

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 491

AN ACT

To repeal sections 160.261, 167.115, 167.171, 168.071,
195.005, 195.010, 195.015, 195.017, 195.025, 195.030,
195.040, 195.050, 195.080, 195.100, 195.110, 195.130,
195.135, 195.140, 195.150, 195.180, 195.190, 195.195,
195.198, 195.202, 195.204, 195.211, 195.212, 195.213,
195.214, 195.217, 195.218, 195.219, 195.222, 195.223,
195.226, 195.233, 195.235, 195.241, 195.242, 195.246,
195.248, 195.252, 195.254, 195.256, 195.275, 195.280,
195.285, 195.291, 195.292, 195.295, 195.296, 195.367,
195.369, 195.371, 195.375, 195.417, 195.418, 195.420,
195.501, 195.503, 195.505, 195.507, 195.509, 195.511,
195.515, 198.070, 210.117, 210.1012, 211.038, 217.010,
217.360, 217.364, 217.703, 217.735, 217.785, 221.025,
221.111, 260.211, 302.020, 302.309, 302.321, 302.540,
302.541, 302.700, 302.780, 303.025, 306.110, 306.111,
306.112, 306.114, 306.116, 306.117, 306.118, 306.119,
306.141, 311.325, 556.011, 556.016, 556.021, 556.022,
556.026, 556.037, 556.051, 556.056, 556.061, 556.063,
557.016, 557.021, 557.026, 557.035, 557.036, 557.041,
557.046, 558.011, 558.016, 558.018, 558.019, 558.041,
558.046, 559.036, 559.100, 559.106, 559.115, 559.600,
559.633, 560.011, 560.016, 560.021, 560.026, 560.031,
560.036, 564.011, 564.016, 565.002, 565.004, 565.021,
565.024, 565.025, 565.050, 565.060, 565.063, 565.065,
565.070, 565.072, 565.073, 565.074, 565.075, 565.080,
565.081, 565.082, 565.083, 565.084, 565.085, 565.086,
565.090, 565.092, 565.095, 565.100, 565.110, 565.115,
565.120, 565.130, 565.140, 565.149, 565.150, 565.153,
565.156, 565.160, 565.163, 565.165, 565.169, 565.180,
565.182, 565.184, 565.186, 565.188, 565.190, 565.200,
565.210, 565.212, 565.214, 565.216, 565.218, 565.220,
565.225, 565.250, 565.252, 565.253, 565.255, 565.350,
566.010, 566.013, 566.020, 566.023, 566.030, 566.032,
566.060, 566.062, 566.067, 566.068, 566.083, 566.086,
566.093, 566.100, 566.101, 566.135, 566.140, 566.141,
566.145, 566.147, 566.148, 566.149, 566.150, 566.153,
566.155, 566.209, 566.212, 566.213, 566.215, 566.218,

566.221, 566.224, 566.226, 566.265, 567.010, 567.020,
 567.030, 567.040, 567.070, 567.080, 567.085, 567.087,
 567.110, 568.020, 568.030, 568.032, 568.040, 568.045,
 568.050, 568.052, 568.060, 568.070, 568.080, 568.090,
 568.100, 568.120, 569.010, 569.020, 569.025, 569.030,
 569.035, 569.060, 569.065, 569.067, 569.070, 569.072,
 569.090, 569.094, 569.095, 569.097, 569.099, 569.100,
 569.145, 570.010, 570.020, 570.030, 570.033, 570.040,
 570.050, 570.055, 570.080, 570.085, 570.087, 570.103,
 570.120, 570.123, 570.125, 570.130, 570.135, 570.140,
 570.145, 570.155, 570.160, 570.170, 570.180, 570.190,
 570.217, 570.219, 570.220, 570.222, 570.223, 570.225,
 570.226, 570.230, 570.235, 570.240, 570.241, 570.245,
 570.255, 570.300, 570.380, 572.020, 572.120, 573.010,
 573.013, 573.020, 573.025, 573.030, 573.035, 573.040,
 573.050, 573.052, 573.060, 573.065, 573.100, 573.500,
 573.509, 573.528, 573.531, 574.020, 574.030, 574.075,
 574.085, 574.115, 575.021, 575.145, 575.153, 575.280,
 575.350, 575.353, 576.050, 577.001, 577.005, 577.006,
 577.010, 577.012, 577.017, 577.020, 577.021, 577.023,
 577.026, 577.029, 577.031, 577.037, 577.039, 577.049,
 577.051, 577.052, 577.054, 577.060, 577.065, 577.068,
 577.070, 577.071, 577.076, 577.090, 577.100, 577.105,
 577.110, 577.150, 577.155, 577.160, 577.161, 577.201,
 577.203, 577.206, 577.208, 577.211, 577.214, 577.217,
 577.221, 577.500, 577.505, 577.510, 577.515, 577.520,
 577.525, 577.530, 577.600, 577.602, 577.604, 577.606,
 577.608, 577.610, 577.612, 577.614, 577.625, 577.628,
 577.675, 577.680, 578.008, 578.009, 578.150, 578.154,
 578.200, 578.205, 578.210, 578.215, 578.220, 578.225,
 578.250, 578.255, 578.260, 578.265, 578.300, 578.305,
 578.310, 578.315, 578.320, 578.325, 578.330, 578.350,
 578.353, 578.360, 578.363, 578.365, 578.375, 578.377,
 578.379, 578.381, 578.383, 578.385, 578.387, 578.389,
 578.390, 578.392, 578.405, 578.407, 578.409, 578.412,
 578.414, 578.416, 578.418, 578.420, 578.421, 578.430,
 578.433, 578.450, 578.500, 578.501, 578.502, 578.503,
 578.510, 578.570, 589.015, 589.400, 632.480, 660.250,
 660.255, 660.260, 660.261, 660.263, 660.265, 660.270,
 660.275, 660.280, 660.285, 660.290, 660.295, 660.300,
 660.305, 660.310, 660.315, 660.317, 660.320, and
 660.321, RSMo, section 302.060 as enacted by conference
 committee substitute for house committee substitute for
 senate bill no. 23, ninety-seventh general assembly,
 first regular session, section 302.060 as enacted by
 conference committee substitute for senate substitute
 for senate committee substitute for house committee
 substitute for house bill no. 1402 merged with
 conference committee substitute for house committee
 substitute no. 2 for senate committee substitute for
 senate bill no. 480, ninety-sixth general assembly,

second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 577.041 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, and to enact in lieu thereof three hundred ninety-three new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date.

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

1 Section A. 160.261, 167.115, 167.171, 168.071, 195.005,
2 195.010, 195.015, 195.017, 195.025, 195.030, 195.040, 195.050,
3 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150,
4 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211,
5 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222,
6 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246,
7 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285,
8 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371,
9 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505,
10 195.507, 195.509, 195.511, 195.515, 198.070, 210.117, 210.1012,
11 211.038, 217.010, 217.360, 217.364, 217.703, 217.735, 217.785,
12 221.025, 221.111, 260.211, 302.020, 302.309, 302.321, 302.540,
13 302.541, 302.700, 302.780, 303.025, 306.110, 306.111, 306.112,
14 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 311.325,
15 556.011, 556.016, 556.021, 556.022, 556.026, 556.037, 556.051,
16 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.035,

1 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019,
2 558.041, 558.046, 559.036, 559.100, 559.106, 559.115, 559.600,
3 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036,
4 564.011, 564.016, 565.002, 565.004, 565.021, 565.024, 565.025,
5 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073,
6 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084,
7 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110,
8 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153,
9 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182,
10 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212,
11 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252,
12 565.253, 565.255, 565.350, 566.010, 566.013, 566.020, 566.023,
13 566.030, 566.032, 566.060, 566.062, 566.067, 566.068, 566.083,
14 566.086, 566.093, 566.100, 566.101, 566.135, 566.140, 566.141,
15 566.145, 566.147, 566.148, 566.149, 566.150, 566.153, 566.155,
16 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224,
17 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.070,
18 567.080, 567.085, 567.087, 567.110, 568.020, 568.030, 568.032,
19 568.040, 568.045, 568.050, 568.052, 568.060, 568.070, 568.080,
20 568.090, 568.100, 568.120, 569.010, 569.020, 569.025, 569.030,
21 569.035, 569.060, 569.065, 569.067, 569.070, 569.072, 569.090,
22 569.094, 569.095, 569.097, 569.099, 569.100, 569.145, 570.010,
23 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.080,
24 570.085, 570.087, 570.103, 570.120, 570.123, 570.125, 570.130,
25 570.135, 570.140, 570.145, 570.155, 570.160, 570.170, 570.180,
26 570.190, 570.217, 570.219, 570.220, 570.222, 570.223, 570.225,
27 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255,
28 570.300, 570.380, 572.020, 572.120, 573.010, 573.013, 573.020,

1 573.025, 573.030, 573.035, 573.040, 573.050, 573.052, 573.060,
2 573.065, 573.100, 573.500, 573.509, 573.528, 573.531, 574.020,
3 574.030, 574.075, 574.085, 574.115, 575.021, 575.145, 575.153,
4 575.280, 575.350, 575.353, 576.050, 577.001, 577.005, 577.006,
5 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026,
6 577.029, 577.031, 577.037, 577.039, 577.049, 577.051, 577.052,
7 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.076,
8 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160,
9 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214,
10 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520,
11 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608,
12 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680,
13 578.008, 578.009, 578.150, 578.154, 578.200, 578.205, 578.210,
14 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265,
15 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330,
16 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377,
17 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390,
18 578.392, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416,
19 578.418, 578.420, 578.421, 578.430, 578.433, 578.450, 578.500,
20 578.501, 578.502, 578.503, 578.510, 578.570, 589.015, 589.400,
21 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265,
22 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300,
23 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321, RSMo,
24 section 302.060 as enacted by conference committee substitute for
25 house committee substitute for senate bill no. 23, ninety-seventh
26 general assembly, first regular session, section 302.060 as
27 enacted by conference committee substitute for senate substitute
28 for senate committee substitute for house committee substitute

1 for house bill no. 1402 merged with conference committee
2 substitute for house committee substitute no. 2 for senate
3 committee substitute for senate bill no. 480, ninety-sixth
4 general assembly, second regular session, section 302.304 as
5 enacted by conference committee substitute for house committee
6 substitute for senate bill no. 23, ninety-seventh general
7 assembly, first regular session, section 302.304 as enacted by
8 conference committee substitute for house committee substitute
9 no. 2 for senate committee substitute for senate bill no. 480,
10 ninety-sixth general assembly, second regular session, section
11 577.041 as enacted by conference committee substitute for house
12 committee substitute for senate bill no. 23, ninety-seventh
13 general assembly, first regular session, and section 577.041 as
14 enacted by senate substitute for senate committee substitute for
15 house committee substitute for house bill nos. 1695, 1742 & 1672,
16 ninety-fifth general assembly, second regular session, are
17 repealed and three hundred ninety-three new sections enacted in
18 lieu thereof, to be known as sections 43.544, 160.261, 167.115,
19 167.171, 168.071, 195.005, 195.010, 195.015, 195.017, 195.030,
20 195.040, 195.050, 195.080, 195.100, 195.140, 195.150, 195.190,
21 195.195, 195.198, 195.375, 195.417, 195.418, 197.1000, 197.1002,
22 197.1004, 197.1006, 197.1008, 197.1010, 197.1012, 197.1014,
23 197.1016, 197.1018, 197.1020, 197.1022, 197.1024, 197.1026,
24 197.1028, 197.1030, 197.1032, 197.1034, 197.1036, 197.1038,
25 197.1040, 197.1042, 198.070, 210.117, 210.1012, 211.038, 217.010,
26 217.364, 217.703, 217.735, 217.785, 221.025, 221.111, 260.211,
27 302.020, 302.060, 302.304, 302.309, 302.321, 302.400, 302.405,
28 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442,

1 302.454, 302.456, 302.458, 302.460, 302.462, 302.540, 302.541,
2 302.574, 302.580, 302.584, 302.592, 302.700, 302.780, 303.025,
3 305.125, 305.126, 311.315, 311.325, 351.493, 479.172, 513.660,
4 537.123, 537.127, 542.425, 544.218, 544.472, 545.940, 556.011,
5 556.021, 556.026, 556.037, 556.038, 556.061, 556.101, 557.016,
6 557.021, 557.026, 557.035, 557.036, 557.051, 558.002, 558.004,
7 558.006, 558.008, 558.011, 558.016, 558.019, 558.041, 558.046,
8 559.036, 559.100, 559.106, 559.115, 559.600, 559.633, 562.012,
9 562.014, 565.002, 565.004, 565.010, 565.021, 565.024, 565.027,
10 565.029, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073,
11 565.074, 565.076, 565.079, 565.090, 565.091, 565.110, 565.115,
12 565.120, 565.130, 565.140, 565.150, 565.153, 565.156, 565.160,
13 565.163, 565.184, 565.188, 565.189, 565.218, 565.222, 565.225,
14 565.227, 565.240, 565.252, 566.010, 566.020, 566.023, 566.030,
15 566.032, 566.060, 566.062, 566.067, 566.068, 566.069, 566.071,
16 566.083, 566.086, 566.093, 566.100, 566.101, 566.115, 566.116,
17 566.125, 566.145, 566.147, 566.148, 566.149, 566.150, 566.153,
18 566.155, 566.209, 566.210, 566.211, 566.215, 566.218, 567.010,
19 567.020, 567.030, 567.070, 567.080, 567.085, 567.087, 567.110,
20 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.060,
21 568.070, 569.010, 569.053, 569.060, 569.065, 569.090, 569.095,
22 569.097, 569.099, 569.100, 569.132, 569.135, 569.137, 569.145,
23 570.010, 570.020, 570.023, 570.025, 570.030, 570.039, 570.057,
24 570.085, 570.103, 570.120, 570.125, 570.130, 570.135, 570.140,
25 570.145, 570.180, 570.217, 570.219, 570.220, 570.223, 570.225,
26 570.300, 570.302, 570.350, 570.375, 570.380, 570.400, 570.402,
27 570.404, 570.406, 570.408, 570.410, 572.015, 572.020, 573.010,
28 573.020, 573.025, 573.030, 573.035, 573.040, 573.050, 573.052,

1 573.060, 573.065, 573.100, 573.200, 573.205, 573.509, 573.531,
2 574.005, 574.020, 574.075, 574.080, 574.085, 574.115, 574.120,
3 574.125, 574.130, 574.140, 574.151, 575.095, 575.145, 575.153,
4 575.155, 575.157, 575.280, 575.353, 576.050, 577.001, 577.010,
5 577.012, 577.013, 577.014, 577.015, 577.016, 577.017, 577.020,
6 577.021, 577.023, 577.024, 577.025, 577.029, 577.031, 577.037,
7 577.041, 577.060, 577.068, 577.070, 577.076, 577.078, 577.100,
8 577.150, 577.155, 577.161, 577.300, 577.599, 577.600, 577.605,
9 577.612, 577.675, 577.700, 577.703, 577.706, 577.709, 577.712,
10 577.715, 577.718, 578.009, 578.350, 578.365, 578.398, 578.399,
11 578.405, 578.421, 578.430, 578.475, 579.015, 579.020, 579.030,
12 579.040, 579.045, 579.050, 579.055, 579.060, 579.065, 579.068,
13 579.070, 579.072, 579.074, 579.076, 579.078, 579.080, 579.082,
14 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101,
15 579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155,
16 579.170, 579.175, 579.180, 579.185, 589.015, 589.400, 595.223,
17 595.226, 595.229, 595.232, 610.130, 630.161, 630.162, 630.164,
18 632.480, 650.150, 650.153, 650.156, 650.159, 650.161, 650.165,
19 and 660.360, to read as follows:

20 [577.005.] 43.544. 1. Each law enforcement agency shall
21 adopt a policy requiring arrest information for all
22 intoxication-related traffic offenses be forwarded to the central
23 repository as required by section 43.503 and shall certify
24 adoption of such policy when applying for any grants administered
25 by the department of public safety.

26 2. Each county prosecuting attorney and municipal
27 prosecutor shall adopt a policy requiring charge information for
28 all intoxication-related traffic offenses be forwarded to the

1 central repository as required by section 43.503 and shall
2 certify adoption of such policy when applying for any grants
3 administered by the department of public safety.

4 3. Effective January 1, 2011, the highway patrol shall,
5 based on the data submitted, maintain regular accountability
6 reports of intoxication-related traffic offense arrests, charges,
7 and dispositions.

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

25 2. The policy shall require school administrators to report
26 acts of school violence to all teachers at the attendance center
27 and, in addition, to other school district employees with a need
28 to know. For the purposes of this chapter or chapter 167, "need

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

- 15 (1) First degree murder under section 565.020;
- 16 (2) Second degree murder under section 565.021;
- 17 (3) Kidnapping in the first degree under section 565.110;
- 18 (4) First degree assault under section 565.050;
- 19 (5) Rape in the first degree under section 566.030;
- 20 (6) Sodomy in the first degree under section 566.060;
- 21 (7) Burglary in the first degree under section 569.160;
- 22 (8) Burglary in the second degree under section 569.170;
- 23 (9) Robbery in the first degree under section [569.020]
24 570.023;
- 25 (10) [Distribution of drugs] Manufacture of a controlled
26 substance under section [195.211] 579.055;
- 27 (11) [Distribution of drugs to a minor] Delivery of a
28 controlled substance under section [195.212] 579.020;

1 (12) Arson in the first degree under section 569.040;
2 (13) Voluntary manslaughter under section 565.023;
3 (14) Involuntary manslaughter under section 565.024;
4 (15) Second degree assault under section [565.060] 565.052;
5 (16) Rape in the second degree under section 566.031;
6 (17) **[Felonious restraint]** Kidnapping in the second degree
7 under section 565.120;
8 (18) Property damage in the first degree under section
9 569.100;
10 (19) The possession of a weapon under chapter 571;
11 (20) Child molestation in the first, second, or third
12 degree pursuant to section 566.067, 566.068, or 566.069;
13 (21) Sodomy in the second degree pursuant to section
14 566.061;
15 (22) Sexual misconduct involving a child pursuant to
16 section 566.083;
17 (23) Sexual abuse in the first degree pursuant to section
18 566.100;
19 (24) Harassment in the first degree under section 565.090;
20 or
21 (25) Stalking in the first degree under section 565.225;
22 committed on school property, including but not limited to
23 actions on any school bus in service on behalf of the district or
24 while involved in school activities. The policy shall require
25 that any portion of a student's individualized education program
26 that is related to demonstrated or potentially violent behavior
27 shall be provided to any teacher and other school district
28 employees who are directly responsible for the student's

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

1 (3) Such student is enrolled in and attending an
2 alternative school that is located within one thousand feet of a
3 public school in the school district where such student attended
4 school; or

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

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

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

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

26 5. The policy shall provide for a suspension for a period
27 of not less than one year, or expulsion, for a student who is
28 determined to have brought a weapon to school, including but not

1 limited to the school playground or the school parking lot,
2 brought a weapon on a school bus or brought a weapon to a school
3 activity whether on or off of the school property in violation of
4 district policy, except that:

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

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

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

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

1 during intermission or recess periods.

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

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

1 within the scope of their assigned duties, and shall be provided
2 as required in section 167.020 to any school district in which
3 the student subsequently attempts to enroll.

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

21 11. If a student reports alleged sexual misconduct on the
22 part of a teacher or other school employee to a person employed
23 in a school facility who is required to report such misconduct to
24 the children's division under section 210.115, such person and
25 the superintendent of the school district shall report the
26 allegation to the children's division as set forth in section
27 210.115. Reports made to the children's division under this
28 subsection shall be investigated by the division in accordance

1 with the provisions of sections 210.145 to 210.153 and shall not
2 be investigated by the school district under subsections 12 to 20
3 of this section for purposes of determining whether the
4 allegations should or should not be substantiated. The district
5 may investigate the allegations for the purpose of making any
6 decision regarding the employment of the accused employee.

