

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 660,
553, 557, 167, 258, 114 & 378**

94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 29, 2007, with recommendation that the Senate Committee Substitute do pass.

2284S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 546.720, 556.036, 566.147, 571.010, 571.070, 650.055, and 650.056, RSMo, and to enact in lieu thereof nine new sections relating to crime, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 546.720, 556.036, 566.147, 571.010, 571.070, 650.055, 2 and 650.056, RSMo, are repealed and nine new sections enacted in lieu thereof, 3 to be known as sections 320.350, 546.720, 556.036, 566.147, 571.010, 571.070, 4 589.600, 650.055, and 650.056, to read as follows:

320.350. 1. It is unlawful for any person to set fire to any forest, 2 grass, cropland, woodlands, wild lands, or marshes, or to build a 3 campfire or bonfire, or to burn trash or other material that may cause 4 a forest, grass, cropland, or woodlands fire in any county, counties, or 5 area within a county where because of emergency drought conditions, 6 an executive order issued by the governor has proclaimed the area in 7 extraordinary danger from fire.

8 **2. The directors of the department of public safety and 9 department of conservation, upon notification from the state fire 10 marshal and state forester that emergency drought conditions exist, 11 shall advise the governor when the lands described in subsection 1 of 12 this section in any county, counties, or area within a county of this 13 state are in extraordinary danger from fire. The governor may by 14 executive order declare a drought emergency to exist and describe the**

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

15 **general boundaries of the area affected and where burning is**
16 **prohibited.**

17 **3. The executive order may be amended or rescinded to adapt**
18 **the burning prohibition to any changes in emergency drought**
19 **conditions, as determined by the state fire marshal and state forester,**
20 **in the affected areas or other areas in the state.**

21 **4. Any person who violates this section is guilty of a class A**
22 **misdemeanor.**

23 **5. In a separate cause of action in circuit court, political**
24 **subdivisions and volunteer fire protection associations, as defined in**
25 **section 320.300, may seek to recover from individuals violating**
26 **subsection 1 of this section those reasonable costs incurred in**
27 **responding to a fire caused by the individuals violating this section.**

546.720. 1. The manner of inflicting the punishment of death shall be by
2 the administration of lethal gas or by means of the administration of lethal
3 injection. And for such purpose the director of the department of corrections is
4 hereby authorized and directed to provide a suitable and efficient room or place,
5 enclosed from public view, within the walls of a correctional facility of the
6 department of corrections, and the necessary appliances for carrying into
7 execution the death penalty by means of the administration of lethal gas or by
8 means of the administration of lethal injection.

9 **2. The director of the department of corrections shall select an**
10 **execution team which shall consist of those persons who administer**
11 **lethal gas or lethal chemicals and those persons, such as medical**
12 **personnel, who provide direct support for the administration of lethal**
13 **gas or lethal chemicals. The identities of members of the execution**
14 **team shall be kept confidential. Notwithstanding any provision of law**
15 **to the contrary, a record that could identify a person as being a current**
16 **or former member of an execution team shall be privileged and shall**
17 **not be subject to discovery, subpoena, or other means of legal**
18 **compulsion for disclosure to any person or entity. Except for the**
19 **section of an execution protocol that directly relates to the**
20 **administration of lethal gas or lethal chemicals, the remainder of any**
21 **execution protocol of the department of corrections is a closed record.**

22 **3. Any person who knowingly discloses the identity of a current**
23 **or former member of an execution team or discloses a record knowing**

24 that it could identify a person as being a current or former member of
25 an execution team commits a class A misdemeanor, unless such
26 disclosure is made with the express approval of the director of the
27 department of corrections.

28 4. Notwithstanding any provision of law to the contrary, if a
29 member of the execution team is licensed by a board or department, the
30 licensing board or department shall not censure, reprimand, suspend,
31 revoke, or take any other disciplinary action against the person's
32 license because of his or her participation in a lawful execution. All
33 members of the execution team are entitled to coverage under the state
34 legal expense fund established by section 105.711, RSMo, for conduct of
35 such execution team member arising out of and performed in
36 connection with his or her official duties on behalf of the state or any
37 agency of the state, provided that moneys in this fund shall not be
38 available for payment of claims under chapter 287, RSMo.

