

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 590**  
98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DIXON.

Offered April 18, 2016.

Senate Substitute adopted, April 18, 2016.

Taken up for Perfection April 18, 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

4323S.05P

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**AN ACT**

To repeal sections 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 339.100, 400.9-501, 541.033, 562.014, 565.020, 565.030, 565.032, 565.040, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 568.040

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

as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second 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 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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

Section A. Sections 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 339.100, 400.9-501, 541.033, 562.014, 565.020, 565.030, 565.032, 565.040, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section

19 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general  
20 assembly, second regular session, section 568.040 as enacted by senate bill no.  
21 491, ninety-seventh general assembly, second regular session, section 569.090 as  
22 enacted by senate bill no. 491, ninety-seventh general assembly, second regular  
23 session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general  
24 assembly, second regular session, section 570.010 as enacted by house bill no.  
25 1888, ninety-first general assembly, second regular session, section 570.030 as  
26 enacted by senate bill no. 491, ninety-seventh general assembly, second regular  
27 session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general  
28 assembly, first regular session, section 577.001 as enacted by senate bill no. 254,  
29 ninety-eighth general assembly, first regular session, section 577.037 as enacted  
30 by house bill no. 1371, ninety-seventh general assembly, second regular session,  
31 section 577.037 as enacted by house bill nos. 302 & 38, ninety-first general  
32 assembly, first regular session, and section 577.060 as enacted by senate bill no.  
33 491, ninety-seventh general assembly, second regular session, are repealed and  
34 fifty-four new sections enacted in lieu thereof, to be known as sections 192.2260,  
35 192.2405, 192.2410, 192.2475, 198.070, 211.059, 211.436, 217.151, 217.360,  
36 217.670, 217.690, 217.722, 221.111, 301.559, 304.351, 311.310, 339.100, 400.9-501,  
37 455.095, 541.033, 557.021, 562.014, 565.020, 565.030, 565.032, 565.033, 565.040,  
38 565.188, 565.225, 568.040, 569.090, 569.140, 570.010, 570.030, 570.135, 571.020,  
39 571.030, 571.060, 571.063, 571.070, 571.072, 577.001, 577.011, 577.037, 577.060,  
40 577.685, 578.005, 578.007, 578.022, 578.040, 579.015, 589.800, 632.520, and  
41 650.055, to read as follows:

192.2260. 1. Any person who violates any provision of sections 192.2200  
2 to 192.2260, or who, for himself or for any other person, makes materially false  
3 statements in order to obtain a certificate or license, or the renewal thereof,  
4 issued pursuant to sections 192.2200 to 192.2260, shall be guilty of a class A  
5 misdemeanor. Any person violating this subsection wherein abuse or neglect of  
6 a participant of the program has occurred is guilty of a class **[D] E** felony.

7 2. Any person who is convicted pursuant to this section shall, in addition  
8 to all other penalties provided by law, have any license issued to him under  
9 sections 192.2200 to 192.2260 revoked, and shall not operate, nor hold any license  
10 to operate, any adult day care program, or other entity governed by the provisions  
11 of sections 192.2200 to 192.2260 for a period of three years after such conviction.

192.2405. 1. The following persons shall be required to immediately  
2 report or cause a report to be made to the department under sections 192.2400

3 to 192.2470:

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

7 (2) Any adult day care worker, chiropractor, Christian Science  
8 practitioner, coroner, dentist, embalmer, employee of the departments of social  
9 services, mental health, or health and senior services, employee of a local area  
10 agency on aging or an organized area agency on aging program, **emergency**  
11 **medical technician, firefighter, first responder**, funeral director, home  
12 health agency, home health agency employee, hospital and clinic personnel  
13 engaged in the care or treatment of others, in-home services owner or provider,  
14 in-home services operator or employee, law enforcement officer, long-term care  
15 facility administrator or employee, medical examiner, medical resident or intern,  
16 mental health professional, minister, nurse, nurse practitioner, optometrist, other  
17 health practitioner, peace officer, pharmacist, physical therapist, physician,  
18 physician's assistant, podiatrist, probation or parole officer, psychologist, social  
19 worker, or other person with the responsibility for the care of [a person sixty  
20 years of age or older] **an eligible adult** who has reasonable cause to suspect  
21 that [such a person] **the eligible adult** has been subjected to abuse or neglect  
22 or observes [such a person] **the eligible adult** being subjected to conditions or  
23 circumstances which would reasonably result in abuse or  
24 neglect. Notwithstanding any other provision of this section, a duly ordained  
25 minister, clergy, religious worker, or Christian Science practitioner while  
26 functioning in his or her ministerial capacity shall not be required to report  
27 concerning a privileged communication made to him or her in his or her  
28 professional capacity.

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

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

192.2410. 1. A report made under section 192.2405 shall be made orally  
2 or in writing. It shall include, if known:

3 (1) The name, age, and address of the eligible adult [or person subjected  
4 to abuse or neglect];

5 (2) The name and address of any person responsible for care of the eligible  
6 adult [or person subjected to abuse or neglect];

7 (3) The nature and extent of the condition of the eligible adult [or person  
8 subjected to abuse or neglect]; and

9 (4) Other relevant information.

10 2. Reports regarding persons determined not to be eligible adults as  
11 defined in section 192.2400 shall be referred to the appropriate state or local  
12 authorities.

13 3. The department shall maintain a statewide toll-free phone number for  
14 receipt of reports.

192.2475. 1. When any adult day care worker; chiropractor; Christian  
2 Science practitioner; coroner; dentist; embalmer; **emergency medical**  
3 **technician**; employee of the departments of social services, mental health, or  
4 health and senior services; employee of a local area agency on aging or an  
5 organized area agency on aging program; **firefighter**; **first responder**; funeral  
6 director; home health agency or home health agency employee; hospital and clinic  
7 personnel engaged in examination, care, or treatment of persons; in-home services  
8 owner, provider, operator, or employee; law enforcement officer; long-term care  
9 facility administrator or employee; medical examiner; medical resident or intern;  
10 mental health professional; minister; nurse; nurse practitioner; optometrist; other  
11 health practitioner; peace officer; pharmacist; physical therapist; physician;  
12 physician's assistant; podiatrist; probation or parole officer; psychologist; or social  
13 worker has reasonable cause to believe that an in-home services client has been  
14 abused or neglected, as a result of in-home services, he or she shall immediately  
15 report or cause a report to be made to the department. If the report is made by  
16 a physician of the in-home services client, the department shall maintain contact  
17 with the physician regarding the progress of the investigation.

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

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

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

30           [5.] 3. The report shall contain the names and addresses of the in-home  
31 services provider agency, the in-home services employee, the in-home services  
32 client, the home health agency, the home health agency employee, information  
33 regarding the nature of the abuse or neglect, the name of the complainant, and  
34 any other information which might be helpful in an investigation.

35           [6.] 4. In addition to those persons required to report under subsection  
36 1 of this section, any other person having reasonable cause to believe that an  
37 in-home services client or home health patient has been abused or neglected by  
38 an in-home services employee or home health agency employee may report such  
39 information to the department.

40           [7.] 5. If the investigation indicates possible abuse or neglect of an  
41 in-home services client or home health patient, the investigator shall refer the  
42 complaint together with his or her report to the department director or his or her  
43 designee for appropriate action. If, during the investigation or at its completion,  
44 the department has reasonable cause to believe that immediate action is  
45 necessary to protect the in-home services client or home health patient from  
46 abuse or neglect, the department or the local prosecuting attorney may, or the  
47 attorney general upon request of the department shall, file a petition for  
48 temporary care and protection of the in-home services client or home health  
49 patient in a circuit court of competent jurisdiction. The circuit court in which the  
50 petition is filed shall have equitable jurisdiction to issue an ex parte order  
51 granting the department authority for the temporary care and protection of the  
52 in-home services client or home health patient, for a period not to exceed thirty  
53 days.

54           [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55           [9.] 7. Anyone, except any person who has abused or neglected an  
56 in-home services client or home health patient, who makes a report pursuant to  
57 this section or who testifies in any administrative or judicial proceeding arising  
58 from the report shall be immune from any civil or criminal liability for making  
59 such a report or for testifying except for liability for perjury, unless such person  
60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61           [10.] 8. Within five working days after a report required to be made  
62 under this section is received, the person making the report shall be notified in

63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home  
65 services provider agency or home health agency shall harass, dismiss or retaliate  
66 against an in-home services client or home health patient, or an in-home services  
67 employee or a home health agency employee because he or she or any member of  
68 his or her family has made a report of any violation or suspected violation of  
69 laws, standards or regulations applying to the in-home services provider agency  
70 or home health agency or any in-home services employee or home health agency  
71 employee which he or she has reasonable cause to believe has been committed or  
72 has occurred.

73 [12.] 10. Any person who abuses or neglects an in-home services client  
74 or home health patient is subject to criminal prosecution under section 565.184.  
75 If such person is an in-home services employee and has been found guilty by a  
76 court, and if the supervising in-home services provider willfully and knowingly  
77 failed to report known abuse by such employee to the department, the supervising  
78 in-home services provider may be subject to administrative penalties of one  
79 thousand dollars per violation to be collected by the department and the money  
80 received therefor shall be paid to the director of revenue and deposited in the  
81 state treasury to the credit of the general revenue fund. Any in-home services  
82 provider which has had administrative penalties imposed by the department or  
83 which has had its contract terminated may seek an administrative review of the  
84 department's action pursuant to chapter 621. Any decision of the administrative  
85 hearing commission may be appealed to the circuit court in the county where the  
86 violation occurred for a trial de novo. For purposes of this subsection, the term  
87 "violation" means a determination of guilt by a court.

88 [13.] 11. The department shall establish a quality assurance and  
89 supervision process for clients that requires an in-home services provider agency  
90 to conduct random visits to verify compliance with program standards and verify  
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification  
93 list and place on the employee disqualification list the names of any persons who  
94 have been finally determined by the department, pursuant to section 192.2490,  
95 to have recklessly, knowingly or purposely abused or neglected an in-home  
96 services client or home health patient while employed by an in-home services  
97 provider agency or home health agency. For purposes of this section only,  
98 "knowingly" and "recklessly" shall have the meanings that are ascribed to them

99 in this section. A person acts "knowingly" with respect to the person's conduct  
100 when a reasonable person should be aware of the result caused by his or her  
101 conduct. A person acts "recklessly" when the person consciously disregards a  
102 substantial and unjustifiable risk that the person's conduct will result in serious  
103 physical injury and such disregard constitutes a gross deviation from the  
104 standard of care that a reasonable person would exercise in the situation.

105 [15.] 13. At the time a client has been assessed to determine the level of  
106 care as required by rule and is eligible for in-home services, the department shall  
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,  
108 and environmental capacity. The department shall develop the safe at home  
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe  
110 at home evaluation is to assure that each client has the appropriate level of  
111 services and professionals involved in the client's care. The plan of service or  
112 care for each in-home services client shall be authorized by a nurse. The  
113 department may authorize the licensed in-home services nurse, in lieu of the  
114 department nurse, to conduct the assessment of the client's condition and to  
115 establish a plan of services or care. The department may use the expertise,  
116 services, or programs of other departments and agencies on a case-by-case basis  
117 to establish the plan of service or care. The department may, as indicated by the  
118 safe at home evaluation, refer any client to a mental health professional, as  
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 [16.] 14. Authorized nurse visits shall occur at least twice annually to  
121 assess the client and the client's plan of services. The provider nurse shall report  
122 the results of his or her visits to the client's case manager. If the provider nurse  
123 believes that the plan of service requires alteration, the department shall be  
124 notified and the department shall make a client evaluation. All authorized nurse  
125 visits shall be reimbursed to the in-home services provider. All authorized nurse  
126 visits shall be reimbursed outside of the nursing home cap for in-home services  
127 clients whose services have reached one hundred percent of the average statewide  
128 charge for care and treatment in an intermediate care facility, provided that the  
129 services have been preauthorized by the department.

130 [17.] 15. All in-home services clients shall be advised of their rights by  
131 the department or the department's designee at the initial evaluation. The rights  
132 shall include, but not be limited to, the right to call the department for any  
133 reason, including dissatisfaction with the provider or services. The department  
134 may contract for services relating to receiving such complaints. The department

135 shall establish a process to receive such nonabuse and neglect calls other than the  
136 elder abuse and neglect hotline.

137 [18.] 16. Subject to appropriations, all nurse visits authorized in sections  
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. 1. When any adult day care worker; chiropractor; Christian  
2 Science practitioner; coroner; dentist; embalmer; **emergency medical**  
3 **technician**; employee of the departments of social services, mental health, or  
4 health and senior services; employee of a local area agency on aging or an  
5 organized area agency on aging program; **firefighter; first responder**; funeral  
6 director; home health agency or home health agency employee; hospital and clinic  
7 personnel engaged in examination, care, or treatment of persons; in-home services  
8 owner, provider, operator, or employee; law enforcement officer; long-term care  
9 facility administrator or employee; medical examiner; medical resident or intern;  
10 mental health professional; minister; nurse; nurse practitioner; optometrist; other  
11 health practitioner; peace officer; pharmacist; physical therapist; physician;  
12 physician's assistant; podiatrist; probation or parole officer; psychologist; or social  
13 worker has reasonable cause to believe that an in-home services client has been  
14 abused or neglected, as a result of in-home services, he or she shall immediately  
15 report or cause a report to be made to the department. If the report is made by  
16 a physician of the in-home services client, the department shall maintain contact  
17 with the physician regarding the progress of the investigation.

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

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

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

30 [5.] 3. The report shall contain the names and addresses of the in-home  
31 services provider agency, the in-home services employee, the in-home services  
32 client, the home health agency, the home health agency employee, information

33 regarding the nature of the abuse or neglect, the name of the complainant, and  
34 any other information which might be helpful in an investigation.

35 [6.] 4. In addition to those persons required to report under subsection  
36 1 of this section, any other person having reasonable cause to believe that an  
37 in-home services client or home health patient has been abused or neglected by  
38 an in-home services employee or home health agency employee may report such  
39 information to the department.

40 [7.] 5. If the investigation indicates possible abuse or neglect of an  
41 in-home services client or home health patient, the investigator shall refer the  
42 complaint together with his or her report to the department director or his or her  
43 designee for appropriate action. If, during the investigation or at its completion,  
44 the department has reasonable cause to believe that immediate action is  
45 necessary to protect the in-home services client or home health patient from  
46 abuse or neglect, the department or the local prosecuting attorney may, or the  
47 attorney general upon request of the department shall, file a petition for  
48 temporary care and protection of the in-home services client or home health  
49 patient in a circuit court of competent jurisdiction. The circuit court in which the  
50 petition is filed shall have equitable jurisdiction to issue an ex parte order  
51 granting the department authority for the temporary care and protection of the  
52 in-home services client or home health patient, for a period not to exceed thirty  
53 days.

54 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55 [9.] 7. Anyone, except any person who has abused or neglected an  
56 in-home services client or home health patient, who makes a report pursuant to  
57 this section or who testifies in any administrative or judicial proceeding arising  
58 from the report shall be immune from any civil or criminal liability for making  
59 such a report or for testifying except for liability for perjury, unless such person  
60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61 [10.] 8. Within five working days after a report required to be made  
62 under this section is received, the person making the report shall be notified in  
63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home  
65 services provider agency or home health agency shall harass, dismiss or retaliate  
66 against an in-home services client or home health patient, or an in-home services  
67 employee or a home health agency employee because he or she or any member of  
68 his or her family has made a report of any violation or suspected violation of

69 laws, standards or regulations applying to the in-home services provider agency  
70 or home health agency or any in-home services employee or home health agency  
71 employee which he or she has reasonable cause to believe has been committed or  
72 has occurred.

73 [12.] 10. Any person who abuses or neglects an in-home services client  
74 or home health patient is subject to criminal prosecution under section 565.180,  
75 565.182, or 565.184. If such person is an in-home services employee and has been  
76 found guilty by a court, and if the supervising in-home services provider willfully  
77 and knowingly failed to report known abuse by such employee to the department,  
78 the supervising in-home services provider may be subject to administrative  
79 penalties of one thousand dollars per violation to be collected by the department  
80 and the money received therefor shall be paid to the director of revenue and  
81 deposited in the state treasury to the credit of the general revenue fund. Any  
82 in-home services provider which has had administrative penalties imposed by the  
83 department or which has had its contract terminated may seek an administrative  
84 review of the department's action pursuant to chapter 621. Any decision of the  
85 administrative hearing commission may be appealed to the circuit court in the  
86 county where the violation occurred for a trial de novo. For purposes of this  
87 subsection, the term "violation" means a determination of guilt by a court.