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

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

28 14. If the report pertains to an alleged incident which

1 arose out of or is related to a spanking administered by
2 certificated personnel or the use of reasonable force to protect
3 persons or property when administered by personnel of a school
4 district pursuant to a written policy of discipline or a report
5 made for the sole purpose of harassing a public school employee,
6 a notification of the reported child abuse shall be sent by the
7 superintendent of schools or the president of the school board to
8 the law enforcement in the county in which the alleged incident
9 occurred.

10 15. The report shall be jointly investigated by the law
11 enforcement officer and the superintendent of schools or, if the
12 subject of the report is the superintendent of schools, by a law
13 enforcement officer and the president of the school board or such
14 president's designee.

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

23 17. The law enforcement officer and the investigating
24 school district personnel shall issue separate reports of their
25 findings and recommendations after the conclusion of the
26 investigation to the school board of the school district within
27 seven days after receiving notice from the children's division.

28 18. The reports shall contain a statement of conclusion as

1 to whether the report of alleged child abuse is substantiated or
2 is unsubstantiated.

3 19. The school board shall consider the separate reports
4 referred to in subsection 17 of this section and shall issue its
5 findings and conclusions and the action to be taken, if any,
6 within seven days after receiving the last of the two reports.
7 The findings and conclusions shall be made in substantially the
8 following form:

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

13 (2) The report of the alleged child abuse is substantiated.
14 The law enforcement officer and the investigating school district
15 personnel agree that the preponderance of evidence is sufficient
16 to support a finding that the alleged incident of child abuse did
17 occur;

18 (3) The issue involved in the alleged incident of child
19 abuse is unresolved. The law enforcement officer and the
20 investigating school personnel are unable to agree on their
21 findings and conclusions on the alleged incident.

22 20. The findings and conclusions of the school board under
23 subsection 19 of this section shall be sent to the children's
24 division. If the findings and conclusions of the school board
25 are that the report of the alleged child abuse is
26 unsubstantiated, the investigation shall be terminated, the case
27 closed, and no record shall be entered in the children's division
28 central registry. If the findings and conclusions of the school

1 board are that the report of the alleged child abuse is
2 substantiated, the children's division shall report the incident
3 to the prosecuting attorney of the appropriate county along with
4 the findings and conclusions of the school district and shall
5 include the information in the division's central registry. If
6 the findings and conclusions of the school board are that the
7 issue involved in the alleged incident of child abuse is
8 unresolved, the children's division shall report the incident to
9 the prosecuting attorney of the appropriate county along with the
10 findings and conclusions of the school board, however, the
11 incident and the names of the parties allegedly involved shall
12 not be entered into the central registry of the children's
13 division unless and until the alleged child abuse is
14 substantiated by a court of competent jurisdiction.

15 21. Any superintendent of schools, president of a school
16 board or such person's designee or law enforcement officer who
17 knowingly falsifies any report of any matter pursuant to this
18 section or who knowingly withholds any information relative to
19 any investigation or report pursuant to this section is guilty of
20 a class A misdemeanor.

21 22. In order to ensure the safety of all students, should a
22 student be expelled for bringing a weapon to school, violent
23 behavior, or for an act of school violence, that student shall
24 not, for the purposes of the accreditation process of the
25 Missouri school improvement plan, be considered a dropout or be
26 included in the calculation of that district's educational
27 persistence ratio.

28 167.115. 1. Notwithstanding any provision of chapter 211

1 or chapter 610 to the contrary, the juvenile officer, sheriff,
2 chief of police or other appropriate law enforcement authority
3 shall, as soon as reasonably practical, notify the
4 superintendent, or the superintendent's designee, of the school
5 district in which the pupil is enrolled when a petition is filed
6 pursuant to subsection 1 of section 211.031 alleging that the
7 pupil has committed one of the following acts:

8 (1) First degree murder under section 565.020;

9 (2) Second degree murder under section 565.021;

10 (3) Kidnapping under section 565.110 as it existed prior to
11 January 1, 2017, or kidnapping in the first degree under section
12 565.110;

13 (4) First degree assault under section 565.050;

14 (5) Forcible rape under section 566.030 as it existed prior
15 to August 28, 2013, or rape in the first degree under section
16 566.030;

17 (6) Forcible sodomy under section 566.060 as it existed
18 prior to August 28, 2013, or sodomy in the first degree under
19 section 566.060;

20 (7) Burglary in the first degree under section 569.160;

21 (8) Robbery in the first degree under section 569.020 as it
22 existed prior to January 1, 2017, and robbery in the first degree
23 under section 570.023;

24 (9) Distribution of drugs under section 195.211 as it
25 existed prior to January 1, 2017, and manufacture of a controlled
26 substance under section 579.055;

27 (10) Distribution of drugs to a minor under section 195.212
28 as it existed prior to January 1, 2017, and delivery of a

1 controlled substance under section 579.020;

2 (11) Arson in the first degree under section 569.040;

3 (12) Voluntary manslaughter under section 565.023;

4 (13) Involuntary manslaughter under section 565.024;

5 (14) Second degree assault under section 565.060 as it
6 existed prior to January 1, 2017, and second degree assault under
7 section 565.052;

8 (15) Sexual assault under section 566.040 as it existed
9 prior to August 28, 2013, or rape in the second degree under
10 section 566.031;

11 (16) Felonious restraint under section 565.120 as it
12 existed prior to January 1, 2017, or kidnapping in the second
13 degree for an act committed after December 31, 2016;

14 (17) Property damage in the first degree under section
15 569.100;

16 (18) The possession of a weapon under chapter 571;

17 (19) Child molestation in the first degree pursuant to
18 section 566.067 as it existed prior to January 1, 2017;

19 (20) Child molestation in the first, second, or third
20 degree pursuant to sections 566.067, 566.068, and 566.069 for an
21 act committed after December 31, 2016;

22 (21) Deviate sexual assault pursuant to section 566.070 as
23 it existed prior to August 28, 2013, or sodomy in the second
24 degree under section 566.061;

25 **[(21)]** (22) Sexual misconduct involving a child pursuant to
26 section 566.083; or

27 **[(22)]** (23) Sexual abuse pursuant to section 566.100 as it
28 existed prior to August 28, 2013, or sexual abuse in the first

1 degree under section 566.100.

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

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

23 4. The superintendent shall notify the appropriate division
24 of the juvenile or family court upon any pupil's suspension for
25 more than ten days or expulsion of any pupil that the school
26 district is aware is under the jurisdiction of the court.

27 5. The superintendent or the superintendent's designee may
28 be called to serve in a consultant capacity at any dispositional

1 proceedings pursuant to section 211.031 which may involve
2 reference to a pupil's academic treatment plan.

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

11 7. As used in this section, the terms "school" and "school
12 district" shall include any charter, private or parochial school
13 or school district, and the term "superintendent" shall include
14 the principal or equivalent chief school officer in the cases of
15 charter, private or parochial schools.

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

20 167.171. 1. The school board in any district, by general
21 rule and for the causes provided in section 167.161, may
22 authorize the summary suspension of pupils by principals of
23 schools for a period not to exceed ten school days and by the
24 superintendent of schools for a period not to exceed one hundred
25 and eighty school days. In case of a suspension by the
26 superintendent for more than ten school days, the pupil, the
27 pupil's parents or others having such pupil's custodial care may
28 appeal the decision of the superintendent to the board or to a

1 committee of board members appointed by the president of the
2 board which shall have full authority to act in lieu of the
3 board. Any suspension by a principal shall be immediately
4 reported to the superintendent who may revoke the suspension at
5 any time. In event of an appeal to the board, the superintendent
6 shall promptly transmit to it a full report in writing of the
7 facts relating to the suspension, the action taken by the
8 superintendent and the reasons therefor and the board, upon
9 request, shall grant a hearing to the appealing party to be
10 conducted as provided in section 167.161.

11 2. No pupil shall be suspended unless:

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

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

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

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

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

23 (1) Such pupil has been convicted of; or

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

28 (3) A petition has been filed pursuant to section 211.091

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

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

6 (a) First degree murder under section 565.020;

7 (b) Second degree murder under section 565.021;

8 (c) First degree assault under section 565.050;

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

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

15 (f) Statutory rape under section 566.032;

16 (g) Statutory sodomy under section 566.062;

17 (h) Robbery in the first degree under section 569.020 as it
18 existed prior to January 1, 2017, or robbery in the first degree
19 under section 570.023;

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

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

22 (k) Kidnapping or kidnapping in the first degree, when
23 classified as a class A felony under section 565.110.

24 Nothing in this subsection shall prohibit the readmittance or
25 enrollment of any pupil if a petition has been dismissed, or when
26 a pupil has been acquitted or adjudicated not to have committed
27 any of the above acts. This subsection shall not apply to a
28 student with a disability, as identified under state eligibility

1 criteria, who is convicted or adjudicated guilty as a result of
2 an action related to the student's disability. Nothing in this
3 subsection shall be construed to prohibit a school district which
4 provides an alternative education program from enrolling a pupil
5 in an alternative education program if the district determines
6 such enrollment is appropriate.

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

1 enroll.

2 168.071. 1. The state board of education may refuse to
3 issue or renew a certificate, or may, upon hearing, discipline
4 the holder of a certificate of license to teach for the following
5 causes:

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

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

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

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

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

24 2. A public school district may file charges seeking the
25 discipline of a holder of a certificate of license to teach based
26 upon any cause or combination of causes outlined in subsection 1
27 of this section, including annulment of a written contract.
28 Charges shall be in writing, specify the basis for the charges,

1 and be signed by the chief administrative officer of the
2 district, or by the president of the board of education as
3 authorized by a majority of the board of education. The board of
4 education may also petition the office of the attorney general to
5 file charges on behalf of the school district for any cause other
6 than annulment of contract, with acceptance of the petition at
7 the discretion of the attorney general.

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

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

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

25 6. Other provisions of this section notwithstanding, the
26 certificate of license to teach shall be revoked or, in the case
27 of an applicant, a certificate shall not be issued, if the
28 certificate holder or applicant has [pleaded guilty to or] been

1 found guilty of any of the following offenses established
2 pursuant to Missouri law or offenses of a similar nature
3 established under the laws of any other state or of the United
4 States, or any other country, whether or not the sentence is
5 imposed:

6 (1) Any dangerous felony as defined in section 556.061, or
7 murder in the first degree under section 565.020;

8 (2) Any of the following sexual offenses: rape in the
9 first degree under section 566.030; forcible rape [under section
10 566.030 as it existed prior to August 28, 2013]; rape [as it
11 existed prior to August 13, 1980]; statutory rape in the first
12 degree under section 566.032; statutory rape in the second degree
13 under section 566.034; rape in the second degree under section
14 566.031; sexual assault under section 566.040 as it existed prior
15 to August 28, 2013; sodomy in the first degree under section
16 566.060; forcible sodomy under section 566.060 as it existed
17 prior to August 28, 2013; sodomy as it existed prior to January
18 1, 1995; statutory sodomy in the first degree under section
19 566.062; statutory sodomy in the second degree under section
20 566.064; child molestation in the first degree [under section
21 566.067]; child molestation in the second degree [under section
22 566.068]; child molestation in the third degree under section
23 566.069; child molestation in the fourth degree under section
24 566.071; sodomy in the second degree under section 566.061;
25 deviate sexual assault under section 566.070 as it existed prior
26 to August 28, 2013; sexual misconduct involving a child under
27 section 566.083; sexual contact with a student [while on public
28 school property] under section 566.086; sexual misconduct in the

1 first degree under section 566.093; sexual misconduct in the
2 first degree under section 566.090 as it existed prior to August
3 28, 2013; sexual misconduct in the second degree under section
4 566.095; sexual misconduct in the second degree under section
5 566.093 as it existed prior to August 28, 2013; sexual misconduct
6 in the third degree under section 566.095 as it existed prior to
7 August 28, 2013; sexual abuse in the first degree under section
8 566.100; sexual abuse under section 566.100 as it existed prior
9 to August 28, 2013; sexual abuse in the second degree under
10 section 566.101; enticement of a child under section 566.151; or
11 attempting to entice a child;

12 (3) Any of the following offenses against the family and
13 related offenses: incest under section 568.020; abandonment of
14 child in the first degree under section 568.030; abandonment of
15 child in the second degree under section 568.032; endangering the
16 welfare of a child in the first degree under section 568.045;
17 abuse of a child under section 568.060; child used in a sexual
18 performance [under section 568.080]; promoting sexual performance
19 by a child [under section 568.090]; or trafficking in children
20 under section 568.175; and

21 (4) Any of the following offenses involving child
22 pornography and related offenses: promoting obscenity in the
23 first degree under section 573.020; promoting pornography for
24 minors or obscenity in the second degree when the penalty is
25 enhanced to a class D felony under section 573.030; promoting
26 child pornography in the first degree under section 573.025;
27 promoting child pornography in the second degree under section
28 573.035; possession of child pornography under section 573.037;

1 furnishing pornographic materials to minors under section
2 573.040; or coercing acceptance of obscene material under section
3 573.065.

4 7. When a certificate holder [pleads guilty or] is found
5 guilty of any offense that would authorize the state board of
6 education to seek discipline against that holder's certificate of
7 license to teach, the local board of education or the department
8 of elementary and secondary education shall immediately provide
9 written notice to the state board of education and the attorney
10 general regarding the [plea of guilty or] finding of [guilty]
11 guilt.

12 8. The certificate holder whose certificate was revoked
13 pursuant to subsection 6 of this section may appeal such
14 revocation to the state board of education. Notice of this
15 appeal must be received by the commissioner of education within
16 ninety days of notice of revocation pursuant to this subsection.
17 Failure of the certificate holder to notify the commissioner of
18 the intent to appeal waives all rights to appeal the revocation.
19 Upon notice of the certificate holder's intent to appeal, an
20 appeal hearing shall be held by a hearing officer designated by
21 the commissioner of education, with the final decision made by
22 the state board of education, based upon the record of that
23 hearing. The certificate holder shall be given not less than
24 thirty days' notice of the hearing, and an opportunity to be
25 heard by the hearing officer, together with witnesses.

26 9. In the case of any certificate holder who has
27 surrendered or failed to renew his or her certificate of license
28 to teach, the state board of education may refuse to issue or

1 renew, or may suspend or revoke, such certificate for any of the
2 reasons contained in this section.

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

8 11. Hearings, appeals or other matters involving
9 certificate holders, licensees or applicants pursuant to this
10 section may be informally resolved by consent agreement or agreed
11 settlement or voluntary surrender of the certificate of license
12 pursuant to the rules promulgated by the state board of
13 education.

14 12. The final decision of the state board of education is
15 subject to judicial review pursuant to sections 536.100 to
16 536.140.

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

22 195.005. [Sections 195.005 to 195.425] This chapter and
23 chapter 579 shall be known as the "Comprehensive Drug Control Act
24 [of 1989]".

25 195.010. The following words and phrases as used in
26 [sections 195.005 to 195.425] this chapter and chapter 579,
27 unless the context otherwise requires, mean:

28 (1) "Addict", a person who habitually uses one or more

1 controlled substances to such an extent as to create a tolerance
2 for such drugs, and who does not have a medical need for such
3 drugs, or who is so far addicted to the use of such drugs as to
4 have lost the power of self-control with reference to his or her
5 addiction;

6 (2) "Administer", to apply a controlled substance, whether
7 by injection, inhalation, ingestion, or any other means, directly
8 to the body of a patient or research subject by:

9 (a) A practitioner (or, in his or her presence, by his or
10 her authorized agent); or

11 (b) The patient or research subject at the direction and in
12 the presence of the practitioner;

13 (3) "Agent", an authorized person who acts on behalf of or
14 at the direction of a manufacturer, distributor, or dispenser.
15 The term does not include a common or contract carrier, public
16 warehouseman, or employee of the carrier or warehouseman while
17 acting in the usual and lawful course of the carrier's or
18 warehouseman's business;

19 (4) "Attorney for the state", any prosecuting attorney,
20 circuit attorney, or attorney general authorized to investigate,
21 commence and prosecute an action under [sections 195.005 to
22 195.425] this chapter;

23 (5) "Controlled substance", a drug, substance, or immediate
24 precursor in Schedules I through V listed in [sections 195.005 to
25 195.425] this chapter;

26 (6) "Controlled substance analogue", a substance the
27 chemical structure of which is substantially similar to the
28 chemical structure of a controlled substance in Schedule I or II

1 and:

2 (a) Which has a stimulant, depressant, or hallucinogenic
3 effect on the central nervous system substantially similar to the
4 stimulant, depressant, or hallucinogenic effect on the central
5 nervous system of a controlled substance included in Schedule I
6 or II; or

7 (b) With respect to a particular individual, which that
8 individual represents or intends to have a stimulant, depressant,
9 or hallucinogenic effect on the central nervous system
10 substantially similar to the stimulant, depressant, or
11 hallucinogenic effect on the central nervous system of a
12 controlled substance included in Schedule I or II. The term does
13 not include a controlled substance; any substance for which there
14 is an approved new drug application; any substance for which an
15 exemption is in effect for investigational use, for a particular
16 person, under Section 505 of the federal Food, Drug and Cosmetic
17 Act (21 U.S.C. 355) to the extent conduct with respect to the
18 substance is pursuant to the exemption; or any substance to the
19 extent not intended for human consumption before such an
20 exemption takes effect with respect to the substance;

21 (7) "Counterfeit substance", a controlled substance which,
22 or the container or labeling of which, without authorization,
23 bears the trademark, trade name, or other identifying mark,
24 imprint, number or device, or any likeness thereof, of a
25 manufacturer, distributor, or dispenser other than the person who
26 in fact manufactured, distributed, or dispensed the substance;

27 (8) "Deliver" or "delivery", the actual, constructive, or
28 attempted transfer from one person to another of drug

1 paraphernalia or of a controlled substance, or an imitation
2 controlled substance, whether or not there is an agency
3 relationship, and includes a sale;

4 (9) "Dentist", a person authorized by law to practice
5 dentistry in this state;

6 (10) "Depressant or stimulant substance":

7 (a) A drug containing any quantity of barbituric acid or
8 any of the salts of barbituric acid or any derivative of
9 barbituric acid which has been designated by the United States
10 Secretary of Health and Human Services as habit forming under 21
11 U.S.C. 352(d);

12 (b) A drug containing any quantity of:

13 a. Amphetamine or any of its isomers;

14 b. Any salt of amphetamine or any salt of an isomer of
15 amphetamine; or

16 c. Any substance the United States Attorney General, after
17 investigation, has found to be, and by regulation designated as,
18 habit forming because of its stimulant effect on the central
19 nervous system;

20 (c) Lysergic acid diethylamide; or

21 (d) Any drug containing any quantity of a substance that
22 the United States Attorney General, after investigation, has
23 found to have, and by regulation designated as having, a
24 potential for abuse because of its depressant or stimulant effect
25 on the central nervous system or its hallucinogenic effect;

26 (11) "Dispense", to deliver a narcotic or controlled
27 dangerous drug to an ultimate user or research subject by or
28 pursuant to the lawful order of a practitioner including the

1 prescribing, administering, packaging, labeling, or compounding
2 necessary to prepare the substance for such delivery.