556.036. 1. A prosecution for murder, forcible rape, attempted forcible
2 rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be
3 commenced at any time.

4 2. Except as otherwise provided in this section, prosecutions for other
5 offenses must be commenced within the following periods of limitation:

- 6 (1) For any felony, three years;
- 7 (2) For any misdemeanor, one year;
- 8 (3) For any infraction, six months.

9 3. If the period prescribed in subsection 2 of this section has expired, a
10 prosecution may nevertheless be commenced for:

11 (1) Any offense a material element of which is either fraud or a breach of
12 fiduciary obligation within one year after discovery of the offense by an aggrieved
13 party or by a person who has a legal duty to represent an aggrieved party and
14 who is himself or herself not a party to the offense, but in no case shall this
15 provision extend the period of limitation by more than three years. As used in
16 this subdivision, the term "person who has a legal duty to represent an aggrieved
17 party" shall mean the attorney general or the prosecuting or circuit attorney
18 having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses
19 committed pursuant to sections 407.511 to 407.556, RSMo; and

20 (2) Any offense based upon misconduct in office by a public officer or
21 employee at any time when the defendant is in public office or employment or

22 within two years thereafter, but in no case shall this provision extend the period
23 of limitation by more than three years; and

24 (3) Any offense based upon an intentional and willful fraudulent claim of
25 child support arrearage to a public servant in the performance of his or her duties
26 within one year after discovery of the offense, but in no case shall this provision
27 extend the period of limitation by more than three years.

28 4. An offense is committed either when every element occurs, or, if a
29 legislative purpose to prohibit a continuing course of conduct plainly appears, at
30 the time when the course of conduct or the defendant's complicity therein is
31 terminated. Time starts to run on the day after the offense is committed.

32 5. A prosecution is commenced for a misdemeanor or infraction when the
33 information is filed and for a felony when the complaint or indictment is filed.

34 6. The period of limitation does not run:

35 (1) During any time when the accused is absent from the state, but in no
36 case shall this provision extend the period of limitation otherwise applicable by
37 more than three years; or

38 (2) During any time when the accused is concealing himself from justice
39 either within or without this state; or

40 (3) During any time when a prosecution against the accused for the
41 offense is pending in this state; [or]

42 (4) During any time when the accused is found to lack mental fitness to
43 proceed pursuant to section 552.020, RSMo; or

44 **(5) During any period of time after which a DNA profile is**
45 **developed from evidence collected in relation to the commission of an**
46 **offense, but before the time when the accused is identified by name**
47 **based upon a match between an evidentiary DNA profile and the known**
48 **DNA profile of the accused. For purposes of this section, the term "DNA**
49 **profile" means the collective results of all DNA identification analysis**
50 **of a sample.**

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has
2 pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of
3 violating any of the provisions of this chapter or the provisions of subsection 2 of
4 section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare
5 of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child
6 in a sexual performance; section 568.090, RSMo, promoting a sexual performance
7 by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025,

8 RSMo, promoting child pornography in the first degree; section 573.035, RSMo,
9 promoting child pornography in the second degree; section 573.037, RSMo,
10 possession of child pornography, or section 573.040, RSMo, furnishing
11 pornographic material to minors; shall not reside within one thousand feet of any
12 public school as defined in section 160.011, RSMo, or any private school giving
13 instruction in a grade or grades not higher than the twelfth grade, or child-care
14 facility as defined in section 210.201, RSMo, which is in existence at the time the
15 individual begins to reside at the location.

16 2. If such person has already established a residence and a public school,
17 a private school, or child-care facility is subsequently built or placed within one
18 thousand feet of such person's residence, then such person shall, within one week
19 of the opening of such public school, private school, or child-care facility, notify
20 the county sheriff where such public school, private school, or child-care facility
21 is located that he or she is now residing within one thousand feet of such public
22 school, private school, or child-care facility and shall provide verifiable proof to
23 the sheriff that he or she resided there prior to the opening of such public school,
24 private school, or child-care facility.