88 [13.] 11. The department shall establish a quality assurance and  
89 supervision process for clients that requires an in-home services provider agency  
90 to conduct random visits to verify compliance with program standards and verify  
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification  
93 list and place on the employee disqualification list the names of any persons who  
94 have been finally determined by the department, pursuant to section 192.2490,  
95 to have recklessly, knowingly or purposely abused or neglected an in-home  
96 services client or home health patient while employed by an in-home services  
97 provider agency or home health agency. For purposes of this section only,  
98 "knowingly" and "recklessly" shall have the meanings that are ascribed to them  
99 in this section. A person acts "knowingly" with respect to the person's conduct  
100 when a reasonable person should be aware of the result caused by his or her  
101 conduct. A person acts "recklessly" when the person consciously disregards a  
102 substantial and unjustifiable risk that the person's conduct will result in serious  
103 physical injury and such disregard constitutes a gross deviation from the  
104 standard of care that a reasonable person would exercise in the situation.

105            [15.] 13. At the time a client has been assessed to determine the level of  
106 care as required by rule and is eligible for in-home services, the department shall  
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,  
108 and environmental capacity. The department shall develop the safe at home  
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe  
110 at home evaluation is to assure that each client has the appropriate level of  
111 services and professionals involved in the client's care. The plan of service or  
112 care for each in-home services client shall be authorized by a nurse. The  
113 department may authorize the licensed in-home services nurse, in lieu of the  
114 department nurse, to conduct the assessment of the client's condition and to  
115 establish a plan of services or care. The department may use the expertise,  
116 services, or programs of other departments and agencies on a case-by-case basis  
117 to establish the plan of service or care. The department may, as indicated by the  
118 safe at home evaluation, refer any client to a mental health professional, as  
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120            [16.] 14. Authorized nurse visits shall occur at least twice annually to  
121 assess the client and the client's plan of services. The provider nurse shall report  
122 the results of his or her visits to the client's case manager. If the provider nurse  
123 believes that the plan of service requires alteration, the department shall be  
124 notified and the department shall make a client evaluation. All authorized nurse  
125 visits shall be reimbursed to the in-home services provider. All authorized nurse  
126 visits shall be reimbursed outside of the nursing home cap for in-home services  
127 clients whose services have reached one hundred percent of the average statewide  
128 charge for care and treatment in an intermediate care facility, provided that the  
129 services have been preauthorized by the department.

130            [17.] 15. All in-home services clients shall be advised of their rights by  
131 the department or the department's designee at the initial evaluation. The rights  
132 shall include, but not be limited to, the right to call the department for any  
133 reason, including dissatisfaction with the provider or services. The department  
134 may contract for services relating to receiving such complaints. The department  
135 shall establish a process to receive such nonabuse and neglect calls other than the  
136 elder abuse and neglect hotline.

137            [18.] 16. Subject to appropriations, all nurse visits authorized in sections  
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

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 to local law enforcement in accordance with federal law under**  
23 **the provisions of 42 U.S.C. 1320b-25.**

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 to local law enforcement in accordance with federal law under**  
23 **the provisions of 42 U.S.C. 1320b-25.**

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.

211.059. 1. When a child is taken into custody by a juvenile officer or law  
2 enforcement official, with or without a warrant for an offense in violation of the  
3 juvenile code or the general law which would place the child under the  
4 jurisdiction of the juvenile court pursuant to subdivision (2) or (3) of subsection  
5 1 of section 211.031, the child shall be advised prior to questioning:

6 (1) That he has the right to remain silent; and

7 (2) That any statement he does make to anyone can be and may be used  
8 against him; and

9 (3) That he has a right to have a parent, guardian or custodian present  
10 during questioning; and

11 (4) That he has a right to consult with an attorney and that one will be  
12 appointed and paid for him if he cannot afford one.

13 2. If the child indicates in any manner and at any stage of questioning  
14 pursuant to this section that he does not wish to be questioned further, the officer  
15 shall cease questioning.

16 3. When a child is taken into custody by a juvenile officer or law  
17 enforcement official which places the child under the jurisdiction of the juvenile  
18 court under subdivision (1) of subsection 1 of section 211.031, including any  
19 interactions with the child by the children's division, the following shall apply:

20 (1) If the child indicates in any manner at any stage during questioning  
21 involving the alleged abuse and neglect that the child does not wish to be  
22 questioned any further on the allegations, or that the child wishes to have his or  
23 her parent, legal guardian, or custodian if such parent, guardian, or custodian is  
24 not the alleged perpetrator, or his or her attorney present during questioning as  
25 to the alleged abuse, the questioning of the child shall cease on the alleged abuse  
26 and neglect until such a time that the child does not object to talking about the  
27 alleged abuse and neglect unless the interviewer has reason to believe that the

28 parent, legal guardian, or custodian is acting to protect the alleged  
29 perpetrator. Nothing in this subdivision shall be construed to prevent the asking  
30 of any questions necessary for the care, treatment, or placement of a child; and

31 (2) Notwithstanding any prohibition of hearsay evidence, all video or  
32 audio recordings of any meetings, interviews, or interrogations of a child shall be  
33 presumed admissible as evidence in any court or administrative proceeding  
34 involving the child if the following conditions are met:

35 (a) Such meetings, interviews, or interrogations of the child are conducted  
36 by the state prior to or after the child is taken into the custody of the state; and

37 (b) Such video or audio recordings were made prior to the adjudication  
38 hearing in the case. Nothing in this paragraph shall be construed to prohibit the  
39 videotaping or audiotaping of any such meetings, interviews, or interrogations of  
40 a child after the adjudication hearing; and

41 (3) Only upon a showing by clear and convincing evidence that such a  
42 video or audio recording lacks sufficient indicia of reliability shall such recording  
43 be inadmissible.

44 The provisions of this subsection shall not apply to statements admissible under  
45 section 491.075 or 492.304 in criminal proceedings.

46 **4. For the purposes of this section, any court recognized**  
47 **exception from the required warnings given by law enforcement**  
48 **concerning constitutional rights to an adult prior to custodial**  
49 **interrogation shall also apply to a child taken into custody. Any**  
50 **evidence obtained in violation of this section shall be treated by the**  
51 **courts in the same manner as evidence collected in violation of an**  
52 **adult's right to be given warnings concerning constitutional rights**  
53 **prior to custodial interrogation.**

211.436. 1. When a court of jurisdiction in juvenile cases has a  
2 local court rule or otherwise mandates that a juvenile shall be  
3 restrained during court proceedings using either handcuffs, chains,  
4 irons, or a straitjacket, the juvenile's attorney shall have the right to  
5 be heard on the issue of the necessity of restraints on the juvenile and  
6 request that the restraints on the juvenile not be used. The juvenile's  
7 attorney may present evidence that the juvenile is not a flight risk,  
8 poses no safety risk to himself or herself or others, or has no history of  
9 disruptive courtroom behavior.

10 2. If the court orders that restraints shall be used on the

11 juvenile, the court shall make findings of fact in support of such use.

217.151. 1. For purposes of this section, "extraordinary  
2 circumstances" exist when a doctor treating the pregnant or  
3 postpartum offender makes an individualized determination that  
4 restraints are necessary to prevent a pregnant or postpartum offender  
5 from escaping or seriously injuring herself, medical or correctional  
6 personnel, or others.

7 2. The necessary health care standards for pregnant and  
8 postpartum offenders shall include:

9 (1) Except in extraordinary circumstances, no restraints of any  
10 kind may be used on offenders during the second and third trimesters  
11 of pregnancy or for forty-eight hours post-delivery, whether during  
12 transportation to and from visits to health care providers and court  
13 proceedings or during labor and delivery;

14 (2) Pregnant and postpartum offenders shall be transported to  
15 and from visits to health care providers and court proceedings in  
16 vehicles with seatbelts;

17 (3) Any time restraints are used on a pregnant or postpartum  
18 offender, the restraints shall be the least restrictive available and the  
19 most reasonable under the circumstances. In no case shall leg or waist  
20 restraints be used on any pregnant or postpartum offender; and

21 (4) If a doctor, nurse, or other health care provider treating the  
22 pregnant or postpartum offender requests that restraints not be used,  
23 the corrections officer accompanying the pregnant or postpartum  
24 offender shall immediately remove all restraints.

25 3. In the event a doctor determines that extraordinary  
26 circumstances exist and restraints are used, the doctor shall fully  
27 document in writing within seven days of the incident the reasons he  
28 or she determined such extraordinary circumstances existed, the kind  
29 of restraints used, and the reasons those restraints were considered the  
30 least restrictive available and the most reasonable under the  
31 circumstances.

32 4. The sentencing and corrections oversight commission  
33 established under section 217.147, and the advisory committee  
34 established under section 217.015, shall conduct biannual reviews of  
35 every report written on the use of restraints on a pregnant or  
36 postpartum offender in accordance with subsection 3 of this section to

37 **determine compliance with this section. The written reports shall be**  
38 **kept on file by the department for five years.**

39 **5. The chief administrative officer of each correctional center**  
40 **shall:**

41 **(1) Ensure that employees of the correctional center who come**  
42 **in contact with pregnant or postpartum offenders are provided with**  
43 **training, which may include online training, on the provisions of this**  
44 **section; and**

45 **(2) Inform female offenders of the policies and practices**  
46 **developed in accordance with this section upon admission to the**  
47 **correctional center, including the policies and practices in the offender**  
48 **handbook, and post the policies and practices in locations in the**  
49 **correctional center where such notices are commonly posted and will**  
50 **be seen by female offenders, including common housing areas and**  
51 **health care facilities.**

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;

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  
26 person shall not be expunged if such person has been found guilty of or has pled  
27 guilty 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, or city or county**  
38 **jail, or private prison or jail.**

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

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

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

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

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

23           6. Notwithstanding any other provision of law, when the appearance or  
24 presence of an offender before the board or a hearing panel is required for the  
25 purpose of deciding whether to grant conditional release or parole, extend the  
26 date of conditional release, revoke parole or conditional release, or for any other  
27 purpose, such appearance or presence may occur by means of a videoconference  
28 at the discretion of the board. Victims having a right to attend parole hearings  
29 may testify either at the site where the board is conducting the videoconference  
30 or at the institution where the offender is located. The use of videoconferencing  
31 in this section shall be at the discretion of the board, and shall not be utilized if  
32 [either the offender,] the victim or the victim's family objects to it.

217.690. 1. When in its opinion there is reasonable probability that an  
2 offender of a correctional center can be released without detriment to the  
3 community or to himself, the board may in its discretion release or parole such  
4 person except as otherwise prohibited by law. All paroles shall issue upon order  
5 of the board, duly adopted.

6           2. Before ordering the parole of any offender, the board shall have the  
7 offender appear before a hearing panel and shall conduct [a personal] **an**  
8 interview with him, unless waived by the offender. A parole shall be ordered only  
9 for the best interest of society, not as an award of clemency; it shall not be  
10 considered a reduction of sentence or a pardon. An offender shall be placed on  
11 parole only when the board believes that he is able and willing to fulfill the  
12 obligations of a law-abiding citizen. Every offender while on parole shall remain  
13 in the legal custody of the department but shall be subject to the orders of the  
14 board.

15           3. The board has discretionary authority to require the payment of a fee,  
16 not to exceed sixty dollars per month, from every offender placed under board  
17 supervision on probation, parole, or conditional release, to waive all or part of any  
18 fee, to sanction offenders for willful nonpayment of fees, and to contract with a  
19 private entity for fee collections services. All fees collected shall be deposited in  
20 the inmate fund established in section 217.430. Fees collected may be used to  
21 pay the costs of contracted collections services. The fees collected may otherwise  
22 be used to provide community corrections and intervention services for  
23 offenders. Such services include substance abuse assessment and treatment,

24 mental health assessment and treatment, electronic monitoring services,  
25 residential facilities services, employment placement services, and other offender  
26 community corrections or intervention services designated by the board to assist  
27 offenders to successfully complete probation, parole, or conditional release. The  
28 board shall adopt rules not inconsistent with law, in accordance with section  
29 217.040, with respect to sanctioning offenders and with respect to establishing,  
30 waiving, collecting, and using fees.

31 4. The board shall adopt rules not inconsistent with law, in accordance  
32 with section 217.040, with respect to the eligibility of offenders for parole, the  
33 conduct of parole hearings or conditions to be imposed upon paroled  
34 offenders. Whenever an order for parole is issued it shall recite the conditions  
35 of such parole.

36 5. When considering parole for an offender with consecutive sentences, the  
37 minimum term for eligibility for parole shall be calculated by adding the  
38 minimum terms for parole eligibility for each of the consecutive sentences, except  
39 the minimum term for parole eligibility shall not exceed the minimum term for  
40 parole eligibility for an ordinary life sentence.

41 6. Any offender under a sentence for first degree murder who has been  
42 denied release on parole after a parole hearing shall not be eligible for another  
43 parole hearing until at least three years from the month of the parole denial;  
44 however, this subsection shall not prevent a release pursuant to subsection 4 of  
45 section 558.011.

46 7. Parole hearings shall, at a minimum, contain the following procedures:

47 (1) The victim or person representing the victim who attends a hearing  
48 may be accompanied by one other person;

49 (2) The victim or person representing the victim who attends a hearing  
50 shall have the option of giving testimony in the presence of the inmate or to the  
51 hearing panel without the inmate being present;

52 (3) The victim or person representing the victim may call or write the  
53 parole board rather than attend the hearing;

54 (4) The victim or person representing the victim may have a personal  
55 meeting with a board member at the board's central office;

56 (5) The judge, prosecuting attorney or circuit attorney and a  
57 representative of the local law enforcement agency investigating the crime shall  
58 be allowed to attend the hearing or provide information to the hearing panel in  
59 regard to the parole consideration; and

60 (6) The board shall evaluate information listed in the juvenile sex offender  
61 registry pursuant to section 211.425, provided the offender is between the ages  
62 of seventeen and twenty-one, as it impacts the safety of the community.

63 8. The board shall notify any person of the results of a parole eligibility  
64 hearing if the person indicates to the board a desire to be notified.

65 9. The board may, at its discretion, require any offender seeking parole  
66 to meet certain conditions during the term of that parole so long as said  
67 conditions are not illegal or impossible for the offender to perform. These  
68 conditions may include an amount of restitution to the state for the cost of that  
69 offender's incarceration.

70 10. Nothing contained in this section shall be construed to require the  
71 release of an offender on parole nor to reduce the sentence of an offender  
72 heretofore committed.

73 11. Beginning January 1, 2001, the board shall not order a parole unless  
74 the offender has obtained a high school diploma or its equivalent, or unless the  
75 board is satisfied that the offender, while committed to the custody of the  
76 department, has made an honest good-faith effort to obtain a high school diploma  
77 or its equivalent; provided that the director may waive this requirement by  
78 certifying in writing to the board that the offender has actively participated in  
79 mandatory education programs or is academically unable to obtain a high school  
80 diploma or its equivalent.

81 12. Any rule or portion of a rule, as that term is defined in section  
82 536.010, that is created under the authority delegated in this section shall  
83 become effective only if it complies with and is subject to all of the provisions of  
84 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
85 nonseverable and if any of the powers vested with the general assembly pursuant  
86 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
87 a rule are subsequently held unconstitutional, then the grant of rulemaking  
88 authority and any rule proposed or adopted after August 28, 2005, shall be  
89 invalid and void.

217.722. 1. If any probation officer has probable cause to believe that the  
2 person on probation has violated a condition of probation, the probation officer  
3 **shall immediately notify the prosecuting or circuit attorney and** may  
4 issue a warrant for the arrest of the person on probation. The officer may effect  
5 the arrest or may deputize any other officer with the power of arrest to do so by  
6 giving the officer a copy of the warrant which will outline the circumstances of

7 the alleged violation and contain the statement that the person on probation has,  
8 in the judgment of the probation officer, violated the conditions of probation. The  
9 warrant delivered with the offender by the arresting officer to the official in  
10 charge of any jail or other detention facility shall be sufficient authority for  
11 detaining the person on probation pending a preliminary hearing on the alleged  
12 violation. Other provisions of law relating to release on bail of persons charged  
13 with criminal offenses shall be applicable to persons detained on alleged  
14 probation violations.

15         2. Any person on probation arrested under the authority granted in  
16 subsection 1 of this section shall have the right to a preliminary hearing on the  
17 violation charged as long as the person on probation remains in custody or unless  
18 the offender waives such hearing. The person on probation shall be notified  
19 immediately in writing of the alleged probation violation. If arrested in the  
20 jurisdiction of the sentencing court, and the court which placed the person on  
21 probation is immediately available, the preliminary hearing shall be heard by the  
22 sentencing court. Otherwise, the person on probation shall be taken before a  
23 judge or associate circuit judge in the county of the alleged violation or arrest  
24 having original jurisdiction to try criminal offenses or before an impartial  
25 member of the staff of the Missouri board of probation and parole, and the  
26 preliminary hearing shall be held as soon as possible after the arrest. Such  
27 preliminary hearings shall be conducted as provided by rule of court or by rules  
28 of the Missouri board of probation and parole. If it appears that there is probable  
29 cause to believe that the person on probation has violated a condition of  
30 probation, or if the person on probation waives the preliminary hearing, the judge  
31 or associate circuit judge, or member of the staff of the Missouri board of  
32 probation and parole shall order the person on probation held for further  
33 proceedings in the sentencing court. If probable cause is not found, the court  
34 shall not be barred from holding a hearing on the question of the alleged violation  
35 of a condition of probation nor from ordering the person on probation to be  
36 present at such a hearing.

