

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 224

AN ACT

To repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 84.480, 84.490, 84.510, 86.200, 86.257,  
2       86.263, 313.817, and 568.040, RSMo, are repealed and eight new  
3       sections enacted in lieu thereof, to be known as sections 84.480,  
4       84.490, 84.510, 86.200, 86.257, 86.263, 313.817, 568.040, and 1,  
5       to read as follows:

6       84.480. The board of police commissioners shall appoint a  
7       chief of police who shall be the chief police administrative and  
8       law enforcement officer of such cities. The chief of police  
9       shall be chosen by the board solely on the basis of his or her  
10      executive and administrative qualifications and his or her  
11      demonstrated knowledge of police science and administration with  
12      special reference to his or her actual experience in law  
13      enforcement leadership and the provisions of section 84.420. At  
14      the time of the appointment, the chief shall not be more than  
15      sixty years of age, shall have had at least five years' executive  
16      experience in a governmental police agency and shall be certified

1 by a surgeon or physician to be in a good physical condition, and  
2 shall be a citizen of the United States and shall either be or  
3 become a citizen of the state of Missouri and resident of the  
4 city in which he or she is appointed as chief of police. In  
5 order to secure and retain the highest type of police leadership  
6 within the departments of such cities, the chief shall receive a  
7 salary of not less than eighty thousand two hundred eleven  
8 dollars, nor more than one hundred [seventy-two] eighty-nine  
9 thousand [four] seven hundred [seventy-eight] twenty-six dollars  
10 per annum.

11 84.490. 1. The chief of police shall serve during the  
12 pleasure of the board. In case the board determines to remove or  
13 demote the chief of police, he shall be notified in writing.  
14 Within ten days after receipt of such notice, the chief may, in  
15 writing, file with the secretary of the board of police  
16 commissioners, demand and he shall receive a written statement of  
17 the reasons for such removal or demotion, and a hearing thereon  
18 at a public meeting of the board within ten days after the chief  
19 files such notice. The chief may be suspended from office  
20 pending such hearing. The action of the board in suspending,  
21 removing or demoting the chief of police shall be final [and not  
22 subject to review by any court].

23 2. The board may, in case of and during the absence or  
24 disability of the chief, designate a qualified police officer who  
25 shall serve as acting chief and perform the duties of the office.  
26 No man shall serve as acting chief who has not the qualifications  
27 required for the position of chief.

28 84.510. 1. For the purpose of operation of the police

department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than one hundred ~~[twenty-one]~~ thirty-three thousand ~~[seven]~~ eight hundred ~~[sixteen]~~ eighty-eight dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than one hundred ~~[eleven]~~ twenty-two thousand ~~[forty-eight]~~ one hundred fifty-three dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than one hundred ~~[one]~~ eleven thousand ~~[three]~~ four hundred ~~[four]~~ thirty-four dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than ~~[eighty-eight]~~ ninety-seven thousand ~~[two hundred sixty]~~ eighty-six dollars per annum each;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars, nor more than ~~[seventy-nine]~~ eighty-seven thousand seven hundred ~~[twenty-eight]~~ one dollars per annum each;

(6) Master detectives at not less than fifty-six thousand

1 three hundred four dollars, nor more than [seventy-nine] eighty-  
2 seven thousand seven hundred [twenty-eight] one dollars per annum  
3 each;

4 (7) Detectives, investigators, and police officers at not  
5 less than twenty-six thousand six hundred forty-three dollars,  
6 nor more than [seventy-five] eighty-two thousand [one] six  
7 hundred [eight] nineteen dollars per annum each.

8 3. The board of police commissioners has the authority by  
9 resolution to effect a comprehensive pay schedule program to  
10 provide for step increases with separate pay rates within each  
11 rank, in the above-specified salary ranges from police officers  
12 through chief of police.

13 4. Officers assigned to wear civilian clothes in the  
14 performance of their regular duties may receive an additional one  
15 hundred fifty dollars per month clothing allowance. Uniformed  
16 officers may receive seventy-five dollars per month uniform  
17 maintenance allowance.