25 3. [For purposes of this section, "resides" means sleeps in a residence,
26 which may include more than one location and may be mobile or transitory] **The**
27 **distance specified in subsections 1 and 2 of this section shall be**
28 **determined by measuring the shortest distance between the property**
29 **line of the person's residence and the property line of the school or**
30 **child-care facility.**

31 4. Violation of the provisions of subsection 1 of this section is a class D
32 felony except that the second or any subsequent violation is a class B
33 felony. Violation of the provisions of subsection 2 of this section is a class A
34 misdemeanor except that the second or subsequent violation is a class D felony.

571.010. As used in this chapter:

2 (1) "Antique, curio or relic firearm" means any firearm so defined by the
3 National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States
4 Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

5 (a) Antique firearm is any firearm not designed or redesigned for using
6 rim fire or conventional center fire ignition with fixed ammunition and
7 manufactured in or before 1898, said ammunition not being manufactured any
8 longer; this includes any matchlock, wheel lock, flintlock, percussion cap or
9 similar type ignition system, or replica thereof;

10 (b) Curio or relic firearm is any firearm deriving value as a collectible
11 weapon due to its unique design, ignition system, operation or at least fifty years
12 old, associated with a historical event, renown personage or major war;

13 (2) "Blackjack" means any instrument that is designed or adapted for the
14 purpose of stunning or inflicting physical injury by striking a person, and which
15 is readily capable of lethal use;

16 (3) **"Blasting agent" means any material or mixture, consisting of**
17 **fuel and oxidizer that is intended for blasting, but not otherwise**
18 **defined as an explosive under this section, provided that the finished**
19 **product, as mixed for use of shipment, cannot be detonated by means**
20 **of a numbered 8 test blasting cap when unconfined;**

21 (4) "Concealable firearm" means any firearm with a barrel less than
22 sixteen inches in length, measured from the face of the bolt or standing breech;

23 [(4)] (5) "Deface" means to alter or destroy the manufacturer's or
24 importer's serial number or any other distinguishing number or identification
25 mark;

26 (6) **"Detonator" means any device containing a detonating charge**
27 **that is used for initiating detonation in an explosive, including but not**
28 **limited to, electric blasting caps of instantaneous and delay types, non-**
29 **electric blasting caps for use with safety fuse or shock tube and**
30 **detonating-cord delay connectors;**

31 [(5)] (7) "Explosive weapon" means any explosive, incendiary, or poison
32 gas bomb or similar device designed or adapted for the purpose of inflicting death,
33 serious physical injury, or substantial property damage; or any device designed
34 or adapted for delivering or shooting such a weapon. **For the purposes of this**
35 **subdivision, the term "explosive" shall mean any chemical compound**
36 **mixture or device, the primary or common purpose of which is to**
37 **function by explosion, including but not limited to, dynamite and other**
38 **high explosives, pellet powder, initiating explosives, detonators, safety**
39 **fuses, squibs, detonating cords, igniter cords, and igniters or blasting**
40 **agents;**

41 [(6)] (8) "Firearm" means any weapon that is designed or adapted to
42 expel a projectile by the action of an explosive;

43 [(7)] (9) "Firearm silencer" means any instrument, attachment, or
44 appliance that is designed or adapted to muffle the noise made by the firing of
45 any firearm;

46 [(8)] (10) "Gas gun" means any gas ejection device, weapon, cartridge,
47 container or contrivance other than a gas bomb, that is designed or adapted for
48 the purpose of ejecting any poison gas that will cause death or serious physical
49 injury, but not any device that ejects a repellant or temporary incapacitating
50 substance;

51 [(9)] (11) "Intoxicated" means substantially impaired mental or physical
52 capacity resulting from introduction of any substance into the body;

53 [(10)] (12) "Knife" means any dagger, dirk, stiletto, or bladed hand
54 instrument that is readily capable of inflicting serious physical injury or death
55 by cutting or stabbing a person. For purposes of this chapter, "knife" does not
56 include any ordinary pocketknife with no blade more than four inches in length;

