixty days
66 of community service under the supervision of the court;

67 (4) As an aggravated offender shall not be eligible for parole or probation
68 until he or she has served a minimum of sixty days imprisonment;

69 (5) As a chronic offender shall not be eligible for parole or probation until
70 he or she has served a minimum of two years imprisonment.

71 **7. In addition to any other terms or conditions of probation, the**
72 **court shall consider, as a condition of probation for any person who is**
73 **found guilty of driving with excessive blood alcohol content, requiring**
74 **the offender to abstain from consuming or using alcohol or any**
75 **products containing alcohol as demonstrated by continuous alcohol**
76 **monitoring or by verifiable breath alcohol testing performed a**
77 **minimum of four times per day as scheduled by the court for such**
78 **duration as determined by the court, but not less than ninety days. The**
79 **court may, in addition to imposing any other fine, costs, or assessments**
80 **provided by law, require the offender to bear any costs associated with**
81 **continuous alcohol monitoring or verifiable breath alcohol testing. For**
82 **purposes of this subsection, "continuous alcohol monitoring" means**
83 **automatically testing breath, blood, or transdermal alcohol**
84 **concentration levels and tampering attempts at least once every hour,**
85 **regardless of the location of the person who is being monitored, and**
86 **regularly transmitting the data. Continuous alcohol monitoring shall**
87 **be considered an electronic monitoring service under subsection 3 of**
88 **section 217.690.**

578.005. As used in sections 578.005 to 578.023, the following terms shall
2 mean:

3 (1) "Adequate care", normal and prudent attention to the needs of an
4 animal, including wholesome food, clean water, shelter and health care as
5 necessary to maintain good health in a specific species of animal;

6 (2) ["Adequate control", to reasonably restrain or govern an animal so that
7 the animal does not injure itself, any person, any other animal, or property;

8 (3)] "Animal", every living vertebrate except a human being;

9 [(4)] (3) "Animal shelter", a facility which is used to house or contain
10 animals and which is owned, operated, or maintained by a duly incorporated
11 humane society, animal welfare society, society for the prevention of cruelty to
12 animals, or other not-for-profit organization devoted to the welfare, protection,

13 and humane treatment of animals;

14 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used
15 or intended for use in farm or ranch production, or as food or fiber;

16 [(6)] (5) "Farm animal professional", any individual employed at a
17 location where farm animals are harbored;

18 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for
19 three or more consecutive days;

20 [(8)] (7) "Humane killing", the destruction of an animal accomplished by
21 a method approved by the American Veterinary Medical Association's Panel on
22 Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
23 during the feeding of pet carnivores shall be considered humanely killed;

24 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who
25 keeps or harbors an animal or professes to be owning, keeping, or harboring an
26 animal;

27 [(10)] (9) "Person", any individual, partnership, firm, joint stock
28 company, corporation, association, trust, estate, or other legal entity;

29 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or
30 have an adverse effect on the public health, but shall not include any endangered
31 species listed by the United States Department of the Interior nor any
32 endangered species listed in the Wildlife Code of Missouri.

578.007. The provisions of sections 578.005 to 578.023 **and section**
2 **578.040** shall not apply to:

3 (1) Care or treatment performed by a licensed veterinarian within the
4 provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all
7 practices and privileges as allowed under the Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks currently in compliance
9 with the federal "Animal Welfare Act" as amended;

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

12 (6) The killing of an animal by the owner thereof, the agent of such owner,
13 or by a veterinarian at the request of the owner thereof;

14 (7) The lawful, humane killing of an animal by an animal control officer,
15 the operator of an animal shelter, a veterinarian, or law enforcement or health
16 official;

17 (8) With respect to farm animals, normal or accepted practices of animal
18 husbandry;

19 (9) The killing of an animal by any person at any time if such animal is
20 outside of the owned or rented property of the owner or custodian of such animal
21 and the animal is injuring any person or farm animal but shall not include police
22 or guard dogs while working;

23 (10) The killing of house or garden pests; or

24 (11) Field trials, training and hunting practices as accepted by the
25 Professional Houndsmen of Missouri.

[578.011.] **578.040. 1. For purposes of this section, the following**
2 **terms shall mean:**

3 (1) "Adequate control", to reasonably restrain or govern an
4 animal so that the animal does not injure itself, any person, any other
5 animal, or property;

6 (2) "Animal", any living vertebrate except a human being or
7 livestock as the term "livestock" is defined under section 265.300.