18 5. The chief of police, subject to the approval of the  
19 board, shall establish the total regular working hours for all  
20 police department employees, and the board has the power, upon  
21 recommendation of the chief, to pay additional compensation for  
22 all hours of service rendered in excess of the established  
23 regular working period, but the rate of overtime compensation  
24 shall not exceed one and one-half times the regular hourly rate  
25 of pay to which each member shall normally be entitled. No  
26 credit shall be given nor deductions made from payments for  
27 overtime for the purpose of retirement benefits.

28 6. The board of police commissioners, by majority

1 affirmative vote, including the mayor, has the authority by  
2 resolution to authorize incentive pay in addition to the base  
3 compensation as provided for in subsection 2 of this section, to  
4 be paid police officers of any rank who they determine are  
5 assigned duties which require an extraordinary degree of skill,  
6 technical knowledge and ability, or which are highly demanding or  
7 unusual. No credit shall be given nor deductions made from these  
8 payments for the purpose of retirement benefits.

9 7. The board of police commissioners may effect programs to  
10 provide additional compensation for successful completion of  
11 academic work at an accredited college or university. No credit  
12 shall be given nor deductions made from these payments for the  
13 purpose of retirement benefits.

14 8. The additional pay increments provided in subsections 6  
15 and 7 of this section shall not be considered a part of the base  
16 compensation of police officers of any rank and shall not exceed  
17 ten percent of what the officer would otherwise be entitled to  
18 pursuant to subsections 2 and 3 of this section.

19 9. Not more than twenty-five percent of the officers in any  
20 rank who are receiving the maximum rate of pay authorized by  
21 subsections 2 and 3 of this section may receive the additional  
22 pay increments authorized by subsections 6 and 7 of this section  
23 at any given time. However, any officer receiving a pay  
24 increment provided pursuant to the provisions of subsections 6  
25 and 7 of this section shall not be deprived of such pay increment  
26 as a result of the limitations of this subsection.

27 86.200. The following words and phrases as used in sections  
28 86.200 to 86.366, unless a different meaning is plainly required

1 by the context, shall have the following meanings:

2 (1) "Accumulated contributions", the sum of all mandatory  
3 contributions deducted from the compensation of a member and  
4 credited to the member's individual account, together with  
5 members' interest thereon;

6 (2) "Actuarial equivalent", a benefit of equal value when  
7 computed upon the basis of mortality tables and interest  
8 assumptions adopted by the board of trustees;

9 (3) "Average final compensation":

10 (a) With respect to a member who earns no creditable  
11 service on or after October 1, 2001, the average earnable  
12 compensation of the member during the member's last three years  
13 of creditable service as a police officer, or if the member has  
14 had less than three years of creditable service, the average  
15 earnable compensation of the member's entire period of creditable  
16 service;

17 (b) With respect to a member who is not participating in  
18 the DROP pursuant to section 86.251 on October 1, 2001, who did  
19 not participate in the DROP at any time before such date, and who  
20 earns any creditable service on or after October 1, 2001, the  
21 average earnable compensation of the member during the member's  
22 last two years of creditable service as a policeman, or if the  
23 member has had less than two years of creditable service, then  
24 the average earnable compensation of the member's entire period  
25 of creditable service;

26 (c) With respect to a member who is participating in the  
27 DROP pursuant to section 86.251 on October 1, 2001, or whose  
28 participation in DROP ended before such date, who returns to

1 active participation in the system pursuant to section 86.251,  
2 and who terminates employment as a police officer for reasons  
3 other than death or disability before earning at least two years  
4 of creditable service after such return, the portion of the  
5 member's benefit attributable to creditable service earned before  
6 DROP entry shall be determined using average final compensation  
7 as defined in paragraph (a) of this subdivision; and the portion  
8 of the member's benefit attributable to creditable service earned  
9 after return to active participation in the system shall be  
10 determined using average final compensation as defined in  
11 paragraph (b) of this subdivision;

12 (d) With respect to a member who is participating in the  
13 DROP pursuant to section 86.251 on October 1, 2001, or whose  
14 participation in the DROP ended before such date, who returns to  
15 active participation in the system pursuant to section 86.251,  
16 and who terminates employment as a police officer after earning  
17 at least two years of creditable service after such return, the  
18 member's benefit attributable to all of such member's creditable  
19 service shall be determined using the member's average final  
20 compensation as defined in paragraph (b) of this subdivision;