3 "Dispenser" means a practitioner who dispenses;

4 (12) "Distribute", to deliver other than by administering
5 or dispensing a controlled substance;

6 (13) "Distributor", a person who distributes;

7 (14) "Drug":

8 (a) Substances recognized as drugs in the official United
9 States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the
10 United States, or Official National Formulary, or any supplement
11 to any of them;

12 (b) Substances intended for use in the diagnosis, cure,
13 mitigation, treatment or prevention of disease in humans or
14 animals;

15 (c) Substances, other than food, intended to affect the
16 structure or any function of the body of humans or animals; and

17 (d) Substances intended for use as a component of any
18 article specified in this subdivision. It does not include
19 devices or their components, parts or accessories;

20 (15) "Drug-dependent person", a person who is using a
21 controlled substance and who is in a state of psychic or physical
22 dependence, or both, arising from the use of such substance on a
23 continuous basis. Drug dependence is characterized by behavioral
24 and other responses which include a strong compulsion to take the
25 substance on a continuous basis in order to experience its
26 psychic effects or to avoid the discomfort caused by its absence;

27 (16) "Drug enforcement agency", the Drug Enforcement
28 Administration in the United States Department of Justice, or its

1 successor agency;

2 (17) "Drug paraphernalia", all equipment, products,
3 substances and materials of any kind which are used, intended for
4 use, or designed for use, in planting, propagating, cultivating,
5 growing, harvesting, manufacturing, compounding, converting,
6 producing, processing, preparing, storing, containing,
7 concealing, injecting, ingesting, inhaling, or otherwise
8 introducing into the human body a controlled substance or an
9 imitation controlled substance in violation of [sections 195.005
10 to 195.425] this chapter or chapter 579. It includes, but is not
11 limited to:

12 (a) Kits used, intended for use, or designed for use in
13 planting, propagating, cultivating, growing or harvesting of any
14 species of plant which is a controlled substance or from which a
15 controlled substance can be derived;

16 (b) Kits used, intended for use, or designed for use in
17 manufacturing, compounding, converting, producing, processing, or
18 preparing controlled substances or imitation controlled
19 substances;

20 (c) Isomerization devices used, intended for use, or
21 designed for use in increasing the potency of any species of
22 plant which is a controlled substance or an imitation controlled
23 substance;

24 (d) Testing equipment used, intended for use, or designed
25 for use in identifying, or in analyzing the strength,
26 effectiveness or purity of controlled substances or imitation
27 controlled substances;

28 (e) Scales and balances used, intended for use, or designed

1 for use in weighing or measuring controlled substances or
2 imitation controlled substances;

3 (f) Dilutents and adulterants, such as quinine
4 hydrochloride, mannitol, mannite, dextrose and lactose, used,
5 intended for use, or designed for use in cutting controlled
6 substances or imitation controlled substances;

7 (g) Separation gins and sifters used, intended for use, or
8 designed for use in removing twigs and seeds from, or in
9 otherwise cleaning or refining, marijuana;

10 (h) Blenders, bowls, containers, spoons and mixing devices
11 used, intended for use, or designed for use in compounding
12 controlled substances or imitation controlled substances;

13 (i) Capsules, balloons, envelopes and other containers
14 used, intended for use, or designed for use in packaging small
15 quantities of controlled substances or imitation controlled
16 substances;

17 (j) Containers and other objects used, intended for use, or
18 designed for use in storing or concealing controlled substances
19 or imitation controlled substances;

20 (k) Hypodermic syringes, needles and other objects used,
21 intended for use, or designed for use in parenterally injecting
22 controlled substances or imitation controlled substances into the
23 human body;

24 (l) Objects used, intended for use, or designed for use in
25 ingesting, inhaling, or otherwise introducing marijuana, cocaine,
26 hashish, or hashish oil into the human body, such as:

27 a. Metal, wooden, acrylic, glass, stone, plastic, or
28 ceramic pipes with or without screens, permanent screens, hashish

heads, or punctured metal bowls;

- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;

In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

(c) The proximity of the object, in time and space, to a

1 direct violation of [sections 195.005 to 195.425] this chapter or
2 chapter 579;

3 (d) The proximity of the object to controlled substances or
4 imitation controlled substances;

5 (e) The existence of any residue of controlled substances
6 or imitation controlled substances on the object;

7 (f) Direct or circumstantial evidence of the intent of an
8 owner, or of anyone in control of the object, to deliver it to
9 persons who he or she knows, or should reasonably know, intend to
10 use the object to facilitate a violation of [sections 195.005 to
11 195.425] this chapter or chapter 579; the innocence of an owner,
12 or of anyone in control of the object, as to direct violation of
13 [sections 195.005 to 195.425] this chapter or chapter 579 shall
14 not prevent a finding that the object is intended for use, or
15 designed for use as drug paraphernalia;

16 (g) Instructions, oral or written, provided with the object
17 concerning its use;

18 (h) Descriptive materials accompanying the object which
19 explain or depict its use;

20 (i) National or local advertising concerning its use;

21 (j) The manner in which the object is displayed for sale;

22 (k) Whether the owner, or anyone in control of the object,
23 is a legitimate supplier of like or related items to the
24 community, such as a licensed distributor or dealer of tobacco
25 products;

26 (l) Direct or circumstantial evidence of the ratio of sales
27 of the object to the total sales of the business enterprise;

28 (m) The existence and scope of legitimate uses for the

1 object in the community;

2 (n) Expert testimony concerning its use;

3 (o) The quantity, form or packaging of the product,
4 substance or material in relation to the quantity, form or
5 packaging associated with any legitimate use for the product,
6 substance or material;

7 (18) "Federal narcotic laws", the laws of the United States
8 relating to controlled substances;

9 (19) "Hospital", a place devoted primarily to the
10 maintenance and operation of facilities for the diagnosis,
11 treatment or care, for not less than twenty-four hours in any
12 week, of three or more nonrelated individuals suffering from
13 illness, disease, injury, deformity or other abnormal physical
14 conditions; or a place devoted primarily to provide, for not less
15 than twenty-four consecutive hours in any week, medical or
16 nursing care for three or more nonrelated individuals. The term
17 "hospital" does not include convalescent, nursing, shelter or
18 boarding homes as defined in chapter 198;

19 (20) "Immediate precursor", a substance which:

20 (a) The state department of health and senior services has
21 found to be and by rule designates as being the principal
22 compound commonly used or produced primarily for use in the
23 manufacture of a controlled substance;

24 (b) Is an immediate chemical intermediary used or likely to
25 be used in the manufacture of a controlled substance; and

26 (c) The control of which is necessary to prevent, curtail
27 or limit the manufacture of the controlled substance;

28 (21) "Imitation controlled substance", a substance that is

1 not a controlled substance, which by dosage unit appearance
2 (including color, shape, size and markings), or by
3 representations made, would lead a reasonable person to believe
4 that the substance is a controlled substance. In determining
5 whether the substance is an imitation controlled substance the
6 court or authority concerned should consider, in addition to all
7 other logically relevant factors, the following:

8 (a) Whether the substance was approved by the federal Food
9 and Drug Administration for over-the-counter (nonprescription or
10 nonlegend) sales and was sold in the federal Food and Drug
11 Administration approved package, with the federal Food and Drug
12 Administration approved labeling information;

13 (b) Statements made by an owner or by anyone else in
14 control of the substance concerning the nature of the substance,
15 or its use or effect;

16 (c) Whether the substance is packaged in a manner normally
17 used for illicit controlled substances;

18 (d) Prior convictions, if any, of an owner, or anyone in
19 control of the object, under state or federal law related to
20 controlled substances or fraud;

21 (e) The proximity of the substances to controlled
22 substances;

23 (f) Whether the consideration tendered in exchange for the
24 noncontrolled substance substantially exceeds the reasonable
25 value of the substance considering the actual chemical
26 composition of the substance and, where applicable, the price at
27 which over-the-counter substances of like chemical composition
28 sell. An imitation controlled substance does not include a

1 placebo or registered investigational drug either of which was
2 manufactured, distributed, possessed or delivered in the ordinary
3 course of professional practice or research;

4 (22) "Laboratory", a laboratory approved by the department
5 of health and senior services as proper to be entrusted with the
6 custody of controlled substances but does not include a
7 pharmacist who compounds controlled substances to be sold or
8 dispensed on prescriptions;

9 (23) "Manufacture", the production, preparation,
10 propagation, compounding or processing of drug paraphernalia or
11 of a controlled substance, or an imitation controlled substance,
12 either directly or by extraction from substances of natural
13 origin, or independently by means of chemical synthesis, or by a
14 combination of extraction and chemical synthesis, and includes
15 any packaging or repackaging of the substance or labeling or
16 relabeling of its container. This term does not include the
17 preparation or compounding of a controlled substance or an
18 imitation controlled substance or the preparation, compounding,
19 packaging or labeling of a narcotic or dangerous drug:

20 (a) By a practitioner as an incident to his or her
21 administering or dispensing of a controlled substance or an
22 imitation controlled substance in the course of his or her
23 professional practice, or

24 (b) By a practitioner or his or her authorized agent under
25 his or her supervision, for the purpose of, or as an incident to,
26 research, teaching or chemical analysis and not for sale;

27 (24) "Marijuana", all parts of the plant genus Cannabis in
28 any species or form thereof, including, but not limited to

1 Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis
2 Ruderalis, and Cannabis Gigantea, whether growing or not, the
3 seeds thereof, the resin extracted from any part of the plant;
4 and every compound, manufacture, salt, derivative, mixture, or
5 preparation of the plant, its seeds or resin. It does not
6 include the mature stalks of the plant, fiber produced from the
7 stalks, oil or cake made from the seeds of the plant, any other
8 compound, manufacture, salt, derivative, mixture or preparation
9 of the mature stalks (except the resin extracted therefrom),
10 fiber, oil or cake, or the sterilized seed of the plant which is
11 incapable of germination;

12 (25) "Methamphetamine precursor drug", any drug containing
13 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their
14 salts, optical isomers, or salts of optical isomers;

15 (26) "Narcotic drug", any of the following, whether
16 produced directly or indirectly by extraction from substances of
17 vegetable origin, or independently by means of chemical
18 synthesis, or by a combination of extraction and chemical
19 analysis:

20 (a) Opium, opiate, and any derivative, of opium or opiate,
21 including their isomers, esters, ethers, salts, and salts of
22 isomers, esters, and ethers, whenever the existence of the
23 isomers, esters, ethers, and salts is possible within the
24 specific chemical designation. The term does not include the
25 isoquinoline alkaloids of opium;

26 (b) Coca leaves, but not including extracts of coca leaves
27 from which cocaine, ecgonine, and derivatives of ecgonine or
28 their salts have been removed;

1 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

2 (d) Ecgonine, or any derivative, salt, isomer, or salt of
3 isomer thereof;

4 (e) Any compound, mixture, or preparation containing any
5 quantity of any substance referred to in paragraphs (a) to (d) of
6 this subdivision;

7 (27) "Official written order", an order written on a form
8 provided for that purpose by the United States Commissioner of
9 Narcotics, under any laws of the United States making provision
10 therefor, if such order forms are authorized and required by
11 federal law, and if no such order form is provided, then on an
12 official form provided for that purpose by the department of
13 health and senior services;

14 (28) "Opiate", any substance having an addiction-forming or
15 addiction-sustaining liability similar to morphine or being
16 capable of conversion into a drug having addiction-forming or
17 addiction-sustaining liability. The term includes its racemic
18 and levorotatory forms. It does not include, unless specifically
19 controlled under section 195.017, the dextrorotatory isomer of
20 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

21 (29) "Opium poppy", the plant of the species *Papaver*
22 *somniferum* L., except its seeds;

23 (30) "Over-the-counter sale", a retail sale licensed
24 pursuant to chapter 144 of a drug other than a controlled
25 substance;

26 (31) "Person", an individual, corporation, government or
27 governmental subdivision or agency, business trust, estate,
28 trust, partnership, joint venture, association, or any other

1 legal or commercial entity;

2 (32) "Pharmacist", a licensed pharmacist as defined by the
3 laws of this state, and where the context so requires, the owner
4 of a store or other place of business where controlled substances
5 are compounded or dispensed by a licensed pharmacist; but nothing
6 in [sections 195.005 to 195.425] this chapter shall be construed
7 as conferring on a person who is not registered nor licensed as a
8 pharmacist any authority, right or privilege that is not granted
9 to him by the pharmacy laws of this state;

10 (33) "Poppy straw", all parts, except the seeds, of the
11 opium poppy, after mowing;

12 (34) "Possessed" or "possessing a controlled substance", a
13 person, with the knowledge of the presence and nature of a
14 substance, has actual or constructive possession of the
15 substance. A person has actual possession if he has the
16 substance on his or her person or within easy reach and
17 convenient control. A person who, although not in actual
18 possession, has the power and the intention at a given time to
19 exercise dominion or control over the substance either directly
20 or through another person or persons is in constructive
21 possession of it. Possession may also be sole or joint. If one
22 person alone has possession of a substance possession is sole.
23 If two or more persons share possession of a substance,
24 possession is joint;

25 (35) "Practitioner", a physician, dentist, optometrist,
26 podiatrist, veterinarian, scientific investigator, pharmacy,
27 hospital or other person licensed, registered or otherwise
28 permitted by this state to distribute, dispense, conduct research

1 with respect to or administer or to use in teaching or chemical
2 analysis, a controlled substance in the course of professional
3 practice or research in this state, or a pharmacy, hospital or
4 other institution licensed, registered, or otherwise permitted to
5 distribute, dispense, conduct research with respect to or
6 administer a controlled substance in the course of professional
7 practice or research;

8 (36) "Production", includes the manufacture, planting,
9 cultivation, growing, or harvesting of drug paraphernalia or of a
10 controlled substance or an imitation controlled substance;

11 (37) "Registry number", the number assigned to each person
12 registered under the federal controlled substances laws;

13 (38) "Sale", includes barter, exchange, or gift, or offer
14 therefor, and each such transaction made by any person, whether
15 as principal, proprietor, agent, servant or employee;

16 (39) "State" when applied to a part of the United States,
17 includes any state, district, commonwealth, territory, insular
18 possession thereof, and any area subject to the legal authority
19 of the United States of America;

20 (40) "Synthetic cannabinoid", includes unless specifically
21 excepted or unless listed in another schedule, any natural or
22 synthetic material, compound, mixture, or preparation that
23 contains any quantity of a substance that is a cannabinoid
24 receptor agonist, including but not limited to any substance
25 listed in paragraph (11) of subdivision (4) of subsection 2 of
26 section 195.017 and any analogues[,] homologues; isomers,
27 whether optical, positional, or geometric; esters; ethers; salts;
28 and salts of isomers, esters, and ethers, whenever the existence

1 of the isomers, esters, ethers, or salts is possible within the
2 specific chemical designation, however, it shall not include any
3 approved pharmaceutical authorized by the United States Food and
4 Drug Administration;

5 (41) "Ultimate user", a person who lawfully possesses a
6 controlled substance or an imitation controlled substance for his
7 or her own use or for the use of a member of his or her household
8 or immediate family, regardless of whether they live in the same
9 household, or for administering to an animal owned by him or by a
10 member of his or her household. For purposes of this section,
11 the phrase "immediate family" means a husband, wife, parent,
12 child, sibling, step parent, step child, step brother, step
13 sister, grandparent, or grandchild;

14 (42) "Wholesaler", a person who supplies drug paraphernalia
15 or controlled substances or imitation controlled substances that
16 he himself has not produced or prepared, on official written
17 orders, but not on prescriptions.

18 195.015. 1. The department of health and senior services
19 shall administer [sections 195.005 to 195.425] this chapter and
20 may add substances to the schedules after public notice and
21 hearing. In making a determination regarding a substance, the
22 department of health and senior services shall consider the
23 following:

24 (1) The actual or relative potential for abuse;

25 (2) The scientific evidence of its pharmacological effect,
26 if known;

27 (3) The state of current scientific knowledge regarding the
28 substance;

(4) The history and current pattern of abuse;
(5) The scope, duration, and significance of abuse;
(6) The risk to the public health;
(7) The potential of the substance to produce psychic or physiological dependence liability; and
(8) Whether the substance is an immediate precursor of a substance already controlled under [sections 195.005 to 195.425] this chapter.

2. After considering the factors enumerated in subsection 1 of this section the department of health and senior services shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

3. If the department of health and senior services designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

4. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the department of health and senior services, the department of health and senior services shall similarly control the substance under [sections 195.005 to 195.425] this chapter after the expiration of thirty days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty-day period, the department of health and senior services objects to inclusion, rescheduling, or

1 deletion. In that case, the department of health and senior
2 services shall publish the reasons for objection and afford all
3 interested parties an opportunity to be heard. At the conclusion
4 of the hearing, the department of health and senior services
5 shall publish its decision, which shall be final unless altered
6 by statute. Upon publication of objection to inclusion,
7 rescheduling or deletion under [sections 195.005 to 195.425] this
8 chapter by the department of health and senior services, control
9 under [sections 195.005 to 195.425] this chapter is stayed as to
10 the substance in question until the department of health and
11 senior services publishes its decision.

12 5. The department of health and senior services shall
13 exclude any nonnarcotic substance from a schedule if such
14 substance may, under the federal Food, Drug, and Cosmetic Act and
15 the law of this state, be lawfully sold over the counter without
16 a prescription.

17 6. The department of health and senior services shall
18 prepare a list of all drugs falling within the purview of
19 controlled substances. Upon preparation, a copy of the list
20 shall be filed in the office of the secretary of state.

21 195.017. 1. The department of health and senior services
22 shall place a substance in Schedule I if it finds that the
23 substance:

24 (1) Has high potential for abuse; and

25 (2) Has no accepted medical use in treatment in the United
26 States or lacks accepted safety for use in treatment under
27 medical supervision.

28 2. Schedule I:

1 (1) The controlled substances listed in this subsection are
2 included in Schedule I;

3 (2) Any of the following opiates, including their isomers,
4 esters, ethers, salts, and salts of isomers, esters, and ethers,
5 unless specifically excepted, whenever the existence of these
6 isomers, esters, ethers and salts is possible within the specific
7 chemical designation:

8 (a) Acetyl-alpha-methylfentanyl;

9 (b) Acetylmethadol;

10 (c) Allylprodine;

11 (d) Alphacetylmethadol;

12 (e) Alphameprodine;

13 (f) Alphamethadol;

14 (g) Alpha-methylfentanyl;

15 (h) Alpha-methylthiofentanyl;

16 (i) Benzethidine;

17 (j) Betacetylmethadol;

18 (k) Beta-hydroxyfentanyl;

19 (l) Beta-hydroxy-3-methylfentanyl;

20 (m) Betameprodine;

21 (n) Betamethadol;

22 (o) Betaprodine;

23 (p) Clonitazene;

24 (q) Dextromoramide;

25 (r) Diampromide;

26 (s) Diethylthiambutene;

27 (t) Difenoxin;

28 (u) Dimenoxadol;

1 (v) Dimepheptanol;
2 (w) Dimethylthiambutene;
3 (x) Dioxaphetyl butyrate;
4 (y) Dipipanone;
5 (z) Ethylmethylthiambutene;
6 (aa) Etonitazene;
7 (bb) Etoxeridine;
8 (cc) Furethidine;
9 (dd) Hydroxypethidine;
10 (ee) Ketobemidone;
11 (ff) Levomoramide;
12 (gg) Levophenacylmorphane;
13 (hh) 3-Methylfentanyl;
14 (ii) 3-Methylthiofentanyl;
15 (jj) Morpheridine;
16 (kk) MPPP;
17 (ll) Noracymethadol;
18 (mm) Norlevorphanol;
19 (nn) Normethadone;
20 (oo) Norpipanone;
21 (pp) Para-fluorofentanyl;
22 (qq) PEPAP;
23 (rr) Phenadoxone;
24 (ss) Phenampromide;
25 (tt) Phenomorphan;
26 (uu) Phenoperidine;
27 (vv) Piritramide;
28 (ww) Proheptazine;

1 (xx) Properidine;
2 (yy) Propiram;
3 (zz) Racemoramide;
4 (aaa) Thiofentanyl;
5 (bbb) Tilidine;
6 (ccc) Trimeperidine;
7 (3) Any of the following opium derivatives, their salts,
8 isomers and salts of isomers unless specifically excepted,
9 whenever the existence of these salts, isomers and salts of
10 isomers is possible within the specific chemical designation:
11 (a) Acetorphine;
12 (b) Acetyldihydrocodeine;
13 (c) Benzylmorphine;
14 (d) Codeine methylbromide;
15 (e) Codeine-N-Oxide;
16 (f) Cyprenorphine;
17 (g) Desomorphine;
18 (h) Dihydromorphine;
19 (i) Drotebanol;
20 (j) Etorphine (except hydrochloride salt);
21 (k) Heroin;
22 (l) Hydromorphenol;
23 (m) Methyldesorphine;
24 (n) Methyldihydromorphine;
25 (o) Morphine methylbromide;
26 (p) Morphine methylsulfonate;
27 (q) Morphine-N-Oxide;
28 (r) Myrophine;