8 2. A person [is guilty] **commits the offense of animal or livestock**
9 trespass if a person:

10 (1) Having ownership or custody of an animal knowingly fails to provide
11 adequate control [for a period equal to or exceeding twelve hours] **and the**
12 **animal trespasses onto another person's property; or**

13 (2) **Having ownership or custody of livestock as the term**
14 **"livestock" is defined under section 265.300 knowingly fails to provide**
15 **adequate control of the livestock for a period of twelve hours or more,**
16 **and the livestock trespasses onto another person's property.**

17 [2.] **3. The offense of animal or livestock trespass is an infraction**
18 **[upon first conviction and for each offense punishable by a fine not to exceed two**
19 **hundred dollars, and], unless the person has previously been found guilty**
20 **of a violation of this section in which case it is a class C misdemeanor**
21 **[punishable by imprisonment or a fine not to exceed five hundred dollars, or both,**
22 **upon the second and all subsequent convictions]. All fines for a first [conviction**
23 **of animal trespass] finding of guilt under this section may be waived by the**
24 **court provided that the person found guilty of animal or livestock trespass**
25 **shows that adequate, permanent remedies for the trespass have been**
26 **made. [Reasonable costs incurred for the care and maintenance of trespassing**
27 **animals may not be waived.] This section shall not apply to the provisions of**

28 section 578.007 or sections 272.010 to 272.370.

595.030. 1. No compensation shall be paid unless the claimant has
2 incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous
3 weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall
4 mean unreimbursed or unreimbursable expenses or indebtedness reasonably
5 incurred:

6 (1) For medical care or other services, including psychiatric, psychological
7 or counseling expenses, necessary as a result of the crime upon which the claim
8 is based, except that the amount paid for psychiatric, psychological or counseling
9 expenses per eligible claim shall not exceed two thousand five hundred dollars;
10 or

11 (2) As a result of personal property being seized in an investigation by law
12 enforcement. Compensation paid for an out-of-pocket loss under this subdivision
13 shall be in an amount equal to the loss sustained, but shall not exceed two
14 hundred fifty dollars.

15 2. No compensation shall be paid unless the department of public safety
16 finds that a crime was committed, that such crime directly resulted in personal
17 physical injury to, or the death of, the victim, and that police records show that
18 such crime was promptly reported to the proper authorities. In no case may
19 compensation be paid if the police records show that such report was made more
20 than forty-eight hours after the occurrence of such crime, unless the department
21 of public safety finds that the report to the police was delayed for good cause. If
22 the victim is under eighteen years of age such report may be made by the victim's
23 parent, guardian or custodian; by a physician, a nurse, or hospital emergency
24 room personnel; by the children's division personnel; or by any other member of
25 the victim's family. In the case of a sexual offense, filing a report of the offense
26 to the proper authorities may include, but not be limited to, the filing of the
27 report of the forensic examination by the appropriate medical provider, as defined
28 in section 595.220, with the prosecuting attorney of the county in which the
29 alleged incident occurred.

30 3. No compensation shall be paid for medical care if the service provider
31 is not a medical provider as that term is defined in section 595.027, and the
32 individual providing the medical care is not licensed by the state of Missouri or
33 the state in which the medical care is provided.

34 4. No compensation shall be paid for psychiatric treatment or other
35 counseling services, including psychotherapy, unless the service provider is a:

36 (1) Physician licensed pursuant to chapter 334 or licensed to practice
37 medicine in the state in which the service is provided;

38 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice
39 psychology in the state in which the service is provided;

40 (3) Clinical social worker licensed pursuant to chapter 337; or

41 (4) Professional counselor licensed pursuant to chapter 337.

42 5. Any compensation paid pursuant to sections 595.010 to 595.075 for
43 death or personal injury shall be in an amount not exceeding out-of-pocket loss,
44 together with loss of earnings or support from gainful employment, not to exceed
45 **[two] four** hundred dollars per week, resulting from such injury or death. In the
46 event of death of the victim, an award may be made for reasonable and necessary
47 expenses actually incurred for preparation and burial not to exceed five thousand
48 dollars.

49 6. Any compensation for loss of earnings or support from gainful
50 employment shall be in an amount equal to the actual loss sustained not to
51 exceed **[two] four** hundred dollars per week; provided, however, that no award
52 pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars.
53 If two or more persons are entitled to compensation as a result of the death of a
54 person which is the direct result of a crime or in the case of a sexual assault, the
55 compensation shall be apportioned by the department of public safety among the
56 claimants in proportion to their loss.

57 7. The method and timing of the payment of any compensation pursuant
58 to sections 595.010 to 595.075 shall be determined by the department.