21 (e) With respect to a member who is participating in the  
22 DROP pursuant to section 86.251 on October 1, 2001, or whose  
23 participation in DROP ended before such date, who returns to  
24 active participation in the system pursuant to section 86.251,  
25 and whose employment as a police officer terminates due to death  
26 or disability after such return, the member's benefit  
27 attributable to all of such member's creditable service shall be  
28 determined using the member's average final compensation as

1 defined in paragraph (b) of this subdivision; and

2 (f) With respect to the surviving spouse or surviving  
3 dependent child of a member who earns any creditable service on  
4 or after October 1, 2001, the average earnable compensation of  
5 the member during the member's last two years of creditable  
6 service as a police officer or, if the member has had less than  
7 two years of creditable service, the average earnable  
8 compensation of the member's entire period of creditable service;

9 (4) "Beneficiary", any person in receipt of a retirement  
10 allowance or other benefit;

11 (5) "Board of police commissioners", any board of police  
12 commissioners, police commissioners and any other officials or  
13 boards now or hereafter authorized by law to employ and manage a  
14 permanent police force in such cities;

15 (6) "Board of trustees", the board provided in sections  
16 86.200 to 86.366 to administer the retirement system;

17 (7) "Creditable service", prior service plus membership  
18 service as provided in sections 86.200 to 86.366;

19 (8) "DROP", the deferred retirement option plan provided  
20 for in section 86.251;

21 (9) "Earnable compensation", the annual salary established  
22 under section 84.160 which a member would earn during one year on  
23 the basis of the member's rank or position [as specified in the  
24 applicable salary matrix] plus any additional compensation for  
25 academic work and shift differential that may be provided by any  
26 official or board now or hereafter authorized by law to employ  
27 and manage a permanent police force in such cities. Such amount  
28 shall include the member's deferrals to a deferred compensation



1 plan pursuant to Section 457 of the Internal Revenue Code or to a  
2 cafeteria plan pursuant to Section 125 of the Internal Revenue  
3 Code or, effective October 1, 2001, to a transportation fringe  
4 benefit program pursuant to Section 132(f)(4) of the Internal  
5 Revenue Code. Earnable compensation shall not include a member's  
6 additional compensation for overtime, standby time, court time,  
7 nonuniform time or unused vacation time. Notwithstanding the  
8 foregoing, the earnable compensation taken into account under the  
9 plan established pursuant to sections 86.200 to 86.366 with  
10 respect to a member who is a noneligible participant, as defined  
11 in this subdivision, for any plan year beginning on or after  
12 October 1, 1996, shall not exceed the amount of compensation that  
13 may be taken into account under Section 401(a)(17) of the  
14 Internal Revenue Code, as adjusted for increases in the cost of  
15 living, for such plan year. For purposes of this subdivision, a  
16 "noneligible participant" is an individual who first becomes a  
17 member on or after the first day of the first plan year beginning  
18 after the earlier of:

19 (a) The last day of the plan year that includes August 28,  
20 1995; or

21 (b) December 31, 1995;

22 (10) "Internal Revenue Code", the federal Internal Revenue  
23 Code of 1986, as amended;

24 (11) "Mandatory contributions", the contributions required  
25 to be deducted from the salary of each member who is not  
26 participating in DROP in accordance with section 86.320;

27 (12) "Medical board", the board of three physicians of  
28 different disciplines appointed by the trustees of the police

1 retirement board and responsible for arranging and passing upon  
2 all medical examinations required under the provisions of  
3 sections 86.200 to 86.366, which board shall investigate all  
4 essential statements and certificates made by or on behalf of a  
5 member in connection with an application for disability  
6 retirement and shall report in writing to the board of trustees  
7 its conclusions and recommendations, which can be based upon the  
8 opinion of a single member or that of an outside specialist if  
9 one is appointed, upon all the matters referred to such medical  
10 board;

11       (13) "Member", a member of the retirement system as defined  
12 by sections 86.200 to 86.366;

13       [(13)] (14) "Members' interest", interest on accumulated  
14 contributions at such rate as may be set from time to time by the  
15 board of trustees;

16       [(14)] (15) "Membership service", service as a policeman  
17 rendered since last becoming a member, except in the case of a  
18 member who has served in the armed forces of the United States  
19 and has subsequently been reinstated as a policeman, in which  
20 case "membership service" means service as a policeman rendered  
21 since last becoming a member prior to entering such armed  
22 service;

