

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ SCS/House _____ Bill No. 301, Page 1, Section title, Line 3,

2 of the title, by striking "civil commitment of" and inserting in
 3 lieu thereof the following: "

4 Further amend said bill, Page 1, Section A, Line 3, by
 5 inserting immediately after said line the following:

6 "160.261. 1. The local board of education of each school
 7 district shall clearly establish a written policy of discipline,
 8 including the district's determination on the use of corporal
 9 punishment and the procedures in which punishment will be
 10 applied. A written copy of the district's discipline policy and
 11 corporal punishment procedures, if applicable, shall be provided
 12 to the pupil and parent or legal guardian of every pupil enrolled
 13 in the district at the beginning of each school year and also
 14 made available in the office of the superintendent of such
 15 district, during normal business hours, for public inspection.
 16 All employees of the district shall annually receive instruction
 17 related to the specific contents of the policy of discipline and
 18 any interpretations necessary to implement the provisions of the
 19 policy in the course of their duties, including but not limited
 20 to approved methods of dealing with acts of school violence,
 21 disciplining students with disabilities and instruction in the
 22 necessity and requirements for confidentiality.

1 2. The policy shall require school administrators to report
2 acts of school violence to all teachers at the attendance center
3 and, in addition, to other school district employees with a need
4 to know. For the purposes of this chapter or chapter 167, "need
5 to know" is defined as school personnel who are directly
6 responsible for the student's education or who otherwise interact
7 with the student on a professional basis while acting within the
8 scope of their assigned duties. As used in this section, the
9 phrase "act of school violence" or "violent behavior" means the
10 exertion of physical force by a student with the intent to do
11 serious physical injury as defined in subdivision (6) of section
12 565.002 to another person while on school property, including a
13 school bus in service on behalf of the district, or while
14 involved in school activities. The policy shall at a minimum
15 require school administrators to report, as soon as reasonably
16 practical, to the appropriate law enforcement agency any of the
17 following crimes, or any act which if committed by an adult would
18 be one of the following crimes:

- 19 (1) First degree murder under section 565.020;
- 20 (2) Second degree murder under section 565.021;
- 21 (3) Kidnapping under section 565.110;
- 22 (4) First degree assault under section 565.050;
- 23 (5) **[Forcible]** Rape in the first degree under section
24 566.030;
- 25 (6) **[Forcible]** Sodomy in the first degree under section
26 566.060;
- 27 (7) Burglary in the first degree under section 569.160;
- 28 (8) Burglary in the second degree under section 569.170;
- 29 (9) Robbery in the first degree under section 569.020;

- 1 (10) Distribution of drugs under section 195.211;
- 2 (11) Distribution of drugs to a minor under section
3 195.212;
- 4 (12) Arson in the first degree under section 569.040;
- 5 (13) Voluntary manslaughter under section 565.023;
- 6 (14) Involuntary manslaughter under section 565.024;
- 7 (15) Second degree assault under section 565.060;
- 8 (16) **[Sexual assault]** Rape in the second degree under
9 section **[566.040]** 566.031;
- 10 (17) Felonious restraint under section 565.120;
- 11 (18) Property damage in the first degree under section
12 569.100;
- 13 (19) The possession of a weapon under chapter 571;
- 14 (20) Child molestation in the first degree pursuant to
15 section 566.067;
- 16 (21) **[Deviate sexual assault]** Sodomy in the second degree
17 pursuant to section **[566.070]** 566.061;
- 18 (22) Sexual misconduct involving a child pursuant to
19 section 566.083;
- 20 (23) Sexual abuse in the first degree pursuant to section
21 566.100;
- 22 (24) Harassment under section 565.090; or
- 23 (25) Stalking under section 565.225; committed on school
24 property, including but not limited to actions on any school bus
25 in service on behalf of the district or while involved in school
26 activities. The policy shall require that any portion of a
27 student's individualized education program that is related to
28 demonstrated or potentially violent behavior shall be provided to
29 any teacher and other school district employees who are directly

1 responsible for the student's education or who otherwise interact
2 with the student on an educational basis while acting within the
3 scope of their assigned duties. The policy shall also contain
4 the consequences of failure to obey standards of conduct set by
5 the local board of education, and the importance of the standards
6 to the maintenance of an atmosphere where orderly learning is
7 possible and encouraged.

8 3. The policy shall provide that any student who is on
9 suspension for any of the offenses listed in subsection 2 of this
10 section or any act of violence or drug-related activity defined
11 by school district policy as a serious violation of school
12 discipline pursuant to subsection 9 of this section shall have as
13 a condition of his or her suspension the requirement that such
14 student is not allowed, while on such suspension, to be within
15 one thousand feet of any school property in the school district
16 where such student attended school or any activity of that
17 district, regardless of whether or not the activity takes place
18 on district property unless:

19 (1) Such student is under the direct supervision of the
20 student's parent, legal guardian, or custodian and the
21 superintendent or the superintendent's designee has authorized
22 the student to be on school property;

23 (2) Such student is under the direct supervision of another
24 adult designated by the student's parent, legal guardian, or
25 custodian, in advance, in writing, to the principal of the school
26 which suspended the student and the superintendent or the
27 superintendent's designee has authorized the student to be on
28 school property;

29 (3) Such student is enrolled in and attending an

1 alternative school that is located within one thousand feet of a
2 public school in the school district where such student attended
3 school; or

4 (4) Such student resides within one thousand feet of any
5 public school in the school district where such student attended
6 school in which case such student may be on the property of his
7 or her residence without direct adult supervision.

8 4. Any student who violates the condition of suspension
9 required pursuant to subsection 3 of this section may be subject
10 to expulsion or further suspension pursuant to the provisions of
11 sections 167.161, 167.164, and 167.171. In making this
12 determination consideration shall be given to whether the student
13 poses a threat to the safety of any child or school employee and
14 whether such student's unsupervised presence within one thousand
15 feet of the school is disruptive to the educational process or
16 undermines the effectiveness of the school's disciplinary policy.
17 Removal of any pupil who is a student with a disability is
18 subject to state and federal procedural rights. This section
19 shall not limit a school district's ability to:

20 (1) Prohibit all students who are suspended from being on
21 school property or attending an activity while on suspension;

22 (2) Discipline students for off-campus conduct that
23 negatively affects the educational environment to the extent
24 allowed by law.

25 5. The policy shall provide for a suspension for a period
26 of not less than one year, or expulsion, for a student who is
27 determined to have brought a weapon to school, including but not
28 limited to the school playground or the school parking lot,
29 brought a weapon on a school bus or brought a weapon to a school

1 activity whether on or off of the school property in violation of
2 district policy, except that:

3 (1) The superintendent or, in a school district with no
4 high school, the principal of the school which such child attends
5 may modify such suspension on a case-by-case basis; and

6 (2) This section shall not prevent the school district from
7 providing educational services in an alternative setting to a
8 student suspended under the provisions of this section.

9 6. For the purpose of this section, the term "weapon" shall
10 mean a firearm as defined under 18 U.S.C. 921 and the following
11 items, as defined in section 571.010: a blackjack, a concealable
12 firearm, an explosive weapon, a firearm, a firearm silencer, a
13 gas gun, a knife, knuckles, a machine gun, a projectile weapon, a
14 rifle, a shotgun, a spring gun or a switchblade knife; except
15 that this section shall not be construed to prohibit a school
16 board from adopting a policy to allow a Civil War reenactor to
17 carry a Civil War era weapon on school property for educational
18 purposes so long as the firearm is unloaded. The local board of
19 education shall define weapon in the discipline policy. Such
20 definition shall include the weapons defined in this subsection
21 but may also include other weapons.

22 7. All school district personnel responsible for the care
23 and supervision of students are authorized to hold every pupil
24 strictly accountable for any disorderly conduct in school or on
25 any property of the school, on any school bus going to or
26 returning from school, during school-sponsored activities, or
27 during intermission or recess periods.

28 8. Teachers and other authorized district personnel in
29 public schools responsible for the care, supervision, and

1 discipline of schoolchildren, including volunteers selected with
2 reasonable care by the school district, shall not be civilly
3 liable when acting in conformity with the established policies
4 developed by each board, including but not limited to policies of
5 student discipline or when reporting to his or her supervisor or
6 other person as mandated by state law acts of school violence or
7 threatened acts of school violence, within the course and scope
8 of the duties of the teacher, authorized district personnel or
9 volunteer, when such individual is acting in conformity with the
10 established policies developed by the board. Nothing in this
11 section shall be construed to create a new cause of action
12 against such school district, or to relieve the school district
13 from liability for the negligent acts of such persons.

14 9. Each school board shall define in its discipline policy
15 acts of violence and any other acts that constitute a serious
16 violation of that policy. "Acts of violence" as defined by
17 school boards shall include but not be limited to exertion of
18 physical force by a student with the intent to do serious bodily
19 harm to another person while on school property, including a
20 school bus in service on behalf of the district, or while
21 involved in school activities. School districts shall for each
22 student enrolled in the school district compile and maintain
23 records of any serious violation of the district's discipline
24 policy. Such records shall be made available to teachers and
25 other school district employees with a need to know while acting
26 within the scope of their assigned duties, and shall be provided
27 as required in section 167.020 to any school district in which
28 the student subsequently attempts to enroll.

29 10. Spanking, when administered by certificated personnel

1 and in the presence of a witness who is an employee of the school
2 district, or the use of reasonable force to protect persons or
3 property, when administered by personnel of a school district in
4 a reasonable manner in accordance with the local board of
5 education's written policy of discipline, is not abuse within the
6 meaning of chapter 210. The provisions of sections 210.110 to
7 210.165 notwithstanding, the children's division shall not have
8 jurisdiction over or investigate any report of alleged child
9 abuse arising out of or related to the use of reasonable force to
10 protect persons or property when administered by personnel of a
11 school district or any spanking administered in a reasonable
12 manner by any certificated school personnel in the presence of a
13 witness who is an employee of the school district pursuant to a
14 written policy of discipline established by the board of
15 education of the school district, as long as no allegation of
16 sexual misconduct arises from the spanking or use of force.

17 11. If a student reports alleged sexual misconduct on the
18 part of a teacher or other school employee to a person employed
19 in a school facility who is required to report such misconduct to
20 the children's division under section 210.115, such person and
21 the superintendent of the school district shall forward the
22 allegation to the children's division within twenty-four hours of
23 receiving the information. Reports made to the children's
24 division under this subsection shall be investigated by the
25 division in accordance with the provisions of sections 210.145 to
26 210.153 and shall not be investigated by the school district
27 under subsections 12 to 20 of this section for purposes of
28 determining whether the allegations should or should not be
29 substantiated. The district may investigate the allegations for

1 the purpose of making any decision regarding the employment of
2 the accused employee.

3 12. Upon receipt of any reports of child abuse by the
4 children's division other than reports provided under subsection
5 11 of this section, pursuant to sections 210.110 to 210.165 which
6 allegedly involve personnel of a school district, the children's
7 division shall notify the superintendent of schools of the
8 district or, if the person named in the alleged incident is the
9 superintendent of schools, the president of the school board of
10 the school district where the alleged incident occurred.

11 13. If, after an initial investigation, the superintendent
12 of schools or the president of the school board finds that the
13 report involves an alleged incident of child abuse other than the
14 administration of a spanking by certificated school personnel or
15 the use of reasonable force to protect persons or property when
16 administered by school personnel pursuant to a written policy of
17 discipline or that the report was made for the sole purpose of
18 harassing a public school employee, the superintendent of schools
19 or the president of the school board shall immediately refer the
20 matter back to the children's division and take no further
21 action. In all matters referred back to the children's division,
22 the division shall treat the report in the same manner as other
23 reports of alleged child abuse received by the division.

24 14. If the report pertains to an alleged incident which
25 arose out of or is related to a spanking administered by
26 certificated personnel or the use of reasonable force to protect
27 persons or property when administered by personnel of a school
28 district pursuant to a written policy of discipline or a report
29 made for the sole purpose of harassing a public school employee,

1 a notification of the reported child abuse shall be sent by the
2 superintendent of schools or the president of the school board to
3 the law enforcement in the county in which the alleged incident
4 occurred.

5 15. The report shall be jointly investigated by the law
6 enforcement officer and the superintendent of schools or, if the
7 subject of the report is the superintendent of schools, by a law
8 enforcement officer and the president of the school board or such
9 president's designee.