59 **8. The department shall have the authority to negotiate the costs**
60 **of medical care or other services directly with the providers of the care**
61 **or services on behalf of any victim receiving compensation pursuant to**
62 **sections 595.010 to 595.075.**

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state
3 public defender office personnel appointed pursuant to this chapter; and he or she
4 and the deputy director or directors may participate in the trial and appeal of
5 criminal actions at the request of the defender;

6 (2) Submit to the commission, between August fifteenth and September
7 fifteenth of each year, a report which shall include all pertinent data on the
8 operation of the state public defender system, the costs, projected needs, and
9 recommendations for statutory changes. Prior to October fifteenth of each year,

10 the commission shall submit such report along with such recommendations,
11 comments, conclusions, or other pertinent information it chooses to make to the
12 chief justice, the governor, and the general assembly. Such reports shall be a
13 public record, shall be maintained in the office of the state public defender, and
14 shall be otherwise distributed as the commission shall direct;

15 (3) With the approval of the commission, establish such divisions,
16 facilities and offices and select such professional, technical and other personnel,
17 including investigators, as he deems reasonably necessary for the efficient
18 operation and discharge of the duties of the state public defender system under
19 this chapter;

20 (4) Administer and coordinate the operations of defender services and be
21 responsible for the overall supervision of all personnel, offices, divisions and
22 facilities of the state public defender system, except that the director shall have
23 no authority to direct or control the legal defense provided by a defender to any
24 person served by the state public defender system;

25 (5) Develop programs and administer activities to achieve the purposes
26 of this chapter;

27 (6) Keep and maintain proper financial records with respect to the
28 provision of all public defender services for use in the calculating of direct and
29 indirect costs of any or all aspects of the operation of the state public defender
30 system;

31 (7) Supervise the training of all public defenders and other personnel and
32 establish such training courses as shall be appropriate;

33 (8) With approval of the commission, promulgate necessary rules,
34 regulations and instructions consistent with this chapter defining the
35 organization of the state public defender system and the responsibilities of
36 division directors, district defenders, deputy district defenders, assistant public
37 defenders and other personnel;

38 (9) With the approval of the commission, apply for and accept on behalf
39 of the public defender system any funds which may be offered or which may
40 become available from government grants, private gifts, donations or bequests or
41 from any other source. Such moneys shall be deposited in the state general
42 revenue fund;

43 (10) Contract for legal services with private attorneys on a case-by-case
44 basis and with assigned counsel as the commission deems necessary considering
45 the needs of the area, for fees approved and established by the commission;

46 (11) With the approval and on behalf of the commission, contract with
47 private attorneys for the collection and enforcement of liens and other judgments
48 owed to the state for services rendered by the state public defender system;

49 (12) Prepare a plan to establish district offices, the boundaries of which
50 shall coincide with existing judicial circuits. Any district office may contain more
51 than one judicial circuit within its boundaries, but in no event shall any district
52 office boundary include any geographic region of a judicial circuit without
53 including the entire judicial circuit. The director shall submit the plan to the
54 chair of the house judiciary committee and the chair of the senate judiciary
55 committee, with fiscal estimates, by December 31, 2014. The plan shall be
56 implemented by December 31, [2018] **2021**.

57 2. No rule or portion of a rule promulgated under the authority of this
58 chapter shall become effective unless it has been promulgated pursuant to the
59 provisions of section 536.024.

60 3. The director and defenders shall, within guidelines as established by
61 the commission and as set forth in subsection 4 of this section, accept requests
62 for legal services from eligible persons entitled to counsel under this chapter or
63 otherwise so entitled under the constitution or laws of the United States or of the
64 state of Missouri and provide such persons with legal services when, in the
65 discretion of the director or the defenders, such provision of legal services is
66 appropriate.

67 4. The director and defenders shall provide legal services to an eligible
68 person:

69 (1) Who is detained or charged with a felony, including appeals from a
70 conviction in such a case;

71 (2) Who is detained or charged with a misdemeanor which will probably
72 result in confinement in the county jail upon conviction, including appeals from
73 a conviction in such a case, unless the prosecuting or circuit attorney has waived
74 a jail sentence;

75 (3) Who is charged with a violation of probation when it has been
76 determined by a judge that the appointment of counsel is necessary to protect the
77 person's due process rights under section 559.036;

78 (4) Who has been taken into custody pursuant to section 632.489,
79 including appeals from a determination that the person is a sexually violent
80 predator and petitions for release, notwithstanding any provisions of law to the
81 contrary;

82 (5) For whom the federal constitution or the state constitution requires
83 the appointment of counsel; and

84 (6) Who is charged in a case in which he or she faces a loss or deprivation
85 of liberty, and in which the federal or the state constitution or any law of this
86 state requires the appointment of counsel; however, the director and the
87 defenders shall not be required to provide legal services to persons charged with
88 violations of county or municipal ordinances, or misdemeanor offenses except as
89 provided in this section.

90 5. The director may:

91 (1) Delegate the legal representation of [any] **an eligible** person to any
92 member of the state bar of Missouri;

93 (2) Designate persons as representatives of the director for the purpose
94 of making indigency determinations and assigning counsel.