57 [(11)] (13) "Knuckles" means any instrument that consists of finger rings
58 or guards made of a hard substance that is designed or adapted for the purpose
59 of inflicting serious physical injury or death by striking a person with a fist
60 enclosed in the knuckles;

61 [(12)] (14) "Machine gun" means any firearm that is capable of firing
62 more than one shot automatically, without manual reloading, by a single function
63 of the trigger;

64 [(13)] (15) "Projectile weapon" means any bow, crossbow, pellet gun,
65 slingshot or other weapon that is not a firearm, which is capable of expelling a
66 projectile that could inflict serious physical injury or death by striking or piercing
67 a person;

68 [(14)] (16) "Rifle" means any firearm designed or adapted to be fired from
69 the shoulder and to use the energy of the explosive in a fixed metallic cartridge
70 to fire a projectile through a rifled bore by a single function of the trigger;

71 [(15)] (17) "Short barrel" means a barrel length of less than sixteen
72 inches for a rifle and eighteen inches for a shotgun, both measured from the face
73 of the bolt or standing breech, or an overall rifle or shotgun length of less than
74 twenty-six inches;

75 [(16)] (18) "Shotgun" means any firearm designed or adapted to be fired
76 from the shoulder and to use the energy of the explosive in a fixed shotgun shell
77 to fire a number of shot or a single projectile through a smooth bore barrel by a
78 single function of the trigger;

79 [(17)] (19) "Spring gun" means any fused, timed or nonmanually
80 controlled trap or device designed or adapted to set off an explosion for the
81 purpose of inflicting serious physical injury or death;

82 [(18)] **(20)** "Switchblade knife" means any knife which has a blade that
83 folds or closes into the handle or sheath, and

84 (a) That opens automatically by pressure applied to a button or other
85 device located on the handle; or

86 (b) That opens or releases from the handle or sheath by the force of
87 gravity or by the application of centrifugal force.

 571.070. 1. A person commits the crime of unlawful possession of a
2 concealable firearm **or explosive weapon** if he **or she** has any concealable
3 firearm **or explosive weapon** in his **or her** 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, RSMo, or of an attempt to commit a
6 dangerous felony, or of a crime under the laws of any state or of the United States
7 which, if committed within this state, would be a dangerous felony, or confined
8 therefor in this state or elsewhere during the five-year period immediately
9 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 a concealable firearm **or explosive weapon**
13 is a class C felony.

589.600. 1. There is hereby created within the Missouri state
2 **highway patrol a "Methamphetamine Offense Registry." Subject to**
3 **appropriation, the highway patrol shall maintain a web page on the**
4 **Internet which shall be open to the public and shall include a**
5 **registered methamphetamine offender search capability. The offender**
6 **search shall make it possible for any person using the Internet to**
7 **search for and find the information specified in subsection 2 of this**
8 **section, if known, on methamphetamine offenders registered in this**
9 **state.**

10 2. (1) Any person who is convicted of, pleads guilty or nolo
11 contendere to, or is found guilty of distributing, delivering,
12 manufacturing, producing or attempting to distribute, deliver,
13 manufacture or produce methamphetamine or possessing with intent
14 to distribute, deliver, manufacture, or produce methamphetamine
15 under section 195.211, RSMo, shall be included on the
16 methamphetamine offense registry.

17 (2) The registry information shall consist of the person's name,

18 **date of birth, the nature and date of all offenses qualifying the offender**
19 **to register, and any other identifying data the highway patrol**
20 **determines is necessary to properly identify the person, but shall not**
21 **include the person's social security number.**

22 **3. As of August 28, 2007, the clerks of the courts shall forward a**
23 **copy of the judgement and date of birth of any person who is convicted**
24 **of, pleads guilty or nolo contendere to, or is found guilty of any offense**
25 **described in subsection 2 of this section. The information shall be**
26 **forwarded to the highway patrol within forty-five days of the date of**
27 **judgement.**