10 16. The investigation shall begin no later than forty-eight
11 hours after notification from the children's division is
12 received, and shall consist of, but need not be limited to,
13 interviewing and recording statements of the child and the
14 child's parents or guardian within two working days after the
15 start of the investigation, of the school district personnel
16 allegedly involved in the report, and of any witnesses to the
17 alleged incident.

18 17. The law enforcement officer and the investigating
19 school district personnel shall issue separate reports of their
20 findings and recommendations after the conclusion of the
21 investigation to the school board of the school district within
22 seven days after receiving notice from the children's division.

23 18. The reports shall contain a statement of conclusion as
24 to whether the report of alleged child abuse is substantiated or
25 is unsubstantiated.

26 19. The school board shall consider the separate reports
27 referred to in subsection 17 of this section and shall issue its
28 findings and conclusions and the action to be taken, if any,
29 within seven days after receiving the last of the two reports.

1 The findings and conclusions shall be made in substantially the
2 following form:

3 (1) The report of the alleged child abuse is
4 unsubstantiated. The law enforcement officer and the
5 investigating school board personnel agree that there was not a
6 preponderance of evidence to substantiate that abuse occurred;

7 (2) The report of the alleged child abuse is substantiated.
8 The law enforcement officer and the investigating school district
9 personnel agree that the preponderance of evidence is sufficient
10 to support a finding that the alleged incident of child abuse did
11 occur;

12 (3) The issue involved in the alleged incident of child
13 abuse is unresolved. The law enforcement officer and the
14 investigating school personnel are unable to agree on their
15 findings and conclusions on the alleged incident.

16 20. The findings and conclusions of the school board under
17 subsection 19 of this section shall be sent to the children's
18 division. If the findings and conclusions of the school board
19 are that the report of the alleged child abuse is
20 unsubstantiated, the investigation shall be terminated, the case
21 closed, and no record shall be entered in the children's division
22 central registry. If the findings and conclusions of the school
23 board are that the report of the alleged child abuse is
24 substantiated, the children's division shall report the incident
25 to the prosecuting attorney of the appropriate county along with
26 the findings and conclusions of the school district and shall
27 include the information in the division's central registry. If
28 the findings and conclusions of the school board are that the
29 issue involved in the alleged incident of child abuse is

1 unresolved, the children's division shall report the incident to
2 the prosecuting attorney of the appropriate county along with the
3 findings and conclusions of the school board, however, the
4 incident and the names of the parties allegedly involved shall
5 not be entered into the central registry of the children's
6 division unless and until the alleged child abuse is
7 substantiated by a court of competent jurisdiction.

8 21. Any superintendent of schools, president of a school
9 board or such person's designee or law enforcement officer who
10 knowingly falsifies any report of any matter pursuant to this
11 section or who knowingly withholds any information relative to
12 any investigation or report pursuant to this section is guilty of
13 a class A misdemeanor.

14 22. In order to ensure the safety of all students, should a
15 student be expelled for bringing a weapon to school, violent
16 behavior, or for an act of school violence, that student shall
17 not, for the purposes of the accreditation process of the
18 Missouri school improvement plan, be considered a dropout or be
19 included in the calculation of that district's educational
20 persistence ratio.

21 167.115. 1. Notwithstanding any provision of chapter 211
22 or chapter 610 to the contrary, the juvenile officer, sheriff,
23 chief of police or other appropriate law enforcement authority
24 shall, as soon as reasonably practical, notify the
25 superintendent, or the superintendent's designee, of the school
26 district in which the pupil is enrolled when a petition is filed
27 pursuant to subsection 1 of section 211.031 alleging that the
28 pupil has committed one of the following acts:

29 (1) First degree murder under section 565.020;

- 1 (2) Second degree murder under section 565.021;
- 2 (3) Kidnapping under section 565.110;
- 3 (4) First degree assault under section 565.050;
- 4 (5) Forcible rape under section 566.030 as it existed prior
- 5 to August 28, 2013, or rape in the first degree under section
- 6 566.030;
- 7 (6) Forcible sodomy under section 566.060 as it existed
- 8 prior to August 28, 2013, or sodomy in the first degree under
- 9 section 566.060;
- 10 (7) Burglary in the first degree under section 569.160;
- 11 (8) Robbery in the first degree under section 569.020;
- 12 (9) Distribution of drugs under section 195.211;
- 13 (10) Distribution of drugs to a minor under section
- 14 195.212;
- 15 (11) Arson in the first degree under section 569.040;
- 16 (12) Voluntary manslaughter under section 565.023;
- 17 (13) Involuntary manslaughter under section 565.024;
- 18 (14) Second degree assault under section 565.060;
- 19 (15) Sexual assault under section 566.040 as it existed
- 20 prior to August 28, 2013, or rape in the second degree under
- 21 section 566.031;
- 22 (16) Felonious restraint under section 565.120;
- 23 (17) Property damage in the first degree under section
- 24 569.100;
- 25 (18) The possession of a weapon under chapter 571;
- 26 (19) Child molestation in the first degree pursuant to
- 27 section 566.067;
- 28 (20) Deviate sexual assault pursuant to section 566.070 as
- 29 it existed prior to August 28, 2013, or sodomy in the second

1 degree under section 566.061;

2 (21) Sexual misconduct involving a child pursuant to
3 section 566.083; or

4 (22) Sexual abuse pursuant to section 566.100 as it existed
5 prior to August 28, 2013, or sexual abuse in the first degree
6 under section 566.100.

7 2. The notification shall be made orally or in writing, in
8 a timely manner, no later than five days following the filing of
9 the petition. If the report is made orally, written notice shall
10 follow in a timely manner. The notification shall include a
11 complete description of the conduct the pupil is alleged to have
12 committed and the dates the conduct occurred but shall not
13 include the name of any victim. Upon the disposition of any such
14 case, the juvenile office or prosecuting attorney or their
15 designee shall send a second notification to the superintendent
16 providing the disposition of the case, including a brief summary
17 of the relevant finding of facts, no later than five days
18 following the disposition of the case.

19 3. The superintendent or the designee of the superintendent
20 shall report such information to teachers and other school
21 district employees with a need to know while acting within the
22 scope of their assigned duties. Any information received by
23 school district officials pursuant to this section shall be
24 received in confidence and used for the limited purpose of
25 assuring that good order and discipline is maintained in the
26 school. This information shall not be used as the sole basis for
27 not providing educational services to a public school pupil.

28 4. The superintendent shall notify the appropriate division
29 of the juvenile or family court upon any pupil's suspension for

1 more than ten days or expulsion of any pupil that the school
2 district is aware is under the jurisdiction of the court.

3 5. The superintendent or the superintendent's designee may
4 be called to serve in a consultant capacity at any dispositional
5 proceedings pursuant to section 211.031 which may involve
6 reference to a pupil's academic treatment plan.

7 6. Upon the transfer of any pupil described in this section
8 to any other school district in this state, the superintendent or
9 the superintendent's designee shall forward the written
10 notification given to the superintendent pursuant to subsection 2
11 of this section to the superintendent of the new school district
12 in which the pupil has enrolled. Such written notification shall
13 be required again in the event of any subsequent transfer by the
14 pupil.

15 7. As used in this section, the terms "school" and "school
16 district" shall include any charter, private or parochial school
17 or school district, and the term "superintendent" shall include
18 the principal or equivalent chief school officer in the cases of
19 charter, private or parochial schools.

20 8. The superintendent or the designee of the superintendent
21 or other school employee who, in good faith, reports information
22 in accordance with the terms of this section and section 160.261
23 shall not be civilly liable for providing such information.

24 167.171. 1. The school board in any district, by general
25 rule and for the causes provided in section 167.161, may
26 authorize the summary suspension of pupils by principals of
27 schools for a period not to exceed ten school days and by the
28 superintendent of schools for a period not to exceed one hundred
29 and eighty school days. In case of a suspension by the

1 superintendent for more than ten school days, the pupil, the
2 pupil's parents or others having such pupil's custodial care may
3 appeal the decision of the superintendent to the board or to a
4 committee of board members appointed by the president of the
5 board which shall have full authority to act in lieu of the
6 board. Any suspension by a principal shall be immediately
7 reported to the superintendent who may revoke the suspension at
8 any time. In event of an appeal to the board, the superintendent
9 shall promptly transmit to it a full report in writing of the
10 facts relating to the suspension, the action taken by the
11 superintendent and the reasons therefor and the board, upon
12 request, shall grant a hearing to the appealing party to be
13 conducted as provided in section 167.161.

14 2. No pupil shall be suspended unless:

15 (1) The pupil shall be given oral or written notice of the
16 charges against such pupil;

17 (2) If the pupil denies the charges, such pupil shall be
18 given an oral or written explanation of the facts which form the
19 basis of the proposed suspension;

20 (3) The pupil shall be given an opportunity to present such
21 pupil's version of the incident; and

22 (4) In the event of a suspension for more than ten school
23 days, where the pupil gives notice that such pupil wishes to
24 appeal the suspension to the board, the suspension shall be
25 stayed until the board renders its decision, unless in the
26 judgment of the superintendent of schools, or of the district
27 superintendent, the pupil's presence poses a continuing danger to
28 persons or property or an ongoing threat of disrupting the
29 academic process, in which case the pupil may be immediately

1 removed from school, and the notice and hearing shall follow as
2 soon as practicable.

3 3. No school board shall readmit or enroll a pupil properly
4 suspended for more than ten consecutive school days for an act of
5 school violence as defined in subsection 2 of section 160.261
6 regardless of whether or not such act was committed at a public
7 school or at a private school in this state, provided that such
8 act shall have resulted in the suspension or expulsion of such
9 pupil in the case of a private school, or otherwise permit such
10 pupil to attend school without first holding a conference to
11 review the conduct that resulted in the expulsion or suspension
12 and any remedial actions needed to prevent any future occurrences
13 of such or related conduct. The conference shall include the
14 appropriate school officials including any teacher employed in
15 that school or district directly involved with the conduct that
16 resulted in the suspension or expulsion, the pupil, the parent or
17 guardian of the pupil or any agency having legal jurisdiction,
18 care, custody or control of the pupil. The school board shall
19 notify in writing the parents or guardians and all other parties
20 of the time, place, and agenda of any such conference. Failure
21 of any party to attend this conference shall not preclude holding
22 the conference. Notwithstanding any provision of this subsection
23 to the contrary, no pupil shall be readmitted or enrolled to a
24 regular program of instruction if:

- 25 (1) Such pupil has been convicted of; or
- 26 (2) An indictment or information has been filed alleging
27 that the pupil has committed one of the acts enumerated in
28 subdivision (4) of this subsection to which there has been no
29 final judgment; or

1 (3) A petition has been filed pursuant to section 211.091
2 alleging that the pupil has committed one of the acts enumerated
3 in subdivision (4) of this subsection to which there has been no
4 final judgment; or

5 (4) The pupil has been adjudicated to have committed an act
6 which if committed by an adult would be one of the following:

7 (a) First degree murder under section 565.020;

8 (b) Second degree murder under section 565.021;

9 (c) First degree assault under section 565.050;

10 (d) Forcible rape under section 566.030 as it existed prior
11 to August 28, 2013, or rape in the first degree under section
12 566.030;

13 (e) Forcible sodomy under section 566.060 as it existed
14 prior to August 28, 2013, or sodomy in the first degree under
15 section 566.060;

16 (f) Statutory rape under section 566.032;

17 (g) Statutory sodomy under section 566.062;

18 (h) Robbery in the first degree under section 569.020;

19 (i) Distribution of drugs to a minor under section 195.212;

20 (j) Arson in the first degree under section 569.040;

21 (k) Kidnapping, when classified as a class A felony under
22 section 565.110. Nothing in this subsection shall prohibit the
23 readmittance or enrollment of any pupil if a petition has been
24 dismissed, or when a pupil has been acquitted or adjudicated not
25 to have committed any of the above acts. This subsection shall
26 not apply to a student with a disability, as identified under
27 state eligibility criteria, who is convicted or adjudicated
28 guilty as a result of an action related to the student's
29 disability. Nothing in this subsection shall be construed to

1 prohibit a school district which provides an alternative
2 education program from enrolling a pupil in an alternative
3 education program if the district determines such enrollment is
4 appropriate.