1 (s) Nicocodeine;

2 (t) Nicomorphine;

3 (u) Normorphine;

4 (v) Pholcodine;

5 (w) Thebacon;

6 (4) Any material, compound, mixture or preparation which
7 contains any quantity of the following hallucinogenic substances,
8 their salts, isomers and salts of isomers, unless specifically
9 excepted, whenever the existence of these salts, isomers, and
10 salts of isomers is possible within the specific chemical
11 designation:

12 (a) 4-bromo-2, 5-dimethoxyamphetamine;

13 (b) 4-bromo-2, 5-dimethoxyphenethylamine;

14 (c) 2,5-dimethoxyamphetamine;

15 (d) 2,5-dimethoxy-4-ethylamphetamine;

16 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;

17 (f) 4-methoxyamphetamine;

18 (g) 5-methoxy-3,4-methylenedioxyamphetamine;

19 (h) 4-methyl-2, 5-dimethoxyamphetamine;

20 (i) 3,4-methylenedioxyamphetamine;

21 (j) 3,4-methylenedioxymethamphetamine;

22 (k) 3,4-methylenedioxy-N-ethylamphetamine;

23 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;

24 (m) 3,4,5-trimethoxyamphetamine;

25 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its
26 isomers, salts, and salts of isomers;

27 (o) Alpha-ethyltryptamine;

28 (p) Alpha-methyltryptamine;

- (q) Bufotenine;
- (r) Diethyltryptamine;
- (s) Dimethyltryptamine;
- (t) 5-methoxy-N,N-diisopropyltryptamine;
- (u) Ibogaine;
- (v) Lysergic acid diethylamide;
- (w) Marijuana or marihuana;
- (x) Mescaline;
- (y) Parahexyl;
- (z) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;
- (aa) N-ethyl-3-piperidyl benzilate;
- (bb) N-methyl-3-piperidyl benzilate;
- (cc) Psilocybin;
- (dd) Psilocyn;
- (ee) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
 - a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
 - b. 6 cis or trans tetrahydrocannabinol, and their optical

1 isomers;

2 c. 3,4 cis or trans tetrahydrocannabinol, and their optical
3 isomers;

4 d. Any compounds of these structures, regardless of
5 numerical designation of atomic positions covered;

6 (ff) Ethylamine analog of phencyclidine;

7 (gg) Pyrrolidine analog of phencyclidine;

8 (hh) Thiophene analog of phencyclidine;

9 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

10 (jj) Salvia divinorum;

11 (kk) Salvinorin A;

12 (ll) Synthetic cannabinoids:

13 a. Any compound structurally derived from
14 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
15 substitution at the nitrogen atom of the indole ring by alkyl,
16 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
17 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
18 whether or not further substituted in the indole ring to any
19 extent, whether or not substituted in the naphthyl ring to any
20 extent. Including, but not limited to:

21 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

22 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

23 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

24 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

25 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

26 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

27 (vii) JWH-098, or

28 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

(viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
(ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
(x) JWH-200, or
1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
(xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
(xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

b. Any compound structurally derived from
3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of
the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted
in the pyrrole ring to any extent, whether or not substituted in
the naphthyl ring to any extent;

c. Any compound structurally derived from
1-(1-naphthylmethyl)indene by substitution at the 3-position of
the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted
in the indene ring to any extent, whether or not substituted in
the naphthyl ring to any extent;

d. Any compound structurally derived from
3-phenylacetylindole by substitution at the nitrogen atom of the
indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted
in the indole ring to any extent, whether or not substituted in
the phenyl ring to any extent. Including, but not limited to:

(i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

1 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
 2 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
 3 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
 4 (v) RCS-8, or
 5 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;
 6 e. Any compound structurally derived from
 7 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position
 8 of the phenolic ring by alkyl, haloalkyl, alkenyl,
 9 cycloalkylmethyl, cycloalkylethyl,
 10 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
 11 whether or not substituted in the cyclohexyl ring to any extent.
 12 Including, but not limited to:
 13 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-
 14 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side
 15 chain n=5, and homologues where side chain n=4,6, or 7;
 16 f. Any compound containing a 3-(benzoyl)indole structure
 17 with substitution at the nitrogen atom of the indole ring by
 18 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 19 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
 20 whether or not further substituted in the indole ring to any
 21 extent and whether or not substituted in the phenyl ring to any
 22 extent. Including, but not limited to:
 23 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
 24 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
 25 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-
 26 6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-
 27 octahydrophenanthridin-1-yl] acetate;
 28 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-

(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

k. Dimethylheptylpyran, or DMHP;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Gamma-hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) N-benzylpiperazine;

(c) Cathinone;

(d) Fenethylline;

(e) 3-Fluoromethcathinone;

(f) 4-Fluoromethcathinone;

(g) Mephedrone, or 4-methylmethcathinone;

(h) Methcathinone;
(i) 4-methoxymethcathinone;
(j) (+,-)cis-4-methylaminorex
((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);
(k) Methylenedioxypropylone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
(l) Methylenedioxypropylone, or 3,4-Methylenedioxypropylone;
(m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
(n) N-ethylamphetamine;
(o) N,N-dimethylamphetamine;
(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;
(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

1 (2) The substance has currently accepted medical use in
2 treatment in the United States, or currently accepted medical use
3 with severe restrictions; and

4 (3) The abuse of the substance may lead to severe psychic
5 or physical dependence.

6 4. The controlled substances listed in this subsection are
7 included in Schedule II:

8 (1) Any of the following substances whether produced
9 directly or indirectly by extraction from substances of vegetable
10 origin, or independently by means of chemical synthesis, or by
11 combination of extraction and chemical synthesis:

12 (a) Opium and opiate and any salt, compound, derivative or
13 preparation of opium or opiate, excluding apomorphine,
14 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
15 naloxone and naltrexone, and their respective salts but including
16 the following:

- 17 a. Raw opium;
- 18 b. Opium extracts;
- 19 c. Opium fluid;
- 20 d. Powdered opium;
- 21 e. Granulated opium;
- 22 f. Tincture of opium;
- 23 g. Codeine;
- 24 h. Ethylmorphine;
- 25 i. Etorphine hydrochloride;
- 26 j. Hydrocodone;
- 27 k. Hydromorphone;
- 28 l. Metopon;

- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk dextropropoxyphene;

1 (f) Carfentanil;
2 (g) Dihydrocodeine;
3 (h) Diphenoxylate;
4 (i) Fentanyl;
5 (j) Isomethadone;
6 (k) Levo-alphaacetylmethadol;
7 (l) Levomethorphan;
8 (m) Levorphanol;
9 (n) Metazocine;
10 (o) Methadone;
11 (p) Meperidine;
12 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
13 4-diphenylbutane;
14 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
15 1-diphenylpropane--carboxylic acid;
16 (s) Pethidine (meperidine);
17 (t) Pethidine-Intermediate-A,
18 4-cyano-1-methyl-4-phenylpiperidine;
19 (u) Pethidine-Intermediate-B,
20 ethyl-4-phenylpiperidine-4-carboxylate;
21 (v) Pethidine-Intermediate-C,
22 1-methyl-4-phenylpiperidine-4-carboxylic acid;
23 (w) Phenazocine;
24 (x) Piminodine;
25 (y) Racemethorphan;
26 (z) Racemorphan;
27 (aa) Remifentanil;
28 (bb) Sufentanil;

1 (cc) Tapentadol;

2 (3) Any material, compound, mixture, or preparation which
3 contains any quantity of the following substances having a
4 stimulant effect on the central nervous system:

5 (a) Amphetamine, its salts, optical isomers, and salts of
6 its optical isomers;

7 (b) Lisdexamfetamine, its salts, isomers, and salts of its
8 isomers;

9 (c) Methamphetamine, its salts, isomers, and salts of its
10 isomers;

11 (d) Phenmetrazine and its salts;

12 (e) Methylphenidate;

13 (4) Any material, compound, mixture, or preparation which
14 contains any quantity of the following substances having a
15 depressant effect on the central nervous system, including its
16 salts, isomers, and salts of isomers whenever the existence of
17 those salts, isomers, and salts of isomers is possible within the
18 specific chemical designation:

19 (a) Amobarbital;

20 (b) Glutethimide;

21 (c) Pentobarbital;

22 (d) Phencyclidine;

23 (e) Secobarbital;

24 (5) Any material or compound which contains any quantity of
25 nabilone;

26 (6) Any material, compound, mixture, or preparation which
27 contains any quantity of the following substances:

28 (a) Immediate precursor to amphetamine and methamphetamine:

1 Phenylacetone;

2 (b) Immediate precursors to phencyclidine (PCP):

3 a. 1-phenylcyclohexylamine;

4 b. 1-piperidinocyclohexanecarbonitrile (PCC);

5 (7) Any material, compound, mixture, or preparation which
6 contains any quantity of the following alkyl nitrites:

7 (a) Amyl nitrite;

8 (b) Butyl nitrite.

9 5. The department of health and senior services shall place
10 a substance in Schedule III if it finds that:

11 (1) The substance has a potential for abuse less than the
12 substances listed in Schedules I and II;

13 (2) The substance has currently accepted medical use in
14 treatment in the United States; and

15 (3) Abuse of the substance may lead to moderate or low
16 physical dependence or high psychological dependence.

17 6. The controlled substances listed in this subsection are
18 included in Schedule III:

19 (1) Any material, compound, mixture, or preparation which
20 contains any quantity of the following substances having a
21 potential for abuse associated with a stimulant effect on the
22 central nervous system:

23 (a) Benzphetamine;

24 (b) Chlorphentermine;

25 (c) Clortermine;

26 (d) Phendimetrazine;

27 (2) Any material, compound, mixture or preparation which
28 contains any quantity or salt of the following substances or

1 salts having a depressant effect on the central nervous system:

2 (a) Any material, compound, mixture or preparation which
3 contains any quantity or salt of the following substances
4 combined with one or more active medicinal ingredients:

5 a. Amobarbital;

6 b. Secobarbital;

7 c. Pentobarbital;

8 (b) Any suppository dosage form containing any quantity or
9 salt of the following:

10 a. Amobarbital;

11 b. Secobarbital;

12 c. Pentobarbital;

13 (c) Any substance which contains any quantity of a
14 derivative of barbituric acid or its salt;

15 (d) Chlorhexadol;

16 (e) Embutramide;

17 (f) Gamma hydroxybutyric acid and its salts, isomers, and
18 salts of isomers contained in a drug product for which an
19 application has been approved under Section 505 of the federal
20 Food, Drug, and Cosmetic Act;

21 (g) Ketamine, its salts, isomers, and salts of isomers;

22 (h) Lysergic acid;

23 (i) Lysergic acid amide;

24 (j) Methyprylon;

25 (k) Sulfondiethylmethane;

26 (l) Sulfonethylmethane;

27 (m) Sulfonmethane;

28 (n) Tiletamine and zolazepam or any salt thereof;

1 (3) Nalorphine;

2 (4) Any material, compound, mixture, or preparation
3 containing limited quantities of any of the following narcotic
4 drugs or their salts:

5 (a) Not more than 1.8 grams of codeine per one hundred
6 milliliters or not more than ninety milligrams per dosage unit,
7 with an equal or greater quantity of an isoquinoline alkaloid of
8 opium;

9 (b) Not more than 1.8 grams of codeine per one hundred
10 milliliters or not more than ninety milligrams per dosage unit
11 with one or more active, nonnarcotic ingredients in recognized
12 therapeutic amounts;

13 (c) Not more than three hundred milligrams of hydrocodone
14 per one hundred milliliters or not more than fifteen milligrams
15 per dosage unit, with a fourfold or greater quantity of an
16 isoquinoline alkaloid of opium;

17 (d) Not more than three hundred milligrams of hydrocodone
18 per one hundred milliliters or not more than fifteen milligrams
19 per dosage unit, with one or more active nonnarcotic ingredients
20 in recognized therapeutic amounts;

21 (e) Not more than 1.8 grams of dihydrocodeine per one
22 hundred milliliters or not more than ninety milligrams per dosage
23 unit, with one or more active nonnarcotic ingredients in
24 recognized therapeutic amounts;

25 (f) Not more than three hundred milligrams of ethylmorphine
26 per one hundred milliliters or not more than fifteen milligrams
27 per dosage unit, with one or more active, nonnarcotic ingredients
28 in recognized therapeutic amounts;

1 (g) Not more than five hundred milligrams of opium per one
2 hundred milliliters or per one hundred grams or not more than
3 twenty-five milligrams per dosage unit, with one or more active
4 nonnarcotic ingredients in recognized therapeutic amounts;

5 (h) Not more than fifty milligrams of morphine per one
6 hundred milliliters or per one hundred grams, with one or more
7 active, nonnarcotic ingredients in recognized therapeutic
8 amounts;

9 (5) Any material, compound, mixture, or preparation
10 containing any of the following narcotic drugs or their salts, as
11 set forth in subdivision (6) of this subsection; buprenorphine;

12 (6) Anabolic steroids. Any drug or hormonal substance,
13 chemically and pharmacologically related to testosterone (other
14 than estrogens, progestins, corticosteroids, and
15 dehydroepiandrosterone) that promotes muscle growth, except an
16 anabolic steroid which is expressly intended for administration
17 through implants to cattle or other nonhuman species and which
18 has been approved by the Secretary of Health and Human Services
19 for that administration. If any person prescribes, dispenses, or
20 distributes such steroid for human use, such person shall be
21 considered to have prescribed, dispensed, or distributed an
22 anabolic steroid within the meaning of this subdivision. Unless
23 specifically excepted or unless listed in another schedule, any
24 material, compound, mixture or preparation containing any
25 quantity of the following substances, including its salts, esters
26 and ethers:

27 (a) $3\beta,17$ -dihydroxy-5 α -androsterone;

28 (b) $3\alpha,17\beta$ -dihydroxy-5 α -androsterone;

1 (c) 5a-androstan-3,17-dione;
 2 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5a-androst-1-ene);
 3 (e) 1-androstenediol (3a,17 β -dihydroxy-5a-androst-1-ene);
 4 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
 5 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
 6 (h) 1-androstenedione ([5a]-androst-1-en-3,17-dione);
 7 (i) 4-androstenedione (androst-4-en-3,17-dione);
 8 (j) 5-androstenedione (androst-5-en-3,17-dione);
 9 (k) Bolasterone (7a,
 10 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
 11 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
 12 (m) Boldione;
 13 (n) Calusterone (7 β ,
 14 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
 15 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
 16 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-
 17 17a-methyl-androst-1,4-dien-3-one);
 18 (q) Desoxymethyltestosterone;
 19 (r) Δ 1-dihydrotestosterone (a.k.a.
 20 '1-testosterone') (17 β -hydroxy-5 α -androst-1-en-3-one);
 21 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
 22 (t) Drostanolone
 23 (17 β -hydroxy-2a-methyl-5a-androstan-3-one);
 24 (u) Ethylestrenol (17a-ethyl-17 β -hydroxyestr-4-ene);
 25 (v) Fluoxymesterone
 26 (9-fluoro-17a-methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
 27 (w) Formebolone
 28 (2-formyl-17a-methyl-11a,17 β -dihydroxyandrost-1,4-dien-3-one);

1 (x) Furazabol
 2 (17a-methyl-17 β -hydroxyandrostando[2,3-c]-furan);
 3 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 4 (z) 4-hydroxytestosterone
 5 (4,17 β -dihydroxy-androst-4-en-3-one);
 6 (aa) 4-hydroxy-19-nortestosterone
 7 (4,17 β -dihydroxy-estr-4-en-3-one);
 8 (bb) Mestanolone
 9 (17a-methyl-17 β -hydroxy-5-androstan-3-one);
 10 (cc) Mesterolone
 11 (1a-methyl-17 β -hydroxy-[5a]-androstan-3-one);
 12 (dd) Methandienone
 13 (17a-methyl-17 β -hydroxyandrost-1,4-dien-3-one);
 14 (ee) Methandriol
 15 (17a-methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 16 (ff) Methenolone
 17 (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
 18 (gg) 17a-methyl-3 β ,17 β -dihydroxy-5a-androstane);
 19 (hh) 17a-methyl-3a,17 β -dihydroxy-5a-androstane);
 20 (ii) 17a-methyl-3 β ,17 β -dihydroxyandrost-4-ene;
 21 (jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-
 22 17 β -hydroxyestr-4-en-3-one);
 23 (kk) Methyldienolone
 24 (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 25 (ll) Methyltrienolone
 26 (17a-methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
 27 (mm) Methyltestosterone
 28 (17a-methyl-17 β -hydroxyandrost-4-en-3-one);

1 (nn) Mibolerone
 2 (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
 3 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -
 4 methyl-5 α -androst-1-en-3-one) (a.k.a.
 5 '17- α -methyl-1-testosterone');
 6 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 7 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 8 (rr) 19-nor-4-androstenediol (3a,17 β -dihydroxyestr-4-ene);
 9 (ss) 19-nor-4,9(10)-androstadienedione;
 10 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 11 (uu) 19-nor-5-androstenediol (3a,17 β -dihydroxyestr-5-ene);
 12 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 13 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 14 (xx) Norbolethone
 15 (13 β ,17a-diethyl-17 β -hydroxygon-4-en-3-one);
 16 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 17 (zz) Norethandrolone
 18 (17a-ethyl-17 β -hydroxyestr-4-en-3-one);
 19 (aaa) Normethandrolone
 20 (17a-methyl-17 β -hydroxyestr-4-en-3-one);
 21 (bbb) Oxandrolone
 22 (17a-methyl-17 β -hydroxy-2-oxa-[5a]-androstan-3-one);
 23 (ccc) Oxymesterone
 24 (17a-methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 25 (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-
 26 17 β -hydroxy-[5a]-androstan-3-one);
 27 (eee) Stanazolol
 28 (17a-methyl-17 β -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);

(fff) Stenbolone
(17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
(ggg) Testolactone
(13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
lactone);
(hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
(iii) Tetrahydrogestrinone
(13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
(jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
(kkk) Any salt, ester, or ether of a drug or substance
described or listed in this subdivision, except an anabolic
steroid which is expressly intended for administration through
implants to cattle or other nonhuman species and which has been
approved by the Secretary of Health and Human Services for that
administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated
in a soft gelatin capsule in a United States Food and Drug
Administration approved drug product;

(8) The department of health and senior services may except
by rule any compound, mixture, or preparation containing any
stimulant or depressant substance listed in subdivisions (1) and
(2) of this subsection from the application of all or any part of
sections 195.010 to 195.320 if the compound, mixture, or
preparation contains one or more active medicinal ingredients not
having a stimulant or depressant effect on the central nervous
system, and if the admixtures are included therein in
combinations, quantity, proportion, or concentration that vitiate
the potential for abuse of the substances which have a stimulant

1 or depressant effect on the central nervous system.

2 7. The department of health and senior services shall place
3 a substance in Schedule IV if it finds that:

4 (1) The substance has a low potential for abuse relative to
5 substances in Schedule III;

6 (2) The substance has currently accepted medical use in
7 treatment in the United States; and

8 (3) Abuse of the substance may lead to limited physical
9 dependence or psychological dependence relative to the substances
10 in Schedule III.