37         3. Upon such arrest and detention, the probation officer shall immediately  
38 notify the sentencing court and shall submit to the court a written report showing  
39 in what manner the person on probation has violated the conditions of  
40 probation. Thereupon, or upon arrest by warrant, the court shall cause the  
41 person on probation to be brought before it without unnecessary delay for a  
42 hearing on the violation charged. Revocation hearings shall be conducted as

43 provided by rule of court.

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.**

301.559. 1. It shall be unlawful for any person to engage in business as  
2 or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer,  
3 public motor vehicle auction, wholesale motor vehicle auction or wholesale motor  
4 vehicle dealer without first obtaining a license from the department as required  
5 in sections 301.550 to 301.573. Any person who maintains or operates any  
6 business wherein a license is required pursuant to the provisions of sections  
7 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any  
8 person committing a second violation of sections 301.550 to 301.573 shall be  
9 guilty of a class [D] E felony.

10 2. All dealer licenses shall expire on December thirty-first of the  
11 designated license period. The department shall notify each person licensed  
12 under sections 301.550 to 301.573 of the date of license expiration and the  
13 amount of the fee required for renewal. The notice shall be mailed at least ninety  
14 days before the date of license expiration to the licensee's last known business  
15 address. The director shall have the authority to issue licenses valid for a period  
16 of up to two years and to stagger the license periods for administrative efficiency  
17 and equalization of workload, at the sole discretion of the director.

18 3. Every manufacturer, boat manufacturer, motor vehicle dealer,  
19 wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or  
20 public motor vehicle auction shall make application to the department for  
21 issuance of a license. The application shall be on forms prescribed by the

22 department and shall be issued under the terms and provisions of sections  
23 301.550 to 301.573 and require all applicants, as a condition precedent to the  
24 issuance of a license, to provide such information as the department may deem  
25 necessary to determine that the applicant is bona fide and of good moral  
26 character, except that every application for a license shall contain, in addition to  
27 such information as the department may require, a statement to the following  
28 facts:

29 (1) The name and business address, not a post office box, of the applicant  
30 and the fictitious name, if any, under which he intends to conduct his business;  
31 and if the applicant be a partnership, the name and residence address of each  
32 partner, an indication of whether the partner is a limited or general partner and  
33 the name under which the partnership business is to be conducted. In the event  
34 that the applicant is a corporation, the application shall list the names of the  
35 principal officers of the corporation and the state in which it is  
36 incorporated. Each application shall be verified by the oath or affirmation of the  
37 applicant, if an individual, or in the event an applicant is a partnership or  
38 corporation, then by a partner or officer;

39 (2) Whether the application is being made for registration as a  
40 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor  
41 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor  
42 vehicle auction or a public motor vehicle auction;

43 (3) When the application is for a new motor vehicle franchise dealer, the  
44 application shall be accompanied by a copy of the franchise agreement in the  
45 registered name of the dealership setting out the appointment of the applicant as  
46 a franchise holder and it shall be signed by the manufacturer, or his authorized  
47 agent, or the distributor, or his authorized agent, and shall include a description  
48 of the make of all motor vehicles covered by the franchise. The department shall  
49 not require a copy of the franchise agreement to be submitted with each renewal  
50 application unless the applicant is now the holder of a franchise from a different  
51 manufacturer or distributor from that previously filed, or unless a new term of  
52 agreement has been entered into;

53 (4) When the application is for a public motor vehicle auction, that the  
54 public motor vehicle auction has met the requirements of section 301.561.

55 4. No insurance company, finance company, credit union, savings and loan  
56 association, bank or trust company shall be required to obtain a license from the  
57 department in order to sell any motor vehicle, trailer or vessel repossessed or

58 purchased by the company on the basis of total destruction or theft thereof when  
59 the sale of the motor vehicle, trailer or vessel is in conformance with applicable  
60 title and registration laws of this state.

61 5. No person shall be issued a license to conduct a public motor vehicle  
62 auction or wholesale motor vehicle auction if such person has a violation of  
63 sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511  
64 to 407.556, or section 578.120 which resulted in a felony conviction or finding of  
65 guilt or a violation of any federal motor vehicle laws which resulted in a felony  
66 conviction or finding of guilt.

304.351. 1. The driver of a vehicle approaching an intersection shall yield  
2 the right-of-way to a vehicle which has entered the intersection from a different  
3 highway, provided, however, there is no form of traffic control at such  
4 intersection.

5 2. When two vehicles enter an intersection from different highways at  
6 approximately the same time, the driver of the vehicle on the left shall yield the  
7 right-of-way to the driver of the vehicle on the right. This subsection shall not  
8 apply to vehicles approaching each other from opposite directions when the driver  
9 of one of such vehicles is attempting to or is making a left turn.

10 3. The driver of a vehicle within an intersection intending to turn to the  
11 left shall yield the right-of-way to any vehicle approaching from the opposite  
12 direction which is within the intersection or so close thereto as to constitute an  
13 immediate hazard.

14 4. (1) The state highways and transportation commission with reference  
15 to state highways and local authorities with reference to other highways under  
16 their jurisdiction may designate through highways and erect stop signs or yield  
17 signs at specified entrances thereto, or may designate any intersection as a stop  
18 intersection or as a yield intersection and erect stop signs or yield signs at one  
19 or more entrances to such intersection.

20 (2) Preferential right-of-way at an intersection may be indicated by stop  
21 signs or yield signs as authorized in this section:

22 (a) Except when directed to proceed by a police officer or traffic-control  
23 signal, every driver of a vehicle approaching a stop intersection, indicated by a  
24 stop sign, shall stop at a clearly marked stop line, but if none, before entering the  
25 crosswalk on the near side of the intersection, or if none, then at the point  
26 nearest the intersecting roadway where the driver has a view of approaching  
27 traffic in the intersecting roadway before entering the intersection. After having

28 stopped, the driver shall yield the right-of-way to any vehicle which has entered  
29 the intersection from another highway or which is approaching so closely on the  
30 highway as to constitute an immediate hazard during the time when such driver  
31 is moving across or within the intersection.

32 (b) The driver of a vehicle approaching a yield sign shall in obedience to  
33 the sign slow down to a speed reasonable to the existing conditions and, if  
34 required for safety to stop, shall stop at a clearly marked stop line, but if none,  
35 then at the point nearest the intersecting roadway where the driver has a view  
36 of approaching traffic on the intersecting roadway. After slowing or stopping the  
37 driver shall yield the right-of-way to any vehicle in the intersection or  
38 approaching on another highway so closely as to constitute an immediate hazard  
39 during the time such traffic is moving across or within the intersection.

40 5. The driver of a vehicle about to enter or cross a highway from an alley,  
41 building or any private road or driveway shall yield the right-of-way to all  
42 vehicles approaching on the highway to be entered.

43 6. The driver of a vehicle intending to make a left turn into an alley,  
44 private road or driveway shall yield the right-of-way to any vehicle approaching  
45 from the opposite direction when the making of such left turn would create a  
46 traffic hazard.

47 7. The state highways and transportation commission or local authorities  
48 with respect to roads under their respective jurisdictions, on any section where  
49 construction or major maintenance operations are being effected, may fix a speed  
50 limit in such areas by posting of appropriate signs, and the operation of a motor  
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima  
52 facie evidence of careless and imprudent driving and a violation of section  
53 304.010.

54 8. Notwithstanding the provisions of section 304.361, violation of this  
55 section shall be deemed a class C misdemeanor.

56 9. In addition to the penalty specified in subsection 8 of this section, any  
57 person who pleads guilty to or is found guilty of a violation of this section in  
58 which the offender is found to have caused physical injury, there **[shall] may** be  
59 assessed a penalty of up to **[two hundred] five hundred** dollars. The court may  
60 issue an order of suspension of such person's driving privilege for a period of  
61 thirty days.

62 10. In addition to the penalty specified in subsection 8 of this section, any  
63 person who pleads guilty to or is found guilty of a violation of this section in

64 which the offender is found to have caused serious physical injury, there [shall]  
65 **may** be assessed a penalty of up to [five hundred] **one thousand** dollars. The  
66 court may issue an order of suspension of such person's driving privilege for a  
67 period of ninety days.

68 11. In addition to the penalty specified in subsection 8 of this section, any  
69 person who pleads guilty to or is found guilty of a violation of this section in  
70 which the offender is found to have caused a fatality, there [shall] **may** be  
71 assessed a penalty of up to [one thousand dollars] **two thousand five hundred**  
72 **dollars**. The court may issue an order of suspension of such person's driving  
73 privilege for a period of six months. **Such person may also be required to**  
74 **participate in and successfully complete a driver-improvement program**  
75 **approved by the director of the department of revenue.**

76 12. As used in subsections 9 and 10 of this section, the terms "physical  
77 injury" and "serious physical injury" shall have the meanings ascribed to them  
78 in section 556.061.

79 13. For any court-ordered suspension under subsection 9, 10, or 11 of this  
80 section, the director of the department shall impose such suspension as set forth  
81 in the court order. The order of suspension shall include the name of the  
82 offender, the offender's driver's license number, Social Security number, and the  
83 effective date of the suspension. Any appeal of a suspension imposed under  
84 subsection 9, 10, or 11 of this section shall be a direct appeal of the court order  
85 and subject to review by the presiding judge of the circuit court or another judge  
86 within the circuit other than the judge who issued the original order to suspend  
87 the driver's license. The director of revenue's entry of the court-ordered  
88 suspension on the driving record is not a decision subject to review under section  
89 302.311. Any suspension of the driver's license ordered by the court under this  
90 section shall be in addition to any other suspension that may occur as a result of  
91 the conviction under other provisions of law.

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.

339.100. 1. The commission may, upon its own motion, and shall upon  
2 receipt of a written complaint filed by any person, investigate any real  
3 estate-related activity of a licensee licensed under sections 339.010 to 339.180  
4 and sections 339.710 to 339.860 or an individual or entity acting as or  
5 representing themselves as a real estate licensee. In conducting such  
6 investigation, if the questioned activity or written complaint involves an affiliated  
7 licensee, the commission may forward a copy of the information received to the  
8 affiliated licensee's designated broker. The commission shall have the power to  
9 hold an investigatory hearing to determine whether there is a probability of a  
10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The

11 commission shall have the power to issue a subpoena to compel the production of  
12 records and papers bearing on the complaint. The commission shall have the  
13 power to issue a subpoena and to compel any person in this state to come before  
14 the commission to offer testimony or any material specified in the  
15 subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section  
16 shall be served in the same manner as subpoenas in a criminal case. The fees  
17 and mileage of witnesses shall be the same as that allowed in the circuit court in  
18 civil cases.

19         2. The commission may cause a complaint to be filed with the  
20 administrative hearing commission as provided by the provisions of chapter 621  
21 against any person or entity licensed under this chapter or any licensee who has  
22 failed to renew or has surrendered his or her individual or entity license for any  
23 one or any combination of the following acts:

24             (1) Failure to maintain and deposit in a special account, separate and  
25 apart from his or her personal or other business accounts, all moneys belonging  
26 to others entrusted to him or her while acting as a real estate broker or as the  
27 temporary custodian of the funds of others, until the transaction involved is  
28 consummated or terminated, unless all parties having an interest in the funds  
29 have agreed otherwise in writing;

30             (2) Making substantial misrepresentations or false promises or  
31 suppression, concealment or omission of material facts in the conduct of his or her  
32 business or pursuing a flagrant and continued course of misrepresentation  
33 through agents, salespersons, advertising or otherwise in any transaction;

34             (3) Failing within a reasonable time to account for or to remit any moneys,  
35 valuable documents or other property, coming into his or her possession, which  
36 belongs to others;

37             (4) Representing to any lender, guaranteeing agency, or any other  
38 interested party, either verbally or through the preparation of false documents,  
39 an amount in excess of the true and actual sale price of the real estate or terms  
40 differing from those actually agreed upon;

41             (5) Failure to timely deliver a duplicate original of any and all  
42 instruments to any party or parties executing the same where the instruments  
43 have been prepared by the licensee or under his or her supervision or are within  
44 his or her control, including, but not limited to, the instruments relating to the  
45 employment of the licensee or to any matter pertaining to the consummation of  
46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or

47 any type of real estate transaction in which he or she may participate as a  
48 licensee;

49 (6) Acting for more than one party in a transaction without the knowledge  
50 of all parties for whom he or she acts, or accepting a commission or valuable  
51 consideration for services from more than one party in a real estate transaction  
52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts  
54 or services performed in violation of sections 339.010 to 339.180 and sections  
55 339.710 to 339.860;

56 (8) Guaranteeing or having authorized or permitted any licensee to  
57 guarantee future profits which may result from the resale of real property;

58 (9) Having been finally adjudicated and been found guilty of the violation  
59 of any state or federal statute which governs the sale or rental of real property  
60 or the conduct of the real estate business as defined in subsection 1 of section  
61 339.010;

62 (10) Obtaining a certificate or registration of authority, permit or license  
63 for himself or herself or anyone else by false or fraudulent representation, fraud  
64 or deceit;

65 (11) Representing a real estate broker other than the broker with whom  
66 associated without the express written consent of the broker with whom  
67 associated;

68 (12) Accepting a commission or valuable consideration for the performance  
69 of any of the acts referred to in section 339.010 from any person except the broker  
70 with whom associated at the time the commission or valuable consideration was  
71 earned;

72 (13) Using prizes, money, gifts or other valuable consideration as  
73 inducement to secure customers or clients to purchase, lease, sell or list property  
74 when the awarding of such prizes, money, gifts or other valuable consideration  
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or  
76 offering for sale real property by offering free lots, or conducting lotteries or  
77 contests, or offering prizes for the purpose of influencing a purchaser or  
78 prospective purchaser of real property;

79 (14) Placing a sign on or advertising any property offering it for sale or  
80 rent without the written consent of the owner or his or her duly authorized agent;

81 (15) Violation of, or attempting to violate, directly or indirectly, or  
82 assisting or enabling any person to violate, any provision of sections 339.010 to

83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant  
84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

85 (16) Committing any act which would otherwise be grounds for the  
86 commission to refuse to issue a license under section 339.040;

87 (17) Failure to timely inform seller of all written offers unless otherwise  
88 instructed in writing by the seller;

89 (18) Been finally adjudicated and found guilty, or entered a plea of guilty  
90 or nolo contendere, in a criminal prosecution under the laws of this state or any  
91 other state or of the United States, for any offense reasonably related to the  
92 qualifications, functions or duties of any profession licensed or regulated under  
93 this chapter, for any offense an essential element of which is fraud, dishonesty  
94 or an act of violence, or for any offense involving moral turpitude, whether or not  
95 sentence is imposed;

96 (19) Any other conduct which constitutes untrustworthy, improper or  
97 fraudulent business dealings, demonstrates bad faith or incompetence,  
98 misconduct, or gross negligence;

99 (20) Disciplinary action against the holder of a license or other right to  
100 practice any profession regulated under sections 339.010 to 339.180 and sections  
101 339.710 to 339.860 granted by another state, territory, federal agency, or country  
102 upon grounds for which revocation, suspension, or probation is authorized in this  
103 state;

104 (21) Been found by a court of competent jurisdiction of having used any  
105 controlled substance, as defined in chapter 195, to the extent that such use  
106 impairs a person's ability to perform the work of any profession licensed or  
107 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

108 (22) Been finally adjudged insane or incompetent by a court of competent  
109 jurisdiction;

110 (23) Assisting or enabling any person to practice or offer to practice any  
111 profession licensed or regulated under sections 339.010 to 339.180 and sections  
112 339.710 to 339.860 who is not registered and currently eligible to practice under  
113 sections 339.010 to 339.180 and sections 339.710 to 339.860;

114 (24) Use of any advertisement or solicitation which is knowingly false,  
115 misleading or deceptive to the general public or persons to whom the  
116 advertisement or solicitation is primarily directed;

117 (25) Making any material misstatement, misrepresentation, or omission  
118 with regard to any application for licensure or license renewal. As used in this

119 section, "material" means important information about which the commission  
120 should be informed and which may influence a licensing decision;

121 (26) Engaging in, committing, or assisting any person in engaging in or  
122 committing mortgage fraud, as defined in section 443.930.

123 3. After the filing of such complaint, the proceedings will be conducted in  
124 accordance with the provisions of law relating to the administrative hearing  
125 commission. A finding of the administrative hearing commissioner that the  
126 licensee has performed or attempted to perform one or more of the foregoing acts  
127 shall be grounds for the suspension or revocation of his license by the  
128 commission, or the placing of the licensee on probation on such terms and  
129 conditions as the real estate commission shall deem appropriate, or the  
130 imposition of a civil penalty by the commission not to exceed two thousand five  
131 hundred dollars for each offense. Each day of a continued violation shall  
132 constitute a separate offense.