5 4. If a pupil is attempting to enroll in a school district
6 during a suspension or expulsion from another in-state or out-of-
7 state school district including a private, charter or parochial
8 school or school district, a conference with the superintendent
9 or the superintendent's designee may be held at the request of
10 the parent, court-appointed legal guardian, someone acting as a
11 parent as defined by rule in the case of a special education
12 student, or the pupil to consider if the conduct of the pupil
13 would have resulted in a suspension or expulsion in the district
14 in which the pupil is enrolling. Upon a determination by the
15 superintendent or the superintendent's designee that such conduct
16 would have resulted in a suspension or expulsion in the district
17 in which the pupil is enrolling or attempting to enroll, the
18 school district may make such suspension or expulsion from
19 another school or district effective in the district in which the
20 pupil is enrolling or attempting to enroll. Upon a determination
21 by the superintendent or the superintendent's designee that such
22 conduct would not have resulted in a suspension or expulsion in
23 the district in which the student is enrolling or attempting to
24 enroll, the school district shall not make such suspension or
25 expulsion effective in its district in which the student is
26 enrolling or attempting to enroll.

27 168.071. 1. The state board of education may refuse to
28 issue or renew a certificate, or may, upon hearing, discipline
29 the holder of a certificate of license to teach for the following

1 causes:

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

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

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

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

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

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

1 than annulment of contract, with acceptance of the petition at
2 the discretion of the attorney general.

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

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

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

20 6. Other provisions of this section notwithstanding, the
21 certificate of license to teach shall be revoked or, in the case
22 of an applicant, a certificate shall not be issued, if the
23 certificate holder or applicant has pleaded guilty to or been
24 found guilty of any of the following offenses established
25 pursuant to Missouri law or offenses of a similar nature
26 established under the laws of any other state or of the United
27 States, or any other country, whether or not the sentence is
28 imposed:

29 (1) Any dangerous felony as defined in section 556.061, or

1 murder in the first degree under section 565.020;

2 (2) Any of the following sexual offenses: rape in the
3 first degree under section 566.030; forcible rape under section
4 566.030 as it existed prior to August 28, 2013; rape as it
5 existed prior to August 13, 1980; statutory rape in the first
6 degree under section 566.032; statutory rape in the second degree
7 under section 566.034; rape in the second degree under section
8 566.031; sexual assault under section 566.040 as it existed prior
9 to August 28, 2013; sodomy in the first degree under section
10 566.060; forcible sodomy under section 566.060 as it existed
11 prior to August 28, 2013; sodomy as it existed prior to January
12 1, 1995; statutory sodomy in the first degree under section
13 566.062; statutory sodomy in the second degree under section
14 566.064; child molestation in the first degree under section
15 566.067; child molestation in the second degree under section
16 566.068; sodomy in the second degree under section 566.061;
17 deviate sexual assault under section 566.070 as it existed prior
18 to August 28, 2013; sexual misconduct involving a child under
19 section 566.083; sexual contact with a student while on public
20 school property under section 566.086; sexual misconduct in the
21 first degree under section 566.093; sexual misconduct in the
22 first degree under section 566.090 as it existed prior to August
23 28, 2013; sexual misconduct in the second degree under section
24 566.095; sexual misconduct in the second degree under section
25 566.093 as it existed prior to August 28, 2013; sexual misconduct
26 in the third degree under section 566.095 as it existed prior to
27 August 28, 2013; sexual abuse in the first degree under section
28 566.100; sexual abuse under section 566.100 as it existed prior
29 to August 28, 2013; sexual abuse in the second degree under

1 section 566.101; enticement of a child under section 566.151; or
2 attempting to entice a child;

3 (3) Any of the following offenses against the family and
4 related offenses: incest under section 568.020; abandonment of
5 child in the first degree under section 568.030; abandonment of
6 child in the second degree under section 568.032; endangering the
7 welfare of a child in the first degree under section 568.045;
8 abuse of a child under section 568.060; child used in a sexual
9 performance under section 568.080; promoting sexual performance
10 by a child under section 568.090; or trafficking in children
11 under section 568.175; and

12 (4) Any of the following offenses involving child
13 pornography and related offenses: promoting obscenity in the
14 first degree under section 573.020; promoting obscenity in the
15 second degree when the penalty is enhanced to a class D felony
16 under section 573.030; promoting child pornography in the first
17 degree under section 573.025; promoting child pornography in the
18 second degree under section 573.035; possession of child
19 pornography under section 573.037; furnishing pornographic
20 materials to minors under section 573.040; or coercing acceptance
21 of obscene material under section 573.065.

22 7. When a certificate holder pleads guilty or is found
23 guilty of any offense that would authorize the state board of
24 education to seek discipline against that holder's certificate of
25 license to teach, the local board of education or the department
26 of elementary and secondary education shall immediately provide
27 written notice to the state board of education and the attorney
28 general regarding the plea of guilty or finding of guilty.

29 8. The certificate holder whose certificate was revoked

1 pursuant to subsection 6 of this section may appeal such
2 revocation to the state board of education. Notice of this
3 appeal must be received by the commissioner of education within
4 ninety days of notice of revocation pursuant to this subsection.
5 Failure of the certificate holder to notify the commissioner of
6 the intent to appeal waives all rights to appeal the revocation.
7 Upon notice of the certificate holder's intent to appeal, an
8 appeal hearing shall be held by a hearing officer designated by
9 the commissioner of education, with the final decision made by
10 the state board of education, based upon the record of that
11 hearing. The certificate holder shall be given not less than
12 thirty days' notice of the hearing, and an opportunity to be
13 heard by the hearing officer, together with witnesses.

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

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

24 11. Hearings, appeals or other matters involving
25 certificate holders, licensees or applicants pursuant to this
26 section may be informally resolved by consent agreement or agreed
27 settlement or voluntary surrender of the certificate of license
28 pursuant to the rules promulgated by the state board of
29 education.

1 12. The final decision of the state board of education is
2 subject to judicial review pursuant to sections 536.100 to
3 536.140.

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

9 188.023. Any licensed health care professional who delivers
10 a baby or performs an abortion, who has prima facie evidence that
11 a patient has been the victim of statutory rape in the first
12 degree or statutory rape in the second degree, or if the patient
13 is under the age of eighteen, that he or she has been a victim of
14 sexual abuse, including [forcible rape, sexual assault] rape in
15 the first or second degree, or incest, shall be required to
16 report such offenses in the same manner as provided for by
17 section 210.115.

18 211.071. 1. If a petition alleges that a child between the
19 ages of twelve and seventeen has committed an offense which would
20 be considered a felony if committed by an adult, the court may,
21 upon its own motion or upon motion by the juvenile officer, the
22 child or the child's custodian, order a hearing and may, in its
23 discretion, dismiss the petition and such child may be
24 transferred to the court of general jurisdiction and prosecuted
25 under the general law; except that if a petition alleges that any
26 child has committed an offense which would be considered first
27 degree murder under section 565.020, second degree murder under
28 section 565.021, first degree assault under section 565.050,
29 forcible rape under section 566.030 as it existed prior to August

1 28, 2013, rape in the first degree under section 566.030,
2 forcible sodomy under section 566.060 as it existed prior to
3 August 28, 2013, sodomy in the first degree under section
4 566.060, first degree robbery under section 569.020, or
5 distribution of drugs under section 195.211, or has committed two
6 or more prior unrelated offenses which would be felonies if
7 committed by an adult, the court shall order a hearing, and may
8 in its discretion, dismiss the petition and transfer the child to
9 a court of general jurisdiction for prosecution under the general
10 law.

11 2. Upon apprehension and arrest, jurisdiction over the
12 criminal offense allegedly committed by any person between
13 seventeen and twenty-one years of age over whom the juvenile
14 court has retained continuing jurisdiction shall automatically
15 terminate and that offense shall be dealt with in the court of
16 general jurisdiction as provided in section 211.041.

17 3. Knowing and willful age misrepresentation by a juvenile
18 subject shall not affect any action or proceeding which occurs
19 based upon the misrepresentation. Any evidence obtained during
20 the period of time in which a child misrepresents his or her age
21 may be used against the child and will be subject only to rules
22 of evidence applicable in adult proceedings.

23 4. Written notification of a transfer hearing shall be
24 given to the juvenile and his or her custodian in the same manner
25 as provided in sections 211.101 and 211.111. Notice of the
26 hearing may be waived by the custodian. Notice shall contain a
27 statement that the purpose of the hearing is to determine whether
28 the child is a proper subject to be dealt with under the
29 provisions of this chapter, and that if the court finds that the

1 child is not a proper subject to be dealt with under the
2 provisions of this chapter, the petition will be dismissed to
3 allow for prosecution of the child under the general law.

4 5. The juvenile officer may consult with the office of
5 prosecuting attorney concerning any offense for which the child
6 could be certified as an adult under this section. The
7 prosecuting or circuit attorney shall have access to police
8 reports, reports of the juvenile or deputy juvenile officer,
9 statements of witnesses and all other records or reports relating
10 to the offense alleged to have been committed by the child. The
11 prosecuting or circuit attorney shall have access to the
12 disposition records of the child when the child has been
13 adjudicated pursuant to subdivision (3) of subsection 1 of
14 section 211.031. The prosecuting attorney shall not divulge any
15 information regarding the child and the offense until the
16 juvenile court at a judicial hearing has determined that the
17 child is not a proper subject to be dealt with under the
18 provisions of this chapter.

19 6. A written report shall be prepared in accordance with
20 this chapter developing fully all available information relevant
21 to the criteria which shall be considered by the court in
22 determining whether the child is a proper subject to be dealt
23 with under the provisions of this chapter and whether there are
24 reasonable prospects of rehabilitation within the juvenile
25 justice system. These criteria shall include but not be limited
26 to:

27 (1) The seriousness of the offense alleged and whether the
28 protection of the community requires transfer to the court of
29 general jurisdiction;

1 (2) Whether the offense alleged involved viciousness, force
2 and violence;

3 (3) Whether the offense alleged was against persons or
4 property with greater weight being given to the offense against
5 persons, especially if personal injury resulted;

6 (4) Whether the offense alleged is a part of a repetitive
7 pattern of offenses which indicates that the child may be beyond
8 rehabilitation under the juvenile code;

9 (5) The record and history of the child, including
10 experience with the juvenile justice system, other courts,
11 supervision, commitments to juvenile institutions and other
12 placements;

13 (6) The sophistication and maturity of the child as
14 determined by consideration of his home and environmental
15 situation, emotional condition and pattern of living;

16 (7) The age of the child;

17 (8) The program and facilities available to the juvenile
18 court in considering disposition;

19 (9) Whether or not the child can benefit from the treatment
20 or rehabilitative programs available to the juvenile court; and

21 (10) Racial disparity in certification.

22 7. If the court dismisses the petition to permit the child
23 to be prosecuted under the general law, the court shall enter a
24 dismissal order containing:

25 (1) Findings showing that the court had jurisdiction of the
26 cause and of the parties;

27 (2) Findings showing that the child was represented by
28 counsel;

29 (3) Findings showing that the hearing was held in the

1 presence of the child and his counsel; and

2 (4) Findings showing the reasons underlying the court's
3 decision to transfer jurisdiction.

4 8. A copy of the petition and order of the dismissal shall
5 be sent to the prosecuting attorney.

6 9. When a petition has been dismissed thereby permitting a
7 child to be prosecuted under the general law, the jurisdiction of
8 the juvenile court over that child is forever terminated, except
9 as provided in subsection 10 of this section, for an act that
10 would be a violation of a state law or municipal ordinance.

11 10. If a petition has been dismissed thereby permitting a
12 child to be prosecuted under the general law and the child is
13 found not guilty by a court of general jurisdiction, the juvenile
14 court shall have jurisdiction over any later offense committed by
15 that child which would be considered a misdemeanor or felony if
16 committed by an adult, subject to the certification provisions of
17 this section.

18 11. If the court does not dismiss the petition to permit
19 the child to be prosecuted under the general law, it shall set a
20 date for the hearing upon the petition as provided in section
21 211.171.