11 8. The controlled substances listed in this subsection are
12 included in Schedule IV:

13 (1) Any material, compound, mixture, or preparation
14 containing any of the following narcotic drugs or their salts
15 calculated as the free anhydrous base or alkaloid, in limited
16 quantities as set forth below:

17 (a) Not more than one milligram of difenoxin and not less
18 than twenty-five micrograms of atropine sulfate per dosage unit;

19 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
20 2-diphenyl-3-methyl-2- propionoxybutane);

21 (c) Any of the following limited quantities of narcotic
22 drugs or their salts, which shall include one or more nonnarcotic
23 active medicinal ingredients in sufficient proportion to confer
24 upon the compound, mixture or preparation valuable medicinal
25 qualities other than those possessed by the narcotic drug alone:

26 a. Not more than two hundred milligrams of codeine per one
27 hundred milliliters or per one hundred grams;

28 b. Not more than one hundred milligrams of dihydrocodeine

per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine
per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation
containing any quantity of the following substances, including
their salts, isomers, and salts of isomers whenever the existence
of those salts, isomers, and salts of isomers is possible within
the specific chemical designation:

- (a) Alprazolam;
- (b) Barbitol;
- (c) Bromazepam;
- (d) Camazepam;
- (e) Chloral betaine;
- (f) Chloral hydrate;
- (g) Chlordiazepoxide;
- (h) Clobazam;
- (i) Clonazepam;
- (j) Clorazepate;
- (k) Clotiazepam;
- (l) Cloxazolam;
- (m) Delorazepam;
- (n) Diazepam;
- (o) Dichloralphenazone;
- (p) Estazolam;
- (q) Ethchlorvynol;
- (r) Ethinamate;
- (s) Ethyl loflazepate;
- (t) Fludiazepam;

1 (u) Flunitrazepam;
2 (v) Flurazepam;
3 (w) Fospropofol;
4 (x) Halazepam;
5 (y) Haloxazolam;
6 (z) Ketazolam;
7 (aa) Loprazolam;
8 (bb) Lorazepam;
9 (cc) Lormetazepam;
10 (dd) Mebutamate;
11 (ee) Medazepam;
12 (ff) Meproamate;
13 (gg) Methohexital;
14 (hh) Methylphenobarbital (mephobarbital);
15 (ii) Midazolam;
16 (jj) Nimetazepam;
17 (kk) Nitrazepam;
18 (ll) Nordiazepam;
19 (mm) Oxazepam;
20 (nn) Oxazolam;
21 (oo) Paraldehyde;
22 (pp) Petrichloral;
23 (qq) Phenobarbital;
24 (rr) Pinazepam;
25 (ss) Prazepam;
26 (tt) Quazepam;
27 (uu) Temazepam;
28 (vv) Tetrazepam;

(ww) Triazolam;

(xx) Zaleplon;

(yy) Zolpidem;

(zz) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible:
fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Modafinil;

(h) Pemoline, including organometallic complexes and chelates thereof;

(i) Phentermine;

(j) Pipradrol;

(k) Sibutramine;

(l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its

1 salts:

2 (a) butorphanol;

3 (b) pentazocine;

4 (6) Ephedrine, its salts, optical isomers and salts of
5 optical isomers, when the substance is the only active medicinal
6 ingredient;

7 (7) The department of health and senior services may except
8 by rule any compound, mixture, or preparation containing any
9 depressant substance listed in subdivision (1) of this subsection
10 from the application of all or any part of sections 195.010 to
11 195.320 and sections 579.015 to 579.086 if the compound, mixture,
12 or preparation contains one or more active medicinal ingredients
13 not having a depressant effect on the central nervous system, and
14 if the admixtures are included therein in combinations, quantity,
15 proportion, or concentration that vitiate the potential for abuse
16 of the substances which have a depressant effect on the central
17 nervous system.

18 9. The department of health and senior services shall place
19 a substance in Schedule V if it finds that:

20 (1) The substance has low potential for abuse relative to
21 the controlled substances listed in Schedule IV;

22 (2) The substance has currently accepted medical use in
23 treatment in the United States; and

24 (3) The substance has limited physical dependence or
25 psychological dependence liability relative to the controlled
26 substances listed in Schedule IV.

27 10. The controlled substances listed in this subsection are
28 included in Schedule V:

1 (1) Any compound, mixture or preparation containing any of
2 the following narcotic drugs or their salts calculated as the
3 free anhydrous base or alkaloid, in limited quantities as set
4 forth below, which also contains one or more nonnarcotic active
5 medicinal ingredients in sufficient proportion to confer upon the
6 compound, mixture or preparation valuable medicinal qualities
7 other than those possessed by the narcotic drug alone:

8 (a) Not more than two and five-tenths milligrams of
9 diphenoxylate and not less than twenty-five micrograms of
10 atropine sulfate per dosage unit;

11 (b) Not more than one hundred milligrams of opium per one
12 hundred milliliters or per one hundred grams;

13 (c) Not more than five-tenths milligram of difenoxin and
14 not less than twenty-five micrograms of atropine sulfate per
15 dosage unit;

16 (2) Any material, compound, mixture or preparation which
17 contains any quantity of the following substance having a
18 stimulant effect on the central nervous system including its
19 salts, isomers and salts of isomers: pyrovalerone;

20 (3) Any compound, mixture, or preparation containing any
21 detectable quantity of pseudoephedrine or its salts or optical
22 isomers, or salts of optical isomers or any compound, mixture, or
23 preparation containing any detectable quantity of ephedrine or
24 its salts or optical isomers, or salts of optical isomers;

25 (4) Unless specifically exempted or excluded or unless
26 listed in another schedule, any material, compound, mixture, or
27 preparation which contains any quantity of the following
28 substances having a depressant effect on the central nervous

1 system, including its salts:

2 (a) Lacosamide;

3 (b) Pregabalin.

4 11. If any compound, mixture, or preparation as specified
5 in subdivision (3) of subsection 10 of this section is dispensed,
6 sold, or distributed in a pharmacy without a prescription:

7 (1) All packages of any compound, mixture, or preparation
8 containing any detectable quantity of pseudoephedrine, its salts
9 or optical isomers, or salts of optical isomers or ephedrine, its
10 salts or optical isomers, or salts of optical isomers, shall be
11 offered for sale only from behind a pharmacy counter where the
12 public is not permitted, and only by a registered pharmacist or
13 registered pharmacy technician; and

14 (2) Any person purchasing, receiving or otherwise acquiring
15 any compound, mixture, or preparation containing any detectable
16 quantity of pseudoephedrine, its salts or optical isomers, or
17 salts of optical isomers or ephedrine, its salts or optical
18 isomers, or salts of optical isomers shall be at least eighteen
19 years of age; and

20 (3) The pharmacist, intern pharmacist, or registered
21 pharmacy technician shall require any person, prior to [their]
22 such person's purchasing, receiving or otherwise acquiring such
23 compound, mixture, or preparation to furnish suitable photo
24 identification that is issued by a state or the federal
25 government or a document that, with respect to identification, is
26 considered acceptable and showing the date of birth of the
27 person;

28 (4) The seller shall deliver the product directly into the

1 custody of the purchaser.

2 12. Pharmacists, intern pharmacists, and registered
3 pharmacy technicians shall implement and maintain an electronic
4 log of each transaction. Such log shall include the following
5 information:

6 (1) The name, address, and signature of the purchaser;

7 (2) The amount of the compound, mixture, or preparation
8 purchased;

9 (3) The date and time of each purchase; and

10 (4) The name or initials of the pharmacist, intern
11 pharmacist, or registered pharmacy technician who dispensed the
12 compound, mixture, or preparation to the purchaser.

13 13. Each pharmacy shall submit information regarding sales
14 of any compound, mixture, or preparation as specified in
15 subdivision (3) of subsection 10 of this section in accordance
16 with transmission methods and frequency established by the
17 department by regulation;

18 14. No person shall dispense, sell, purchase, receive, or
19 otherwise acquire quantities greater than those specified in this
20 chapter.

21 15. All persons who dispense or offer for sale
22 pseudoephedrine and ephedrine products in a pharmacy shall ensure
23 that all such products are located only behind a pharmacy counter
24 where the public is not permitted.

25 16. [Any person who knowingly or recklessly violates] The
26 penalties for a knowing or reckless violation of the provisions
27 of subsections 11 to 15 of this section [is guilty of a class A
28 misdemeanor] are found in section 579.060.

1 17. The scheduling of substances specified in subdivision
2 (3) of subsection 10 of this section and subsections 11, 12, 14,
3 and 15 of this section shall not apply to any compounds,
4 mixtures, or preparations that are in liquid or liquid-filled gel
5 capsule form or to any compound, mixture, or preparation
6 specified in subdivision (3) of subsection 10 of this section
7 which must be dispensed, sold, or distributed in a pharmacy
8 pursuant to a prescription.

9 18. The manufacturer of a drug product or another
10 interested party may apply with the department of health and
11 senior services for an exemption from this section. The
12 department of health and senior services may grant an exemption
13 by rule from this section if the department finds the drug
14 product is not used in the illegal manufacture of methamphetamine
15 or other controlled or dangerous substances. The department of
16 health and senior services shall rely on reports from law
17 enforcement and law enforcement evidentiary laboratories in
18 determining if the proposed product can be used to manufacture
19 illicit controlled substances.

20 19. The department of health and senior services shall
21 revise and republish the schedules annually.

22 20. The department of health and senior services shall
23 promulgate rules under chapter 536 regarding the security and
24 storage of Schedule V controlled substances, as described in
25 subdivision (3) of subsection 10 of this section, for
26 distributors as registered by the department of health and senior
27 services.

28 21. Logs of transactions required to be kept and maintained

1 by this section and section 195.417 shall create a rebuttable
2 presumption that the person whose name appears in the logs is the
3 person whose transactions are recorded in the logs.

4 195.030. 1. The department of health and senior services
5 upon public notice and hearing pursuant to this section and
6 chapter 536 may promulgate rules and charge reasonable fees
7 relating to the registration and control of the manufacture,
8 distribution and dispensing of controlled substances within this
9 state. No rule or portion of a rule promulgated pursuant to the
10 authority of this chapter shall become effective unless it has
11 been promulgated pursuant to the provisions of section 536.024.

12 2. No person shall manufacture, compound, mix, cultivate,
13 grow, or by any other process produce or prepare, distribute,
14 dispense or prescribe any controlled substance and no person as a
15 wholesaler shall supply the same, without having first obtained a
16 registration issued by the department of health and senior
17 services in accordance with rules and regulations promulgated by
18 it. No registration shall be granted for a term exceeding three
19 years.

20 3. Persons registered by the department of health and
21 senior services pursuant to [sections 195.005 to 195.425] this
22 chapter to manufacture, distribute, or dispense or conduct
23 research with controlled substances are authorized to possess,
24 manufacture, distribute or dispense such substances, including
25 any such activity in the conduct of research, to the extent
26 authorized by their registration and in conformity with other
27 provisions of [sections 195.005 to 195.425] this chapter and
28 chapter 579.

1 4. The following persons shall not be required to register
2 and may lawfully possess controlled substances pursuant to
3 [sections 195.005 to 195.425] this chapter:

4 (1) An agent or employee, excluding physicians, dentists,
5 optometrists, podiatrists or veterinarians, of any registered
6 manufacturer, distributor, or dispenser of any controlled
7 substance if such agent is acting in the usual course of his or
8 her business or employment;

9 (2) A common or contract carrier or warehouseman, or an
10 employee thereof, whose possession of any controlled substance is
11 in the usual course of business or employment;

12 (3) An ultimate user or a person in possession of any
13 controlled substance pursuant to a lawful order of a practitioner
14 or in lawful possession of a Schedule V substance.

15 5. The department of health and senior services may, by
16 regulation, waive the requirement for registration of certain
17 manufacturers, distributors, or dispensers if it finds it
18 consistent with the public health and safety.

19 6. A separate registration shall be required at each
20 principal place of business or professional practice where the
21 applicant manufactures, distributes, or dispenses controlled
22 substances.

23 7. The department of health and senior services is
24 authorized to inspect the establishment of a registrant or
25 applicant in accordance with the provisions of [sections 195.005
26 to 195.425] this chapter.

27 195.040. 1. No registration shall be issued under section
28 195.030 unless and until the applicant therefor has furnished

1 proof satisfactory to the department of health and senior
2 services:

3 (1) That the applicant is of good moral character or, if
4 the applicant be an association or corporation, that the managing
5 officers are of good moral character;

6 (2) That the applicant is equipped as to land, buildings,
7 and paraphernalia properly to carry on the business described in
8 his or her application.

9 2. No registration shall be granted to any person who has
10 within two years been finally adjudicated and found guilty, or
11 entered a plea of guilty or nolo contendere, in a criminal
12 prosecution under the laws of any state or of the United States,
13 for any misdemeanor offense or within seven years for any felony
14 offense related to controlled substances. No registration shall
15 be granted to any person who is abusing controlled substances.

16 3. The department of health and senior services shall
17 register an applicant to manufacture, distribute or dispense
18 controlled substances unless it determines that the issuance of
19 that registration would be inconsistent with the public interest.
20 In determining the public interest, the following factors shall
21 be considered:

22 (1) Maintenance of effective controls against diversion of
23 controlled substances into other than legitimate medical,
24 scientific, or industrial channels;

25 (2) Compliance with applicable state and local law;

26 (3) Any convictions of an applicant under any federal or
27 state laws relating to any controlled substance;

28 (4) Past experience in the manufacture or distribution of

1 controlled substances and the existence in the applicant's
2 establishment of effective controls against diversion;

3 (5) Furnishing by the applicant of false or fraudulent
4 material information in any application filed under [sections
5 195.005 to 195.425] this chapter;

6 (6) Suspension or revocation of the applicant's federal
7 registration to manufacture, distribute or dispense narcotics or
8 controlled dangerous drugs as authorized by federal law; and

9 (7) Any other factors relevant to and consistent with the
10 public health and safety.

11 4. Registration does not entitle a registrant to
12 manufacture and distribute controlled substances in Schedule I or
13 II other than those specified in the registration.

14 5. Practitioners shall be registered to dispense any
15 controlled substance or to conduct research with controlled
16 substances in Schedules II through V if they are authorized to
17 dispense or conduct research under the laws of this state. The
18 department of health and senior services need not require
19 separate registration under [sections 195.005 to 195.425] this
20 chapter for practitioners engaging in research with nonnarcotic
21 substances in Schedules II through V where the registrant is
22 already registered under [sections 195.005 to 195.425] this
23 chapter in another capacity. Practitioners registered under
24 federal law to conduct research with Schedule I substances may
25 conduct research with Schedule I substances within this state
26 upon furnishing the department of health and senior services
27 evidence of that federal registration.

28 6. Compliance by manufacturers and distributors with the

1 provisions of federal law respecting registration (excluding
2 fees) shall entitle them to be registered under [sections 195.005
3 to 195.425] this chapter.

4 7. A registration to manufacture, distribute, or dispense a
5 controlled substance may be suspended or revoked by the
6 department of health and senior services upon a finding that the
7 registrant:

8 (1) Has furnished false or fraudulent material information
9 in any application filed under [sections 195.005 to 195.425] this
10 chapter;

11 (2) Has been convicted of a felony under any state or
12 federal law relating to any controlled substance;

13 (3) Has had his or her federal registration to manufacture,
14 distribute or dispense suspended or revoked;

15 (4) Has violated any federal controlled substances statute
16 or regulation, or any provision of [sections 195.005 to 195.425]
17 this chapter or chapter 579 or regulation promulgated [pursuant
18 to sections 195.005 to 195.425] under this chapter; or

19 (5) Has had the registrant's professional license to
20 practice suspended or revoked.

21 8. The department of health and senior services may warn or
22 censure a registrant; limit a registration to particular
23 controlled substances or schedules of controlled substances;
24 limit revocation or suspension of a registration to a particular
25 controlled substance with respect to which grounds for revocation
26 or suspension exist; restrict or limit a registration under such
27 terms and conditions as the department of health and senior
28 services considers appropriate for a period of five years;

1 suspend or revoke a registration for a period not to exceed five
2 years; or deny an application for registration. In any order of
3 revocation, the department of health and senior services may
4 provide that the registrant may not apply for a new registration
5 for a period of time ranging from one to five years following the
6 date of the order of revocation. All stay orders shall toll this
7 time period. Any registration placed under a limitation or
8 restriction by the department of health and senior services shall
9 be termed "under probation".

10 9. If the department of health and senior services suspends
11 or revokes a registration, all controlled substances owned or
12 possessed by the registrant at the time of suspension or the
13 effective date of the revocation order may be placed under seal
14 by such agency and held pending final disposition of the case.
15 No disposition may be made of substances under seal until the
16 time for taking an appeal has elapsed or until all appeals have
17 been concluded, unless a court, upon application therefor, orders
18 the sale of perishable substances and the deposit of the proceeds
19 of the sale with the court. Upon a revocation order becoming
20 final, all controlled substances may be forfeited to the state.

21 10. The department of health and senior services may, upon
22 review, terminate any restriction or limitation previously
23 imposed upon a registration by the department of health and
24 senior services if the registrant has remained in compliance with
25 the imposed restrictions or limitations and local, state and
26 federal laws since the time the restrictions or limitations were
27 imposed.

28 11. The department of health and senior services shall

1 promptly notify the Drug Enforcement Administration, United
2 States Department of Justice, or its successor agency, of all
3 orders suspending or revoking registration and all forfeitures of
4 controlled substances.

5 12. If after first providing the registrant an opportunity
6 for an informal conference, the department of health and senior
7 services proposes to deny, suspend, restrict, limit or revoke a
8 registration or refuse a renewal of registration, the department
9 of health and senior services shall serve upon the applicant or
10 registrant written notice of the proposed action to be taken on
11 the application or registration. The notice shall contain a
12 statement of the type of discipline proposed, the basis therefor,
13 the date such action shall go into effect and a statement that
14 the registrant shall have thirty days to request in writing a
15 hearing before the administrative hearing commission. If no
16 written request for a hearing is received by the department of
17 health and senior services within thirty days of the applicant's
18 or registrant's receipt of the notice, the proposed discipline
19 shall take effect thirty-one days from the date the original
20 notice was received by the applicant or registrant. If the
21 registrant or applicant makes a written request for a hearing,
22 the department of health and senior services shall file a
23 complaint with the administrative hearing commission within sixty
24 days of receipt of the written request for a hearing. The
25 complaint shall comply with the laws and regulations for actions
26 brought before the administrative hearing commission. The
27 department of health and senior services may issue letters of
28 censure or warning and may enter into agreements with a

1 registrant or applicant which restrict or limit a registration
2 without formal notice or hearing.

3 13. The department of health and senior services may
4 suspend any registration simultaneously with the institution of
5 proceedings under subsection 7 of this section if the department
6 of health and senior services finds that there is imminent danger
7 to the public health or safety which warrants this action. The
8 suspension shall continue in effect until the conclusion of the
9 proceedings, including review thereof, unless sooner withdrawn by
10 the department of health and senior services, dissolved by a
11 court of competent jurisdiction or stayed by the administrative
12 hearing commission.

13 195.050. 1. A duly registered manufacturer or wholesaler
14 may sell controlled substances to any of the following persons:

- 15 (1) To a manufacturer, wholesaler, or pharmacy;
16 (2) To a physician, dentist, podiatrist or veterinarian;
17 (3) To a person in charge of a hospital, but only for use
18 in that hospital;
19 (4) To a person in charge of a laboratory, but only for use
20 in that laboratory for scientific and medical purposes.

21 2. A duly registered manufacturer or wholesaler may sell
22 controlled substances to any of the following persons:

- 23 (1) On a special written order accompanied by a certificate
24 of exemption, as required by federal laws, to a person in the
25 employ of the United States government or of any state,
26 territorial, district, county, municipal or insular government,
27 purchasing, receiving, possessing, or dispensing controlled
28 substances by reason of his or her official duties;

1 (2) To a master of a ship or person in charge of any
2 aircraft upon which no physician is regularly employed, for the
3 actual medical needs of persons on board such ship or aircraft,
4 when not in port; provided, such controlled substances shall be
5 sold to the master of such ship or person in charge of such
6 aircraft only in pursuance of a special order form approved by a
7 commissioned medical officer or acting surgeon of the United
8 States Public Health Service;

9 (3) To a person in a foreign country if the provisions of
10 federal laws are complied with.

11 3. An official written order for any controlled substance
12 listed in Schedules I and II shall be signed in duplicate by the
13 person giving the order or by his or her duly authorized agent.
14 The original shall be presented to the person who sells or
15 dispenses the controlled substance named therein. In event of
16 the acceptance of such order by the person, each party to the
17 transaction shall preserve his or her copy of such order for a
18 period of two years in such a way as to be readily accessible for
19 inspection by any public officer or employee engaged in the
20 enforcement of [sections 195.005 to 195.425] this chapter or
21 chapter 579. It shall be deemed a compliance with this
22 subsection if the parties to the transaction have complied with
23 federal laws, respecting the requirements governing the use of
24 order forms.