133 4. The commission may prepare a digest of the decisions of the  
134 administrative hearing commission which concern complaints against licensed  
135 brokers or salespersons and cause such digests to be mailed to all licensees  
136 periodically. Such digests may also contain reports as to new or changed rules  
137 adopted by the commission and other information of significance to licensees.

138 5. Notwithstanding other provisions of this section, a broker or  
139 salesperson's license shall be revoked, or in the case of an applicant, shall not be  
140 issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo  
141 contendere to, or been found guilty of any of the following offenses or offenses of  
142 a similar nature established under the laws of this, any other state, the United  
143 States, or any other country, notwithstanding whether sentence is imposed:

144 (1) Any dangerous felony as defined under section 556.061 or murder in  
145 the first degree;

146 (2) Any of the following sexual offenses: rape in the first degree, forcible  
147 rape, rape, statutory rape in the first degree, statutory rape in the second degree,  
148 rape in the second degree, sexual assault, sodomy in the first degree, forcible  
149 sodomy, statutory sodomy in the first degree, statutory sodomy in the second  
150 degree, child molestation in the first degree, child molestation in the second  
151 degree, sodomy in the second degree, deviate sexual assault, sexual misconduct  
152 involving a child, sexual misconduct in the first degree under section 566.090 as  
153 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it  
154 existed prior to August 28, 2013, sexual abuse in the first or second degree,

155 enticement of a child, or attempting to entice a child;

156 (3) Any of the following offenses against the family and related offenses:  
157 incest, abandonment of a child in the first degree, abandonment of a child in the  
158 second degree, endangering the welfare of a child in the first degree, abuse of a  
159 child, using a child in a sexual performance, promoting sexual performance by a  
160 child, or trafficking in children;

161 (4) Any of the following offenses involving child pornography and related  
162 offenses: promoting obscenity in the first degree, promoting obscenity in the  
163 second degree when the penalty is enhanced to a class [D] E felony, promoting  
164 child pornography in the first degree, promoting child pornography in the second  
165 degree, possession of child pornography in the first degree, possession of child  
166 pornography in the second degree, furnishing child pornography to a minor,  
167 furnishing pornographic materials to minors, or coercing acceptance of obscene  
168 material; and

169 (5) Mortgage fraud as defined in section 570.310.

170 6. A person whose license was revoked under subsection 5 of this section  
171 may appeal such revocation to the administrative hearing commission. Notice of  
172 such appeal must be received by the administrative hearing commission within  
173 ninety days of mailing, by certified mail, the notice of revocation. Failure of a  
174 person whose license was revoked to notify the administrative hearing  
175 commission of his or her intent to appeal waives all rights to appeal the  
176 revocation. Upon notice of such person's intent to appeal, a hearing shall be held  
177 before the administrative hearing commission.

400.9-501. (a) Except as otherwise provided in subsection (b), if the local  
2 law of this state governs perfection of a security interest or agricultural lien, the  
3 office in which to file a financing statement to perfect the security interest or  
4 agricultural lien is:

5 (1) The office designated for the filing or recording of a record of a  
6 mortgage on the related real property, if:

7 (A) The collateral is as-extracted collateral or timber to be cut; or

8 (B) The financing statement is filed as a fixture filing and the collateral  
9 is goods that are or are to become fixtures; or

10 (2) The office of the secretary of state in all other cases, including a case  
11 in which the collateral is goods that are or are to become fixtures and the  
12 financing statement is not filed as a fixture filing.

13 (b) The office in which to file a financing statement to perfect a security

14 interest in collateral, including fixtures, of a transmitting utility is the office of  
15 the secretary of state. The financing statement also constitutes a fixture filing  
16 as to the collateral indicated in the financing statement which is or is to become  
17 fixtures.

18 (c) A person shall not knowingly or intentionally file, attempt to file, or  
19 record any document related to real property with a recorder of deeds under  
20 chapter 59 or a financing statement with the secretary of state under subdivision  
21 (2) of subsection (a) or subsection (b) of this section, with the intent that such  
22 document or statement be used to harass or defraud any other person or  
23 knowingly or intentionally file, attempt to file, or record such a document or  
24 statement that is materially false or fraudulent.

25 (1) A person who violates this subsection shall be guilty of a class [D] E  
26 felony.

27 (2) If a person is convicted of a violation under this subsection, the court  
28 may order restitution.

29 (d) In the alternative to the provisions of sections 428.105 through  
30 428.135, if a person files a false or fraudulent financing statement with the  
31 secretary of state under subdivision (2) of subsection (a) or subsection (b) of this  
32 section, a debtor named in that financing statement may file an action against  
33 the person that filed the financing statement seeking appropriate equitable relief,  
34 actual damages, or punitive damages, including, but not limited to, reasonable  
35 attorney fees.

**455.095. 1. For purposes of this section, the following terms  
2 mean:**

3 (1) "Electronic monitoring with victim notification", an electronic  
4 monitoring system that has the capability to track and monitor the  
5 movement of a person and immediately transmit the monitored person's  
6 location to the protected person and the local law enforcement agency  
7 with jurisdiction over the protected premises through an appropriate  
8 means, including the telephone, an electronic beeper, or paging device  
9 whenever the monitored person enters the protected premises as  
10 specified in the order by the court;

11 (2) "Informed consent", the protected person is given the  
12 following information before consenting to participate in electronic  
13 monitoring with victim notification:

14 (a) The protected person's right to refuse to participate in the

15 **program and the process for requesting the court to terminate his or**  
16 **her participation after it has been ordered;**

17 **(b) The manner in which the electronic monitoring technology**  
18 **functions and the risks and limitations of that technology;**

19 **(c) The boundaries imposed on the person being monitored**  
20 **during the electronic monitoring;**

21 **(d) The sanctions that the court may impose for violations of the**  
22 **order issued by the court;**

23 **(e) The procedure that the protected person is to follow if the**  
24 **monitored person violates an order or if the electronic monitoring**  
25 **equipment fails;**

26 **(f) Identification of support services available to assist the**  
27 **protected person in developing a safety plan to use if the monitored**  
28 **person violates an order or if the electronic monitoring equipment**  
29 **fails;**

30 **(g) Identification of community services available to assist the**  
31 **protected person in obtaining shelter, counseling, education, child care,**  
32 **legal representation, and other help in addressing the consequences**  
33 **and effects of domestic violence; and**

34 **(h) The non-confidential nature of the protected person's**  
35 **communications with the court concerning electronic monitoring and**  
36 **the restrictions to be imposed upon the monitored person's movements.**

37 **2. When a person is found guilty of violating the terms and**  
38 **conditions of an ex parte or full order of protection under sections**  
39 **455.085 or 455.538, the court may, in addition to or in lieu of any other**  
40 **disposition:**

41 **(1) Sentence the person to electronic monitoring with victim**  
42 **notification; or**

43 **(2) Place the person on probation and, as a condition of such**  
44 **probation, order electronic monitoring with victim notification.**

45 **3. When a person charged with violating the terms and**  
46 **conditions of an ex parte or full order of protection under sections**  
47 **455.085 or 455.538 is released from custody before trial pursuant to**  
48 **section 544.455, the court may, as a condition of release, order**  
49 **electronic monitoring of the person with victim notification.**

50 **4. Electronic monitoring with victim notification shall be**  
51 **ordered only with the protected person's informed consent. In**

52 **determining whether to place a person on electronic monitoring with**  
53 **victim notification, the court may hold a hearing to consider the**  
54 **likelihood that the person's participation in electronic monitoring will**  
55 **deter the person from injuring the protected person. The court shall**  
56 **consider the following factors:**

57 **(1) The gravity and seriousness of harm that the person inflicted**  
58 **on the protected person in the commission of any act of domestic**  
59 **violence;**

60 **(2) The person's previous history of domestic violence;**

61 **(3) The person's history of other criminal acts, if any;**

62 **(4) Whether the person has access to a weapon;**

63 **(5) Whether the person has threatened suicide or homicide;**

64 **(6) Whether the person has a history of mental illness or has**  
65 **been civilly committed; and**

66 **(7) Whether the person has a history of alcohol or substance**  
67 **abuse.**

68 **5. Unless the person is determined to be indigent by the court,**  
69 **a person ordered to be placed on electronic monitoring with victim**  
70 **notification shall be ordered to pay the related costs and expenses. If**  
71 **the court determines the person is indigent, the person may be placed**  
72 **on electronic monitoring with victim notification, and the clerk of the**  
73 **court in which the case was determined shall notify the department of**  
74 **corrections that the person was determined to be indigent and shall**  
75 **include in a bill to the department the costs associated with the**  
76 **monitoring. The department shall establish by rule a procedure to**  
77 **determine the portion of costs each indigent person is able to pay based**  
78 **on a person's income, number of dependents, and other factors as**  
79 **determined by the department and shall seek reimbursement of such**  
80 **costs.**

81 **6. An alert from an electronic monitoring device shall be**  
82 **probable cause to arrest the monitored person for a violation of an ex**  
83 **parte or full order of protection.**

84 **7. The department of corrections, department of public safety,**  
85 **Missouri state highway patrol, the circuit courts, and county and**  
86 **municipal law enforcement agencies shall share information obtained**  
87 **via electronic monitoring conducted pursuant to this section.**

88 **8. No supplier of a product, system, or service used for electronic**

89 monitoring with victim notification shall be liable, directly or  
90 indirectly, for damages arising from any injury or death associated  
91 with the use of the product, system, or service unless, and only to the  
92 extent that, such action is based on a claim that the injury or death was  
93 proximately caused by a manufacturing defect in the product or system.

94 **9. Nothing in this section shall be construed as limiting a court's**  
95 **ability to place a person on electronic monitoring without victim**  
96 **notification under sections 544.455 or 557.011.**

97 **10. A person shall be found guilty of the offense of tampering**  
98 **with electronic monitoring equipment under section 575.205 if he or she**  
99 **commits the actions prohibited under such section with any equipment**  
100 **that a court orders the person to wear under this section.**

101 **11. The department of corrections shall promulgate rules and**  
102 **regulations for the implementation of subsection 5 of this section. Any**  
103 **rule or portion of a rule, as that term is defined in section 536.010 that**  
104 **is created under the authority delegated in this section shall become**  
105 **effective only if it complies with and is subject to all of the provisions**  
106 **of chapter 536, and, if applicable, section 536.028. This section and**  
107 **chapter 536 are nonseverable and if any of the powers vested with the**  
108 **general assembly pursuant to chapter 536, to review, to delay the**  
109 **effective date, or to disapprove and annul a rule are subsequently held**  
110 **unconstitutional, then the grant of rulemaking authority and any rule**  
111 **proposed or adopted after August 28, 2016, shall be invalid and void.**

112 **12. The provisions of this section shall expire on August 28, 2022.**

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.

557.021. 1. Any offense defined outside this code which is declared to be  
2 a misdemeanor without specification of the penalty therefor is a class A  
3 misdemeanor.

4 2. Any offense defined outside this code which is declared to be a felony  
5 without specification of the penalty therefor is a class E felony.

6 3. For the purpose of applying the extended term provisions of section  
7 558.016 and the minimum prison term provisions of section 558.019 and for  
8 determining the penalty for attempts and conspiracies, offenses defined outside  
9 of this code shall be classified as follows:

10 (1) If the offense is a felony:

11 (a) It is a class A felony if the authorized penalty includes death, life  
12 imprisonment or imprisonment for a term of twenty years or more;

13 (b) It is a class B felony if the maximum term of imprisonment authorized  
14 exceeds ten years but is less than twenty years;

15 (c) It is a class C felony if the maximum term of imprisonment authorized  
16 is ten years;

17 (d) It is a class D felony if the maximum term of imprisonment **exceeds**  
18 **four years but** is less than ten years;

19 (e) It is a class E felony if the maximum term of imprisonment is four  
20 years **or less**;

21 (2) If the offense is a misdemeanor:

22 (a) It is a class A misdemeanor if the authorized imprisonment exceeds  
23 six months in jail;

24 (b) It is a class B misdemeanor if the authorized imprisonment exceeds  
25 thirty days but is not more than six months;

26 (c) It is a class C misdemeanor if the authorized imprisonment is thirty  
27 days or less;

28 (d) It is a class D misdemeanor if it includes a mental state as an element  
29 of the offense and there is no authorized imprisonment;

30 (e) It is an infraction if there is no authorized imprisonment.

562.014. 1. Guilt for an offense may be based upon a conspiracy to  
2 commit an offense when a person, with the purpose of promoting or facilitating  
3 the commission of an offense, agrees with another person or persons that they or

4 one or more of them will engage in conduct which constitutes such offense.

5           2. It is no defense to a prosecution for conspiring to commit an offense  
6 that a person, who knows that a person with whom he or she conspires to commit  
7 an offense has conspired with another person or persons to commit the same  
8 offense, does not know the identity of such other person or persons.

9           3. If a person conspires to commit a number of offenses, he or she can be  
10 found guilty of only one offense **of conspiracy** so long as such multiple offenses  
11 are the object of the same agreement.

12           4. No person may be convicted of an offense based upon a conspiracy to  
13 commit an offense unless an overt act in pursuance of such conspiracy is alleged  
14 and proved to have been done by him or her or by a person with whom he or she  
15 conspired.

16           5. (1) No person shall be convicted of an offense based upon a conspiracy  
17 to commit an offense if, after conspiring to commit the offense, he or she  
18 prevented the accomplishment of the objectives of the conspiracy under  
19 circumstances manifesting a renunciation of his or her criminal purpose.

20           (2) The defendant shall have the burden of injecting the issue of  
21 renunciation of criminal purpose under subdivision (1) of this subsection.

22           6. For the purpose of time limitations on prosecutions:

23           (1) A conspiracy to commit an offense is a continuing course of conduct  
24 which terminates when the offense or offenses which are its object are committed  
25 or the agreement that they be committed is abandoned by the defendant and by  
26 those with whom he or she conspired;

27           (2) If an individual abandons the agreement, the conspiracy is terminated  
28 as to him or her only if he or she advises those with whom he or she has  
29 conspired of his or her abandonment or he or she informs the law enforcement  
30 authorities of the existence of the conspiracy and of his or her participation in it.

31           7. A person shall not be charged, convicted or sentenced on the basis of  
32 the same course of conduct of both the actual commission of an offense and a  
33 conspiracy to commit that offense.

34           8. Unless otherwise set forth in the statute creating the offense, when  
35 guilt for a felony or misdemeanor is based upon a conspiracy to commit that  
36 offense, the felony or misdemeanor shall be classified one step lower than the  
37 class provided for the felony or misdemeanor in the statute creating the offense.

565.020. 1. A person commits the [crime] **offense** of murder in the first  
2 degree if he **or she** knowingly causes the death of another person after

3 deliberation upon the matter.

4           2. **The offense of** murder in the first degree is a class A felony, and, **if**  
5 **a person is eighteen years of age or older at the time of the offense**, the  
6 punishment shall be either death or imprisonment for life without eligibility for  
7 probation or parole, or release except by act of the governor[; except that,]. If a  
8 person has not reached his [sixteenth] **or her eighteenth** birthday at the time  
9 of the commission of the [crime] **offense**, the punishment shall be [imprisonment  
10 for life without eligibility for probation or parole, or release except by act of the  
11 governor] **as provided under section 565.033.**

565.030. 1. Where murder in the first degree is charged but not  
2 submitted or where the state waives the death penalty, the submission to the  
3 trier and all subsequent proceedings in the case shall proceed as in all other  
4 criminal cases [with a single stage trial in which guilt and punishment are  
5 submitted together].

6           2. Where murder in the first degree is submitted to the trier without a  
7 waiver of the death penalty, the trial shall proceed in two stages before the same  
8 trier. At the first stage the trier shall decide only whether the defendant is guilty  
9 or not guilty of any submitted offense. The issue of punishment shall not be  
10 submitted to the trier at the first stage. If an offense is charged other than  
11 murder in the first degree in a count together with a count of murder in the first  
12 degree, the trial judge shall assess punishment on any such offense according to  
13 law, after the defendant is found guilty of such offense and after he finds the  
14 defendant to be a prior offender pursuant to chapter 558.

15           3. If murder in the first degree is submitted and the death penalty was  
16 not waived but the trier finds the defendant guilty of a lesser homicide, a second  
17 stage of the trial shall proceed [at which the only issue shall be the punishment  
18 to be assessed and declared. No further evidence shall be received. If the trier  
19 is a jury it shall be instructed on the law] **as in all other criminal cases.** The  
20 attorneys may then argue as in other criminal cases the issue of punishment,  
21 after which the trier shall assess and declare the punishment as in all other  
22 criminal cases.