22 211.447. 1. Any information that could justify the filing
23 of a petition to terminate parental rights may be referred to the
24 juvenile officer by any person. The juvenile officer shall make
25 a preliminary inquiry and if it does not appear to the juvenile
26 officer that a petition should be filed, such officer shall so
27 notify the informant in writing within thirty days of the
28 referral. Such notification shall include the reasons that the
29 petition will not be filed. Thereupon, the informant may bring

1 the matter directly to the attention of the judge of the juvenile
2 court by presenting the information in writing, and if it appears
3 to the judge that the information could justify the filing of a
4 petition, the judge may order the juvenile officer to take
5 further action, including making a further preliminary inquiry or
6 filing a petition.

7 2. Except as provided for in subsection 4 of this section,
8 a petition to terminate the parental rights of the child's parent
9 or parents shall be filed by the juvenile officer or the
10 division, or if such a petition has been filed by another party,
11 the juvenile officer or the division shall seek to be joined as a
12 party to the petition, when:

13 (1) Information available to the juvenile officer or the
14 division establishes that the child has been in foster care for
15 at least fifteen of the most recent twenty-two months; or

16 (2) A court of competent jurisdiction has determined the
17 child to be an abandoned infant. For purposes of this
18 subdivision, an "infant" means any child one year of age or under
19 at the time of filing of the petition. The court may find that
20 an infant has been abandoned if:

21 (a) The parent has left the child under circumstances that
22 the identity of the child was unknown and could not be
23 ascertained, despite diligent searching, and the parent has not
24 come forward to claim the child; or

25 (b) The parent has, without good cause, left the child
26 without any provision for parental support and without making
27 arrangements to visit or communicate with the child, although
28 able to do so; or

29 (3) A court of competent jurisdiction has determined that

1 the parent has:

2 (a) Committed murder of another child of the parent; or

3 (b) Committed voluntary manslaughter of another child of
4 the parent; or

5 (c) Aided or abetted, attempted, conspired or solicited to
6 commit such a murder or voluntary manslaughter; or

7 (d) Committed a felony assault that resulted in serious
8 bodily injury to the child or to another child of the parent.

9 3. A termination of parental rights petition shall be filed
10 by the juvenile officer or the division, or if such a petition
11 has been filed by another party, the juvenile officer or the
12 division shall seek to be joined as a party to the petition,
13 within sixty days of the judicial determinations required in
14 subsection 2 of this section, except as provided in subsection 4
15 of this section. Failure to comply with this requirement shall
16 not deprive the court of jurisdiction to adjudicate a petition
17 for termination of parental rights which is filed outside of
18 sixty days.

19 4. If grounds exist for termination of parental rights
20 pursuant to subsection 2 of this section, the juvenile officer or
21 the division may, but is not required to, file a petition to
22 terminate the parental rights of the child's parent or parents
23 if:

24 (1) The child is being cared for by a relative; or

25 (2) There exists a compelling reason for determining that
26 filing such a petition would not be in the best interest of the
27 child, as documented in the permanency plan which shall be made
28 available for court review; or

29 (3) The family of the child has not been provided such

1 services as provided for in section 211.183.

2 5. The juvenile officer or the division may file a petition
3 to terminate the parental rights of the child's parent when it
4 appears that one or more of the following grounds for termination
5 exist:

6 (1) The child has been abandoned. For purposes of this
7 subdivision a "child" means any child over one year of age at the
8 time of filing of the petition. The court shall find that the
9 child has been abandoned if, for a period of six months or
10 longer:

11 (a) The parent has left the child under such circumstances
12 that the identity of the child was unknown and could not be
13 ascertained, despite diligent searching, and the parent has not
14 come forward to claim the child; or

15 (b) The parent has, without good cause, left the child
16 without any provision for parental support and without making
17 arrangements to visit or communicate with the child, although
18 able to do so;

19 (2) The child has been abused or neglected. In determining
20 whether to terminate parental rights pursuant to this
21 subdivision, the court shall consider and make findings on the
22 following conditions or acts of the parent:

23 (a) A mental condition which is shown by competent evidence
24 either to be permanent or such that there is no reasonable
25 likelihood that the condition can be reversed and which renders
26 the parent unable to knowingly provide the child the necessary
27 care, custody and control;

28 (b) Chemical dependency which prevents the parent from
29 consistently providing the necessary care, custody and control of

1 the child and which cannot be treated so as to enable the parent
2 to consistently provide such care, custody and control;

3 (c) A severe act or recurrent acts of physical, emotional
4 or sexual abuse toward the child or any child in the family by
5 the parent, including an act of incest, or by another under
6 circumstances that indicate that the parent knew or should have
7 known that such acts were being committed toward the child or any
8 child in the family; or

9 (d) Repeated or continuous failure by the parent, although
10 physically or financially able, to provide the child with
11 adequate food, clothing, shelter, or education as defined by law,
12 or other care and control necessary for the child's physical,
13 mental, or emotional health and development. Nothing in this
14 subdivision shall be construed to permit discrimination on the
15 basis of disability or disease;

16 (3) The child has been under the jurisdiction of the
17 juvenile court for a period of one year, and the court finds that
18 the conditions which led to the assumption of jurisdiction still
19 persist, or conditions of a potentially harmful nature continue
20 to exist, that there is little likelihood that those conditions
21 will be remedied at an early date so that the child can be
22 returned to the parent in the near future, or the continuation of
23 the parent-child relationship greatly diminishes the child's
24 prospects for early integration into a stable and permanent home.
25 In determining whether to terminate parental rights under this
26 subdivision, the court shall consider and make findings on the
27 following:

28 (a) The terms of a social service plan entered into by the
29 parent and the division and the extent to which the parties have

1 made progress in complying with those terms;

2 (b) The success or failure of the efforts of the juvenile
3 officer, the division or other agency to aid the parent on a
4 continuing basis in adjusting his circumstances or conduct to
5 provide a proper home for the child;

6 (c) A mental condition which is shown by competent evidence
7 either to be permanent or such that there is no reasonable
8 likelihood that the condition can be reversed and which renders
9 the parent unable to knowingly provide the child the necessary
10 care, custody and control;

11 (d) Chemical dependency which prevents the parent from
12 consistently providing the necessary care, custody and control
13 over the child and which cannot be treated so as to enable the
14 parent to consistently provide such care, custody and control; or

15 (4) The parent has been found guilty or pled guilty to a
16 felony violation of chapter 566 when the child or any child in
17 the family was a victim, or a violation of section 568.020 when
18 the child or any child in the family was a victim. As used in
19 this subdivision, a "child" means any person who was under
20 eighteen years of age at the time of the crime and who resided
21 with such parent or was related within the third degree of
22 consanguinity or affinity to such parent; or

23 (5) The child was conceived and born as a result of an act
24 of forcible rape or rape in the first degree. When the
25 biological father has pled guilty to, or is convicted of, the
26 forcible rape or rape in the first degree of the birth mother,
27 such a plea or conviction shall be conclusive evidence supporting
28 the termination of the biological father's parental rights; or

29 (6) The parent is unfit to be a party to the parent and

1 child relationship because of a consistent pattern of committing
2 a specific abuse, including but not limited to abuses as defined
3 in section 455.010, child abuse or drug abuse before the child or
4 of specific conditions directly relating to the parent and child
5 relationship either of which are determined by the court to be of
6 a duration or nature that renders the parent unable, for the
7 reasonably foreseeable future, to care appropriately for the
8 ongoing physical, mental or emotional needs of the child. It is
9 presumed that a parent is unfit to be a party to the parent-child
10 relationship upon a showing that within a three-year period
11 immediately prior to the termination adjudication, the parent's
12 parental rights to one or more other children were involuntarily
13 terminated pursuant to subsection 2 or 4 of this section or
14 subdivisions (1), (2), (3) or (4) of subsection 5 of this section
15 or similar laws of other states.

16 6. The juvenile court may terminate the rights of a parent
17 to a child upon a petition filed by the juvenile officer or the
18 division, or in adoption cases, by a prospective parent, if the
19 court finds that the termination is in the best interest of the
20 child and when it appears by clear, cogent and convincing
21 evidence that grounds exist for termination pursuant to
22 subsection 2, 4 or 5 of this section.

23 7. When considering whether to terminate the parent-child
24 relationship pursuant to subsection 2 or 4 of this section or
25 subdivision (1), (2), (3) or (4) of subsection 5 of this section,
26 the court shall evaluate and make findings on the following
27 factors, when appropriate and applicable to the case:

- 28 (1) The emotional ties to the birth parent;
- 29 (2) The extent to which the parent has maintained regular

1 visitation or other contact with the child;

2 (3) The extent of payment by the parent for the cost of
3 care and maintenance of the child when financially able to do so
4 including the time that the child is in the custody of the
5 division or other child-placing agency;

6 (4) Whether additional services would be likely to bring
7 about lasting parental adjustment enabling a return of the child
8 to the parent within an ascertainable period of time;

9 (5) The parent's disinterest in or lack of commitment to
10 the child;

11 (6) The conviction of the parent of a felony offense that
12 the court finds is of such a nature that the child will be
13 deprived of a stable home for a period of years; provided,
14 however, that incarceration in and of itself shall not be grounds
15 for termination of parental rights;

16 (7) Deliberate acts of the parent or acts of another of
17 which the parent knew or should have known that subjects the
18 child to a substantial risk of physical or mental harm.

19 8. The court may attach little or no weight to infrequent
20 visitations, communications, or contributions. It is irrelevant
21 in a termination proceeding that the maintenance of the parent-
22 child relationship may serve as an inducement for the parent's
23 rehabilitation.

24 9. In actions for adoption pursuant to chapter 453, the
25 court may hear and determine the issues raised in a petition for
26 adoption containing a prayer for termination of parental rights
27 filed with the same effect as a petition permitted pursuant to
28 subsection 2, 4, or 5 of this section.

29 10. The disability or disease of a parent shall not

1 constitute a basis for a determination that a child is a child in
2 need of care, for the removal of custody of a child from the
3 parent, or for the termination of parental rights without a
4 specific showing that there is a causal relation between the
5 disability or disease and harm to the child.

6 217.010. As used in this chapter and chapter 558, unless
7 the context clearly indicates otherwise, the following terms
8 shall mean:

9 (1) "Administrative segregation unit", a cell for the
10 segregation of offenders from the general population of a
11 facility for relatively extensive periods of time;

12 (2) "Board", the board of probation and parole;

13 (3) "Chief administrative officer", the institutional head
14 of any correctional facility or his designee;

15 (4) "Correctional center", any premises or institution
16 where incarceration, evaluation, care, treatment, or
17 rehabilitation is provided to persons who are under the
18 department's authority;

19 (5) "Department", the department of corrections of the
20 state of Missouri;

21 (6) "Director", the director of the department of
22 corrections or his designee;

23 (7) "Disciplinary segregation", a cell for the segregation
24 of offenders from the general population of a correctional center
25 because the offender has been found to have committed a violation
26 of a division or facility rule and other available means are
27 inadequate to regulate the offender's behavior;

28 (8) "Division", a statutorily created agency within the
29 department or an agency created by the departmental

1 organizational plan;

2 (9) "Division director", the director of a division of the
3 department or his designee;

4 (10) "Local volunteer community board", a board of
5 qualified local community volunteers selected by the court for
6 the purpose of working in partnership with the court and the
7 department of corrections in a reparative probation program;

8 (11) "Nonviolent offender", any offender who is convicted
9 of a crime other than murder in the first or second degree,
10 involuntary manslaughter, kidnapping, rape in the first degree,
11 forcible rape, sodomy in the first degree, forcible sodomy,
12 robbery in the first degree or assault in the first degree;

13 (12) "Offender", a person under supervision or an inmate in
14 the custody of the department;

15 (13) "Probation", a procedure under which a defendant found
16 guilty of a crime upon verdict or plea is released by the court
17 without imprisonment, subject to conditions imposed by the court
18 and subject to the supervision of the board;

19 (14) "Volunteer", any person who, of his own free will,
20 performs any assigned duties for the department or its divisions
21 with no monetary or material compensation.