28 **4. The highway patrol shall remove the name and other**
29 **information of an offender from this registry seven years after the date**
30 **of the most recent judgement.**

31 **5. The provisions of this section shall only apply to persons who**
32 **have been convicted of, pleaded guilty or nolo contendere to, or been**
33 **found guilty of such a methamphetamine offense described in**
34 **subsection 2 of this section after August 28, 2007.**

650.055. 1. Every individual[,] **who pleads guilty or nolo contendere**
2 **to or is convicted of or found guilty** in a Missouri circuit court[, who pleads
3 guilty to or is found guilty] of a felony or [any] **class A misdemeanor** offense
4 [under chapter 566, RSMo,], **or a juvenile who is adjudicated in a Missouri**
5 **juvenile court of an offense which would constitute a felony under**
6 **chapter 565, RSMo, or any offense under chapter 566, RSMo, if**
7 **committed by an adult, or an individual who** has been determined [beyond
8 a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480
9 to 632.513, RSMo, shall have a blood, **buccal swab**, or **other** scientifically
10 accepted biological sample collected for purposes of DNA profiling analysis:

11 (1) Upon entering or before release from the department of corrections
12 reception and diagnostic centers[:] or **upon entering or before release from**
13 **any juvenile detention facility or before release from the jurisdiction**
14 **of the juvenile court; or**

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

20 (3) When the state accepts a person from another state under any
21 interstate compact, or under any other reciprocal agreement with any county,
22 state, or federal agency, or any other provision of law, whether or not the person
23 is confined or released, the acceptance is conditional on the person providing a
24 DNA sample if the person was convicted of, pleaded guilty to, [or] pleaded nolo
25 contendere to **or adjudicated of** an offense in any other jurisdiction which
26 would be considered a qualifying offense as defined in this section if committed
27 in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo
28 contendere to any equivalent offense in any other jurisdiction; or

29 (4) If such individual is under the jurisdiction of the department of
30 corrections. Such jurisdiction includes persons currently incarcerated, persons
31 on probation, as defined in section 217.650, RSMo, and on parole, as also defined
32 in section 217.650, RSMo.

33 2. The Missouri state highway patrol and department of corrections shall
34 be responsible for ensuring adherence to the law.

35 3. Any person required to provide a DNA sample pursuant to this section
36 shall be required to provide such sample, without the right of refusal, at a
37 collection site designated by the Missouri state highway patrol and the
38 department of corrections, **or the law enforcement agency of the county or**
39 **city not within a county in which the conviction, adjudication, finding**
40 **of guilty, plea of guilty, or plea of nolo contendere occurred.**

41 4. Authorized personnel collecting or assisting in the collection of samples
42 shall not be liable in any civil or criminal action when the act is performed in a
43 reasonable manner. Such force may be used as necessary to the effectual carrying
44 out and application of such processes and operations.

45 5. **For individuals included in subsection 1 of this section, the**
46 **knowing refusal or knowing failure to provide a DNA sample is a class**
47 **A misdemeanor.**

48 6. The enforcement of these provisions by the authorities in charge of
49 state correctional institutions, **state juvenile detention facilities**, and others
50 having custody [or], jurisdiction, **or supervision** over those who have been
51 convicted of, **found guilty of**, pleaded guilty to, or pleaded nolo contendere to
52 felony **or class A misdemeanor offenses or authorities having custody,**
53 **jurisdiction, or supervision over juvenile offenders who are adjudicated**
54 **in a Missouri juvenile court of an offense that would constitute a felony**
55 **under chapter 565, RSMo, or any offense under chapter 566, RSMo, if**

56 **committed by an adult** which shall not be set aside or reversed is hereby made
57 mandatory. The board of probation or parole shall recommend that an individual
58 who refuses to provide a DNA sample have his or her probation or parole revoked.
59 In the event that a person's DNA sample is not adequate for any reason, the
60 person shall provide another sample for analysis.

61 [3.] 7. The procedure and rules for the collection, analysis, storage,
62 expungement, use of DNA database records and privacy concerns shall not
63 conflict with procedures and rules applicable to the Missouri DNA profiling
64 system and the Federal Bureau of Investigation's DNA databank system.