23           4. If the trier at the first stage of a trial where the death penalty was not  
24 waived finds the defendant guilty of murder in the first degree, a second stage of  
25 the trial shall proceed at which the only issue shall be the punishment to be  
26 assessed and declared. Evidence in aggravation and mitigation of punishment,  
27 including but not limited to evidence supporting any of the aggravating or

28 mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be  
29 presented subject to the rules of evidence at criminal trials. Such evidence may  
30 include, within the discretion of the court, evidence concerning the murder victim  
31 and the impact of the [crime] **offense** upon the family of the victim and  
32 others. Rebuttal and surrebuttal evidence may be presented. The state shall be  
33 the first to proceed. If the trier is a jury it shall be instructed on the law. The  
34 attorneys may then argue the issue of punishment to the jury, and the state shall  
35 have the right to open and close the argument. The trier shall assess and declare  
36 the punishment at life imprisonment without eligibility for probation, parole, or  
37 release except by act of the governor:

38 (1) If the trier finds by a preponderance of the evidence that the  
39 defendant is intellectually disabled; or

40 (2) If the trier does not find beyond a reasonable doubt at least one of the  
41 statutory aggravating circumstances set out in subsection 2 of section 565.032;  
42 or

43 (3) If the trier concludes that there is evidence in mitigation of  
44 punishment, including but not limited to evidence supporting the statutory  
45 mitigating circumstances listed in subsection 3 of section 565.032, which is  
46 sufficient to outweigh the evidence in aggravation of punishment found by the  
47 trier; or

48 (4) If the trier decides under all of the circumstances not to assess and  
49 declare the punishment at death. If the trier is a jury it shall be so instructed.  
50 If the trier assesses and declares the punishment at death it shall, in its findings  
51 or verdict, set out in writing the aggravating circumstance or circumstances listed  
52 in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If  
53 the trier is a jury it shall be instructed before the case is submitted that if it is  
54 unable to decide or agree upon the punishment the court shall assess and declare  
55 the punishment at life imprisonment without eligibility for probation, parole, or  
56 release except by act of the governor or death. The court shall follow the same  
57 procedure as set out in this section whenever it is required to determine  
58 punishment for murder in the first degree.

59 5. Upon written agreement of the parties and with leave of the court, the  
60 issue of the defendant's intellectual disability may be taken up by the court and  
61 decided prior to trial without prejudicing the defendant's right to have the issue  
62 submitted to the trier of fact as provided in subsection 4 of this section.

63 6. As used in this section, the terms "intellectual disability" or

64 "intellectually disabled" refer to a condition involving substantial limitations in  
65 general functioning characterized by significantly subaverage intellectual  
66 functioning with continual extensive related deficits and limitations in two or  
67 more adaptive behaviors such as communication, self-care, home living, social  
68 skills, community use, self-direction, health and safety, functional academics,  
69 leisure and work, which conditions are manifested and documented before  
70 eighteen years of age.

71 7. The provisions of this section shall only govern offenses committed on  
72 or after August 28, 2001.

565.032. 1. In all cases of murder in the first degree for which the death  
2 penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall  
3 include in his **or her** instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances  
5 enumerated in subsection 2 of this section is established by the evidence beyond  
6 a reasonable doubt; and

7 (2) If a statutory aggravating circumstance or circumstances is proven  
8 beyond a reasonable doubt, whether the evidence as a whole justifies a sentence  
9 of death or a sentence of life imprisonment without eligibility for probation,  
10 parole, or release except by act of the governor. In determining the issues  
11 enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider  
12 all evidence which it finds to be in aggravation or mitigation of punishment,  
13 including evidence received during the first stage of the trial and evidence  
14 supporting any of the statutory aggravating or mitigating circumstances set out  
15 in subsections 2 and 3 of this section. If the trier is a jury, it shall not be  
16 instructed upon any specific evidence which may be in aggravation or mitigation  
17 of punishment, but shall be instructed that each juror shall consider any evidence  
18 which he **or she** considers to be aggravating or mitigating.

19 2. Statutory aggravating circumstances for a murder in the first degree  
20 offense shall be limited to the following:

21 (1) The offense was committed by a person with a prior record of  
22 conviction for murder in the first degree, or the offense was committed by a  
23 person who has one or more serious assaultive criminal convictions;

24 (2) The murder in the first degree offense was committed while the  
25 offender was engaged in the commission or attempted commission of another  
26 unlawful homicide;

27 (3) The offender by his **or her** act of murder in the first degree knowingly

28 created a great risk of death to more than one person by means of a weapon or  
29 device which would normally be hazardous to the lives of more than one person;

30 (4) The offender committed the offense of murder in the first degree for  
31 himself **or herself** or another, for the purpose of receiving money or any other  
32 thing of monetary value from the victim of the murder or another;

33 (5) The murder in the first degree was committed against a judicial  
34 officer, former judicial officer, prosecuting attorney or former prosecuting  
35 attorney, circuit attorney or former circuit attorney, assistant prosecuting  
36 attorney or former assistant prosecuting attorney, assistant circuit attorney or  
37 former assistant circuit attorney, peace officer or former peace officer, elected  
38 official or former elected official during or because of the exercise of his official  
39 duty;

40 (6) The offender caused or directed another to commit murder in the first  
41 degree or committed murder in the first degree as an agent or employee of  
42 another person;

43 (7) The murder in the first degree was outrageously or wantonly vile,  
44 horrible or inhuman in that it involved torture, or depravity of mind;

45 (8) The murder in the first degree was committed against any peace  
46 officer, or fireman while engaged in the performance of his **or her** official duty;

47 (9) The murder in the first degree was committed by a person in, or who  
48 has escaped from, the lawful custody of a peace officer or place of lawful  
49 confinement;

50 (10) The murder in the first degree was committed for the purpose of  
51 avoiding, interfering with, or preventing a lawful arrest or custody in a place of  
52 lawful confinement, of himself **or herself** or another;

53 (11) The murder in the first degree was committed while the defendant  
54 was engaged in the perpetration or was aiding or encouraging another person to  
55 perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy,  
56 burglary, robbery, kidnapping, or any felony offense in chapter 195 **or 579**;

57 (12) The murdered individual was a witness or potential witness in any  
58 past or pending investigation or past or pending prosecution, and was killed as  
59 a result of his **or her** status as a witness or potential witness;

60 (13) The murdered individual was an employee of an institution or facility  
61 of the department of corrections of this state or local correction agency and was  
62 killed in the course of performing his **or her** official duties, or the murdered  
63 individual was an inmate of such institution or facility;

64 (14) The murdered individual was killed as a result of the hijacking of an  
65 airplane, train, ship, bus or other public conveyance;

66 (15) The murder was committed for the purpose of concealing or  
67 attempting to conceal any felony offense defined in chapter 195 **or 579**;

68 (16) The murder was committed for the purpose of causing or attempting  
69 to cause a person to refrain from initiating or aiding in the prosecution of a felony  
70 offense defined in chapter 195 **or 579**;

71 (17) The murder was committed during the commission of [a crime] **an**  
72 **offense** which is part of a pattern of criminal street gang activity as defined in  
73 section 578.421.

74 3. Statutory mitigating circumstances shall include the following:

75 (1) The defendant has no significant history of prior criminal activity;

76 (2) The murder in the first degree was committed while the defendant was  
77 under the influence of extreme mental or emotional disturbance;

78 (3) The victim was a participant in the defendant's conduct or consented  
79 to the act;

80 (4) The defendant was an accomplice in the murder in the first degree  
81 committed by another person and his **or her** participation was relatively minor;

82 (5) The defendant acted under extreme duress or under the substantial  
83 domination of another person;

84 (6) The capacity of the defendant to appreciate the criminality of his **or**  
85 **her** conduct or to conform his **or her** conduct to the requirements of law was  
86 substantially impaired;

87 (7) The age of the defendant at the time of the [crime] **offense**.

**565.033. 1. A person found guilty of murder in the first degree**  
2 **who was under the age of eighteen at the time of the commission of the**  
3 **offense shall be sentenced as follows:**

4 (1) **A person who at the time of the commission of the offense**  
5 **was sixteen years of age or older shall be sentenced to a term of**  
6 **imprisonment for life without eligibility for probation, parole, or**  
7 **release, or a term of imprisonment, the minimum of which shall be at**  
8 **least fifty years; and**

9 (2) **A person who at the time of the commission of the offense**  
10 **was under sixteen years of age shall be sentenced to a term of**  
11 **imprisonment for life without eligibility for probation, parole, or**  
12 **release, or a term of imprisonment, the minimum of which shall be at**

13 **least thirty-five years.**

14 **2. If the prosecuting or circuit attorney intends to seek a**  
15 **punishment of imprisonment for life without eligibility for probation,**  
16 **parole, or release, the prosecuting or circuit attorney shall file a notice**  
17 **of such intent after conviction and before sentencing.**

18 **3. (1) Any person who has been found guilty of murder in the**  
19 **first degree, and who was sixteen years of age or older and under the**  
20 **age of eighteen at the time of the commission of the offense, and who**  
21 **was sentenced to life without eligibility for probation or parole, or**  
22 **release except by act of the governor prior to June 25, 2012, shall be**  
23 **eligible for a parole hearing after having served fifty years.**

24 **(2) Any person who has been found guilty of murder in the first**  
25 **degree, and who was under the age of sixteen at the time of the**  
26 **commission of the offense, and who was sentenced to life without**  
27 **eligibility for probation or parole, or release except by act of the**  
28 **governor prior to June 25, 2012, shall be eligible for a parole hearing**  
29 **after having served thirty-five years.**

565.040. 1. In the event that the death penalty provided in this chapter  
2 is held to be unconstitutional, any person convicted of murder in the first degree  
3 shall be sentenced by the court to life imprisonment without eligibility for  
4 probation, parole, or release except by act of the governor, with the exception that  
5 when a specific aggravating circumstance found in a case is held to be  
6 unconstitutional or invalid for another reason, the supreme court of Missouri is  
7 further authorized to remand the case for resentencing or retrial of the  
8 punishment pursuant to subsection 5 of section [565.036] **565.035.**

9 2. In the event that any death sentence imposed pursuant to this chapter  
10 is held to be unconstitutional, the trial court which previously sentenced the  
11 defendant to death shall cause the defendant to be brought before the court and  
12 shall sentence the defendant to life imprisonment without eligibility for  
13 probation, parole, or release except by act of the governor, with the exception that  
14 when a specific aggravating circumstance found in a case is held to be  
15 inapplicable, unconstitutional or invalid for another reason, the supreme court  
16 of Missouri is further authorized to remand the case for retrial of the punishment  
17 pursuant to subsection 5 of section 565.035.

565.188. 1. When any adult day care worker; chiropractor; Christian  
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of

3 social services, mental health, or health and senior services; employee of a local  
4 area agency on aging or an organized area agency on aging program; **emergency**  
5 **medical technician, firefighter, first responder**; funeral director; home  
6 health agency or home health agency employee; hospital and clinic personnel  
7 engaged in examination, care, or treatment of persons; in-home services owner,  
8 provider, operator, or employee; law enforcement officer; long-term care facility  
9 administrator or employee; medical examiner; medical resident or intern; mental  
10 health professional; minister; nurse; nurse practitioner; optometrist; other health  
11 practitioner; peace officer; pharmacist; physical therapist; physician; physician's  
12 assistant; podiatrist; probation or parole officer; psychologist; social worker; or  
13 other person with responsibility for the care of [a person sixty years of age or  
14 older] **an eligible adult as defined under section 192.2400** has reasonable  
15 cause to suspect that [such a person] **the eligible adult** has been subjected to  
16 abuse or neglect or observes [such a person] **the eligible adult** being subjected  
17 to conditions or circumstances which would reasonably result in abuse or neglect,  
18 he or she shall immediately report or cause a report to be made to the department  
19 in accordance with the provisions of sections 192.2400 to 192.2470. Any other  
20 person who becomes aware of circumstances which may reasonably be expected  
21 to be the result of or result in abuse or neglect may report to the department.

22 2. Any person who knowingly fails to make a report as required in  
23 subsection 1 of this section is guilty of a class A misdemeanor.

24 3. Any person who purposely files a false report of elder abuse or neglect  
25 is guilty of a class A misdemeanor.

26 4. Every person who has been previously convicted of or pled guilty to  
27 making a false report to the department and who is subsequently convicted of  
28 making a false report under subsection 3 of this section is guilty of a class D  
29 felony.

30 5. Evidence of prior convictions of false reporting shall be heard by the  
31 court, out of the hearing of the jury, prior to the submission of the case to the  
32 jury, and the court shall determine the existence of the prior convictions.

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.

568.040. 1. A person commits the offense of nonsupport if he or she  
2 knowingly fails to provide adequate support for his or her spouse; a parent  
3 commits the offense of nonsupport if such parent knowingly fails to provide  
4 adequate support which such parent is legally obligated to provide for his or her  
5 child or stepchild who is not otherwise emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child whose  
8 paternity has been established under chapter 454, or chapter 210, or any child  
9 whose relationship to the defendant has been determined, by a court of law in a  
10 proceeding for dissolution or legal separation, to be that of child to parent;

11 (2) "Good cause" means any substantial reason why the defendant is  
12 unable to provide adequate support. Good cause does not exist if the defendant

13 purposely maintains his inability to support;

14 (3) "Support" means food, clothing, lodging, and medical or surgical  
15 attention;

16 (4) It shall not constitute a failure to provide medical and surgical  
17 attention, if nonmedical remedial treatment recognized and permitted under the  
18 laws of this state is provided.

19 3. Inability to provide support for good cause shall be an affirmative  
20 defense under this section. A defendant who raises such affirmative defense has  
21 the burden of proving the defense by a preponderance of the evidence.

22 4. The defendant shall have the burden of injecting the issues raised by  
23 subdivision (4) of subsection 2 [and subsection 3] of this section.

24 5. The offense of criminal nonsupport is a class A misdemeanor, unless  
25 the total arrearage is in excess of an aggregate of twelve monthly payments due  
26 under any order of support issued by any court of competent jurisdiction or any  
27 authorized administrative agency, in which case it is a class E felony.

28 6. If at any time an offender convicted of criminal nonsupport is placed  
29 on probation or parole, there may be ordered as a condition of probation or parole  
30 that the offender commence payment of current support as well as satisfy the  
31 arrearages. Arrearages may be satisfied first by making such lump sum payment  
32 as the offender is capable of paying, if any, as may be shown after examination  
33 of the offender's financial resources or assets, both real, personal, and mixed, and  
34 second by making periodic payments. Periodic payments toward satisfaction of  
35 arrears when added to current payments due may be in such aggregate sums as  
36 is not greater than fifty percent of the offender's adjusted gross income after  
37 deduction of payroll taxes, medical insurance that also covers a dependent spouse  
38 or children, and any other court- or administrative-ordered support, only. If the  
39 offender fails to pay the current support and arrearages as ordered, the court may  
40 revoke probation or parole and then impose an appropriate sentence within the  
41 range for the class of offense that the offender was convicted of as provided by  
42 law, unless the offender proves good cause for the failure to pay as required  
43 under subsection 3 of this section.

44 7. During any period that a nonviolent offender is incarcerated for  
45 criminal nonsupport, if the offender is ready, willing, and able to be gainfully  
46 employed during said period of incarceration, the offender, if he or she meets the  
47 criteria established by the department of corrections, may be placed on work  
48 release to allow the offender to satisfy his or her obligation to pay

49 support. Arrearages shall be satisfied as outlined in the collection agreement.

50 8. Beginning August 28, 2009, every nonviolent first- and second-time  
51 offender then incarcerated for criminal nonsupport, who has not been previously  
52 placed on probation or parole for conviction of criminal nonsupport, may be  
53 considered for parole, under the conditions set forth in subsection 6 of this  
54 section, or work release, under the conditions set forth in subsection 7 of this  
55 section.

56 9. Beginning January 1, 1991, every prosecuting attorney in any county  
57 which has entered into a cooperative agreement with the child support  
58 enforcement service of the family support division of the department of social  
59 services shall report to the division on a quarterly basis the number of charges  
60 filed and the number of convictions obtained under this section by the prosecuting  
61 attorney's office on all IV-D cases. The division shall consolidate the reported  
62 information into a statewide report by county and make the report available to  
63 the general public.

64 10. Persons accused of committing the offense of nonsupport of the child  
65 shall be prosecuted:

66 (1) In any county in which the child resided during the period of time for  
67 which the defendant is charged; or

68 (2) In any county in which the defendant resided during the period of time  
69 for which the defendant is charged.

569.090. 1. A person commits the offense of tampering in the second  
2 degree if he or she:

3 (1) Tampers with property of another for the purpose of causing  
4 substantial inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle,  
6 motorboat or other motor-propelled vehicle; or

7 (3) Tampers or makes connection with property of a utility; or

8 (4) Tampers with, or causes to be tampered with, any meter or other  
9 property of an electric, gas, steam or water utility, the effect of which tampering  
10 is either:

11 (a) To prevent the proper measuring of electric, gas, steam or water  
12 service; or

13 (b) To permit the diversion of any electric, gas, steam or water service.