22 339.100. 1. The commission may, upon its own motion, and
23 shall upon receipt of a written complaint filed by any person,
24 investigate any real estate-related activity of a licensee
25 licensed under sections 339.010 to 339.180 and sections 339.710
26 to 339.860 or an individual or entity acting as or representing
27 themselves as a real estate licensee. In conducting such
28 investigation, if the questioned activity or written complaint
29 involves an affiliated licensee, the commission may forward a

1 copy of the information received to the affiliated licensee's
2 designated broker. The commission shall have the power to hold
3 an investigatory hearing to determine whether there is a
4 probability of a violation of sections 339.010 to 339.180 and
5 sections 339.710 to 339.860. The commission shall have the power
6 to issue a subpoena to compel the production of records and
7 papers bearing on the complaint. The commission shall have the
8 power to issue a subpoena and to compel any person in this state
9 to come before the commission to offer testimony or any material
10 specified in the subpoena. Subpoenas and subpoenas duces tecum
11 issued pursuant to this section shall be served in the same
12 manner as subpoenas in a criminal case. The fees and mileage of
13 witnesses shall be the same as that allowed in the circuit court
14 in civil cases.

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

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

28 (2) Making substantial misrepresentations or false promises
29 or suppression, concealment or omission of material facts in the

1 conduct of his or her business or pursuing a flagrant and
2 continued course of misrepresentation through agents,
3 salespersons, advertising or otherwise in any transaction;

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

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

12 (5) Failure to timely deliver a duplicate original of any
13 and all instruments to any party or parties executing the same
14 where the instruments have been prepared by the licensee or under
15 his or her supervision or are within his or her control,
16 including, but not limited to, the instruments relating to the
17 employment of the licensee or to any matter pertaining to the
18 consummation of a lease, listing agreement or the purchase, sale,
19 exchange or lease of property, or any type of real estate
20 transaction in which he or she may participate as a licensee;

21 (6) Acting for more than one party in a transaction without
22 the knowledge of all parties for whom he or she acts, or
23 accepting a commission or valuable consideration for services
24 from more than one party in a real estate transaction without the
25 knowledge of all parties to the transaction;

26 (7) Paying a commission or valuable consideration to any
27 person for acts or services performed in violation of sections
28 339.010 to 339.180 and sections 339.710 to 339.860;

29 (8) Guaranteeing or having authorized or permitted any

1 licensee to guarantee future profits which may result from the
2 resale of real property;

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

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

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

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

17 (13) Using prizes, money, gifts or other valuable
18 consideration as inducement to secure customers or clients to
19 purchase, lease, sell or list property when the awarding of such
20 prizes, money, gifts or other valuable consideration is
21 conditioned upon the purchase, lease, sale or listing; or
22 soliciting, selling or offering for sale real property by
23 offering free lots, or conducting lotteries or contests, or
24 offering prizes for the purpose of influencing a purchaser or
25 prospective purchaser of real property;

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

29 (15) Violation of, or attempting to violate, directly or

1 indirectly, or assisting or enabling any person to violate, any
2 provision of sections 339.010 to 339.180 and sections 339.710 to
3 339.860, or of any lawful rule adopted pursuant to sections
4 339.010 to 339.180 and sections 339.710 to 339.860;

5 (16) Committing any act which would otherwise be grounds
6 for the commission to refuse to issue a license under section
7 339.040;

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

10 (18) Been finally adjudicated and found guilty, or entered
11 a plea of guilty or nolo contendere, in a criminal prosecution
12 under the laws of this state or any other state or of the United
13 States, for any offense reasonably related to the qualifications,
14 functions or duties of any profession licensed or regulated under
15 this chapter, for any offense an essential element of which is
16 fraud, dishonesty or an act of violence, or for any offense
17 involving moral turpitude, whether or not sentence is imposed;

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

21 (20) Disciplinary action against the holder of a license or
22 other right to practice any profession regulated under sections
23 339.010 to 339.180 and sections 339.710 to 339.860 granted by
24 another state, territory, federal agency, or country upon grounds
25 for which revocation, suspension, or probation is authorized in
26 this state;

27 (21) Been found by a court of competent jurisdiction of
28 having used any controlled substance, as defined in chapter 195,
29 to the extent that such use impairs a person's ability to perform

1 the work of any profession licensed or regulated by sections
2 339.010 to 339.180 and sections 339.710 to 339.860;

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

5 (23) Assisting or enabling any person to practice or offer
6 to practice any profession licensed or regulated under sections
7 339.010 to 339.180 and sections 339.710 to 339.860 who is not
8 registered and currently eligible to practice under sections
9 339.010 to 339.180 and sections 339.710 to 339.860;

10 (24) Use of any advertisement or solicitation which is
11 knowingly false, misleading or deceptive to the general public or
12 persons to whom the advertisement or solicitation is primarily
13 directed;

14 (25) Making any material misstatement, misrepresentation,
15 or omission with regard to any application for licensure or
16 license renewal. As used in this section, "material" means
17 important information about which the commission should be
18 informed and which may influence a licensing decision;

19 (26) Engaging in, committing, or assisting any person in
20 engaging in or committing mortgage fraud, as defined in section
21 443.930.

22 3. After the filing of such complaint, the proceedings will
23 be conducted in accordance with the provisions of law relating to
24 the administrative hearing commission. A finding of the
25 administrative hearing commissioner that the licensee has
26 performed or attempted to perform one or more of the foregoing
27 acts shall be grounds for the suspension or revocation of his
28 license by the commission, or the placing of the licensee on
29 probation on such terms and conditions as the real estate

1 commission shall deem appropriate, or the imposition of a civil
2 penalty by the commission not to exceed two thousand five hundred
3 dollars for each offense. Each day of a continued violation
4 shall constitute a separate offense.

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

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

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

21 (2) Any of the following sexual offenses: rape in the
22 first degree, forcible rape, rape, statutory rape in the first
23 degree, statutory rape in the second degree, rape in the second
24 degree, sexual assault, sodomy in the first degree, forcible
25 sodomy, statutory sodomy in the first degree, statutory sodomy in
26 the second degree, child molestation in the first degree, child
27 molestation in the second degree, sodomy in the second degree,
28 deviate sexual assault, sexual misconduct involving a child,
29 sexual misconduct in the first degree under section 566.090 as it

1 existed prior to August 28, 2013, sexual abuse under section
2 566.100 as it existed prior to August 28, 2013, sexual abuse in
3 the first or second degree, enticement of a child, or attempting
4 to entice a child;

5 (3) Any of the following offenses against the family and
6 related offenses: incest, abandonment of a child in the first
7 degree, abandonment of a child in the second degree, endangering
8 the welfare of a child in the first degree, abuse of a child,
9 using a child in a sexual performance, promoting sexual
10 performance by a child, or trafficking in children;

11 (4) Any of the following offenses involving child
12 pornography and related offenses: promoting obscenity in the
13 first degree, promoting obscenity in the second degree when the
14 penalty is enhanced to a class D felony, promoting child
15 pornography in the first degree, promoting child pornography in
16 the second degree, possession of child pornography in the first
17 degree, possession of child pornography in the second degree,
18 furnishing child pornography to a minor, furnishing pornographic
19 materials to minors, or coercing acceptance of obscene material;
20 and

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

22 6. A person whose license was revoked under subsection 5 of
23 this section may appeal such revocation to the administrative
24 hearing commission. Notice of such appeal must be received by
25 the administrative hearing commission within ninety days of
26 mailing, by certified mail, the notice of revocation. Failure of
27 a person whose license was revoked to notify the administrative
28 hearing commission of his or her intent to appeal waives all
29 rights to appeal the revocation. Upon notice of such person's

1 intent to appeal, a hearing shall be held before the
2 administrative hearing commission.

3 556.036. 1. A prosecution for murder, rape in the first
4 degree, forcible rape, attempted rape in the first degree,
5 attempted forcible rape, sodomy in the first degree, forcible
6 sodomy, attempted sodomy in the first degree, attempted forcible
7 sodomy, or any class A felony may be commenced at any time.

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

11 (1) For any felony, three years, except as provided in
12 subdivision (4) of this subsection;

13 (2) For any misdemeanor, one year;

14 (3) For any infraction, six months;

15 (4) For any violation of section 569.040, when classified
16 as a class B felony, or any violation of section 569.050 or
17 569.055, five years.

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

20 (1) Any offense a material element of which is either fraud
21 or a breach of fiduciary obligation within one year after
22 discovery of the offense by an aggrieved party or by a person who
23 has a legal duty to represent an aggrieved party and who is
24 himself or herself not a party to the offense, but in no case
25 shall this provision extend the period of limitation by more than
26 three years. As used in this subdivision, the term "person who
27 has a legal duty to represent an aggrieved party" shall mean the
28 attorney general or the prosecuting or circuit attorney having
29 jurisdiction pursuant to section 407.553, for purposes of

1 offenses committed pursuant to sections 407.511 to 407.556; and

2 (2) Any offense based upon misconduct in office by a public
3 officer or employee at any time when the defendant is in public
4 office or employment or within two years thereafter, but in no
5 case shall this provision extend the period of limitation by more
6 than three years; and

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

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

17 5. A prosecution is commenced for a misdemeanor or
18 infraction when the information is filed and for a felony when
19 the complaint or indictment is filed.

20 6. The period of limitation does not run:

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

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

26 (3) During any time when a prosecution against the accused
27 for the offense is pending in this state; or

28 (4) During any time when the accused is found to lack
29 mental fitness to proceed pursuant to section 552.020.

1 556.037. Notwithstanding the provisions of section 556.036,
2 prosecutions for unlawful sexual offenses involving a person
3 eighteen years of age or under must be commenced within thirty
4 years after the victim reaches the age of eighteen unless the
5 prosecutions are for rape in the first degree, forcible rape,
6 attempted rape in the first degree, attempted forcible rape,
7 sodomy in the first degree, forcible sodomy, kidnapping,
8 attempted sodomy in the first degree, or attempted forcible
9 sodomy in which case such prosecutions may be commenced at any
10 time.

11 556.061. In this code, unless the context requires a
12 different definition, the following shall apply:

13 (1) "Affirmative defense" has the meaning specified in
14 section 556.056;

15 (2) "Burden of injecting the issue" has the meaning
16 specified in section 556.051;

17 (3) "Commercial film and photographic print processor", any
18 person who develops exposed photographic film into negatives,
19 slides or prints, or who makes prints from negatives or slides,
20 for compensation. The term commercial film and photographic
21 print processor shall include all employees of such persons but
22 shall not include a person who develops film or makes prints for
23 a public agency;

24 (4) "Confinement":

25 (a) A person is in confinement when such person is held in
26 a place of confinement pursuant to arrest or order of a court,
27 and remains in confinement until:

28 a. A court orders the person's release; or

29 b. The person is released on bail, bond, or recognizance,

1 personal or otherwise; or

2 c. A public servant having the legal power and duty to
3 confine the person authorizes his release without guard and
4 without condition that he return to confinement;

5 (b) A person is not in confinement if:

6 a. The person is on probation or parole, temporary or
7 otherwise; or

8 b. The person is under sentence to serve a term of
9 confinement which is not continuous, or is serving a sentence
10 under a work-release program, and in either such case is not
11 being held in a place of confinement or is not being held under
12 guard by a person having the legal power and duty to transport
13 the person to or from a place of confinement;

14 (5) "Consent": consent or lack of consent may be expressed
15 or implied. Assent does not constitute consent if:

16 (a) It is given by a person who lacks the mental capacity
17 to authorize the conduct charged to constitute the offense and
18 such mental incapacity is manifest or known to the actor; or

19 (b) It is given by a person who by reason of youth, mental
20 disease or defect, [or] intoxication, a drug-induced state, or
21 any other reason is manifestly unable or known by the actor to be
22 unable to make a reasonable judgment as to the nature or
23 harmfulness of the conduct charged to constitute the offense; or

24 (c) It is induced by force, duress or deception;

25 (6) "Criminal negligence" has the meaning specified in
26 section 562.016;

27 (7) "Custody", a person is in custody when the person has
28 been arrested but has not been delivered to a place of
29 confinement;

1 (8) "Dangerous felony" means the felonies of arson in the
2 first degree, assault in the first degree, attempted rape in the
3 first degree if physical injury results, attempted forcible rape
4 if physical injury results, attempted sodomy in the first degree
5 if physical injury results, attempted forcible sodomy if physical
6 injury results, rape in the first degree, forcible rape, sodomy
7 in the first degree, forcible sodomy, kidnapping, murder in the
8 second degree, assault of a law enforcement officer in the first
9 degree, domestic assault in the first degree, elder abuse in the
10 first degree, robbery in the first degree, statutory rape in the
11 first degree when the victim is a child less than twelve years of
12 age at the time of the commission of the act giving rise to the
13 offense, statutory sodomy in the first degree when the victim is
14 a child less than twelve years of age at the time of the
15 commission of the act giving rise to the offense, and, abuse of a
16 child [pursuant to subdivision (2) of subsection 3 of] if the
17 child dies as a result of injuries sustained from conduct
18 chargeable under section 568.060, child kidnapping, and parental
19 kidnapping committed by detaining or concealing the whereabouts
20 of the child for not less than one hundred twenty days under
21 section 565.153;