23       [(15)] (16) "Plan year" or "limitation year", the twelve  
24 consecutive-month period beginning each October first and ending  
25 each September thirtieth;

26       [(16)] (17) "Policeman" or "police officer", any member of  
27 the police force of such cities who holds a rank in such police  
28 force;

1           [(17)] (18) "Prior service", all service as a policeman  
2 rendered prior to the date the system becomes operative or prior  
3 to membership service which is creditable in accordance with the  
4 provisions of sections 86.200 to 86.366;

5           [(18)] (19) "Reserve officer", any member of the police  
6 reserve force of such cities, armed or unarmed, who works less  
7 than full time, without compensation, and who, by his or her  
8 assigned function or as implied by his or her uniform, performs  
9 duties associated with those of a police officer and who  
10 currently receives a service retirement as provided by sections  
11 86.200 to 86.366;

12           [(19)] (20) "Retirement allowance", annual payments for  
13 life as provided by sections 86.200 to 86.366 which shall be  
14 payable in equal monthly installments or any benefits in lieu  
15 thereof granted to a member upon termination of employment as a  
16 police officer and actual retirement;

17           [(20)] (21) "Retirement system", the police retirement  
18 system of the cities as defined in sections 86.200 to 86.366;

19           [(21)] (22) "Surviving spouse", the surviving spouse of a  
20 member who was the member's spouse at the time of the member's  
21 death.

22           86.257. 1. Upon the application of [a member in service or  
23 of] the board of police commissioners or any successor body, any  
24 member who has completed ten or more years of creditable service  
25 or upon the police retirement system created by sections 86.200  
26 to 86.366 first attaining, after the effective date of this act,  
27 a funded ratio, as defined in section 105.660 and as determined  
28 by the system's annual actuarial valuation, of at least eighty

1 percent, a member who has completed five or more years of  
2 creditable service and who has become permanently unable to  
3 perform the duties of a police officer as the result of an injury  
4 or illness not exclusively caused or induced by the actual  
5 performance of his or her official duties or by his or her own  
6 negligence shall be retired by the board of [trustees of the  
7 police retirement system] police commissioners or any successor  
8 body upon certification by the medical [director] board of the  
9 police retirement system and approval by the board of trustees of  
10 the police retirement system that the member is mentally or  
11 physically unable to perform the duties of a police officer, that  
12 the inability is permanent or likely to become permanent, and  
13 that the member should be retired.

14 2. Once each year during the first five years following  
15 such member's retirement, and at least once in every three-year  
16 period thereafter, the board of trustees may, and upon the  
17 member's application shall, require any nonduty disability  
18 beneficiary who has not yet attained sixty years of age to  
19 undergo a medical examination at a place designated by the  
20 medical [director] board or such physicians as the medical  
21 [director] board appoints. If any nonduty disability beneficiary  
22 who has not attained sixty years of age refuses to submit to a  
23 medical examination, his or her nonduty disability pension may be  
24 discontinued until his or her withdrawal of such refusal, and if  
25 his or her refusal continues for one year, all rights in and to  
26 such pension may be revoked by the board of trustees.

27 3. If the medical [director] board certifies to the board  
28 of trustees that a nonduty disability beneficiary is able to

1 perform the duties of a police officer, and if the board of  
2 trustees concurs on the report, then such beneficiary's nonduty  
3 disability pension shall cease.

4 4. If upon cessation of a disability pension under  
5 subsection 3 of this section, the former disability beneficiary  
6 is restored to active service, he or she shall again become a  
7 member, and he or she shall contribute thereafter at the same  
8 rate as other members. Upon his or her subsequent retirement, he  
9 or she shall be credited with all of his or her active  
10 retirement, but not including any time during which the former  
11 disability beneficiary received a disability pension under this  
12 section.