14 2. In any prosecution under subdivision (4) of subsection 1, proof that a  
15 meter or any other property of a utility has been tampered with, and the person

16 or persons accused received the use or direct benefit of the electric, gas, steam or  
17 water service, with one or more of the effects described in subdivision (4) of  
18 subsection 1, shall be sufficient to support an inference which the trial court may  
19 submit to the trier of fact, from which the trier of fact may conclude that there  
20 has been a violation of such subdivision by the person or persons who use or  
21 receive the direct benefit of the electric, gas, steam or water service.

22 3. Tampering in the second degree is a class A misdemeanor unless:

23 (1) Committed as a second or subsequent violation of subdivision (4) of  
24 subsection 1, in which case it is a class E felony; or

25 (2) The defendant has a prior conviction or has previously been found  
26 guilty pursuant to paragraph (a) of subdivision (3) of subsection [3] 5 of section  
27 570.030, or subdivision (2) of subsection 1 of this section, in which case it is a  
28 class D felony.

569.140. 1. A person commits the offense of trespass in the first degree  
2 if he or she knowingly enters unlawfully or knowingly remains unlawfully in a  
3 building or inhabitable structure [or], upon real property, **or upon a temporary**  
4 **or permanent privately owned structure attached to the building,**  
5 **structure, or property.**

6 2. A person does not commit the offense of trespass in the first degree by  
7 entering or remaining upon real property **or attached structures as described**  
8 **under subsection 1 of this section** unless the real property **or attached**  
9 **structure** is fenced or otherwise enclosed in a manner designed to exclude  
10 intruders or as to which notice against trespass is given by:

11 (1) Actual communication to the actor; or

12 (2) Posting in a manner reasonably likely to come to the attention of  
13 intruders.

14 3. The offense of trespass in the first degree is a class B misdemeanor.

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 property**  
37 **is taken or attempted to be taken physically from an individual person**  
38 **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  
86 on 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.

570.135. 1. A person commits the offense of fraudulent procurement of  
2 a credit or debit device if he or she:

3 (1) Knowingly makes or causes to be made, directly or indirectly, a false  
4 statement regarding another person for the purpose of fraudulently procuring the  
5 issuance of a credit or debit device; [or]

6 (2) Knowingly obtains a means of identification of another person without  
7 the authorization of that person and uses that means of identification  
8 fraudulently to obtain, or attempt to obtain, credit, goods or services in the name  
9 of the other person without the consent of that person; or

10 **(3) Knowingly possesses a fraudulently obtained credit or debit**

11 **device.**

12           2. The offense of fraudulent procurement of a credit or debit device is a  
13 class A misdemeanor.

14           3. Notwithstanding any other provision of this section, no corporation,  
15 proprietorship, partnership, limited liability company, limited liability  
16 partnership or other business entity shall be **criminally** liable under this section  
17 for accepting applications for credit or debit devices or for the use of a credit or  
18 debit device in any transaction, absent clear and convincing evidence that such  
19 business entity conspired with or was a part of the fraudulent procuring of the  
20 issuance of a credit or debit device.

          571.020. 1. A person commits [a crime] **an offense** if such person  
2 knowingly possesses, manufactures, transports, repairs, or sells:

- 3           (1) An explosive weapon;
- 4           (2) An explosive, incendiary or poison substance or material with the  
5 purpose to possess, manufacture or sell an explosive weapon;
- 6           (3) A gas gun;
- 7           (4) A bullet or projectile which explodes or detonates upon impact because  
8 of an independent explosive charge after having been shot from a firearm; or  
9           (5) Knuckles; or
- 10          (6) Any of the following in violation of federal law:
- 11           (a) A machine gun;
- 12           (b) A short-barreled rifle or shotgun;
- 13           (c) A firearm silencer; or
- 14           (d) A switchblade knife.

15          2. A person does not commit [a crime] **an offense** pursuant to this  
16 section if his **or her** conduct involved any of the items in subdivisions (1) to (5)  
17 of subsection 1, the item was possessed in conformity with any applicable federal  
18 law, and the conduct:

- 19           (1) Was incident to the performance of official duty by the Armed Forces,  
20 National Guard, a governmental law enforcement agency, or a penal institution;  
21 or
- 22           (2) Was incident to engaging in a lawful commercial or business  
23 transaction with an organization enumerated in subdivision (1) of this section; or
- 24           (3) Was incident to using an explosive weapon in a manner reasonably  
25 related to a lawful industrial or commercial enterprise; or
- 26           (4) Was incident to displaying the weapon in a public museum or

27 exhibition; or

28 (5) Was incident to using the weapon in a manner reasonably related to  
29 a lawful dramatic performance.

30 3. [A crime] **An offense** pursuant to subdivision (1), (2), (3) or (6) of  
31 subsection 1 of this section is a class [C] **D** felony; a crime pursuant to  
32 subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the [crime] **offense** of unlawful use of  
2 weapons if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,  
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or  
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily  
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his  
12 or her person, while he or she is intoxicated, and handles or otherwise uses such  
13 firearm or projectile weapon in either a negligent or unlawful manner or  
14 discharges such firearm or projectile weapon unless acting in self-defense; or

15 (6) Discharges a firearm within one hundred yards of any occupied  
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,  
18 on, along or across a public highway or discharges or shoots a firearm into any  
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use  
21 into any church or place where people have assembled for worship, or into any  
22 election precinct on any election day, or into any building owned or occupied by  
23 any agency of the federal government, state government, or political subdivision  
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined  
26 in section 301.010, discharges or shoots a firearm at any person, or at any other  
27 motor vehicle, or at any building or habitable structure, unless the person was  
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
30 readily capable of lethal use into any school, onto any school bus, or onto the

31 premises of any function or activity sponsored or sanctioned by school officials or  
32 the district school board; or

33 (11) Possesses a firearm while also knowingly in possession of a controlled  
34 substance that is sufficient for a felony violation of section 195.202.

35 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
36 apply to the persons described in this subsection, regardless of whether such uses  
37 are reasonably associated with or are necessary to the fulfillment of such person's  
38 official duties except as otherwise provided in this subsection. Subdivisions (3),  
39 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any  
40 of the following persons, when such uses are reasonably associated with or are  
41 necessary to the fulfillment of such person's official duties, except as otherwise  
42 provided in this subsection:

43 (1) All state, county and municipal peace officers who have completed the  
44 training required by the police officer standards and training commission  
45 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
46 arrest for violation of the general criminal laws of the state or for violation of  
47 ordinances of counties or municipalities of the state, whether such officers are on  
48 or off duty, and whether such officers are within or outside of the law  
49 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined  
50 in subsection 12 of this section, and who carry the identification defined in  
51 subsection 13 of this section, or any person summoned by such officers to assist  
52 in making arrests or preserving the peace while actually engaged in assisting  
53 such officer;

54 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails  
55 and other institutions for the detention of persons accused or convicted of crime;

56 (3) Members of the Armed Forces or National Guard while performing  
57 their official duty;

58 (4) Those persons vested by Article V, Section 1 of the Constitution of  
59 Missouri with the judicial power of the state and those persons vested by Article  
60 III of the Constitution of the United States with the judicial power of the United  
61 States, the members of the federal judiciary;

62 (5) Any person whose bona fide duty is to execute process, civil or  
63 criminal;

64 (6) Any federal probation officer or federal flight deck officer as defined  
65 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless  
66 of whether such officers are on duty, or within the law enforcement agency's

67 jurisdiction;

68 (7) Any state probation or parole officer, including supervisors and  
69 members of the board of probation and parole;

70 (8) Any corporate security advisor meeting the definition and fulfilling the  
71 requirements of the regulations established by the department of public safety  
72 under section 590.750;

73 (9) Any coroner, deputy coroner, medical examiner, or assistant medical  
74 examiner;

75 (10) Any prosecuting attorney or assistant prosecuting attorney, circuit  
76 attorney or assistant circuit attorney, or any person appointed by a court to be  
77 a special prosecutor who has completed the firearms safety training course  
78 required under subsection 2 of section 571.111;

79 (11) Any member of a fire department or fire protection district who is  
80 employed on a full-time basis as a fire investigator and who has a valid concealed  
81 carry endorsement issued prior to August 28, 2013, or a valid concealed carry  
82 permit under section 571.111 when such uses are reasonably associated with or  
83 are necessary to the fulfillment of such person's official duties; and

84 (12) Upon the written approval of the governing body of a fire department  
85 or fire protection district, any paid fire department or fire protection district chief  
86 who is employed on a full-time basis and who has a valid concealed carry  
87 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,  
88 when such uses are reasonably associated with or are necessary to the fulfillment  
89 of such person's official duties.

90 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not  
91 apply when the actor is transporting such weapons in a nonfunctioning state or  
92 in an unloaded state when ammunition is not readily accessible or when such  
93 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section  
94 does not apply to any person nineteen years of age or older or eighteen years of  
95 age or older and a member of the United States Armed Forces, or honorably  
96 discharged from the United States Armed Forces, transporting a concealable  
97 firearm in the passenger compartment of a motor vehicle, so long as such  
98 concealable firearm is otherwise lawfully possessed, nor when the actor is also in  
99 possession of an exposed firearm or projectile weapon for the lawful pursuit of  
100 game, or is in his or her dwelling unit or upon premises over which the actor has  
101 possession, authority or control, or is traveling in a continuous journey peaceably  
102 through this state. Subdivision (10) of subsection 1 of this section does not apply

103 if the firearm is otherwise lawfully possessed by a person while traversing school  
104 premises for the purposes of transporting a student to or from school, or  
105 possessed by an adult for the purposes of facilitation of a school-sanctioned  
106 firearm-related event or club event.

107 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
108 apply to any person who has a valid concealed carry permit issued pursuant to  
109 sections 571.101 to 571.121, a valid concealed carry endorsement issued before  
110 August 28, 2013, or a valid permit or endorsement to carry concealed firearms  
111 issued by another state or political subdivision of another state.

112 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this  
113 section shall not apply to persons who are engaged in a lawful act of defense  
114 pursuant to section 563.031.

115 6. Notwithstanding any provision of this section to the contrary, the state  
116 shall not prohibit any state employee from having a firearm in the employee's  
117 vehicle on the state's property provided that the vehicle is locked and the firearm  
118 is not visible. This subsection shall only apply to the state as an employer when  
119 the state employee's vehicle is on property owned or leased by the state and the  
120 state employee is conducting activities within the scope of his or her  
121 employment. For the purposes of this subsection, "state employee" means an  
122 employee of the executive, legislative, or judicial branch of the government of the  
123 state of Missouri.

124 7. Nothing in this section shall make it unlawful for a student to actually  
125 participate in school-sanctioned gun safety courses, student military or ROTC  
126 courses, or other school-sponsored or club-sponsored firearm-related events,  
127 provided the student does not carry a firearm or other weapon readily capable of  
128 lethal use into any school, onto any school bus, or onto the premises of any other  
129 function or activity sponsored or sanctioned by school officials or the district  
130 school board.

131 8. Unlawful use of weapons is a class **[D] E** felony unless committed  
132 pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which  
133 cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this  
134 section, in which case it is a class A misdemeanor if the firearm is unloaded and  
135 a class **[D] E** felony if the firearm is loaded, or subdivision (9) of subsection 1 of  
136 this section, in which case it is a class B felony, except that if the violation of  
137 subdivision (9) of subsection 1 of this section results in injury or death to another  
138 person, it is a class A felony.

139 9. Violations of subdivision (9) of subsection 1 of this section shall be  
140 punished as follows:

141 (1) For the first violation a person shall be sentenced to the maximum  
142 authorized term of imprisonment for a class B felony;

143 (2) For any violation by a prior offender as defined in section 558.016, a  
144 person shall be sentenced to the maximum authorized term of imprisonment for  
145 a class B felony without the possibility of parole, probation or conditional release  
146 for a term of ten years;

147 (3) For any violation by a persistent offender as defined in section  
148 558.016, a person shall be sentenced to the maximum authorized term of  
149 imprisonment for a class B felony without the possibility of parole, probation, or  
150 conditional release;

151 (4) For any violation which results in injury or death to another person,  
152 a person shall be sentenced to an authorized disposition for a class A felony.

153 10. Any person knowingly aiding or abetting any other person in the  
154 violation of subdivision (9) of subsection 1 of this section shall be subject to the  
155 same penalty as that prescribed by this section for violations by other persons.

156 11. Notwithstanding any other provision of law, no person who pleads  
157 guilty to or is found guilty of a felony violation of subsection 1 of this section shall  
158 receive a suspended imposition of sentence if such person has previously received  
159 a suspended imposition of sentence for any other firearms- or weapons-related  
160 felony offense.

161 12. As used in this section "qualified retired peace officer" means an  
162 individual who:

163 (1) Retired in good standing from service with a public agency as a peace  
164 officer, other than for reasons of mental instability;

165 (2) Before such retirement, was authorized by law to engage in or  
166 supervise the prevention, detection, investigation, or prosecution of, or the  
167 incarceration of any person for, any violation of law, and had statutory powers of  
168 arrest;

169 (3) Before such retirement, was regularly employed as a peace officer for  
170 an aggregate of fifteen years or more, or retired from service with such agency,  
171 after completing any applicable probationary period of such service, due to a  
172 service-connected disability, as determined by such agency;

173 (4) Has a nonforfeitable right to benefits under the retirement plan of the  
174 agency if such a plan is available;

175 (5) During the most recent twelve-month period, has met, at the expense  
176 of the individual, the standards for training and qualification for active peace  
177 officers to carry firearms;

178 (6) Is not under the influence of alcohol or another intoxicating or  
179 hallucinatory drug or substance; and

180 (7) Is not prohibited by federal law from receiving a firearm.

181 13. The identification required by subdivision (1) of subsection 2 of this  
182 section is:

183 (1) A photographic identification issued by the agency from which the  
184 individual retired from service as a peace officer that indicates that the individual  
185 has, not less recently than one year before the date the individual is carrying the  
186 concealed firearm, been tested or otherwise found by the agency to meet the  
187 standards established by the agency for training and qualification for active peace  
188 officers to carry a firearm of the same type as the concealed firearm; or

189 (2) A photographic identification issued by the agency from which the  
190 individual retired from service as a peace officer; and

191 (3) A certification issued by the state in which the individual resides that  
192 indicates that the individual has, not less recently than one year before the date  
193 the individual is carrying the concealed firearm, been tested or otherwise found  
194 by the state to meet the standards established by the state for training and  
195 qualification for active peace officers to carry a firearm of the same type as the  
196 concealed firearm.

571.060. 1. A person commits the [crime] **offense** of unlawful transfer  
2 of weapons if he:

3 (1) Knowingly sells, leases, loans, gives away or delivers a firearm or  
4 ammunition for a firearm to any person who, under the provisions of section  
5 571.070, is not lawfully entitled to possess such;

6 (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a  
7 person less than eighteen years old without the consent of the child's custodial  
8 parent or guardian, or recklessly, as defined in section 562.016, sells, leases,  
9 loans, gives away or delivers any firearm to a person less than eighteen years old  
10 without the consent of the child's custodial parent or guardian; provided, that this  
11 does not prohibit the delivery of such weapons to any peace officer or member of  
12 the Armed Forces or National Guard while performing his official duty; or

13 (3) Recklessly, as defined in section 562.016, sells, leases, loans, gives  
14 away or delivers a firearm or ammunition for a firearm to a person who is

15 intoxicated.

16           2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of  
17 this section is a class [D] E felony; unlawful transfer of weapons under  
18 subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

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

2           (1) "Ammunition", any cartridge, shell, or projectile designed for use in a  
3 firearm;

4           (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section  
5 923 to engage in the business of dealing in firearms;

6           (3) "Materially false information", any information that portrays an illegal  
7 transaction as legal or a legal transaction as illegal;

8           (4) "Private seller", a person who sells or offers for sale any firearm, as  
9 defined in section 571.010, or ammunition.

10           2. A person commits the crime of fraudulent purchase of a firearm if such  
11 person:

12           (1) Knowingly solicits, persuades, encourages or entices a licensed dealer  
13 or private seller of firearms or ammunition to transfer a firearm or ammunition  
14 under circumstances which the person knows would violate the laws of this state  
15 or the United States; or

16           (2) Provides to a licensed dealer or private seller of firearms or  
17 ammunition what the person knows to be materially false information with intent  
18 to deceive the dealer or seller about the legality of a transfer of a firearm or  
19 ammunition; or

20           (3) Willfully procures another to violate the provisions of subdivision (1)  
21 or (2) of this subsection.

22           3. Fraudulent purchase of a firearm is a class [D] E felony.

23           4. This section shall not apply to criminal investigations conducted by the  
24 United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized  
25 agents of such investigations, or to a peace officer, as defined in section 542.261,  
26 acting at the explicit direction of the United States Bureau of Alcohol, Tobacco,  
27 Firearms and Explosives.