22 (9) "Dangerous instrument" means any instrument, article or
23 substance, which, under the circumstances in which it is used, is
24 readily capable of causing death or other serious physical
25 injury;

26 (10) "Deadly weapon" means any firearm, loaded or unloaded,
27 or any weapon from which a shot, readily capable of producing
28 death or serious physical injury, may be discharged, or a
29 switchblade knife, dagger, billy, blackjack or metal knuckles;

1 (11) "Felony" has the meaning specified in section 556.016;

2 (12) "Forcible compulsion" means either:

3 (a) Physical force that overcomes reasonable resistance; or

4 (b) A threat, express or implied, that places a person in
5 reasonable fear of death, serious physical injury or kidnapping
6 of such person or another person;

7 (13) "Incapacitated" means that physical or mental
8 condition, temporary or permanent, in which a person is
9 unconscious, unable to appraise the nature of such person's
10 conduct, or unable to communicate unwillingness to an act[. A
11 person is not incapacitated with respect to an act committed upon
12 such person if he or she became unconscious, unable to appraise
13 the nature of such person's conduct or unable to communicate
14 unwillingness to an act, after consenting to the act];

15 (14) "Infraction" has the meaning specified in section
16 556.021;

17 (15) "Inhabitable structure" has the meaning specified in
18 section 569.010;

19 (16) "Knowingly" has the meaning specified in section
20 562.016;

21 (17) "Law enforcement officer" means any public servant
22 having both the power and duty to make arrests for violations of
23 the laws of this state, and federal law enforcement officers
24 authorized to carry firearms and to make arrests for violations
25 of the laws of the United States;

26 (18) "Misdemeanor" has the meaning specified in section
27 556.016;

28 (19) "Offense" means any felony, misdemeanor or infraction;

29 (20) "Physical injury" means physical pain, illness, or any

1 impairment of physical condition;

2 (21) "Place of confinement" means any building or facility
3 and the grounds thereof wherein a court is legally authorized to
4 order that a person charged with or convicted of a crime be held;

5 (22) "Possess" or "possessed" means having actual or
6 constructive possession of an object with knowledge of its
7 presence. A person has actual possession if such person has the
8 object on his or her person or within easy reach and convenient
9 control. A person has constructive possession if such person has
10 the power and the intention at a given time to exercise dominion
11 or control over the object either directly or through another
12 person or persons. Possession may also be sole or joint. If one
13 person alone has possession of an object, possession is sole. If
14 two or more persons share possession of an object, possession is
15 joint;

16 (23) "Public servant" means any person employed in any way
17 by a government of this state who is compensated by the
18 government by reason of such person's employment, any person
19 appointed to a position with any government of this state, or any
20 person elected to a position with any government of this state.
21 It includes, but is not limited to, legislators, jurors, members
22 of the judiciary and law enforcement officers. It does not
23 include witnesses;

24 (24) "Purposely" has the meaning specified in section
25 562.016;

26 (25) "Recklessly" has the meaning specified in section
27 562.016;

28 (26) "Ritual" or "ceremony" means an act or series of acts
29 performed by two or more persons as part of an established or

1 prescribed pattern of activity;

2 (27) "Serious emotional injury", an injury that creates a
3 substantial risk of temporary or permanent medical or
4 psychological damage, manifested by impairment of a behavioral,
5 cognitive or physical condition. Serious emotional injury shall
6 be established by testimony of qualified experts upon the
7 reasonable expectation of probable harm to a reasonable degree of
8 medical or psychological certainty;

9 (28) "Serious physical injury" means physical injury that
10 creates a substantial risk of death or that causes serious
11 disfigurement or protracted loss or impairment of the function of
12 any part of the body;

13 (29) "Sexual conduct" means acts of human masturbation;
14 deviate sexual intercourse; sexual intercourse; or physical
15 contact with a person's clothed or unclothed genitals, pubic
16 area, buttocks, or the breast of a female in an act of apparent
17 sexual stimulation or gratification;

18 (30) "Sexual contact" means any touching of the genitals or
19 anus of any person, or the breast of any female person, or any
20 such touching through the clothing, for the purpose of arousing
21 or gratifying sexual desire of any person;

22 (31) "Sexual performance", any performance, or part
23 thereof, which includes sexual conduct by a child who is less
24 than seventeen years of age;

25 (32) "Voluntary act" has the meaning specified in section
26 562.011.

27 558.018. 1. The court shall sentence a person [who has
28 pleaded guilty to or] to an extended term of imprisonment if it
29 finds the defendant is a persistent sexual offender and has been

1 found guilty of [the felony of forcible rape, statutory rape in
2 the first degree, forcible sodomy, statutory sodomy in the first
3 degree or an attempt to commit any of the crimes designated in
4 this subsection to an extended term of imprisonment if it finds
5 the defendant is a persistent sexual offender] attempting to
6 commit or committing the following offenses:

7 (1) Statutory rape in the first degree or statutory sodomy
8 in the first degree;

9 (2) Rape in the first degree or sodomy in the first degree
10 attempted or committed on or after August 28, 2013;

11 (3) Forcible rape committed or attempted any time during
12 the period of August 13, 1980 to August 27, 2013;

13 (4) Forcible sodomy committed or attempted any time during
14 the period of January 1, 1995 to August 27, 2013;

15 (5) Rape committed or attempted before August 13, 1980;

16 (6) Sodomy committed or attempted before January 1, 1995.

17 2. A "persistent sexual offender" is one who has previously
18 [pleaded guilty to or has been found guilty of the felony of
19 forcible rape, rape, statutory rape in the first degree, forcible
20 sodomy, sodomy, statutory sodomy in the first degree or an
21 attempt to commit any of the crimes designated in this
22 subsection] been found guilty of attempting to commit or
23 committing any of the offenses listed in subsection 1 of this
24 section.

25 3. The term of imprisonment for one found to be a
26 persistent sexual offender shall be imprisonment for life without
27 eligibility for probation or parole. Subsection 4 of section
28 558.019 shall not apply to any person imprisoned under this
29 subsection, and "imprisonment for life" shall mean imprisonment

1 for the duration of the person's natural life.

2 4. The court shall sentence a person [who has pleaded
3 guilty to or has] to an extended term of imprisonment as provided
4 for in this section if it finds the defendant is a predatory
5 sexual offender and has been found guilty of [the felony of
6 forcible rape, statutory rape in the first degree, forcible
7 sodomy, statutory sodomy in the first degree, or an attempt to
8 commit any of the preceding crimes or] committing or attempting
9 to commit any of the offenses listed in subsection 1 of this
10 section or committing child molestation in the first degree when
11 classified as a class B felony or sexual abuse when classified as
12 a class B felony to an extended term of imprisonment as provided
13 for in this section if it finds the defendant is a predatory
14 sexual offender.

15 5. For purposes of this section, a "predatory sexual
16 offender" is a person who:

17 (1) Has previously [pleaded guilty to or has] been found
18 guilty of [the felony of forcible rape, rape, statutory rape in
19 the first degree, forcible sodomy, sodomy, statutory sodomy in
20 the first degree, or an attempt to commit any of the preceding
21 crimes or] committing or attempting to commit any of the offenses
22 listed in subsection 1 of this section, or committing child
23 molestation in the first degree when classified as a class B
24 felony or sexual abuse when classified as a class B felony; or

25 (2) Has previously committed an act which would constitute
26 an offense listed in subsection 4 of this section, whether or not
27 the act resulted in a conviction; or

28 (3) Has committed an act or acts against more than one
29 victim which would constitute an offense or offenses listed in

1 subsection 4 of this section, whether or not the defendant was
2 charged with an additional offense or offenses as a result of
3 such act or acts.

4 6. A person found to be a predatory sexual offender shall
5 be imprisoned for life with eligibility for parole, however
6 subsection 4 of section 558.019 shall not apply to persons found
7 to be predatory sexual offenders for the purposes of determining
8 the minimum prison term or the length of sentence as defined or
9 used in such subsection. Notwithstanding any other provision of
10 law, in no event shall a person found to be a predatory sexual
11 offender receive a final discharge from parole.

12 7. Notwithstanding any other provision of law, the court
13 shall set the minimum time required to be served before a
14 predatory sexual offender is eligible for parole, conditional
15 release or other early release by the department of corrections.
16 The minimum time to be served by a person found to be a predatory
17 sexual offender who:

18 (1) Has previously [pleaded guilty to or has] been found
19 guilty of [the felony of forcible rape, rape, statutory rape in
20 the first degree, forcible sodomy, sodomy, statutory sodomy in
21 the first degree, or an attempt to commit any of the preceding
22 crimes and pleads guilty to or is found guilty of the felony of
23 forcible rape, statutory rape in the first degree, forcible
24 sodomy, statutory sodomy in the first degree or an attempt to
25 commit any of the preceding crimes] committing or attempting to
26 commit any of the offenses listed in subsection 1 of this section
27 and is found guilty of committing or attempting to commit any of
28 the offenses listed in subsection 1 of this section shall be any
29 number of years but not less than thirty years;

1 (2) Has previously pleaded guilty to or has been found
2 guilty of child molestation in the first degree when classified
3 as a class B felony or sexual abuse when classified as a class B
4 felony and [pleads guilty to or] is found guilty of attempting to
5 commit or committing [forcible rape, statutory rape in the first
6 degree, forcible sodomy or statutory sodomy in the first degree]
7 any of the offenses listed in subsection 1 of this section shall
8 be any number of years but not less than fifteen years;

9 (3) Has previously [pleaded guilty to or has] been found
10 guilty of [the felony of forcible rape, rape, statutory rape in
11 the first degree, forcible sodomy, sodomy, statutory sodomy in
12 the first degree, or an attempt to commit any of the preceding
13 crimes and pleads guilty to or is found guilty of] committing or
14 attempting to commit any of the offenses listed in subsection 1
15 of this section, or committing child molestation in the first
16 degree when classified as a class B felony or sexual abuse when
17 classified as a class B felony shall be any number of years but
18 not less than fifteen years;

19 (4) Has previously pleaded guilty to or has been found
20 guilty of child molestation in the first degree when classified
21 as a class B felony or sexual abuse when classified as a class B
22 felony, and pleads guilty to or is found guilty of child
23 molestation in the first degree when classified as a class B
24 felony or sexual abuse when classified as a class B felony shall
25 be any number of years but not less than fifteen years;

26 (5) Is found to be a predatory sexual offender pursuant to
27 subdivision (2) or (3) of subsection 5 of this section shall be
28 any number of years within the range to which the person could
29 have been sentenced pursuant to the applicable law if the person

1 was not found to be a predatory sexual offender.

2 8. Notwithstanding any provision of law to the contrary,
3 the department of corrections, or any division thereof, may not
4 furlough an individual found to be and sentenced as a persistent
5 sexual offender or a predatory sexual offender.

6 558.026. 1. Multiple sentences of imprisonment shall run
7 concurrently unless the court specifies that they shall run
8 consecutively; except [that,] in the case of multiple sentences
9 of imprisonment imposed for [the felony of rape, forcible rape,
10 sodomy, forcible sodomy or] any offense committed during or at
11 the same time as, or multiple offenses of, the following
12 felonies:

13 (1) Rape in the first degree, forcible rape, or rape;

14 (2) Statutory rape in the first degree;

15 (3) Sodomy in the first degree, forcible sodomy, or sodomy;

16 (4) Statutory sodomy in the first degree; or

17 (5) An attempt to commit any of the [aforesaid and for
18 other offenses committed during or at the same time as that rape,
19 forcible rape, sodomy, forcible sodomy or an attempt to commit
20 any of the aforesaid, the sentences of imprisonment imposed for
21 the other offenses may run concurrently, but] felonies listed in
22 this subsection.