13 86.263. 1. Any member in active service who is permanently  
14 unable to perform the full and unrestricted duties of a police  
15 officer as the natural, proximate, and exclusive result of an  
16 accident occurring within the actual performance of duty at some  
17 definite time and place, through no negligence on the member's  
18 part, shall[, upon application,] be retired by the board of  
19 police commissioners or any successor body upon certification by  
20 [the medical director of the police retirement system and  
21 approval by the board of trustees of the police retirement  
22 system] one or more physicians of the medical board that the  
23 member is mentally or physically unable to perform the full and  
24 unrestricted duties of a police officer [and] and that the  
25 inability is permanent or [reasonably] likely to become  
26 permanent, and that the member should be retired. The inability  
27 to perform the "full and unrestricted duties of a police officer"  
28 means the member is unable to perform all the essential job

1 functions for the position of police officer as established by  
2 the board of police commissioners or any successor body.

3         2. No member shall be approved for retirement under the  
4 provisions of subsection 1 of this section unless the application  
5 was made and submitted to the board of [trustees of the police  
6 retirement system] police commissioners or any successor body no  
7 later than five years following the date of accident, provided,  
8 that if the accident was reported within five years of the date  
9 of the accident and an examination made of the member within  
10 thirty days of the date of accident by a health care provider  
11 whose services were provided through the board of police  
12 commissioners with subsequent examinations made as requested,  
13 then an application made more than five years following the date  
14 of the accident shall be considered timely.

15         3. Once each year during the first five years following a  
16 member's retirement, and at least once in every three-year period  
17 thereafter, the board of trustees may require any disability  
18 beneficiary who has not yet attained sixty years of age to  
19 undergo a medical examination or medical examinations at a place  
20 designated by the medical [director] board or such physicians as  
21 the medical [director] board appoints. If any disability  
22 beneficiary who has not attained sixty years of age refuses to  
23 submit to a medical examination, his or her disability pension  
24 may be discontinued by the board of trustees of the police  
25 retirement system until his or her withdrawal of such refusal,  
26 and if his or her refusal continues for one year, all rights in  
27 and to such pension may be revoked by the board of trustees.

28         4. If the medical [director] board certifies to the board

1 of trustees that a disability beneficiary is able to perform the  
2 duties of a police officer, [and if the board of trustees concurs  
3 with the medical director's determination,] then such  
4 beneficiary's disability pension shall cease.

5 5. If upon cessation of a disability pension under  
6 subsection 4 of this section, the former disability beneficiary  
7 is restored to active service, he or she shall again become a  
8 member, and he or she shall contribute thereafter at the same  
9 rate as other members. Upon his or her subsequent retirement, he  
10 or she shall be credited with all of his or her active service  
11 time as a member including the service time prior to receiving  
12 disability retirement, but not including any time during which  
13 the former disability beneficiary received a disability pension  
14 under this section.

15 6. If upon cessation of a disability pension under  
16 subsection 4 of this section, the former disability beneficiary  
17 is not restored to active service, such former disability  
18 beneficiary shall be entitled to the retirement benefit to which  
19 such former disability beneficiary would have been entitled if  
20 such former disability beneficiary had terminated service for any  
21 reason other than dishonesty or being convicted of a felony at  
22 the time of such cessation of such former disability  
23 beneficiary's disability pension. For purposes of such  
24 retirement benefits, such former disability beneficiary shall be  
25 credited with all of the former disability beneficiary's active  
26 service time as a member, but not including any time during which  
27 the former disability beneficiary received a disability  
28 beneficiary pension under this section.

1           313.817. 1. Except as permitted in this section, the  
2 licensee licensed to operate gambling games shall permit no form  
3 of wagering on gambling games.

4           2. The licensee may receive wagers only from a person  
5 present on a licensed excursion gambling boat.

6           3. Wagering shall not be conducted with money or other  
7 negotiable currency. The licensee shall exchange the money of  
8 each wagerer for electronic or physical tokens, chips, or other  
9 forms of credit to be wagered on the gambling games. The  
10 licensee shall exchange the tokens, chips, or other forms of  
11 wagering credit for money at the request of the wagerer.

12          4. A person under twenty-one years of age shall not make a  
13 wager on an excursion gambling boat and shall not be allowed in  
14 the area of the excursion boat where gambling is being conducted;  
15 provided that employees of the licensed operator of the excursion  
16 gambling boat who have attained eighteen years of age shall be  
17 permitted in the area in which gambling is being conducted when  
18 performing employment-related duties, except that no one under  
19 twenty-one years of age may be employed as a dealer or accept a  
20 wager on an excursion gambling boat. The governing body of a home  
21 dock city or county may restrict the age of entrance onto an  
22 excursion gambling boat by passage of a local ordinance.