571.070. 1. A person commits the [crime] offense of unlawful possession  
2 of a firearm if such person knowingly has any firearm in his or her possession  
3 and:

4           (1) Such person has been convicted of a felony under the laws of this  
5 state, or of a crime under the laws of any state or of the United States which, if

6 committed within this state, would be a felony; or

7 (2) Such person is a fugitive from justice, is habitually in an intoxicated  
8 or drugged condition, or is currently adjudged mentally incompetent.

9 2. Unlawful possession of a firearm is a class **[C] D** felony.

10 3. The provisions of subdivision (1) of subsection 1 of this section shall not  
11 apply to the possession of an antique firearm.

571.072. 1. A person commits the **[crime] offense** of unlawful possession  
2 of an explosive weapon if he or she has any explosive weapon in his or her  
3 possession and:

4 (1) He or she has pled guilty to or has been convicted of a dangerous  
5 felony, as defined in section 556.061, or of an attempt to commit a dangerous  
6 felony, or of **[a crime] an offense** under the laws of any state or of the United  
7 States which, if committed within this state, would be a dangerous felony, or  
8 confined therefor in this state or elsewhere during the five-year period  
9 immediately preceding the date of such possession; or

10 (2) He or she is a fugitive from justice, is habitually in an intoxicated or  
11 drugged condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of an explosive weapon is a class **[C] D** felony.

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on  
4 separate occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate  
6 occasions where at least one of the intoxication-related traffic offenses is an  
7 offense committed in violation of any state law, county or municipal ordinance,  
8 any federal offense, or any military offense in which the defendant was operating  
9 a vehicle while intoxicated and another person was injured or killed;

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) **[Has been found guilty of one] Two** or more intoxication-related  
13 boating offenses committed on separate occasions where at least one of the  
14 intoxication-related **[traffic] boating** offenses is an offense committed in violation  
15 of any state law, county or municipal ordinance, any federal offense, or any  
16 military offense in which the defendant was operating a vessel while intoxicated  
17 and another person was injured or killed;

18 (3) "All-terrain vehicle", any motorized vehicle manufactured and used

19 exclusively for off-highway use which is fifty inches or less in width, with an  
20 unladen dry weight of one thousand pounds or less, traveling on three, four or  
21 more low pressure tires, with a seat designed to be straddled by the operator, or  
22 with a seat designed to carry more than one person, and handlebars for steering  
23 control;

24 (4) "Court", any circuit, associate circuit, or municipal court, including  
25 traffic court, but not any juvenile court or drug court;

26 (5) "Chronic offender", a person who has been found guilty of:

27 (a) Four or more intoxication-related traffic offenses committed on  
28 separate occasions; or

29 (b) Three or more intoxication-related traffic offenses committed on  
30 separate occasions where at least one of the intoxication-related traffic offenses  
31 is an offense committed in violation of any state law, county or municipal  
32 ordinance, any federal offense, or any military offense in which the defendant was  
33 operating a vehicle while intoxicated and another person was injured or killed;  
34 or

35 (c) Two or more intoxication-related traffic offenses committed on separate  
36 occasions where both intoxication-related traffic offenses were offenses committed  
37 in violation of any state law, county or municipal ordinance, any federal offense,  
38 or any military offense in which the defendant was operating a vehicle while  
39 intoxicated and another person was injured or killed;

40 (6) "Chronic boating offender", a person who has been found guilty of:

41 (a) Four or more intoxication-related boating offenses; or

42 (b) Three or more intoxication-related boating offenses committed on  
43 separate occasions where at least one of the intoxication-related boating offenses  
44 is an offense committed in violation of any state law, county or municipal  
45 ordinance, any federal offense, or any military offense in which the defendant was  
46 operating a vessel while intoxicated and another person was injured or killed; or

47 (c) Two or more intoxication-related boating offenses committed on  
48 separate occasions where both intoxication-related boating offenses were offenses  
49 committed in violation of any state law, county or municipal ordinance, any  
50 federal offense, or any military offense in which the defendant was operating a  
51 vessel while intoxicated and another person was injured or killed;

52 (7) "Continuous alcohol monitoring", automatically testing breath, blood,  
53 or transdermal alcohol concentration levels and tampering attempts at least once  
54 every hour, regardless of the location of the person who is being monitored, and

55 regularly transmitting the data. Continuous alcohol monitoring shall be  
56 considered an electronic monitoring service under subsection 3 of section 217.690;

57 (8) "Controlled substance", a drug, substance, or immediate precursor in  
58 schedules I to V listed in section 195.017;

59 (9) "Drive", "driving", "operates" or "operating", means physically driving  
60 or operating a vehicle or vessel;

61 (10) "Flight crew member", the pilot in command, copilots, flight  
62 engineers, and flight navigators;

63 (11) "Habitual offender", a person who has been found guilty of:

64 (a) Five or more intoxication-related traffic offenses committed on  
65 separate occasions; or

66 (b) Four or more intoxication-related traffic offenses committed on  
67 separate occasions where at least one of the intoxication-related traffic offenses  
68 is an offense committed in violation of any state law, county or municipal  
69 ordinance, any federal offense, or any military offense in which the defendant was  
70 operating a vehicle while intoxicated and another person was injured or killed;  
71 or

72 (c) Three or more intoxication-related traffic offenses committed on  
73 separate occasions where at least two of the intoxication-related traffic offenses  
74 were offenses committed in violation of any state law, county or municipal  
75 ordinance, any federal offense, or any military offense in which the defendant was  
76 operating a vehicle while intoxicated and another person was injured or killed;  
77 or

78 (d) While driving while intoxicated, the defendant acted with criminal  
79 negligence to:

80 a. Cause the death of any person not a passenger in the vehicle operated  
81 by the defendant, including the death of an individual that results from the  
82 defendant's vehicle leaving a highway, as defined by section 301.010, or the  
83 highway's right-of-way; or

84 b. Cause the death of two or more persons; or

85 c. Cause the death of any person while he or she has a blood alcohol  
86 content of at least eighteen-hundredths of one percent by weight of alcohol in  
87 such person's blood;

88 (12) "Habitual boating offender", a person who has been found guilty of:

89 (a) Five or more intoxication-related boating offenses; or

90 (b) Four or more intoxication-related boating offenses committed on

91 separate occasions where at least one of the intoxication-related boating offenses  
92 is an offense committed in violation of any state law, county or municipal  
93 ordinance, any federal offense, or any military offense in which the defendant was  
94 operating a vessel while intoxicated and another person was injured or killed; or

95 (c) Three or more intoxication-related boating offenses committed on  
96 separate occasions where at least two of the intoxication-related boating offenses  
97 were offenses committed in violation of any state law, county or municipal  
98 ordinance, any federal offense, or any military offense in which the defendant was  
99 operating a vessel while intoxicated and another person was injured or killed; or

100 (d) While boating while intoxicated, the defendant acted with criminal  
101 negligence to:

102 a. Cause the death of any person not a passenger in the vessel operated  
103 by the defendant, including the death of an individual that results from the  
104 defendant's vessel leaving the water; or

105 b. Cause the death of two or more persons; or

106 c. Cause the death of any person while he or she has a blood alcohol  
107 content of at least eighteen-hundredths of one percent by weight of alcohol in  
108 such person's blood;

109 (13) "Intoxicated" or "intoxicated condition", when a person is under the  
110 influence of alcohol, a controlled substance, or drug, or any combination thereof;

111 (14) "Intoxication-related boating offense", operating a vessel while  
112 intoxicated; boating while intoxicated; operating a vessel with excessive blood  
113 alcohol content or an offense in which the defendant was operating a vessel while  
114 intoxicated and another person was injured or killed in violation of any state law,  
115 county or municipal ordinance, any federal offense, or any military offense;

116 (15) "Intoxication-related traffic offense", driving while intoxicated,  
117 driving with excessive blood alcohol content, **driving under the influence of**  
118 **alcohol or drugs in violation of a county or municipal ordinance**, or an  
119 offense in which the defendant was operating a vehicle while intoxicated and  
120 another person was injured or killed in violation of any state law, county or  
121 municipal ordinance, any federal offense, or any military offense;

122 (16) "Law enforcement officer" or "arresting officer", includes the  
123 definition of law enforcement officer in section 556.061 and military policemen  
124 conducting traffic enforcement operations on a federal military installation under  
125 military jurisdiction in the state of Missouri;

126 (17) "Operate a vessel", to physically control the movement of a vessel in

127 motion under mechanical or sail power in water;

128 (18) "Persistent offender", a person who has been found guilty of:

129 (a) Two or more intoxication-related traffic offenses committed on  
130 separate occasions; **or**

131 (b) **One intoxication-related traffic offense committed in**  
132 **violation of any state law, county or municipal ordinance, federal**  
133 **offense, or military offense in which the defendant was operating a**  
134 **vehicle while intoxicated and another person was injured or killed;**

135 (19) "Persistent boating offender", a person who has been found guilty of:

136 (a) Two or more intoxication-related boating offenses committed on  
137 separate occasions; **or**

138 (b) **One intoxication-related boating offense committed in**  
139 **violation of any state law, county or municipal ordinance, federal**  
140 **offense, or military offense in which the defendant was operating a**  
141 **vessel while intoxicated and another person was injured or killed;**

142 (20) "Prior offender", a person who has been found guilty of one  
143 intoxication-related traffic offense, where such prior offense occurred within five  
144 years of the occurrence of the intoxication-related traffic offense for which the  
145 person is charged;

146 (21) "Prior boating offender", a person who has been found guilty of one  
147 intoxication-related boating offense, where such prior offense occurred within five  
148 years of the occurrence of the intoxication-related boating offense for which the  
149 person is charged.

577.011. 1. **This section shall be known and may be cited as**  
2 **"Toby's Law".**

3 **2. In addition to other terms and conditions imposed on a person**  
4 **who has been found guilty of driving while intoxicated under section**  
5 **577.010, such person shall complete a victim impact program approved**  
6 **by the court. Attendance in such program shall be in person unless**  
7 **there are extraordinary circumstances preventing in-person**  
8 **attendance. Such person shall be responsible for any charges imposed**  
9 **by the victim impact program.**

577.037. 1. Upon the trial of any person for any criminal offense or  
2 violations of county or municipal ordinances, or in any license suspension or  
3 revocation proceeding pursuant to the provisions of chapter 302, arising out of  
4 acts alleged to have been committed by any person while operating a vehicle,

5 vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an  
6 intoxicated condition or with an excessive blood alcohol content, the amount of  
7 alcohol in the person's blood at the time of the act, as shown by any chemical  
8 analysis of the person's blood, breath, saliva, or urine, is admissible in evidence  
9 and the provisions of subdivision (5) of section 491.060 shall not prevent the  
10 admissibility or introduction of such evidence if otherwise admissible.

11 2. If a chemical analysis of the defendant's breath, blood, saliva, or urine  
12 demonstrates there was eight-hundredths of one percent or more by weight of  
13 alcohol in the person's blood, this shall be prima facie evidence that the person  
14 was intoxicated at the time the specimen was taken. If a chemical analysis of the  
15 defendant's breath, blood, saliva, or urine demonstrates that there was less than  
16 eight-hundredths of one percent of alcohol in the defendant's blood, any charge  
17 alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft  
18 while in an intoxicated condition [or with an excessive blood alcohol content]  
19 shall be dismissed with prejudice unless one or more of the following  
20 considerations cause the court to find a dismissal unwarranted:

21 (1) There is evidence that the chemical analysis is unreliable as evidence  
22 of the defendant's intoxication at the time of the alleged violation due to the lapse  
23 of time between the alleged violation and the obtaining of the specimen;

24 (2) There is evidence that the defendant was under the influence of a  
25 controlled substance, or drug, or a combination of either or both with or without  
26 alcohol; or

27 (3) There is substantial evidence of intoxication from physical  
28 observations of witnesses or admissions of the defendant.

29 3. Percent by weight of alcohol in the blood shall be based upon grams of  
30 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred  
31 ten liters of breath.

32 4. The foregoing provisions of this section shall not be construed as  
33 limiting the introduction of any other competent evidence bearing upon the  
34 question of whether the person was intoxicated.

35 5. A chemical analysis of a person's breath, blood, saliva or urine, in order  
36 to give rise to the presumption or to have the effect provided for in subsection 2  
37 of this section, shall have been performed as provided in sections 577.020 to  
38 577.041 and in accordance with methods and standards approved by the state  
39 department of health and senior services.

40 **6. For any criminal offense or violations of county or municipal**

41 **ordinances, or in any license suspension or revocation proceeding**  
42 **pursuant to the provisions of chapter 302, arising out of acts alleged to**  
43 **have been committed by any person while operating a vehicle, vessel,**  
44 **or aircraft, or acting as a flight crew member of any aircraft, while in**  
45 **an intoxicated condition or with an excessive blood alcohol content**  
46 **occurring on or between the dates of December 30, 2012, and April 4,**  
47 **2014, notwithstanding any other provision of law or regulation, a**  
48 **relevant chemical analysis of a person's breath shall be admissible in**  
49 **all proceedings after the effective date of this act, if the standard**  
50 **simulator solutions used to verify and calibrate evidential breath**  
51 **analyzers, had a vapor concentration within five percent of the**  
52 **following values:**

53 **(1) 0.10%;**

54 **(2) 0.08%; or**

55 **(3) 0.04%;**

56 **and otherwise was in accordance with methods and standards approved**  
57 **by the state department of health and senior services. This provision**  
58 **is a procedural rule and applies to all actions in progress whether**  
59 **commenced before or after the effective date of this act. Such chemical**  
60 **breath analysis shall be admissible in all proceedings after the effective**  
61 **date of this act even if the offense occurred before the effective date of**  
62 **this act.**

63 **7. It is the intent of the legislature to reverse, overturn and**  
64 **abrogate earlier case law interpretations related to the admissibility**  
65 **of chemical breath analyses to include, but not be limited to, holdings**  
66 **in Stiers v. Dir. of Revenue, No. SC4840 (Mo. Jan. 12, 2016); and Stiers**  
67 **v. Dir. of Revenue, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27,**  
68 **2015).**

577.037. 1. Upon the trial of any person for violation of any of the  
2 provisions of section 565.024, or section 565.060, or section 577.010 or 577.012,  
3 or upon the trial of any criminal action or violations of county or municipal  
4 ordinances or in any license suspension or revocation proceeding pursuant to the  
5 provisions of chapter 302 arising out of acts alleged to have been committed by  
6 any person while driving a motor vehicle while in an intoxicated condition, the  
7 amount of alcohol in the person's blood at the time of the act alleged as shown by  
8 any chemical analysis of the person's blood, breath, saliva or urine is admissible  
9 in evidence and the provisions of subdivision (5) of section 491.060 shall not

10 prevent the admissibility or introduction of such evidence if otherwise admissible.  
11 If there was eight-hundredths of one percent or more by weight of alcohol in the  
12 person's blood, this shall be prima facie evidence that the person was intoxicated  
13 at the time the specimen was taken.

14         2. Percent by weight of alcohol in the blood shall be based upon grams of  
15 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred  
16 ten liters of breath.

17         3. The foregoing provisions of this section shall not be construed as  
18 limiting the introduction of any other competent evidence bearing upon the  
19 question whether the person was intoxicated.

20         4. A chemical analysis of a person's breath, blood, saliva or urine, in order  
21 to give rise to the presumption or to have the effect provided for in subsection 1  
22 of this section, shall have been performed as provided in sections 577.020 to  
23 577.041 and in accordance with methods and standards approved by the state  
24 department of health and senior services.

25         5. Any charge alleging a violation of section 577.010 or 577.012 or any  
26 county or municipal ordinance prohibiting driving while intoxicated or driving  
27 under the influence of alcohol shall be dismissed with prejudice if a chemical  
28 analysis of the defendant's breath, blood, saliva, or urine performed in accordance  
29 with sections 577.020 to 577.041 and rules promulgated thereunder by the state  
30 department of health and senior services demonstrate that there was less than  
31 eight-hundredths of one percent of alcohol in the defendant's blood unless one or  
32 more of the following considerations cause the court to find a dismissal  
33 unwarranted:

34             (1) There is evidence that the chemical analysis is unreliable as evidence  
35 of the defendant's intoxication at the time of the alleged violation due to the lapse  
36 of time between the alleged violation and the obtaining of the specimen;

37             (2) There is evidence that the defendant was under the influence of a  
38 controlled substance, or drug, or a combination of either or both with or without  
39 alcohol; or

40             (3) There is substantial evidence of intoxication from physical  
41 observations of witnesses or admissions of the defendant.

42         **6. For any criminal offense or violations of county or municipal**  
43 **ordinances, or in any license suspension or revocation proceeding**  
44 **pursuant to the provisions of chapter 302, arising out of acts alleged to**  
45 **have been committed by any person while operating a vehicle, vessel,**

46 or aircraft, or acting as a flight crew member of any aircraft, while in  
47 an intoxicated condition or with an excessive blood alcohol content  
48 occurring on or between the dates of December 30, 2012, and April 4,  
49 2014, notwithstanding any other provision of law or regulation, a  
50 relevant chemical analysis of a person's breath shall be admissible in  
51 all proceedings after the effective date of this act, if the standard  
52 simulator solutions used to verify and calibrate evidential breath  
53 analyzers, had a vapor concentration within five percent of the  
54 following values:

55 (1) 0.10%;

56 (2) 0.08%; or

57 (3) 0.04%;

58 and otherwise was in accordance with methods and standards approved  
59 by the state department of health and senior services. This provision  
60 is a procedural rule and applies to all actions in progress whether  
61 commenced before or after the effective date of this act. Such chemical  
62 breath analysis shall be admissible in all proceedings after the effective  
63 date of this act even if the offense occurred before the effective date of  
64 this act.