23
24 In such case, the sentence of imprisonment imposed for [the
25 felony of rape, forcible rape, sodomy, forcible sodomy] any
26 felony listed in this subsection or an attempt to commit any of
27 the aforesaid shall run consecutively to the other sentences.
28 The sentences imposed for any other offense may run concurrently.

29 2. If a person who is on probation, parole or conditional

1 release is sentenced to a term of imprisonment for an offense
2 committed after the granting of probation or parole or after the
3 start of his conditional release term, the court shall direct the
4 manner in which the sentence or sentences imposed by the court
5 shall run with respect to any resulting probation, parole or
6 conditional release revocation term or terms. If the subsequent
7 sentence to imprisonment is in another jurisdiction, the court
8 shall specify how any resulting probation, parole or conditional
9 release revocation term or terms shall run with respect to the
10 foreign sentence of imprisonment.

11 3. A court may cause any sentence it imposes to run
12 concurrently with a sentence an individual is serving or is to
13 serve in another state or in a federal correctional center. If
14 the Missouri sentence is served in another state or in a federal
15 correctional center, subsection 4 of section 558.011 and section
16 217.690 shall apply as if the individual were serving his
17 sentence within the department of corrections of the state of
18 Missouri, except that a personal hearing before the board of
19 probation and parole shall not be required for parole
20 consideration.

21 559.115. 1. Neither probation nor parole shall be granted
22 by the circuit court between the time the transcript on appeal
23 from the offender's conviction has been filed in appellate court
24 and the disposition of the appeal by such court.

25 2. Unless otherwise prohibited by subsection [5] 8 of this
26 section, a circuit court only upon its own motion and not that of
27 the state or the offender shall have the power to grant probation
28 to an offender anytime up to one hundred twenty days after such
29 offender has been delivered to the department of corrections but

1 not thereafter. The court may request information and a
2 recommendation from the department concerning the offender and
3 such offender's behavior during the period of incarceration.
4 Except as provided in this section, the court may place the
5 offender on probation in a program created pursuant to section
6 217.777, or may place the offender on probation with any other
7 conditions authorized by law.

8 3. The court may recommend placement of an offender in a
9 department of corrections one hundred twenty-day program under
10 this [section] subsection or order such placement under
11 subsection 4 of section 559.036. Upon the recommendation or
12 order of the court, the department of corrections shall assess
13 each offender to determine the appropriate one hundred twenty-day
14 program in which to place the offender, [including] which may
15 include placement in the shock incarceration program or
16 institutional treatment program. When the court recommends and
17 receives placement of an offender in a department of corrections
18 one hundred twenty-day program, the offender shall be released on
19 probation if the department of corrections determines that the
20 offender has successfully completed the program except as
21 follows. Upon successful completion of a [treatment] program
22 under this subsection, the board of probation and parole shall
23 advise the sentencing court of an offender's probationary release
24 date thirty days prior to release. [The court shall release the
25 offender unless such release constitutes an abuse of discretion.
26 If the court determined that there is an abuse of discretion, the
27 court may order the execution of the offender's sentence only
28 after conducting a hearing on the matter within ninety to one
29 hundred twenty days of the offender's sentence. If the court

1 does not respond when an offender successfully completes the
2 program, the offender shall be released on probation. Upon
3 successful completion of a shock incarceration program, the board
4 of probation and parole shall advise the sentencing court of an
5 offender's probationary release date thirty days prior to
6 release.】 The court shall follow the recommendation of the
7 department unless the court determines that probation is not
8 appropriate. If the court determines that probation is not
9 appropriate, the court may order the execution of the offender's
10 sentence only after conducting a hearing on the matter within
11 ninety to one hundred twenty days [of the offender's sentence.
12 If the department determines that an offender is not successful
13 in a program, then after one hundred days of incarceration the
14 circuit court shall receive from] from the date the offender was
15 delivered to the department of corrections. If the department
16 determines the offender has not successfully completed a one
17 hundred twenty-day program under this subsection, the offender
18 shall be removed from the program and the court shall be advised
19 of the removal. The department [of corrections a] shall report
20 on the offender's participation in the program and [department]
21 may provide recommendations for terms and conditions of an
22 offender's probation. The court shall then [release the offender
23 on probation or order the offender to remain in the department to
24 serve the sentence imposed] have the power to grant probation or
25 order the execution of the offender's sentence.

26 4. If the court is advised that an offender is not eligible
27 for placement in a one hundred twenty-day program under
28 subsection 3 of this section, the court shall consider other
29 authorized dispositions. If the department of corrections one

1 hundred twenty-day program under subsection 3 of this section is
2 full, the court may place the offender in a private program
3 approved by the department of corrections or the court, the
4 expenses of such program to be paid by the offender, or in an
5 available program offered by another organization. If the
6 offender is convicted of a class C or class D nonviolent felony,
7 the court may order probation while awaiting appointment to
8 treatment.

9 5. Except when the offender has been found to be a
10 predatory sexual offender pursuant to section 558.018, the court
11 shall request [that the offender be placed in the sexual offender
12 assessment unit of the department of corrections] the department
13 of corrections to conduct a sexual offender assessment if the
14 defendant has pleaded guilty to or has been found guilty of
15 sexual abuse when classified as a class B felony. Upon
16 completion of the assessment, the department shall provide to the
17 court a report on the offender and may provide recommendations
18 for terms and conditions of an offender's probation. The
19 assessment shall not be considered a one hundred twenty-day
20 program as provided under subsection 3 of this section. The
21 process for granting probation to an offender who has completed
22 the assessment shall be as provided under subsections 2 and 6 of
23 this section.

24 6. Unless the offender is being granted probation pursuant
25 to successful completion of a one hundred twenty-day program the
26 circuit court shall notify the state in writing when the court
27 intends to grant probation to the offender pursuant to the
28 provisions of this section. The state may, in writing, request a
29 hearing within ten days of receipt of the court's notification

1 that the court intends to grant probation. Upon the state's
2 request for a hearing, the court shall grant a hearing as soon as
3 reasonably possible. If the state does not respond to the
4 court's notice in writing within ten days, the court may proceed
5 upon its own motion to grant probation.

6 7. An offender's first incarceration [for one hundred
7 twenty days for participation in a department of corrections
8 program] under this section prior to release on probation shall
9 not be considered a previous prison commitment for the purpose of
10 determining a minimum prison term under the provisions of section
11 558.019.

12 8. Notwithstanding any other provision of law, probation
13 may not be granted pursuant to this section to offenders who have
14 been convicted of murder in the second degree pursuant to section
15 565.021; forcible rape pursuant to section 566.030 as it existed
16 prior to August 28, 2013; rape in the first degree under section
17 566.030; forcible sodomy pursuant to section 566.060 as it
18 existed prior to August 28, 2013; sodomy in the first degree
19 under section 566.060; statutory rape in the first degree
20 pursuant to section 566.032; statutory sodomy in the first degree
21 pursuant to section 566.062; child molestation in the first
22 degree pursuant to section 566.067 when classified as a class A
23 felony; abuse of a child pursuant to section 568.060 when
24 classified as a class A felony; an offender who has been found to
25 be a predatory sexual offender pursuant to section 558.018; or
26 any offense in which there exists a statutory prohibition against
27 either probation or parole.

28 559.117. 1. The director of the department of corrections
29 is authorized to establish, as a three-year pilot program, a

1 mental health assessment process.

2 2. Only upon a motion filed by the prosecutor in a criminal
3 case, the judge who is hearing the criminal case in a
4 participating county may request that an offender be placed in
5 the department of corrections for one hundred twenty days for a
6 mental health assessment and for treatment if it appears that the
7 offender has a mental disorder or mental illness such that the
8 offender may qualify for probation including community
9 psychiatric rehabilitation (CPR) programs and such probation is
10 appropriate and not inconsistent with public safety. Before the
11 judge rules upon the motion, the victim shall be given notice of
12 such motion and the opportunity to be heard. Upon recommendation
13 of the court, the department shall determine the offender's
14 eligibility for the mental health assessment process.

15 3. Following this assessment and treatment period, an
16 assessment report shall be sent to the sentencing court and the
17 sentencing court may, if appropriate, release the offender on
18 probation. The offender shall be supervised on probation by a
19 state probation and parole officer, who shall work cooperatively
20 with the department of mental health to enroll eligible offenders
21 in community psychiatric rehabilitation (CPR) programs.

22 4. Notwithstanding any other provision of law, probation
23 shall not be granted under this section to offenders who:

24 (1) Have been found guilty of, or plead guilty to, murder
25 in the second degree under section 565.021;

26 (2) Have been found guilty of, or plead guilty to, rape in
27 the first degree under section 566.030 or forcible rape under
28 section 566.030 as it existed prior to August 28, 2013;

29 (3) Have been found guilty of, or plead guilty to,

1 statutory rape in the first degree under section 566.032;

2 (4) Have been found guilty of, or plead guilty to, sodomy
3 in the first degree under section 566.060 or forcible sodomy
4 under section 566.060 as it existed prior to August 28, 2013;

5 (5) Have been found guilty of, or plead guilty to,
6 statutory sodomy in the first degree under section 566.062;

7 (6) Have been found guilty of, or plead guilty to, child
8 molestation in the first degree under section 566.067 when
9 classified as a class A felony;

10 (7) Have been found to be a predatory sexual offender under
11 section 558.018; or

12 (8) Have been found guilty of, or plead guilty to, any
13 offense for which there exists a statutory prohibition against
14 either probation or parole.

15 5. At the end of the three-year pilot, the director of the
16 department of corrections and the director of the department of
17 mental health shall jointly submit recommendations to the
18 governor and to the general assembly by December 31, 2015, on
19 whether to expand the process statewide.

20 566.020. 1. [Whenever in this chapter the criminality of
21 conduct depends upon a victim's being incapacitated, no crime is
22 committed if the actor reasonably believed that the victim was
23 not incapacitated and reasonably believed that the victim
24 consented to the act. The defendant shall have the burden of
25 injecting the issue of belief as to capacity and consent.

26 2.] Whenever in this chapter the criminality of conduct
27 depends upon a child being thirteen years of age or younger, it
28 is no defense that the defendant believed the child to be older.

29 [3.] 2. Whenever in this chapter the criminality of conduct

1 depends upon a child being under seventeen years of age, it is an
2 affirmative defense that the defendant reasonably believed that
3 the child was seventeen years of age or older.

4 [4.] 3. Consent is not an affirmative defense to any
5 offense under chapter 566 if the alleged victim is less than
6 twelve years of age.

7 566.030. 1. A person commits the [crime] offense of
8 [forcible] rape in the first degree if [such person] he or she
9 has sexual intercourse with another person who is incapacitated,
10 incapable of consent, or lacks the capacity to consent, or by the
11 use of forcible compulsion. Forcible compulsion includes the use
12 of a substance administered without a victim's knowledge or
13 consent which renders the victim physically or mentally impaired
14 so as to be incapable of making an informed consent to sexual
15 intercourse.

16 2. [Forcible] The offense of rape in the first degree or an
17 attempt to commit [forcible] rape in the first degree is a felony
18 for which the authorized term of imprisonment is life
19 imprisonment or a term of years not less than five years, unless:

20 (1) In the course thereof the actor inflicts serious
21 physical injury or displays a deadly weapon or dangerous
22 instrument in a threatening manner or subjects the victim to
23 sexual intercourse or deviate sexual intercourse with more than
24 one person, in which case the authorized term of imprisonment is
25 life imprisonment or a term of years not less than fifteen years;

26 (2) The victim is a child less than twelve years of age, in
27 which case the required term of imprisonment is life imprisonment
28 without eligibility for probation or parole until the [defendant]
29 offender has served not less than thirty years of such sentence

1 or unless the [defendant] offender has reached the age of
2 seventy-five years and has served at least fifteen years of such
3 sentence, unless such [forcible] rape in the first degree is
4 described under subdivision (3) of this subsection; or

5 (3) The victim is a child less than twelve years of age and
6 such [forcible] rape in the first degree or attempt to commit
7 rape in the first degree was outrageously or wantonly vile,
8 horrible or inhumane, in that it involved torture or depravity of
9 mind, in which case the required term of imprisonment is life
10 imprisonment without eligibility for probation, parole or
11 conditional release.