25 4. Possession of or control of controlled substances
26 obtained as authorized by this section shall be lawful if in the
27 regular course of business, occupation, profession, employment,
28 or duty of the possessor.

1 5. A person in charge of a hospital or of a laboratory, or
2 in the employ of this state or of any other state, or of any
3 political subdivision thereof, and a master or other proper
4 officer of a ship or aircraft, who obtains controlled substances
5 under the provisions of this section or otherwise, shall not
6 administer, nor dispense, nor otherwise use such drugs, within
7 this state, except within the scope of his or her employment or
8 official duty, and then only for scientific or medicinal purposes
9 and subject to the provisions of [sections 195.005 to 195.425]
10 this chapter and chapter 579.

11 6. Every person registered to manufacture, distribute or
12 dispense controlled substances under [sections 195.005 to
13 195.425] this chapter shall keep records and inventories of all
14 such drugs in conformance with the record keeping and inventory
15 requirements of federal law, and in accordance with any
16 additional regulations of the department of health and senior
17 services.

18 7. Manufacturers and wholesalers shall keep records of all
19 narcotic and controlled substances compounded, mixed, cultivated,
20 grown, or by any other process produced or prepared, and of all
21 controlled substances received and disposed of by them, in
22 accordance with this section.

23 8. Apothecaries shall keep records of all controlled
24 substances received and disposed of by them, in accordance with
25 the provisions of this section.

26 9. The form of records shall be prescribed by the
27 department of health and senior services.

28 195.080. 1. Except as otherwise provided in [sections

1 195.005 to 195.425 specifically provided, sections 195.005 to
2 195.425] this chapter and chapter 579, this chapter and chapter
3 579 shall not apply to the following cases: prescribing,
4 administering, dispensing or selling at retail of liniments,
5 ointments, and other preparations that are susceptible of
6 external use only and that contain controlled substances in such
7 combinations of drugs as to prevent the drugs from being readily
8 extracted from such liniments, ointments, or preparations, except
9 that [sections 195.005 to 195.425] this chapter and chapter 579
10 shall apply to all liniments, ointments, and other preparations
11 that contain coca leaves in any quantity or combination.

12 2. The quantity of Schedule II controlled substances
13 prescribed or dispensed at any one time shall be limited to a
14 thirty-day supply. The quantity of Schedule III, IV or V
15 controlled substances prescribed or dispensed at any one time
16 shall be limited to a ninety-day supply and shall be prescribed
17 and dispensed in compliance with the general provisions of
18 [sections 195.005 to 195.425] this chapter and chapter 579. The
19 supply limitations provided in this subsection may be increased
20 up to three months if the physician describes on the prescription
21 form or indicates via telephone, fax, or electronic communication
22 to the pharmacy to be entered on or attached to the prescription
23 form the medical reason for requiring the larger supply. The
24 supply limitations provided in this subsection shall not apply
25 if:

26 (1) The prescription is issued by a practitioner located in
27 another state according to and in compliance with the applicable
28 laws of that state and the United States and dispensed to a

1 patient located in another state; or

2 (2) The prescription is dispensed directly to a member of
3 the United States armed forces serving outside the United States.

4 3. The partial filling of a prescription for a Schedule II
5 substance is permissible as defined by regulation by the
6 department of health and senior services.

7 195.100. 1. It shall be unlawful to distribute any
8 controlled substance in a commercial container unless such
9 container bears a label containing an identifying symbol for such
10 substance in accordance with federal laws.

11 2. It shall be unlawful for any manufacturer of any
12 controlled substance to distribute such substance unless the
13 labeling thereof conforms to the requirements of federal law and
14 contains the identifying symbol required in subsection 1 of this
15 section.

16 3. The label of a controlled substance in Schedule II, III
17 or IV shall, when dispensed to or for a patient, contain a clear,
18 concise warning that it is a criminal offense to transfer such
19 narcotic or dangerous drug to any person other than the patient.

20 4. Whenever a manufacturer sells or dispenses a controlled
21 substance and whenever a wholesaler sells or dispenses a
22 controlled substance in a package prepared by him or her, the
23 manufacturer or wholesaler shall securely affix to each package
24 in which that drug is contained a label showing in legible
25 English the name and address of the vendor and the quantity,
26 kind, and form of controlled substance contained therein. No
27 person except a pharmacist for the purpose of filling a
28 prescription under [sections 195.005 to 195.425] this chapter,

1 shall alter, deface, or remove any label so affixed.

2 5. Whenever a pharmacist or practitioner sells or dispenses
3 any controlled substance on a prescription issued by a physician,
4 physician assistant, dentist, podiatrist, veterinarian, or
5 advanced practice registered nurse, the pharmacist or
6 practitioner shall affix to the container in which such drug is
7 sold or dispensed a label showing his or her own name and address
8 of the pharmacy or practitioner for whom he or she is lawfully
9 acting; the name of the patient or, if the patient is an animal,
10 the name of the owner of the animal and the species of the
11 animal; the name of the physician, physician assistant, dentist,
12 podiatrist, advanced practice registered nurse, or veterinarian
13 by whom the prescription was written; the name of the
14 collaborating physician if the prescription is written by an
15 advanced practice registered nurse or the supervising physician
16 if the prescription is written by a physician assistant, and such
17 directions as may be stated on the prescription. No person shall
18 alter, deface, or remove any label so affixed.

19 195.140. 1. All controlled substances, imitation
20 controlled substances or drug paraphernalia for the
21 administration, use or manufacture of controlled substances or
22 imitation controlled substances and which have come into the
23 custody of a peace officer or officer or agent of the department
24 of health and senior services as provided by [sections 195.010 to
25 195.320] this chapter or chapter 579, the lawful possession of
26 which is not established or the title to which cannot be
27 ascertained after a hearing as prescribed in Rule 34 of Rules of
28 Criminal Procedure for the courts of Missouri or some other

1 appropriate hearing, shall be forfeited, and disposed of as
2 follows:

3 (1) Except as in this section otherwise provided, the court
4 or associate circuit judge having jurisdiction shall order such
5 controlled substances, imitation controlled substances, or drug
6 paraphernalia forfeited and destroyed. A record of the place
7 where said controlled substances, imitation controlled
8 substances, or drug paraphernalia were seized, of the kinds and
9 quantities of controlled substances, imitation controlled
10 substances, or drug paraphernalia so destroyed, and of the time,
11 place and manner of destructions, shall be kept, and a return
12 under oath, reporting the destruction of the controlled
13 substances, imitation controlled substances, or drug
14 paraphernalia shall be made to the court or associate circuit
15 judge;

16 (2) The department of health and senior services shall keep
17 a complete record of all controlled substances, imitation
18 controlled substances, or drug paraphernalia received and
19 disposed of, together with the dates of such receipt and
20 disposal, showing the exact kinds, quantities, and forms of such
21 controlled substances, imitation controlled substances, or drug
22 paraphernalia; the persons from whom received and to whom
23 delivered; and by whose authority they were received, delivered
24 or destroyed; which record shall be open to inspection by all
25 federal or state officers charged with the enforcement of federal
26 and state narcotic or controlled substances laws.

27 2. (1) Everything of value furnished, or intended to be
28 furnished, in exchange for a controlled substance, imitation

1 controlled substance or drug paraphernalia in violation of
2 ~~[sections 195.010 to 195.320]~~ this section or chapter 579, all
3 proceeds traceable to such an exchange, and all moneys,
4 negotiable instruments, or securities used, or intended to be
5 used, to facilitate any violation of ~~[sections 195.010 to~~
6 ~~195.320]~~ this section or chapter 579, shall be forfeited, except
7 that no property shall be forfeited under this subsection to the
8 extent of the interest of an owner by reason of any act or
9 omission established by him to have been committed without his or
10 her knowledge or consent.

11 (2) Any moneys, coin, or currency found in close proximity
12 to forfeitable controlled substances, imitation controlled
13 substances, or drug paraphernalia, or forfeitable records of the
14 importation, manufacture, or distribution of controlled
15 substances, imitation controlled substances or drug paraphernalia
16 are presumed to be forfeitable under this subsection. The burden
17 of proof shall be upon claimants of the property to rebut this
18 presumption.

19 (3) All forfeiture proceedings shall be conducted pursuant
20 to the provisions of sections 513.600 to ~~[513.660]~~ 513.653.

21 195.150. On the conviction of any person of the violation
22 of any provision of ~~[this law]~~ chapter 579, a copy of the
23 judgment and sentence, and of the opinion of the court or
24 associate circuit judge, if any opinion be filed, shall be sent
25 by the clerk of the court, or by the associate circuit judge, to
26 the board or officer, if any, by whom the convicted defendant has
27 been licensed or registered to practice his or her profession or
28 to carry on his or her business. On the conviction of any such

1 person, the court may, in its discretion, suspend or revoke the
2 license or registration of the convicted defendant to practice
3 his or her profession or to carry on his business. On the
4 application of any person whose license or registration has been
5 suspended or revoked, and upon proper showing and for good cause,
6 said board or officer may reinstate such license or registration.

7 195.190. It is hereby made the duty of the department of
8 health and senior services, its officers, agents, inspectors, and
9 representatives, and all peace officers within the state, and all
10 county attorneys, to enforce all provisions of [sections 195.005
11 to 195.425] this chapter and chapter 579, except those
12 specifically delegated, and to cooperate with all agencies
13 charged with the enforcement of the laws of the United States, of
14 this state, and of all other states, relating to narcotic and
15 controlled substances.

16 195.195. The authority to promulgate regulations for the
17 efficient enforcement of [sections 195.005 to 195.425] this
18 chapter is hereby vested in the director of the department of
19 health and senior services subject to the provisions of
20 subsection 1 of section 195.030 and chapter 536. The director of
21 the department of health and senior services is hereby authorized
22 to make regulations promulgated under [sections 195.005 to
23 195.425] this chapter conform with those promulgated under the
24 federal Comprehensive Drug Abuse Prevention and Control Act of
25 1970.

26 195.198. 1. The director of the department of health and
27 senior services shall carry out educational programs designed to
28 prevent and deter misuse and abuse of controlled dangerous

1 substances. In connection with such programs he or she may:

2 (1) Assist the regulated industry and interested groups and
3 organizations in contributing to the reduction of misuse and
4 abuse of controlled substances;

5 (2) Consult with interested groups and organizations to aid
6 them in solving administrative and organizational problems;

7 (3) Assist in the education and training of state and local
8 law enforcement officials in their efforts to control misuse and
9 abuse of controlled substances.

10 2. The director of the department of health and senior
11 services shall encourage research on misuse and abuse of
12 controlled substances. In connection with such research and in
13 furtherance of the enforcement of [sections 195.005 to 195.425]
14 this chapter and chapter 579, he or she may:

15 (1) Establish methods to assess accurately the effects of
16 controlled substances including but not limited to gathering,
17 analyzing, and publishing a report using existing data regarding
18 poisoning episodes, arrests relating to controlled substance
19 violations, crime laboratory determinations, department of health
20 and senior services investigations and audits, information
21 available from the federal Drug Enforcement Administration and
22 Food and Drug Administration, and to identify and characterize
23 substances with potential for abuse;

24 (2) Make studies and undertake programs of research to
25 develop new or improved approaches, techniques, systems,
26 equipment and devices to strengthen the enforcement of [sections
27 195.005 to 195.425] this chapter and chapter 579.

28 3. The director of the department of health and senior

1 services may enter into contracts for educational and research
2 activities.

3 195.375. 1. A judge, upon proper oath or affirmation
4 showing probable cause, may issue warrants for controlled
5 premises for the purpose of conducting administrative inspections
6 authorized by [sections 195.005 to 195.425] this chapter, and
7 seizures of property appropriate to the inspections. For
8 purposes of the issuance of administrative inspection warrants,
9 probable cause exists upon showing a valid public interest in the
10 effective enforcement of [sections 195.005 to 195.425] this
11 chapter sufficient to justify administrative inspection of the
12 area, premises, building or conveyance in the circumstances
13 specified in the application for the warrant.

14 2. A warrant shall issue only upon an affidavit of a peace
15 officer or an employee of the department of health and senior
16 services having knowledge of the facts alleged, sworn to before
17 the judge and establishing the grounds for issuing the warrant.
18 If the judge is satisfied that grounds for the application exist,
19 he or she shall issue a warrant identifying the area, premises,
20 building or conveyance to be inspected, the purpose of the
21 inspection, and if appropriate, the type of property to be
22 inspected, if any. The warrant shall:

23 (1) State the grounds for its issuance and the name of each
24 person whose affidavit has been taken in support thereof;

25 (2) Be directed to a peace officer or to an employee of the
26 department of health and senior services to execute it;

27 (3) Command the person to whom it is directed to inspect
28 the area, premises, building or conveyance identified for the

1 purpose specified and, if appropriate, direct the seizure of the
2 property specified;

3 (4) Identify the item or types of property to be seized, if
4 any;

5 (5) Direct that it be served during normal business hours
6 and designate the judge to whom it shall be returned.

7 3. A warrant issued pursuant to this section shall be
8 executed and returned within ten days of its date unless, upon a
9 showing of a need for additional time, the court orders
10 otherwise. If property is seized pursuant to a warrant, a copy
11 shall be given to the person from whom or from whose premises the
12 property is taken, together with a receipt for the property
13 taken. The return of the warrant shall be made promptly,
14 accompanied by a written inventory of any property taken. The
15 inventory shall be made in the presence of the person executing
16 the warrant and of the person from whose possession or premises
17 the property was taken, if present, or in the presence of at
18 least one credible person other than the person executing the
19 warrant. A copy of the inventory shall be delivered to the
20 person from whom or from whose premises the property was taken
21 and to the applicant for the warrant.

22 4. The judge who has issued a warrant shall attach thereto
23 a copy of the return and all papers returnable in connection
24 therewith and file them with the clerk of the court which issued
25 the warrant. The department of health and senior services may
26 make administrative inspections of controlled premises in
27 accordance with the following provisions:

28 (1) For purposes of this section only, "controlled

premises" means:

(a) Places where persons registered or exempted from registration requirements under [sections 195.005 to 195.425] this chapter are required to keep records; and

(b) Places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under [sections 195.005 to 195.425] this chapter are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance;

(2) When authorized by an administrative inspection warrant issued pursuant to this section, an officer or employee designated by the department of health and senior services, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection;

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the department of health and senior services may:

(a) Inspect and copy records required by [sections 195.005 to 195.425] this chapter and chapter 579 to be kept;

(b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subdivision (5) of this subsection, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of [sections 195.005 to 195.425] this chapter and chapter 579; and

1 (c) Inventory any stock of any controlled substance therein
2 and obtain samples thereof;

3 (4) This section does not prevent entries and
4 administrative inspections, including seizures of property,
5 without a warrant:

6 (a) If the owner, operator, or agent in charge of the
7 controlled premises consents;

8 (b) In situations presenting imminent danger to health or
9 safety;

10 (c) In situations involving inspection of conveyances if
11 there is reasonable cause to believe that the mobility of the
12 conveyance makes it impracticable to obtain a warrant;

13 (d) In any other exceptional or emergency circumstance
14 where time or opportunity to apply for a warrant is lacking; or

15 (e) In all other situations in which a warrant is not
16 constitutionally required;

17 (5) An inspection authorized by this section shall not
18 extend to financial data, sales data, other than shipment data,
19 or pricing data unless the owner, operator, or agent in charge of
20 the controlled premises consents in writing;

21 (6) The department of health and senior services may obtain
22 computerized controlled substances dispensing information via
23 printouts, disks, tapes or other state of the art means of
24 electronic data transfer.

25 5. Prescriptions, orders, and records, required by
26 [sections 195.005 to 195.425] this chapter and chapter 579, and
27 stocks of controlled substances shall be open for inspection only
28 to federal, state, county, and municipal officers, whose duty it

1 is to enforce the laws of this state or of the United States
2 relating to narcotic drugs. No officer having knowledge by
3 virtue of his or her office of any such prescription, order, or
4 record shall divulge such knowledge, except in connection with a
5 prosecution or proceeding in court or before a licensing or
6 registration board or officer, to which prosecution or proceeding
7 the person to whom such prescriptions, orders, or records relate
8 is a party.

9 195.417. 1. The limits specified in this section shall not
10 apply to any quantity of such product, mixture, or preparation
11 which must be dispensed, sold, or distributed in a pharmacy
12 pursuant to a valid prescription.

13 2. Within any thirty-day period, no person shall sell,
14 dispense, or otherwise provide to the same individual, and no
15 person shall purchase, receive, or otherwise acquire more than
16 the following amount: any number of packages of any drug product
17 containing any detectable amount of ephedrine,
18 phenylpropanolamine, or pseudoephedrine, or any of their salts or
19 optical isomers, or salts of optical isomers, either as:

20 (1) The sole active ingredient; or

21 (2) One of the active ingredients of a combination drug; or

22 (3) A combination of any of the products specified in
23 subdivisions (1) and (2) of this subsection; in any total amount
24 greater than nine grams, without regard to the number of
25 transactions.

26 3. Within any twenty-four-hour period, no pharmacist,
27 intern pharmacist, or registered pharmacy technician shall sell,
28 dispense, or otherwise provide to the same individual, and no

1 person shall purchase, receive, or otherwise acquire more than
2 the following amount: any number of packages of any drug product
3 containing any detectable amount of ephedrine,
4 phenylpropanolamine, or pseudoephedrine, or any of their salts or
5 optical isomers, or salts of optical isomers, either as:

6 (1) The sole active ingredient; or

7 (2) One of the active ingredients of a combination drug; or

8 (3) A combination of any of the products specified in
9 subdivisions (1) and (2) of this subsection; in any total amount
10 greater than three and six-tenths grams without regard to the
11 number of transactions.

12 4. All packages of any compound, mixture, or preparation
13 containing any detectable quantity of ephedrine,
14 phenylpropanolamine, or pseudoephedrine, or any of their salts or
15 optical isomers, or salts of optical isomers, except those that
16 are excluded from Schedule V in subsection 17 or 18 of section
17 195.017, shall be offered for sale only from behind a pharmacy
18 counter where the public is not permitted, and only by a
19 registered pharmacist or registered pharmacy technician under
20 section 195.017.

21 5. Each pharmacy shall submit information regarding sales
22 of any compound, mixture, or preparation as specified in this
23 section in accordance with transmission methods and frequency
24 established by the department by regulation.

25 6. This section shall supersede and preempt any local
26 ordinances or regulations, including any ordinances or
27 regulations enacted by any political subdivision of the state.
28 This section shall not apply to the sale of any animal feed

1 products containing ephedrine or any naturally occurring or
2 herbal ephedra or extract of ephedra.

3 7. All logs, records, documents, and electronic information
4 maintained for the dispensing of these products shall be open for
5 inspection and copying by municipal, county, and state or federal
6 law enforcement officers whose duty it is to enforce the
7 controlled substances laws of this state or the United States.

8 8. [Within thirty days of June 15, 2005,] All persons who
9 dispense or offer for sale pseudoephedrine and ephedrine
10 products, except those that are excluded from Schedule V in
11 subsection 17 or 18 of section 195.017, shall ensure that all
12 such products are located only behind a pharmacy counter where
13 the public is not permitted.

14 9. [Any person who knowingly or recklessly violates this
15 section is guilty of a class A misdemeanor.] The penalty for a
16 knowing or reckless violation of this section is found in section
17 579.060.

18 195.418. 1. The retail sale of methamphetamine precursor
19 drugs shall be limited to:

20 (1) Sales in packages containing not more than a total of
21 three grams of one or more methamphetamine precursor drugs,
22 calculated in terms of ephedrine base, pseudoephedrine base and
23 phenylpropanolamine base; and

24 (2) For nonliquid products, sales in blister packs, each
25 blister containing not more than two dosage units, or where the
26 use of blister packs is technically infeasible, sales in unit
27 dose packets or pouches.