65 7. It is the intent of the legislature to reverse, overturn and  
66 abrogate earlier case law interpretations related to the admissibility  
67 of chemical breath analyses to include, but not be limited to, holdings  
68 in *Stiers v. Dir. of Revenue*, No. SC4840 (Mo. Jan. 12, 2016); and *Stiers*  
69 *v. Dir. of Revenue*, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27,  
70 2015).

577.060. 1. A person commits the offense of leaving the scene of an  
2 accident when:

3 (1) Being the operator of a vehicle or a vessel involved in an accident  
4 resulting in injury or death or damage to property of another person; and

5 (2) Having knowledge of such accident he or she leaves the place of the  
6 injury, damage or accident without stopping and giving the following information  
7 to the other party or to a law enforcement officer, or if no law enforcement officer  
8 is in the vicinity, then to the nearest law enforcement agency:

9 (a) His or her name;

10 (b) His or her residence, including city and street number;

11 (c) The registration or license number for his or her vehicle or vessel; and

12 (d) His or her operator's license number, if any.

13           2. For the purposes of this section, all law enforcement officers shall have  
14 jurisdiction, when invited by an injured person, to enter the premises of any  
15 privately owned property for the purpose of investigating an accident and  
16 performing all necessary duties regarding such accident.

17           3. The offense of leaving the scene of an accident is:

18           (1) A class A misdemeanor; or

19           (2) A class E felony if:

20           (a) Physical injury was caused to another party; or

21           (b) Damage in excess of one thousand dollars was caused to the property  
22 of another person; or

23           (c) The defendant has previously been found guilty of any offense **in**  
24 **violation of this section; or** committed in another jurisdiction which, if  
25 committed in this state, would be a violation of an offense in this section.

26           4. A law enforcement officer who investigates or receives information of  
27 an accident involving an all-terrain vehicle and also involving the loss of life or  
28 serious physical injury shall make a written report of the investigation or  
29 information received and such additional facts relating to the accident as may  
30 come to his or her knowledge, mail the information to the department of public  
31 safety, and keep a record thereof in his or her office.

32           5. The provisions of this section shall not apply to the operation of  
33 all-terrain vehicles when property damage is sustained in sanctioned all-terrain  
34 vehicle races, derbies and rallies.

**577.685. 1. An illegal alien commits the offense of illegal reentry**  
2 **if he or she has been removed from the United States for any of the**  
3 **reasons listed under 8 U.S.C. Section 1326(b) and thereafter enters,**  
4 **attempts to enter, or is at any time found in this state unless such alien**  
5 **is otherwise permitted to enter the United States under federal law.**

6           **2. The offense of illegal reentry is a class E felony.**

7           **3. Any person in charge of a facility in which an illegal alien is**  
8 **detained upon arrest for the offense of illegal reentry shall transfer**  
9 **custody of such illegal alien to United States Immigration and Customs**  
10 **Enforcement as soon as practicable.**

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 **section 574.130**, sections 578.005 to 578.023  
2 **and section 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 **this exemption** shall  
22 not include [police or guard dogs] **the killing or injuring of a law**  
23 **enforcement officer dog** while working;

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

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

578.022. Any dog that is owned, or the service of which is employed, by  
2 a law enforcement agency and that bites **or injures** another animal or human  
3 in the course of their official duties is exempt from the provisions of sections  
4 273.033 [and], 273.036, **578.012**, and section 578.024.

[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.

579.015. 1. A person commits the offense of possession of a controlled  
2 substance if he or she knowingly possesses a controlled substance, except as  
3 authorized by this chapter or chapter 195.

4 2. The offense of possession of any controlled substance except thirty-five  
5 grams or less of marijuana or any synthetic cannabinoid is a class D felony.

6 3. The offense of possession of more than ten grams but **thirty-five**  
7 **grams or** less [than thirty-six grams] of marijuana or any synthetic cannabinoid  
8 is a class A misdemeanor.

9 4. The offense of possession of not more than ten grams of marijuana or  
10 any synthetic cannabinoid is a class D misdemeanor. If the defendant has  
11 previously been found guilty of any offense of the laws related to controlled  
12 substances of this state, or of the United States, or any state, territory, or  
13 district, the offense is a class A misdemeanor. Prior findings of guilt shall be  
14 pleaded and proven in the same manner as required by section 558.021.

15 5. In any complaint, information, or indictment, and in any action or  
16 proceeding brought for the enforcement of any provision of this chapter or chapter  
17 195, it shall not be necessary to include any exception, excuse, proviso, or  
18 exemption contained in this chapter or chapter 195, and the burden of proof of  
19 any such exception, excuse, proviso or exemption shall be upon the defendant.

**589.800. 1. The department of public safety shall establish a pilot**  
2 **program in the city not within a county that addresses the rising**  
3 **serious violent crime rate in neighborhoods located in the city not**

4 within a county. The pilot program shall be known and may be  
5 referred to as the "Intervention and Compliance Unit Pilot Program" or  
6 the "ICU Pilot Program".

7 2. The goals of the pilot program shall include, but not be limited  
8 to:

9 (1) Reducing and preventing violent crime and improving safety  
10 within individual neighborhoods through collaboration of the  
11 metropolitan police department and representatives of the community  
12 within the city not within a county;

13 (2) The development of evidence-based procedures to reduce  
14 violent crime and focus on early detection of violent criminal behavior;

15 (3) The creation of policies and procedures to address crime  
16 recidivism;

17 (4) The creation of policies and procedures regarding crime data  
18 collection and methods for monitoring crime data; and

19 (5) The development of strategies for improving mental and  
20 social service programs to address systemic needs for reducing violent  
21 crime in the city not within a county.

22 3. The intervention and compliance unit shall have a  
23 membership of individuals including, but not limited to,  
24 representatives from the following entities:

25 (1) The St. Louis metropolitan police department;

26 (2) City prosecutors;

27 (3) Local courts;

28 (4) The department of social services;

29 (5) Local government leaders;

30 (6) Civic organizations;

31 (7) Local schools; and

32 (8) Local probation and parole offices.

33 4. There is hereby created in the state treasury the "Intervention  
34 and Compliance Unit Pilot Program Fund", which shall consist of all  
35 gifts, bequests, transfers, and moneys appropriated by the general  
36 assembly under this section. The state treasurer shall be custodian of  
37 the fund. In accordance with sections 30.170 and 30.180, the state  
38 treasurer may approve disbursements. The fund shall be a dedicated  
39 fund and, upon appropriation, moneys in the fund shall be used solely  
40 for the pilot program established under this section. Notwithstanding

41 **the provisions of section 33.080, to the contrary, any moneys remaining**  
42 **in the fund at the end of the biennium shall not revert to the credit of**  
43 **the general revenue fund. The state treasurer shall invest moneys in**  
44 **the fund in the same manner as other funds are invested. Any interest**  
45 **and moneys earned on such investments shall be credited to the fund.**

46 **5. The department of public safety shall promulgate rules to**  
47 **implement the provisions of this section. Any rule or portion of a rule,**  
48 **as that term is defined in section 536.010, that is created under the**  
49 **authority delegated in this section shall become effective only if it**  
50 **complies with and is subject to all of the provisions of chapter 536 and,**  
51 **if applicable, section 536.028. This section and chapter 536 are**  
52 **nonseverable, and if any of the powers vested with the general**  
53 **assembly pursuant to chapter 536 to review, to delay the effective date,**  
54 **or to disapprove and annul a rule are subsequently held**  
55 **unconstitutional, then the grant of rulemaking authority and any rule**  
56 **proposed or adopted after August 28, 2016, shall be invalid and void.**

57 **6. Pursuant to section 23.253:**

58 **(1) The provisions of the new program authorized under this**  
59 **section shall automatically sunset six years after the effective date of**  
60 **this section unless reauthorized by an act of the general assembly; and**

61 **(2) If such program is reauthorized, the program authorized**  
62 **under this section shall automatically sunset twelve years after the**  
63 **effective date of the reauthorization of this section; and**

64 **(3) This section shall terminate on September first of the**  
65 **calendar year immediately following the calendar year in which the**  
66 **program authorized under this section is sunset.**

632.520. 1. For purposes of this section, the following terms mean:

2 **(1) "Employee of the department of mental health", a person who is an**  
3 **employee of the department of mental health, an employee or contracted employee**  
4 **of a subcontractor of the department of mental health, or an employee or**  
5 **contracted employee of a subcontractor of an entity responsible for confining**  
6 **offenders as authorized by section 632.495;**

7 **(2) "Offender", a person ordered to the department of mental health after**  
8 **a determination by the court that the person meets the definition of a sexually**  
9 **violent predator, a person ordered to the department of mental health after a**  
10 **finding of probable cause under section 632.489, or a person committed for**  
11 **control, care, and treatment by the department of mental health under sections**

12 632.480 to 632.513;

13 (3) "Secure facility", a facility operated by the department of mental  
14 health or an entity responsible for confining offenders as authorized by section  
15 632.495.

16 2. No offender shall knowingly commit violence to an employee of the  
17 department of mental health or to another offender housed in a secure  
18 facility. Violation of this subsection shall be a class B felony.

19 3. No offender shall knowingly damage any building or other property  
20 owned or operated by the department of mental health. Violation of this  
21 subsection shall be a class [C] D felony.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

3 (2) Is seventeen years of age or older and arrested for [burglary in the  
4 first degree under section 569.160, or burglary in the second degree under section  
5 569.170, or] a felony offense [under chapter 565, 566, 567, 568, or 573]; or

6 (3) Has been determined to be a sexually violent predator pursuant to  
7 sections 632.480 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under  
9 sections 589.400 to 589.425; shall have a fingerprint and blood or scientifically  
10 accepted biological sample collected for purposes of DNA profiling analysis.

11 2. Any individual subject to DNA collection and profiling analysis under  
12 this section shall provide a DNA sample:

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

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

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

21 (4) When the state accepts a person from another state under any  
22 interstate compact, or under any other reciprocal agreement with any county,  
23 state, or federal agency, or any other provision of law, whether or not the person  
24 is confined or released, the acceptance is conditional on the person providing a  
25 DNA sample if the person was found guilty of a felony offense in any other  
26 jurisdiction; or

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

31 (6) At the time of registering as a sex offender under sections 589.400 to  
32 589.425.

33 3. The Missouri state highway patrol and department of corrections shall  
34 be responsible for ensuring adherence to the law. Any person required to provide  
35 a DNA sample pursuant to this section shall be required to provide such sample,  
36 without the right of refusal, at a collection site designated by the Missouri state  
37 highway patrol and the department of corrections. Authorized personnel  
38 collecting or assisting in the collection of samples shall not be liable in any civil  
39 or criminal action when the act is performed in a reasonable manner. Such force  
40 may be used as necessary to the effectual carrying out and application of such  
41 processes and operations. The enforcement of these provisions by the authorities  
42 in charge of state correctional institutions and others having custody or  
43 jurisdiction over individuals included in subsection 1 of this section which shall  
44 not be set aside or reversed is hereby made mandatory. The board of probation  
45 or parole shall recommend that an individual on probation or parole who refuses  
46 to provide a DNA sample have his or her probation or parole revoked. In the  
47 event that a person's DNA sample is not adequate for any reason, the person  
48 shall provide another sample for analysis.

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

53 5. Unauthorized use or dissemination of individually identifiable DNA  
54 information in a database for purposes other than criminal justice or law  
55 enforcement is a class A misdemeanor.

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

59 7. All DNA records and biological materials retained in the DNA profiling  
60 system are considered closed records pursuant to chapter 610. All records  
61 containing any information held or maintained by any person or by any agency,  
62 department, or political subdivision of the state concerning an individual's DNA

63 profile shall be strictly confidential and shall not be disclosed, except to:

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

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

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

72 (4) The individual whose DNA sample has been collected, or his or her  
73 attorney; or

74 (5) Associate circuit judges, circuit judges, judges of the courts of appeals,  
75 supreme court judges, and their employees who need to obtain such records to  
76 perform their public duties.

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

83 9. An individual may request expungement of his or her DNA sample and  
84 DNA profile through the court issuing the reversal or dismissal. A certified copy  
85 of the court order establishing that such conviction has been reversed or guilty  
86 plea has been set aside shall be sent to the Missouri state highway patrol crime  
87 laboratory. Upon receipt of the court order, the laboratory will determine that  
88 the requesting individual has no other qualifying offense as a result of any  
89 separate plea or conviction and no other qualifying arrest prior to expungement.

90 (1) A person whose DNA record or DNA profile has been included in the  
91 state DNA database in accordance with this section and sections 650.050,  
92 650.052, and 650.100 may request expungement on the grounds that the  
93 conviction has been reversed, or the guilty plea on which the authority for  
94 including that person's DNA record or DNA profile was based has been set aside.

95 (2) Upon receipt of a written request for expungement, a certified copy of  
96 the final court order reversing the conviction or setting aside the plea and any  
97 other information necessary to ascertain the validity of the request, the Missouri  
98 state highway patrol crime laboratory shall expunge all DNA records and

99 identifiable information in the state DNA database pertaining to the person and  
100 destroy the DNA sample of the person, unless the Missouri state highway patrol  
101 determines that the person is otherwise obligated to submit a DNA  
102 sample. Within thirty days after the receipt of the court order, the Missouri state  
103 highway patrol shall notify the individual that it has expunged his or her DNA  
104 sample and DNA profile, or the basis for its determination that the person is  
105 otherwise obligated to submit a DNA sample.

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

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

113 10. When a DNA sample is taken from an individual pursuant to  
114 subdivision (2) of subsection 1 of this section and the prosecutor declines  
115 prosecution and notifies the arresting agency of that decision, the arresting  
116 agency shall notify the Missouri state highway patrol crime laboratory within  
117 ninety days of receiving such notification. Within thirty days of being notified by  
118 the arresting agency that the prosecutor has declined prosecution, the Missouri  
119 state highway patrol crime laboratory shall determine whether the individual has  
120 any other qualifying offenses or arrests that would require a DNA sample to be  
121 taken and retained. If the individual has no other qualifying offenses or arrests,  
122 the crime laboratory shall expunge all DNA records in the database taken at the  
123 arrest for which the prosecution was declined pertaining to the person and  
124 destroy the DNA sample of such person.

125 11. When a DNA sample is taken of an arrestee for any offense listed  
126 under subsection 1 of this section and charges are filed:

127 (1) If the charges are later withdrawn, the prosecutor shall notify the  
128 state highway patrol crime laboratory that such charges have been withdrawn;

129 (2) If the case is dismissed, the court shall notify the state highway patrol  
130 crime laboratory of such dismissal;

131 (3) If the court finds at the preliminary hearing that there is no probable  
132 cause that the defendant committed the offense, the court shall notify the state  
133 highway patrol crime laboratory of such finding;

134 (4) If the defendant is found not guilty, the court shall notify the state

135 highway patrol crime laboratory of such verdict. If the state highway patrol  
136 crime laboratory receives notice under this subsection, such crime laboratory  
137 shall determine, within thirty days, whether the individual has any other  
138 qualifying offenses or arrests that would require a DNA sample to be taken. If  
139 the individual has no other qualifying arrests or offenses, the crime laboratory  
140 shall expunge all DNA records in the database pertaining to such person and  
141 destroy the person's DNA sample.

Section B. The repeal and reenactment of sections 192.2260, 301.559,  
2 311.310, 339.100, 400.9-501, 565.032, 571.020, 571.030, 571.060, 571.063, 571.070,  
3 571.072, and 632.520, and the enactment of section 577.685 of this act shall  
4 become effective on January 1, 2017.

Section C. Because of the need to adopt a punishment scheme for first  
2 degree murderers of a certain age after the United States Supreme Court  
3 declared as unconstitutional the only punishment available under Missouri law  
4 for such offenders and the need to protect the public from the danger of  
5 intoxication related offenses in this state and to hold accountable those who  
6 endanger their fellow citizens, the repeal and reenactment of section 565.020, the  
7 repeal and reenactment of the second occurrence of section 577.037, and the  
8 enactment of section 565.033 of this act is deemed necessary for the immediate  
9 preservation of the public health, welfare, peace and safety, and is hereby  
10 declared to be an emergency act within the meaning of the constitution, the  
11 repeal and reenactment of section 565.020, the repeal and reenactment of the  
12 second occurrence of section 577.037, and the enactment of section 565.033 of this  
13 act shall be in full force and effect upon its passage and approval.

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