12 3. Subsection 4 of section 558.019 shall not apply to the
13 sentence of a person who has [pleaded guilty to or has] been
14 found guilty of [forcible] rape in the first degree or attempt to
15 commit rape in the first degree when the victim is [under the age
16 of] less than twelve years of age, and "life imprisonment" shall
17 mean imprisonment for the duration of a person's natural life for
18 the purposes of this section.

19 4. No person found guilty of [or pleading guilty to
20 forcible] rape in the first degree or an attempt to commit
21 [forcible] rape in the first degree shall be granted a suspended
22 imposition of sentence or suspended execution of sentence.

23 [566.040.] 566.031. 1. A person commits the [crime]
24 offense of [sexual assault] rape in the second degree if he or
25 she has sexual intercourse with another person knowing that he or
26 she does so without that person's consent.

27 2. [Sexual assault] The offense of rape in the second
28 degree is a class C felony.

1 566.060. 1. A person commits the [crime] offense of
2 [forcible] sodomy in the first degree if [such person] he or she
3 has deviate sexual intercourse with another person who is
4 incapacitated, incapable of consent, or lacks the capacity to
5 consent, or by the use of forcible compulsion. Forcible
6 compulsion includes the use of a substance administered without a
7 victim's knowledge or consent which renders the victim physically
8 or mentally impaired so as to be incapable of making an informed
9 consent to sexual intercourse.

10 2. [Forcible] The offense of sodomy in the first degree or
11 an attempt to commit [forcible] sodomy in the first degree is a
12 felony for which the authorized term of imprisonment is life
13 imprisonment or a term of years not less than five years, unless:

14 (1) In the course thereof the actor inflicts serious
15 physical injury or displays a deadly weapon or dangerous
16 instrument in a threatening manner or subjects the victim to
17 sexual intercourse or deviate sexual intercourse with more than
18 one person, in which case the authorized term of imprisonment is
19 life imprisonment or a term of years not less than ten years; or

20 (2) The victim is a child less than twelve years [of age]
21 old, in which case the required term of imprisonment is life
22 imprisonment without eligibility for probation or parole until
23 the [defendant] offender has served not less than thirty years of
24 such sentence or unless the [defendant] offender has reached the
25 age of seventy-five years and has served at least fifteen years
26 of such sentence, unless such [forcible] sodomy in the first
27 degree is described under subdivision (3) of this subsection; or

28 (3) The victim is a child less than twelve years of age and
29 such [forcible] sodomy in the first degree or attempt to commit

1 sodomy in the first degree was outrageously or wantonly vile,
2 horrible or inhumane, in that it involved torture or depravity of
3 mind, in which case the required term of imprisonment is life
4 imprisonment without eligibility for probation, parole or
5 conditional release.

6 3. Subsection 4 of section 558.019 shall not apply to the
7 sentence of a person who has [pleaded guilty to or has] been
8 found guilty of [forcible] sodomy in the first degree or an
9 attempt to commit sodomy in the first degree when the victim is
10 [under the age of] less than twelve years of age, and "life
11 imprisonment" shall mean imprisonment for the duration of a
12 person's natural life for the purposes of this section.

13 4. No person found guilty of [or pleading guilty to
14 forcible] sodomy in the first degree or an attempt to commit
15 [forcible] sodomy in the first degree shall be granted a
16 suspended imposition of sentence or suspended execution of
17 sentence.

18 [566.070.] 566.061. 1. A person commits the [crime of
19 deviate sexual assault] offense of sodomy in the second degree if
20 he or she has deviate sexual intercourse with another person
21 knowing that he or she does so without that person's consent.

22 2. [Deviate sexual assault] The offense of sodomy in the
23 second degree is a class C felony.

24 566.093. 1. A person commits the [crime] offense of sexual
25 misconduct in the [second] first degree if such person:

26 (1) Exposes his or her genitals under circumstances in
27 which he or she knows that his or her conduct is likely to cause
28 affront or alarm;

1 (2) Has sexual contact in the presence of a third person or
2 persons under circumstances in which he or she knows that such
3 conduct is likely to cause affront or alarm; or

4 (3) Has sexual intercourse or deviate sexual intercourse in
5 a public place in the presence of a third person.

6 2. The offense of sexual misconduct in the [second] first
7 degree is a class B misdemeanor unless the [actor] person has
8 previously been [convicted] found guilty of an offense under this
9 chapter, in which case it is a class A misdemeanor.

10 566.095. 1. A person commits the [crime] offense of sexual
11 misconduct in the [third] second degree if he or she solicits or
12 requests another person to engage in sexual conduct under
13 circumstances in which he or she knows that [his requests] such
14 request or solicitation is likely to cause affront or alarm.

15 2. The offense of sexual misconduct in the [third] second
16 degree is a class C misdemeanor.

17 566.100. 1. A person commits the [crime] offense of sexual
18 abuse in the first degree if he or she subjects another person to
19 sexual contact when that person is incapacitated, incapable of
20 consent, or lacks the capacity to consent, or by the use of
21 forcible compulsion.

22 2. The offense of sexual abuse in the first degree is a
23 class C felony unless in the course thereof the actor inflicts
24 serious physical injury or displays a deadly weapon or dangerous
25 instrument in a threatening manner or subjects the victim to
26 sexual contact with more than one person or the victim is less
27 than fourteen years of age, in which case [the crime] it is a
28 class B felony.

1 [566.090.] 566.101. 1. A person commits the [crime]
2 offense of sexual [misconduct] abuse in the [first] second degree
3 if [such person] he or she purposely subjects another person to
4 sexual contact without that person's consent.

5 2. The offense of sexual [misconduct] abuse in the [first]
6 second degree is a class A misdemeanor, unless the actor has
7 previously been convicted of an offense under this chapter or
8 unless in the course thereof the actor displays a deadly weapon
9 in a threatening manner or the offense is committed as a part of
10 a ritual or ceremony, in which case it is a class D felony.

11 566.224. No prosecuting or circuit attorney, peace officer,
12 governmental official, or employee of a law enforcement agency
13 shall request or require a victim of rape in the second degree
14 under section 566.031, sexual assault under section 566.040 as it
15 existed prior to August 28, 2013, rape in the first degree under
16 section 566.030, or forcible rape under section 566.030 as it
17 existed prior to August 28, 2013 to submit to any polygraph test
18 or psychological stress evaluator exam as a condition for
19 proceeding with a criminal investigation of such crime.

20 566.226. 1. After August 28, 2007, any information
21 contained in any court record, whether written or published on
22 the internet, that could be used to identify or locate any victim
23 of sexual assault, domestic assault, stalking, rape in the first
24 or second degree, or forcible rape shall be closed and redacted
25 from such record prior to disclosure to the public. Identifying
26 information shall include the name, home or temporary address,
27 telephone number, Social Security number or physical
28 characteristics.

29 2. If the court determines that a person or entity who is

1 requesting identifying information of a victim has a legitimate
2 interest in obtaining such information, the court may allow
3 access to the information, but only if the court determines that
4 disclosure to the person or entity would not compromise the
5 welfare or safety of such victim.

6 3. Notwithstanding the provisions of subsection 1 of this
7 section, the judge presiding over a sexual assault, domestic
8 assault, stalking, [or] forcible rape, or rape in the first or
9 second degree case shall have the discretion to publicly disclose
10 identifying information regarding the defendant which could be
11 used to identify or locate the victim of the crime. The victim
12 may provide a statement to the court regarding whether he or she
13 desires such information to remain closed. When making the
14 decision to disclose such information, the judge shall consider
15 the welfare and safety of the victim and any statement to the
16 court received from the victim regarding the disclosure.

17 589.015. As used in sections 589.010 to 589.040:

18 (1) The term "center" shall mean the state center for the
19 prevention and control of sexual assault established pursuant to
20 section 589.030;

21 (2) The term "sexual assault" shall include:

22 (a) The acts of rape in the first or second degree,
23 forcible rape, rape, statutory rape in the first degree,
24 statutory rape in the second degree, sexual assault, sodomy in
25 the first or second degree, forcible sodomy, sodomy, statutory
26 sodomy in the first degree, statutory sodomy in the second
27 degree, child molestation in the first degree, child molestation
28 in the second degree, deviate sexual assault, sexual misconduct
29 and sexual abuse, or attempts to commit any of the aforesaid, as

1 these acts are defined in chapter 566;

2 (b) The act of incest, as this act is defined in section
3 568.020;

4 (c) The act of abuse of a child, as defined in subdivision
5 (1) of subsection 1 of section 568.060, which involves sexual
6 contact, and as defined in subdivision (2) of subsection 1 of
7 section 568.060;

8 (d) The act of use of a child in a sexual performance as
9 defined in section 568.080; and

10 (e) The act of enticement of a child, as defined in section
11 566.151, or any attempt to commit such act.

12 590.700. 1. As used in this section, the following terms
13 shall mean:

14 (1) "Custodial interrogation", the questioning of a person
15 under arrest, who is no longer at the scene of the crime, by a
16 member of a law enforcement agency along with the answers and
17 other statements of the person questioned. "Custodial
18 interrogation" shall not include:

19 (a) A situation in which a person voluntarily agrees to
20 meet with a member of a law enforcement agency;

21 (b) A detention by a law enforcement agency that has not
22 risen to the level of an arrest;

23 (c) Questioning that is routinely asked during the
24 processing of the arrest of the suspect;

25 (d) Questioning pursuant to an alcohol influence report;

26 (e) Questioning during the transportation of a suspect;

27 (2) "Recorded" and "recording", any form of audiotape,
28 videotape, motion picture, or digital recording.

29 2. All custodial interrogations of persons suspected of

1 committing or attempting to commit murder in the first degree,
2 murder in the second degree, assault in the first degree, assault
3 of a law enforcement officer in the first degree, domestic
4 assault in the first degree, elder abuse in the first degree,
5 robbery in the first degree, arson in the first degree, rape in
6 the first degree, forcible rape, sodomy in the first degree,
7 forcible sodomy, kidnapping, statutory rape in the first degree,
8 statutory sodomy in the first degree, child abuse, or child
9 kidnapping shall be recorded when feasible.

10 3. Law enforcement agencies may record an interrogation in
11 any circumstance with or without the knowledge or consent of a
12 suspect, but they shall not be required to record an
13 interrogation under subsection 2 of this section:

14 (1) If the suspect requests that the interrogation not be
15 recorded;

16 (2) If the interrogation occurs outside the state of
17 Missouri;

18 (3) If exigent public safety circumstances prevent
19 recording;

20 (4) To the extent the suspect makes spontaneous statements;

21 (5) If the recording equipment fails; or

22 (6) If recording equipment is not available at the location
23 where the interrogation takes place.

24 4. Each law enforcement agency shall adopt a written policy
25 to record custodial interrogations of persons suspected of
26 committing or attempting to commit the felony crimes described in
27 subsection 2 of this section.

28 5. If a law enforcement agency fails to comply with the
29 provisions of this section, the governor may withhold any state

1 funds appropriated to the noncompliant law enforcement agency if
2 the governor finds that the agency did not act in good faith in
3 attempting to comply with the provisions of this section.

4 6. Nothing in this section shall be construed as a ground
5 to exclude evidence, and a violation of this section shall not
6 have impact other than that provided for in subsection 5 of this
7 section. Compliance or noncompliance with this section shall not
8 be admitted as evidence, argued, referenced, considered or
9 questioned during a criminal trial.

10 7. Nothing contained in this section shall be construed to
11 authorize, create, or imply a private cause of action."; and

12 Further amend said bill, page 1, section 632.480, line 11,
13 by inserting immediately after "felonies of" the following:
14 "rape in the first degree,"; and further amend line 12, by
15 inserting immediately after "degree," the following: "sodomy in
16 the first degree,"; and further amend line 14, by inserting
17 immediately after "first degree," the following: "rape in the
18 second degree,"; and further amend line 15, by inserting
19 immediately after "first degree," the following: "sodomy in the
20 second degree,"; and

21 Further amend said bill, page 8, section B, line 2, by
22 inserting immediately after "offenses" the following: "and to
23 protect children"; and further amend said line, by striking
24 "section 632.480 of section A" and inserting in lieu thereof the
25 following: "sections 556.061, 568.060, and 632.480"; and further
26 amend lines 5-6, by striking "section 632.480 of section A" and
27 inserting in lieu thereof the following: "sections 556.061,
28 568.060, and 632.480"; and

29 Further amend the title and enacting clause accordingly.