600.090. 1. (1) If a person is determined to be eligible for the services
2 provided by the state public defender system and if, at the time such
3 determination is made, he is able to provide a limited cash contribution toward
4 the cost of his representation without imposing a substantial hardship upon
5 himself or his dependents, such contribution shall be required as a condition of
6 his representation by the state public defender system.

7 (2) If at any time, either during or after the disposition of his case, such
8 defendant becomes financially able to meet all or some part of the cost of services
9 rendered to him, he shall be required to reimburse the commission in such
10 amounts as he can reasonably pay, either by a single payment or by installments
11 of reasonable amounts, in accordance with a schedule of charges for public
12 defender services prepared by the commission.

13 (3) No difficulty or failure in the making of such payment shall reduce or
14 in any way affect the rendering of public defender services to such persons.

15 2. (1) The reasonable value of the services rendered to a defendant
16 pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases
17 be a lien on any and all property to which the defendant shall have or acquire an
18 interest. The public defender shall effectuate such lien whenever the reasonable
19 value of the services rendered to a defendant appears to exceed one hundred fifty
20 dollars and may effectuate such lien where the reasonable value of those services
21 appears to be less than one hundred fifty dollars.

22 (2) To effectuate such a lien, the public defender shall, prior to the final
23 disposition of the case or within ten days thereafter, file a notice of lien setting

24 forth the services rendered to the defendant and a claim for the reasonable value
25 of such services with the clerk of the circuit court. The defendant shall be
26 personally served with a copy of such notice of lien. The court shall rule on
27 whether all or any part of the claim shall be allowed. The portion of the claim
28 approved by the court as the value of defender services which has been provided
29 to the defendant shall be a judgment at law.

30 The public defender shall not be required to pay filing or recording fees for or
31 relating to such claim.

32 (3) Such judgment shall be enforceable in the name of the state on behalf
33 of the commission by the prosecuting attorney of the circuit in which the
34 judgment was entered.

35 (4) The prosecuting attorney may compromise and make settlement of, or,
36 with the concurrence of the director, forego any claims for services performed for
37 any person pursuant to this chapter whenever the financial circumstances of such
38 person are such that the best interests of the state will be served by such action.

39 3. The commission may contract with private attorneys for the collection
40 and enforcement of liens and other judgments owed to the state for services
41 rendered by the state public defender system.

42 4. The lien created by this section shall be from the time filed in the court
43 by the defender a charge or claim against any assets of the defendant; provided
44 further that the same shall be served upon the person in possession of the assets
45 or shall be recorded in the office of the recorder of deeds in the county in which
46 the person resides or in which the assets are located.

47 5. Funds collected pursuant to this section and section 600.093 shall be
48 credited to the "Legal Defense and Defender Fund" which is hereby created. The
49 moneys credited to the legal defense and defender fund shall be used for the
50 purpose of training public defenders, assistant public defenders, deputy public
51 defenders and other personnel pursuant to subdivision (7) of subsection 1 of
52 section 600.042, and may be used to pay for expert witness fees, the costs of
53 depositions, travel expenses incurred by witnesses in case preparation and trial,
54 expenses incurred for changes of venue and for other lawful expenses as
55 authorized by the public defender commission.

56 6. The state treasurer shall be the custodian of the legal defense and
57 defender fund, moneys in the legal defense and defender fund shall be deposited
58 the same as are other state funds, and any interest accruing to the legal defense
59 and defender fund shall be added to the legal defense and defender fund. The

60 legal defense and defender fund shall be subject to audit, the same as other state
61 funds and accounts, and shall be protected by the general bond given by the state
62 treasurer.

63 7. Upon the request of the director of the office of state public defender,
64 the commissioner of administration shall approve disbursements from the legal
65 defense and defender fund. The legal defense and defender fund shall be funded
66 annually by appropriation, but any unexpended **remaining** balance in the fund
67 at the end of the appropriation period [not in excess of one hundred and fifty
68 thousand dollars] shall be exempt from the provisions of section 33.080,
69 specifically as they relate to the transfer of fund balances to the general revenue,
70 and shall be the amount of the fund at the beginning of the appropriation period
71 next immediately following.

600.101. Any dispute between any county or city not within a county and
2 the state public defender regarding office space and utility service provided or to
3 be provided pursuant to section 600.040 may be submitted to the judicial finance
4 commission established pursuant to section 477.600. [The commission on judicial
5 resources established pursuant to section 476.415 shall study and report its
6 recommendations regarding provision of and payment for office space for the state
7 public defender to the chairs of the judiciary committees of the senate and house
8 of representatives, the chair of the senate appropriations committee and budget
9 committee of the house of representatives.]

Section B. The repeal and reenactment of section 311.310 of this act shall
2 become effective January 1, 2017.

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