23          5. In order to help protect patrons from invasion of  
24 privacy and the possibility of identity theft, patrons shall not  
25 be required to provide fingerprints, retinal scans, biometric  
26 forms of identification, any type of patron-tracking cards, or  
27 other types of identification prior to being permitted to enter  
28 the area where gambling is being conducted on an excursion



1 gambling boat or to make a wager, except that, for purposes of  
2 establishing that a patron is at least twenty-one years of age as  
3 provided in subsection 4 above, a licensee operating an excursion  
4 gambling boat shall be authorized to request such patron to  
5 provide a valid state or federal photo identification or a valid  
6 passport. This section shall not prohibit enforcement of  
7 identification requirements that are required by federal law.  
8 This section shall not prohibit enforcement of any Missouri  
9 statute requiring identification of patrons for reasons other  
10 than being permitted to enter the area of an excursion gambling  
11 boat where gambling is being conducted or to make a wager.

12 6. A licensee shall only allow wagering and conduct  
13 gambling games at the times allowed by the commission.

14 7. It shall be unlawful for a person twenty-one years of  
15 age or older to present false identification to a licensee or a  
16 gaming agent in order to gain entrance to an excursion gambling  
17 boat, cash a check or verify that such person is legally entitled  
18 to be present on the excursion gambling boat. Any person who  
19 violates the provisions of this subsection shall be guilty of a  
20 class B misdemeanor for the first offense and a class A  
21 misdemeanor for second and subsequent offenses.

22 8. It shall be unlawful for a person under twenty-one years  
23 of age to present false identification to a licensee or a gaming  
24 agent in order to gain entrance to an excursion gambling boat,  
25 cash a check or verify that such person is legally entitled to be  
26 present on the excursion gambling boat. Any person who violates  
27 the provisions of this subsection shall be fined five hundred  
28 dollars and guilty of an infraction for the first offense and a

1 class B misdemeanor for second and subsequent offenses.

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

8       2. For purposes of this section:

9       (1) "Arrearage":

10       (a) The amount of money created by a failure to provide  
11 support to a child under an administrative or judicial support  
12 order; or

13       (b) Support to an estranged or former spouse if the  
14 judgment or order requiring payment of spousal support also  
15 requires payment of child support and such estranged or former  
16 spouse is the custodial parent; or

17       (c) Both paragraphs (a) and (b).

18  
19 The arrearage shall reflect any retroactive support ordered under  
20 a modification, and any judgments entered by a court of competent  
21 jurisdiction or any authorized agency and any satisfactions of  
22 judgment filed by the custodial parent;

23       (2) "Child" means any biological or adoptive child, or any  
24 child whose paternity has been established under chapter 454, or  
25 chapter 210, or any child whose relationship to the defendant has  
26 been determined, by a court of law in a proceeding for  
27 dissolution or legal separation, to be that of child to parent;

28       [(2)] (3) "Good cause" means any substantial reason why the

1 defendant is unable to provide adequate support. Good cause does  
2 not exist if the defendant purposely maintains his inability to  
3 support;

4 [(3)] (4) "Support" means food, clothing, lodging, and  
5 medical or surgical attention;

6 [(4)] (5) It shall not constitute a failure to provide  
7 medical and surgical attention, if nonmedical remedial treatment  
8 recognized and permitted under the laws of this state is  
9 provided.

10 3. Inability to provide support for good cause shall be an  
11 affirmative defense under this section. A person who raises such  
12 affirmative defense has the burden of proving the defense by a  
13 preponderance of the evidence.

14 4. The defendant shall have the burden of injecting the  
15 issues raised by subdivision [(4)] (5) of subsection 2 of this  
16 section.

17 5. Criminal nonsupport is a class A misdemeanor, unless the  
18 total arrearage is in excess of an aggregate of twelve monthly  
19 payments due under any order of support issued by any court of  
20 competent jurisdiction or any authorized administrative agency,  
21 in which case it is a class D felony.