65 [4.] 8. **Knowingly unauthorized [uses or] use of, knowing attempt**
66 **to use, knowing** dissemination of **or attempt to disseminate** individually
67 identifiable DNA information in a **DNA** database for purposes other than
68 criminal justice or law enforcement is a class A misdemeanor. **Knowingly**
69 **unauthorized tampering with, knowing attempt to tamper with, or**
70 **other knowingly unauthorized use of, knowing attempt to use, or**
71 **knowing dissemination of or attempt to disseminate any sample**
72 **collected for the DNA profiling system is a class A misdemeanor.**

73 [5.] 9. Implementation of sections 650.050 to 650.100 shall be subject to
74 future appropriations to keep Missouri's DNA system compatible with the Federal
75 Bureau of Investigation's DNA databank system.

76 [6.] 10. All DNA records and biological materials retained in the DNA
77 profiling system are considered closed records pursuant to chapter 610, RSMo. All
78 records containing any information held or maintained by any person or by any
79 agency, department, or political subdivision of the state concerning an
80 individual's DNA profile shall be strictly confidential and shall not be disclosed,
81 except to:

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

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

87 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56,
88 RSMo, and their employees who need to obtain such records to perform their
89 public duties; or

90 (4) Associate circuit judges, circuit judges, judges of the courts of appeals,
91 supreme court judges, and their employees who need to obtain such records to

92 perform their public duties.

93 [7.] 11. Any person who obtains records pursuant to the provisions of this
94 section shall use such records only for investigative and prosecutorial purposes,
95 including but not limited to use at any criminal trial, hearing, or proceeding; or
96 for law enforcement identification purposes, including identification of human
97 remains. Such records shall be considered strictly confidential and shall only be
98 released as authorized by this section.

99 [8.] 12. An individual may request expungement of his or her DNA
100 sample and DNA profile through the court issuing the reversal or dismissal. A
101 certified copy of the court order establishing that such conviction has been
102 reversed or guilty plea or plea of nolo contendere has been set aside shall be sent
103 to the Missouri state highway patrol crime laboratory. Upon receipt of the court
104 order, the laboratory will determine that the requesting individual has no other
105 qualifying offense as a result of any separate plea or conviction prior to
106 expungement.

107 (1) A person whose DNA record or DNA profile has been included in the
108 state DNA database in accordance with this section, section 488.5050, RSMo, and
109 sections 650.050, 650.052, and 650.100 may request expungement on the grounds
110 that the conviction has been reversed, or the guilty plea or plea of nolo contendere
111 on which the authority for including that person's DNA record or DNA profile was
112 based has been set aside.

113 (2) Upon receipt of a written request for expungement, a certified copy of
114 the final court order reversing the conviction or setting aside the plea and any
115 other information necessary to ascertain the validity of the request, the Missouri
116 state highway patrol crime laboratory shall expunge all DNA records and
117 identifiable information in the database pertaining to the person and destroy the
118 DNA sample of the person, unless the Missouri state highway patrol determines
119 that the person is otherwise obligated to submit a DNA sample. Within thirty
120 days after the receipt of the court order, the Missouri state highway patrol shall
121 notify the individual that it has expunged his or her DNA sample and DNA
122 profile, or the basis for its determination that the person is otherwise obligated
123 to submit a DNA sample.

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

127 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match

128 derived from the database shall not be excluded or suppressed from evidence, nor
129 shall any conviction be invalidated or reversed or plea set aside due to the failure
130 to expunge or a delay in expunging DNA records.

650.056. Any evidence leading to a **plea of guilty, plea of nolo**
2 **contendere, finding of guilt or** conviction of [a felony] **an offense or**
3 **juvenile adjudication** described in subsection 1 of section 650.055 which has
4 been or can be tested for DNA shall be preserved by the investigating law
5 enforcement agency.

Section B. Because of the need to protect the children of this state, the
2 repeal and reenactment of section 566.147 of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 566.147 of this act shall be in full force
6 and effect upon its passage and approval.

✓

Bill

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