28 2. [Any person holding a retail sales license pursuant to

chapter 144 who knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.】 The penalty for a knowing violation of subsection 1 of this section is found in section 579.060.

【660.250.】 197.1000. As used in 【sections 660.250 to 660.321】 sections 197.1000 to 197.1042, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm or corporation;

(2) "Court", the circuit court;

(3) "Department", the department of health and senior services;

(4) "Director", director of the department of health and senior services or his or her designees;

(5) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 660.053, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately

1 perform or obtain services which are necessary to meet his or her
2 essential human needs;

3 (6) "Home health agency", the same meaning as such term is
4 defined in section 197.400;

5 (7) "Home health agency employee", a person employed by a
6 home health agency;

7 (8) "Home health patient", an eligible adult who is
8 receiving services through any home health agency;

9 (9) "In-home services client", an eligible adult who is
10 receiving services in his or her private residence through any
11 in-home services provider agency;

12 (10) "In-home services employee", a person employed by an
13 in-home services provider agency;

14 (11) "In-home services provider agency", a business entity
15 under contract with the department or with a Medicaid
16 participation agreement, which employs persons to deliver any
17 kind of services provided for eligible adults in their private
18 homes;

19 (12) "Least restrictive environment", a physical setting
20 where protective services for the eligible adult and
21 accommodation is provided in a manner no more restrictive of an
22 individual's personal liberty and no more intrusive than
23 necessary to achieve care and treatment objectives;

24 (13) "Likelihood of serious physical harm", one or more of
25 the following:

26 (a) A substantial risk that physical harm to an eligible
27 adult will occur because of his or her failure or inability to
28 provide for his or her essential human needs as evidenced by acts

1 or behavior which has caused such harm or which gives another
2 person probable cause to believe that the eligible adult will
3 sustain such harm;

4 (b) A substantial risk that physical harm will be inflicted
5 by an eligible adult upon himself or herself, as evidenced by
6 recent credible threats, acts, or behavior which has caused such
7 harm or which places another person in reasonable fear that the
8 eligible adult will sustain such harm;

9 (c) A substantial risk that physical harm will be inflicted
10 by another upon an eligible adult as evidenced by recent acts or
11 behavior which has caused such harm or which gives another person
12 probable cause to believe the eligible adult will sustain such
13 harm;

14 (d) A substantial risk that further physical harm will
15 occur to an eligible adult who has suffered physical injury,
16 neglect, sexual or emotional abuse, or other maltreatment or
17 wasting of his or her financial resources by another person;

18 (14) "Neglect", the failure to provide services to an
19 eligible adult by any person, firm or corporation with a legal or
20 contractual duty to do so, when such failure presents either an
21 imminent danger to the health, safety, or welfare of the client
22 or a substantial probability that death or serious physical harm
23 would result;

24 (15) "Protective services", services provided by the state
25 or other governmental or private organizations or individuals
26 which are necessary for the eligible adult to meet his or her
27 essential human needs.

28 197.1002. 1. The following persons shall be required to

1 immediately report or cause a report to be made to the department
2 under sections 197.1000 to 197.1028:

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

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

1 privileged communication made to him or her in his or her
2 professional capacity.

3 2. Any other person who becomes aware of circumstances that
4 may reasonably be expected to be the result of, or result in,
5 abuse or neglect of a person sixty years of age or older may
6 report to the department.

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

10 [660.255.] 197.1004. 1. [Any person having reasonable
11 cause to suspect that an eligible adult presents a likelihood of
12 suffering serious physical harm and is in need of protective
13 services shall report such information to the department.

14 2. The report] A report made under section 197.1002 shall
15 be made orally or in writing. It shall include, if known:

16 (1) The name, age, and address of the eligible adult or
17 person subjected to abuse or neglect;

18 (2) The name and address of any person responsible for care
19 of the eligible [adult's care] adult or person subjected to abuse
20 or neglect;

21 (3) The nature and extent of the condition of the eligible
22 [adult's condition] adult or person subjected to abuse or
23 neglect; and

24 (4) Other relevant information.

25 [3.] 2. Reports regarding persons determined not to be
26 eligible adults as defined in section 660.250 shall be referred
27 to the appropriate state or local authorities.

28 [4.] 3. The department shall maintain a statewide toll free

1 phone number for receipt of reports.

2 [660.260.] 197.1006. Upon receipt of a report, the
3 department shall make a prompt and thorough investigation to
4 determine whether or not an eligible adult is facing a likelihood
5 of serious physical harm and is in need of protective services.
6 The department shall provide for any of the following:

7 (1) Identification of the eligible adult and determination
8 that the eligible adult is eligible for services;

9 (2) Evaluation and diagnosis of the needs of eligible
10 adults;

11 (3) Provision of social casework, counseling or referral to
12 the appropriate local or state authority;

13 (4) Assistance in locating and receiving alternative living
14 arrangements as necessary;

15 (5) Assistance in locating and receiving necessary
16 protective services; or

17 (6) The coordination and cooperation with other state
18 agencies and public and private agencies in exchange of
19 information and the avoidance of duplication of services.

20 [660.261.] 197.1008. Upon receipt of a report that an
21 eligible adult between the ages of eighteen and fifty-nine is
22 facing a likelihood of serious physical harm, the department
23 shall:

24 (1) Investigate or refer the report to appropriate law
25 enforcement or state agencies; and

26 (2) Provide services or refer to local community or state
27 agencies.

28 [565.186.] 197.1010. The department of health and senior

1 services shall investigate incidents and reports of elder abuse
2 or neglect using the procedures established in sections [660.250
3 to 660.295] 197.1000 to 197.1028 and, upon substantiation of the
4 report of elder abuse or neglect, shall promptly report the
5 incident to the appropriate law enforcement agency and prosecutor
6 and shall determine whether protective services are required
7 pursuant to sections [660.250 to 660.295] 197.1000 to 197.1028.
8 If the department is unable to substantiate whether abuse or
9 neglect occurred due to the failure of the operator or any of the
10 operator's agents or employees to cooperate with the
11 investigation, the incident shall be promptly reported to
12 appropriate law enforcement agencies.

13 [565.190.] 197.1012. Any person, official or institution
14 complying with the provisions of [section 565.188] subdivision
15 (2) of subsection 1 of section 197.1002 in the making of a
16 report, or in cooperating with the department in any of its
17 activities [pursuant to sections 565.186 and 565.188] under
18 section 197.1010, except any person, official or institution
19 violating section [565.180, 565.182 or] 565.184, shall be immune
20 from any civil or criminal liability for making such a report, or
21 in cooperating with the department, unless such person acted
22 negligently, recklessly, in bad faith, or with malicious purpose.

23 [660.263.] 197.1014. 1. Reports made pursuant to sections
24 [660.250 to 660.295] 197.1000 to 197.1028 shall be confidential
25 and shall not be deemed a public record and shall not be subject
26 to the provisions of section 109.180 or chapter 610.

27 2. Such reports shall be accessible for examination and
28 copying only to the following persons or offices, or to their

1 designees:

2 (1) The department or any person or agency designated by
3 the department;

4 (2) The attorney general;

5 (3) The department of mental health for persons referred to
6 that department;

7 (4) Any appropriate law enforcement agency; and

8 (5) The eligible adult or his legal guardian.

9 3. The name of the reporter shall not be disclosed unless:

10 (1) Such reporter specifically authorizes disclosure of his
11 name; and

12 (2) The department determines that disclosure of the name
13 of the reporter is necessary in order to prevent further harm to
14 an eligible adult.

15 4. Any person who violates the provisions of this section,
16 or who permits or encourages the unauthorized dissemination of
17 information contained in the central registry and in reports and
18 records made pursuant to sections [660.250 to 660.295] 197.1000
19 to 197.1028, shall be guilty of a class A misdemeanor.

20 5. The department shall maintain a central registry capable
21 of receiving and maintaining reports received in a manner that
22 facilitates rapid access and recall of the information reported,
23 and of subsequent investigations and other relevant information.
24 The department shall electronically record any telephone report
25 of suspected abuse and neglect received by the department and
26 such recorded reports shall be retained by the department for a
27 period of one year after recording.

28 6. Although reports to the central registry may be made

1 anonymously, the department shall in all cases, after obtaining
2 relevant information regarding the alleged abuse or neglect,
3 attempt to obtain the name and address of any person making a
4 report.

5 **[660.265.] 197.1016.** When an eligible adult gives consent
6 to receive protective services, the department shall assist the
7 adult in locating and arranging for necessary services in the
8 least restrictive environment reasonably available.

9 **[660.270.] 197.1018.** When the department receives a report
10 that there has been abuse or neglect, or that there otherwise is
11 a likelihood of serious physical harm to an eligible adult and
12 that he or she is in need of protective services and the
13 department is unable to conduct an investigation because access
14 to the eligible adult is barred by any person, the director may
15 petition the appropriate court for a warrant or other order to
16 enter upon the described premises and investigate the report or
17 to produce the information. The application for the warrant or
18 order shall identify the eligible adult and the facts and
19 circumstances which require the issuance of the warrant or order.
20 The director may also seek an order to enjoin the person from
21 barring access to an eligible adult or from interfering with the
22 investigation. If the court finds that, based on the report and
23 relevant circumstances and facts, probable cause exists showing
24 that the eligible adult faces abuse or neglect, or otherwise
25 faces a likelihood of serious physical harm and is in need of
26 protective services and the director has been prevented by
27 another person from investigating the report, the court may issue
28 the warrant or enjoin the interference with the investigation or

1 both.

2 [660.275.] 197.1020. If an eligible adult gives consent to
3 receive protective services and any other person interferes with
4 or prevents the delivery of such services, the director may
5 petition the appropriate court for an order to enjoin the
6 interference with the delivery of the services. The petition
7 shall allege the consent of the eligible adult and shall allege
8 specific facts sufficient to show that the eligible adult faces a
9 likelihood of serious physical harm and is in need of the
10 protective services and that delivery is barred by the person
11 named in the petition. If the court finds upon a preponderance
12 of evidence that the allegations in the petition are true, the
13 court may issue an order enjoining the interference with the
14 delivery of the protective services and may establish such
15 conditions and restrictions on the delivery as the court deems
16 necessary and proper under the circumstances.

17 [660.280.] 197.1022. When an eligible adult facing the
18 likelihood of serious physical harm and in need of protective
19 services is unable to give consent because of incapacity or legal
20 disability and the guardian of the eligible adult refuses to
21 provide the necessary services or allow the provision of such
22 services, the director shall inform the court having supervisory
23 jurisdiction over the guardian of the facts showing that the
24 eligible adult faces the likelihood of serious physical harm and
25 is in need of protective services and that the guardian refuses
26 to provide the necessary services or allow the provision of such
27 services under the provisions of sections [660.250 to 660.295]
28 197.1000 to 197.1028. Upon receipt of such information, the

1 court may take such action as it deems necessary and proper to
2 insure that the eligible adult is able to meet his essential
3 human needs.

4 [660.285.] 197.1024. 1. If the director determines after
5 an investigation that an eligible adult is unable to give consent
6 to receive protective services and presents a likelihood of
7 serious physical harm, the director may initiate proceedings
8 pursuant to chapter 202 or chapter 475, if appropriate.

9 2. In order to expedite adult guardianship and
10 conservatorship cases, the department may retain, within existing
11 funding sources of the department, legal counsel on a
12 case-by-case basis.

13 [660.290.] 197.1026. 1. When a peace officer has probable
14 cause to believe that an eligible adult will suffer an imminent
15 likelihood of serious physical harm if not immediately placed in
16 a medical facility for care and treatment, that the adult is
17 incapable of giving consent, and that it is not possible to
18 follow the procedures in section [660.285] 197.1024, the officer
19 may transport, or arrange transportation for, the eligible adult
20 to an appropriate medical facility which may admit the eligible
21 adult and shall notify the next of kin, if known, and the
22 director.

23 2. Where access to the eligible adult is barred and a
24 substantial likelihood exists of serious physical harm resulting
25 to the eligible adult if he is not immediately afforded
26 protective services, the peace officer may apply to the
27 appropriate court for a warrant to enter upon the described
28 premises and remove the eligible adult. The application for the

1 warrant shall identify the eligible adult and the circumstances
2 and facts which require the issuance of the warrant.

3 3. If immediately upon admission to a medical facility, a
4 person who is legally authorized to give consent for the
5 provision of medical treatment for the eligible adult, has not
6 given or refused to give such consent, and it is the opinion of
7 the medical staff of the facility that treatment is necessary to
8 prevent serious physical harm, the director or the head of the
9 medical facility shall file a petition in the appropriate court
10 for an order authorizing specific medical treatment. The court
11 shall hold a hearing and issue its decision forthwith.
12 Notwithstanding the above, if a licensed physician designated by
13 the facility for such purpose examines the eligible adult and
14 determines that the treatment is immediately or imminently
15 necessary and any delay occasioned by the hearing provided in
16 this subsection would jeopardize the life of the person affected,
17 the medical facility may treat the eligible adult prior to such
18 court hearing.

19 4. The court shall conduct a hearing pursuant to chapter
20 475 forthwith and, if the court finds the eligible adult
21 incapacitated, it shall appoint a guardian ad litem for the
22 person of the eligible adult to determine the nature and extent
23 of the medical treatment necessary for the benefit of the
24 eligible adult and to supervise the rendition of such treatment.
25 The guardian ad litem shall promptly report the completion of
26 treatment to the court, who shall thereupon conduct a restoration
27 hearing or a hearing to appoint a permanent guardian.

28 5. The medical care under this section may not be rendered

1 in a mental health facility unless authorized pursuant to the
2 civil commitment procedures in chapter 632.

3 6. Nothing contained in this section or in any other
4 section of sections [660.250 to 660.295] 197.1000 to 197.1028
5 shall be construed as requiring physician or medical care or
6 hospitalization of any person who, because of religious faith or
7 conviction, relies on spiritual means or prayer to cure or
8 prevent disease or suffering nor shall any provision of sections
9 [660.250 to 660.295] 197.1000 to 197.1028 be construed so as to
10 designate any person as an eligible adult who presents a
11 likelihood of suffering serious physical harm and is in need of
12 protective services solely because such person, because of
13 religious faith or conviction, relies on spiritual means or
14 prayer to cure or prevent disease or suffering.

15 [660.295.] 197.1028. If an eligible adult does not consent
16 to the receipt of reasonable and necessary protective services,
17 or if an eligible adult withdraws previously given consent, the
18 protective services shall not be provided or continued; except
19 that, if the director has reasonable cause to believe that the
20 eligible adult lacks the capacity to consent, the director may
21 seek a court order pursuant to the provisions of section
22 [660.285] 197.1024.

23 [660.300.] 197.1030. 1. When any adult day care worker;
24 chiropractor; Christian Science practitioner; coroner; dentist;
25 embalmer; employee of the departments of social services, mental
26 health, or health and senior services; employee of a local area
27 agency on aging or an organized area agency on aging program;
28 funeral director; home health agency or home health agency

1 employee; hospital and clinic personnel engaged in examination,
2 care, or treatment of persons; in-home services owner, provider,
3 operator, or employee; law enforcement officer; long-term care
4 facility administrator or employee; medical examiner; medical
5 resident or intern; mental health professional; minister; nurse;
6 nurse practitioner; optometrist; other health practitioner; peace
7 officer; pharmacist; physical therapist; physician; physician's
8 assistant; podiatrist; probation or parole officer; psychologist;
9 or social worker has reasonable cause to believe that an in-home
10 services client has been abused or neglected, as a result of
11 in-home services, he or she shall immediately report or cause a
12 report to be made to the department. If the report is made by a
13 physician of the in-home services client, the department shall
14 maintain contact with the physician regarding the progress of the
15 investigation.

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

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

28 4. Any person required in subsection 1 of this section to

1 report or cause a report to be made to the department who fails
2 to do so within a reasonable time after the act of abuse or
3 neglect is guilty of a class A misdemeanor.

4 5. The report shall contain the names and addresses of the
5 in-home services provider agency, the in-home services employee,
6 the in-home services client, the home health agency, the home
7 health agency employee, information regarding the nature of the
8 abuse or neglect, the name of the complainant, and any other
9 information which might be helpful in an investigation.

10 6. In addition to those persons required to report under
11 subsection 1 of this section, any other person having reasonable
12 cause to believe that an in-home services client or home health
13 patient has been abused or neglected by an in-home services
14 employee or home health agency employee may report such
15 information to the department.

16 7. If the investigation indicates possible abuse or neglect
17 of an in-home services client or home health patient, the
18 investigator shall refer the complaint together with his or her
19 report to the department director or his or her designee for
20 appropriate action. If, during the investigation or at its
21 completion, the department has reasonable cause to believe that
22 immediate action is necessary to protect the in-home services
23 client or home health patient from abuse or neglect, the
24 department or the local prosecuting attorney may, or the attorney
25 general upon request of the department shall, file a petition for
26 temporary care and protection of the in-home services client or
27 home health patient in a circuit court of competent jurisdiction.
28 The circuit court in which the petition is filed shall have

1 equitable jurisdiction to issue an ex parte order granting the
2 department authority for the temporary care and protection of the
3 in-home services client or home health patient, for a period not
4 to exceed thirty days.

5 8. Reports shall be confidential, as provided under section
6 **[660.320]** 197.1040.

7 9. Anyone, except any person who has abused or neglected an
8 in-home services client or home health patient, who makes a
9 report pursuant to this section or who testifies in any
10 administrative or judicial proceeding arising from the report
11 shall be immune from any civil or criminal liability for making
12 such a report or for testifying except for liability for perjury,
13 unless such person acted negligently, recklessly, in bad faith,
14 or with malicious purpose.

15 10. Within five working days after a report required to be
16 made under this section is received, the person making the report
17 shall be notified in writing of its receipt and of the initiation
18 of the investigation.

19 11. No person who directs or exercises any authority in an
20 in-home services provider agency or home health agency shall
21 harass, dismiss or retaliate against an in-home services client
22 or home health patient, or an in-home services employee or a home
23 health agency employee because he or any member of his or her
24 family has made a report of any violation or suspected violation
25 of laws, standards or regulations applying to the in-home
26 services provider agency or home health agency or any in-home
27 services employee or home health agency employee which he has
28 reasonable cause to believe has been committed or has occurred.

1 12. Any person who abuses or neglects an in-home services
2 client or home health patient is subject to criminal prosecution
3 under section [565.180, 565.182, or] 565.184. If such person is
4 an in-home services employee and has been found guilty by a
5 court, and if the supervising in-home services provider willfully
6 and knowingly failed to report known abuse by such employee to
7 the department, the supervising in-home services provider may be
8 subject to administrative penalties of one thousand dollars per
9 violation to be collected by the department and the money
10 received therefor shall be paid to the director of revenue and
11 deposited in the state treasury to the credit of the general
12 revenue fund. Any in-home services provider which has had
13 administrative penalties imposed by the department or which has
14 had its contract terminated may seek an administrative review of
15 the department's action pursuant to chapter 621. Any decision of
16 the administrative hearing commission may be appealed to the
17 circuit court in the county where the violation occurred for a
18 trial de novo. For purposes of this subsection, the term
19 "violation" means a determination of guilt by a court.

20 13. The department shall establish a quality assurance and
21 supervision process for clients that requires an in-home services
22 provider agency to conduct random visits to verify compliance
23 with program standards and verify the accuracy of records kept by
24 an in-home services employee.

25 14. The department shall maintain the employee
26 disqualification list and place on the employee disqualification
27 list the names of any persons who have been finally determined by
28 the department, pursuant to section [660.315] 197.1036, to have

recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

15. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as

1 indicated by the safe at home evaluation, refer any client to a
2 mental health professional, as defined in 9 CSR 30-4.030, for
3 evaluation and treatment as necessary.

4 16. Authorized nurse visits shall occur at least twice
5 annually to assess the client and the client's plan of services.
6 The provider nurse shall report the results of his or her visits
7 to the client's case manager. If the provider nurse believes
8 that the plan of service requires alteration, the department
9 shall be notified and the department shall make a client
10 evaluation. All authorized nurse visits shall be reimbursed to
11 the in-home services provider. All authorized nurse visits shall
12 be reimbursed outside of the nursing home cap for in-home
13 services clients whose services have reached one hundred percent
14 of the average statewide charge for care and treatment in an
15 intermediate care facility, provided that the services have been
16 preauthorized by the department.