22 6. (1) If at any time a defendant convicted of criminal  
23 nonsupport or pleads guilty to a charge of criminal nonsupport is  
24 placed on probation or parole, there may be ordered as a  
25 condition of probation or parole that the defendant commence  
26 payment of current support as well as satisfy the arrearages.  
27 Arrearages may be satisfied first by making such lump sum payment  
28 as the defendant is capable of paying, if any, as may be shown

1 after examination of defendant's financial resources or assets,  
2 both real, personal, and mixed, and second by making periodic  
3 payments. Periodic payments toward satisfaction of arrears when  
4 added to current payments due [may] shall be in such aggregate  
5 sums as is not greater than fifty percent of the defendant's  
6 adjusted gross income after deduction of payroll taxes, medical  
7 insurance that also covers a dependent spouse or children, and  
8 any other court- or administrative-ordered support, only.

9 (2) If the defendant fails to pay the [current] support and  
10 arrearages [as ordered] under the terms of his or her probation,  
11 the court may revoke probation or parole and then impose an  
12 appropriate sentence within the range for the class of offense  
13 that the defendant was convicted of as provided by law, unless  
14 the defendant proves good cause for the failure to pay as  
15 required under subsection 3 of this section.

16 (3) After a period of not less than eight years, an  
17 individual who has pled guilty to or has been convicted of a  
18 first felony offense for criminal nonsupport under this section  
19 and who has successfully completed probation after a plea of  
20 guilt or was sentenced may petition the court for expungement of  
21 all official records all recordations of his or her arrest, plea,  
22 trial, or conviction. If the court determines after hearing that  
23 such person has not been convicted of any subsequent offense;  
24 does not have any other felony pleas of guilt, findings of guilt  
25 or convictions; is current on all child support obligations; has  
26 paid off all arrearages; and has no other criminal charges or  
27 administrative child support actions pending at the time of the  
28 hearing on the application for expungement with respect to all

children subject to orders of payment of child support or that  
the defendant has successfully completed a criminal nonsupport  
courts program under section 478.1000, the court shall enter an  
order of expungement. Upon granting the order of expungement,  
the records and files maintained in any court proceeding in an  
associate or circuit division of the circuit court under this  
section shall be confidential and only available to the parties  
or by order of the court for good cause shown. The effect of  
such order shall be to restore such person to the status he or  
she occupied prior to such arrest, plea or conviction, and as if  
such event had never taken place. No person for whom such order  
has been entered shall be held thereafter under any provision of  
any law to be guilty of perjury or otherwise giving a false  
statement by reason of his or her failure to recite or  
acknowledge such arrest, plea, trial, conviction, or expungement  
in response to any inquiry made of him or her for any purpose  
whatsoever and no such inquiry shall be made for information  
relating to an expungement under this section. A person shall  
only be entitled to one expungement under this section. Nothing  
in this section shall prevent the director of the department of  
social services from maintaining such records as to ensure that  
an individual receives only one expungement under this section  
for the purpose of informing the proper authorities of the  
contents of any record maintained under this section.

7. During any period that a nonviolent defendant is  
incarcerated for criminal nonsupport, if the defendant is ready,  
willing, and able to be gainfully employed during said period of  
incarceration, the defendant, if he or she meets the criteria

1 established by the department of corrections, may be placed on  
2 work release to allow the defendant to satisfy defendant's  
3 obligation to pay support. Arrearages shall be satisfied as  
4 outlined in the collection agreement.

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

12 9. Beginning January 1, 1991, every prosecuting attorney in  
13 any county which has entered into a cooperative agreement with  
14 the [child support enforcement service of the] family support  
15 division [of] within the department of social services regarding  
16 child support enforcement services shall report to the division  
17 on a quarterly basis the number of charges filed and the number  
18 of convictions obtained under this section by the prosecuting  
19 attorney's office on all IV-D cases. The division shall  
20 consolidate the reported information into a statewide report by  
21 county and make the report available to the general public.

22 10. Persons accused of committing the offense of nonsupport  
23 of the child shall be prosecuted:

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

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

28 Section 1. Any quasi-government entity created to provide

information management products and services to criminal justice,  
municipal and county courts and other government agencies whose  
originating agency identifier was terminated by the federal  
bureau of investigations shall provide integration access to the  
contracted data for the political subdivision or its agency in a  
web service or file transfer protocol format on line in a timely  
manner upon written request at no additional charge as is  
required by the political subdivision or its agency.

✓

Shalonn "Kiki" Curls

John Rizzo