17 17. All in-home services clients shall be advised of their
18 rights by the department or the department's designee at the
19 initial evaluation. The rights shall include, but not be limited
20 to, the right to call the department for any reason, including
21 dissatisfaction with the provider or services. The department
22 may contract for services relating to receiving such complaints.
23 The department shall establish a process to receive such nonabuse
24 and neglect calls other than the elder abuse and neglect hotline.

25 18. Subject to appropriations, all nurse visits authorized
26 in sections [660.250 to 660.300] 197.1000 to 197.1030 shall be
27 reimbursed to the in-home services provider agency.

28 [660.305.] 197.1032. 1. Any person having reasonable cause

1 to believe that a misappropriation of an in-home services
2 client's property or funds, or the falsification of any documents
3 verifying service delivery to the in-home services client has
4 occurred, may report such information to the department.

5 2. For each report the department shall attempt to obtain
6 the names and addresses of the in-home services provider agency,
7 the in-home services employee, the in-home services client,
8 information regarding the nature of the misappropriation or
9 falsification, the name of the complainant, and any other
10 information which might be helpful in an investigation.

11 3. Any in-home services provider agency or in-home services
12 employee who puts to his or her own use or the use of the in-home
13 services provider agency or otherwise diverts from the in-home
14 services client's use any personal property or funds of the
15 in-home services client, or falsifies any documents for service
16 delivery, is guilty of a class A misdemeanor.

17 4. Upon receipt of a report, the department shall
18 immediately initiate an investigation and report information
19 gained from such investigation to appropriate law enforcement
20 authorities.

21 5. If the investigation indicates probable misappropriation
22 of property or funds, or falsification of any documents for
23 service delivery of an in-home services client, the investigator
24 shall refer the complaint together with the investigator's report
25 to the department director or the director's designee for
26 appropriate action.

27 6. Reports shall be confidential, as provided under section
28 [660.320] 197.1040.

1 7. Anyone, except any person participating in or
2 benefitting from the misappropriation of funds, who makes a
3 report pursuant to this section or who testifies in any
4 administrative or judicial proceeding arising from the report
5 shall be immune from any civil or criminal liability for making
6 such a report or for testifying except for liability for perjury,
7 unless such person acted negligently, recklessly, in bad faith,
8 or with malicious purpose.

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

13 9. No person who directs or exercises any authority in an
14 in-home services provider agency shall harass, dismiss or
15 retaliate against an in-home services client or employee because
16 he or she or any member of his or her family has made a report of
17 any violation or suspected violation of laws, ordinances or
18 regulations applying to the in-home services provider agency or
19 any in-home services employee which he or she has reasonable
20 cause to believe has been committed or has occurred.

21 10. The department shall maintain the employee
22 disqualification list and place on the employee disqualification
23 list the names of any persons who are or have been employed by an
24 in-home service provider agency and who have been finally
25 determined by the department to, pursuant to section [660.315]
26 197.1036, have misappropriated any property or funds, or
27 falsified any documents for service delivery of an in-home
28 services client and who came to be known to the person, directly,

1 or indirectly while employed by an in-home services provider
2 agency.

3 [660.310.] 197.1034. 1. Notwithstanding any other
4 provision of law, if the department of health and senior services
5 proposes to deny, suspend, place on probation, or terminate an
6 in-home services provider agency contract, the department of
7 health and senior services shall serve upon the applicant or
8 contractor written notice of the proposed action to be taken.
9 The notice shall contain a statement of the type of action
10 proposed, the basis for it, the date the action will become
11 effective, and a statement that the applicant or contractor shall
12 have thirty days from the date of mailing or delivery of the
13 notice to file a complaint requesting a hearing before the
14 administrative hearing commission. The administrative hearing
15 commission may consolidate an applicant's or contractor's
16 complaint with any proceeding before the administrative hearing
17 commission filed by such contractor or applicant pursuant to
18 subsection 3 of section 208.156 involving a common question of
19 law or fact. Upon the filing of the complaint, the provisions of
20 sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall
21 apply. With respect to cases in which the department has denied
22 a contract to an in-home services provider agency, the
23 administrative hearing commission shall conduct a hearing to
24 determine the underlying basis for such denial. However, if the
25 administrative hearing commission finds that the contract denial
26 is supported by the facts and the law, the case need not be
27 returned to the department. The administrative hearing
28 commission's decision shall constitute affirmation of the

1 department's contract denial.

2 2. The department of health and senior services may issue
3 letters of censure or warning without formal notice or hearing.

4 3. The administrative hearing commission may stay the
5 suspension or termination of an in-home services provider
6 agency's contract, or the placement of the contractor on
7 probation, pending the commission's findings and determination in
8 the cause, upon such conditions, with or without the agreement of
9 the parties, as the commission deems necessary and appropriate,
10 including the posting of bond or other security except that the
11 commission shall not grant a stay, or if a stay has already been
12 entered shall set aside its stay, unless the commission finds
13 that the contractor has established that servicing the
14 department's clients pending the commission's final determination
15 would not present an imminent danger to the health, safety, or
16 welfare of any client or a substantial probability that death or
17 serious physical harm would result. The commission may remove
18 the stay at any time that it finds that the contractor has
19 violated any of the conditions of the stay. Such stay shall
20 remain in effect, unless earlier removed by the commission,
21 pending the decision of the commission and any subsequent
22 departmental action at which time the stay shall be removed. In
23 any case in which the department has refused to issue a contract,
24 the commission shall have no authority to stay or to require the
25 issuance of a contract pending final determination by the
26 commission.

27 4. Stays granted to contractors by the administrative
28 hearing commission shall, as a condition of the stay, require at

1 a minimum that the contractor under the stay operate under the
2 same contractual requirements and regulations as are in effect,
3 from time to time, as are applicable to all other contractors in
4 the program.

5 5. The administrative hearing commission shall make its
6 final decision based upon the circumstances and conditions as
7 they existed at the time of the action of the department and not
8 based upon circumstances and conditions at the time of the
9 hearing or decision of the commission.

10 6. In any proceeding before the administrative hearing
11 commission pursuant to this section, the burden of proof shall be
12 on the contractor or applicant seeking review.

13 7. Any person, including the department, aggrieved by a
14 final decision of the administrative hearing commission may seek
15 judicial review of such decision as provided in section 621.145.

16 [660.315.] 197.1036. 1. After an investigation and a
17 determination has been made to place a person's name on the
18 employee disqualification list, that person shall be notified in
19 writing mailed to his or her last known address that:

20 (1) An allegation has been made against the person, the
21 substance of the allegation and that an investigation has been
22 conducted which tends to substantiate the allegation;

23 (2) The person's name will be included in the employee
24 disqualification list of the department;

25 (3) The consequences of being so listed including the
26 length of time to be listed; and

27 (4) The person's rights and the procedure to challenge the
28 allegation.

1 2. If no reply has been received within thirty days of
2 mailing the notice, the department may include the name of such
3 person on its list. The length of time the person's name shall
4 appear on the employee disqualification list shall be determined
5 by the director or the director's designee, based upon the
6 criteria contained in subsection 9 of this section.

7 3. If the person so notified wishes to challenge the
8 allegation, such person may file an application for a hearing
9 with the department. The department shall grant the application
10 within thirty days after receipt by the department and set the
11 matter for hearing, or the department shall notify the applicant
12 that, after review, the allegation has been held to be unfounded
13 and the applicant's name will not be listed.

14 4. If a person's name is included on the employee
15 disqualification list without the department providing notice as
16 required under subsection 1 of this section, such person may file
17 a request with the department for removal of the name or for a
18 hearing. Within thirty days after receipt of the request, the
19 department shall either remove the name from the list or grant a
20 hearing and set a date therefor.

21 5. Any hearing shall be conducted in the county of the
22 person's residence by the director of the department or the
23 director's designee. The provisions of chapter 536 for a
24 contested case except those provisions or amendments which are in
25 conflict with this section shall apply to and govern the
26 proceedings contained in this section and the rights and duties
27 of the parties involved. The person appealing such an action
28 shall be entitled to present evidence, pursuant to the provisions

1 of chapter 536, relevant to the allegations.

2 6. Upon the record made at the hearing, the director of the
3 department or the director's designee shall determine all
4 questions presented and shall determine whether the person shall
5 be listed on the employee disqualification list. The director of
6 the department or the director's designee shall clearly state the
7 reasons for his or her decision and shall include a statement of
8 findings of fact and conclusions of law pertinent to the
9 questions in issue.

10 7. A person aggrieved by the decision following the hearing
11 shall be informed of his or her right to seek judicial review as
12 provided under chapter 536. If the person fails to appeal the
13 director's findings, those findings shall constitute a final
14 determination that the person shall be placed on the employee
15 disqualification list.

16 8. A decision by the director shall be inadmissible in any
17 civil action brought against a facility or the in-home services
18 provider agency and arising out of the facts and circumstances
19 which brought about the employment disqualification proceeding,
20 unless the civil action is brought against the facility or the
21 in-home services provider agency by the department of health and
22 senior services or one of its divisions.

23 9. The length of time the person's name shall appear on the
24 employee disqualification list shall be determined by the
25 director of the department of health and senior services or the
26 director's designee, based upon the following:

27 (1) Whether the person acted recklessly or knowingly, as
28 defined in chapter 562;

1 (2) The degree of the physical, sexual, or emotional injury
2 or harm; or the degree of the imminent danger to the health,
3 safety or welfare of a resident or in-home services client;

4 (3) The degree of misappropriation of the property or
5 funds, or falsification of any documents for service delivery of
6 an in-home services client;

7 (4) Whether the person has previously been listed on the
8 employee disqualification list;

9 (5) Any mitigating circumstances;

10 (6) Any aggravating circumstances; and

11 (7) Whether alternative sanctions resulting in conditions
12 of continued employment are appropriate in lieu of placing a
13 person's name on the employee disqualification list. Such
14 conditions of employment may include, but are not limited to,
15 additional training and employee counseling. Conditional
16 employment shall terminate upon the expiration of the designated
17 length of time and the person's submitting documentation which
18 fulfills the department of health and senior services'
19 requirements.

20 10. The removal of any person's name from the list under
21 this section shall not prevent the director from keeping records
22 of all acts finally determined to have occurred under this
23 section.

24 11. The department shall provide the list maintained
25 pursuant to this section to other state departments upon request
26 and to any person, corporation, organization, or association who:

27 (1) Is licensed as an operator under chapter 198;

28 (2) Provides in-home services under contract with the

1 department;

2 (3) Employs nurses and nursing assistants for temporary or
3 intermittent placement in health care facilities;

4 (4) Is approved by the department to issue certificates for
5 nursing assistants training;

6 (5) Is an entity licensed under this chapter [197];

7 (6) Is a recognized school of nursing, medicine, or other
8 health profession for the purpose of determining whether students
9 scheduled to participate in clinical rotations with entities
10 described in subdivision (1), (2), or (5) of this subsection are
11 included in the employee disqualification list; or

12 (7) Is a consumer reporting agency regulated by the federal
13 Fair Credit Reporting Act that conducts employee background
14 checks on behalf of entities listed in subdivisions (1), (2),
15 (5), or (6) of this subsection. Such a consumer reporting agency
16 shall conduct the employee disqualification list check only upon
17 the initiative or request of an entity described in subdivisions
18 (1), (2), (5), or (6) of this subsection when the entity is
19 fulfilling its duties required under this section. The
20 information shall be disclosed only to the requesting entity.
21 The department shall inform any person listed above who inquires
22 of the department whether or not a particular name is on the
23 list. The department may require that the request be made in
24 writing. No person, corporation, organization, or association
25 who is entitled to access the employee disqualification list may
26 disclose the information to any person, corporation,
27 organization, or association who is not entitled to access the
28 list. Any person, corporation, organization, or association who

1 is entitled to access the employee disqualification list who
2 discloses the information to any person, corporation,
3 organization, or association who is not entitled to access the
4 list shall be guilty of an infraction.

5 12. No person, corporation, organization, or association
6 who received the employee disqualification list under
7 subdivisions (1) to (7) of subsection 11 of this section shall
8 knowingly employ any person who is on the employee
9 disqualification list. Any person, corporation, organization, or
10 association who received the employee disqualification list under
11 subdivisions (1) to (7) of subsection 11 of this section, or any
12 person responsible for providing health care service, who
13 declines to employ or terminates a person whose name is listed in
14 this section shall be immune from suit by that person or anyone
15 else acting for or in behalf of that person for the failure to
16 employ or for the termination of the person whose name is listed
17 on the employee disqualification list.

18 13. Any employer or vendor as defined in sections 197.250,
19 197.400, 198.006, 208.900, or 660.250 required to deny employment
20 to an applicant or to discharge an employee, provisional or
21 otherwise, as a result of information obtained through any
22 portion of the background screening and employment eligibility
23 determination process under section 210.903, or subsequent,
24 periodic screenings, shall not be liable in any action brought by
25 the applicant or employee relating to discharge where the
26 employer is required by law to terminate the employee,
27 provisional or otherwise, and shall not be charged for
28 unemployment insurance benefits based on wages paid to the

1 employee for work prior to the date of discharge, pursuant to
2 section 288.100, if the employer terminated the employee because
3 the employee:

4 (1) Has been found guilty, pled guilty or nolo contendere
5 in this state or any other state of a crime as listed in
6 subsection 6 of section [660.317] 197.1038;

7 (2) Was placed on the employee disqualification list under
8 this section after the date of hire;

9 (3) Was placed on the employee disqualification registry
10 maintained by the department of mental health after the date of
11 hire;

12 (4) Has a disqualifying finding under this section, section
13 [660.317] 197.1038, or is on any of the background check lists in
14 the family care safety registry under sections 210.900 to
15 210.936; or

16 (5) Was denied a good cause waiver as provided for in
17 subsection 10 of section [660.317] 197.1038.

18 14. Any person who has been listed on the employee
19 disqualification list may request that the director remove his or
20 her name from the employee disqualification list. The request
21 shall be written and may not be made more than once every twelve
22 months. The request will be granted by the director upon a clear
23 showing, by written submission only, that the person will not
24 commit additional acts of abuse, neglect, misappropriation of the
25 property or funds, or the falsification of any documents of
26 service delivery to an in-home services client. The director may
27 make conditional the removal of a person's name from the list on
28 any terms that the director deems appropriate, and failure to

1 comply with such terms may result in the person's name being
2 relisted. The director's determination of whether to remove the
3 person's name from the list is not subject to appeal.

4 [660.317.] 197.1038. 1. For the purposes of this section,
5 the term "provider" means any person, corporation or association
6 who:

7 (1) Is licensed as an operator pursuant to chapter 198;

8 (2) Provides in-home services under contract with the
9 department;

10 (3) Employs nurses or nursing assistants for temporary or
11 intermittent placement in health care facilities;

12 (4) Is an entity licensed pursuant to chapter 197;

13 (5) Is a public or private facility, day program,
14 residential facility or specialized service operated, funded or
15 licensed by the department of mental health; or

16 (6) Is a licensed adult day care provider.

17 2. For the purpose of this section "patient or resident"
18 has the same meaning as such term is defined in section 43.540.

19 3. Prior to allowing any person who has been hired as a
20 full-time, part-time or temporary position to have contact with
21 any patient or resident the provider shall, or in the case of
22 temporary employees hired through or contracted for an employment
23 agency, the employment agency shall prior to sending a temporary
24 employee to a provider:

25 (1) Request a criminal background check as provided in
26 section 43.540. Completion of an inquiry to the highway patrol
27 for criminal records that are available for disclosure to a
28 provider for the purpose of conducting an employee criminal

1 records background check shall be deemed to fulfill the
2 provider's duty to conduct employee criminal background checks
3 pursuant to this section; except that, completing the inquiries
4 pursuant to this subsection shall not be construed to exempt a
5 provider from further inquiry pursuant to common law requirements
6 governing due diligence. If an applicant has not resided in this
7 state for five consecutive years prior to the date of his or her
8 application for employment, the provider shall request a
9 nationwide check for the purpose of determining if the applicant
10 has a prior criminal history in other states. The fingerprint
11 cards and any required fees shall be sent to the highway patrol's
12 central repository. The first set of fingerprints shall be used
13 for searching the state repository of criminal history
14 information. If no identification is made, the second set of
15 fingerprints shall be forwarded to the Federal Bureau of
16 Investigation, Identification Division, for the searching of the
17 federal criminal history files. The patrol shall notify the
18 submitting state agency of any criminal history information or
19 lack of criminal history information discovered on the
20 individual. The provisions relating to applicants for employment
21 who have not resided in this state for five consecutive years
22 shall apply only to persons who have no employment history with a
23 licensed Missouri facility during that five-year period.
24 Notwithstanding the provisions of section 610.120, all records
25 related to any criminal history information discovered shall be
26 accessible and available to the provider making the record
27 request; and

28 (2) Make an inquiry to the department of health and senior

1 services whether the person is listed on the employee
2 disqualification list as provided in section [660.315] 197.1036.

3 4. When the provider requests a criminal background check
4 pursuant to section 43.540, the requesting entity may require
5 that the applicant reimburse the provider for the cost of such
6 record check. When a provider requests a nationwide criminal
7 background check pursuant to subdivision (1) of subsection 3 of
8 this section, the total cost to the provider of any background
9 check required pursuant to this section shall not exceed five
10 dollars which shall be paid to the state. State funding and the
11 obligation of a provider to obtain a nationwide criminal
12 background check shall be subject to the availability of
13 appropriations.

14 5. An applicant for a position to have contact with
15 patients or residents of a provider shall:

16 (1) Sign a consent form as required by section 43.540 so
17 the provider may request a criminal records review;

18 (2) Disclose the applicant's criminal history. For the
19 purposes of this subdivision "criminal history" includes any
20 conviction or a plea of guilty to a misdemeanor or felony charge
21 and shall include any suspended imposition of sentence, any
22 suspended execution of sentence or any period of probation or
23 parole; and

24 (3) Disclose if the applicant is listed on the employee
25 disqualification list as provided in section [660.315] 197.1036.

26 6. An applicant who knowingly fails to disclose his or her
27 criminal history as required in subsection 5 of this section is
28 guilty of a class A misdemeanor. A provider is guilty of a class

1 A misdemeanor if the provider knowingly hires or retains a person
2 to have contact with patients or residents and the person has
3 been [convicted of, pled guilty to or nolo contendere] found
4 guilty in this state or any other state or has been found guilty
5 of a crime, which if committed in Missouri would be a class A or
6 B felony violation of chapter 565, 566 or 569, or any violation
7 of subsection 3 of section 198.070 or section 568.020.

8 7. Any in-home services provider agency or home health
9 agency shall be guilty of a class A misdemeanor if such agency
10 knowingly employs a person to provide in-home services or home
11 health services to any in-home services client or home health
12 patient and such person either refuses to register with the
13 family care safety registry or is listed on any of the background
14 check lists in the family care safety registry pursuant to
15 sections 210.900 to 210.937.

16 8. The highway patrol shall examine whether protocols can
17 be developed to allow a provider to request a statewide
18 fingerprint criminal records review check through local law
19 enforcement agencies.

20 9. A provider may use a private investigatory agency rather
21 than the highway patrol to do a criminal history records review
22 check, and alternatively, the applicant pays the private
23 investigatory agency such fees as the provider and such agency
24 shall agree.

25 10. Except for the hiring restriction based on the
26 department of health and senior services employee
27 disqualification list established pursuant to section [660.315]
28 197.1036, the department of health and senior services shall

1 promulgate rules and regulations to waive the hiring restrictions
2 pursuant to this section for good cause. For purposes of this
3 section, "good cause" means the department has made a
4 determination by examining the employee's prior work history and
5 other relevant factors that such employee does not present a risk
6 to the health or safety of residents.

7 [660.320.] 197.1040. 1. Reports confidential under section
8 198.070 and sections [660.300 to 660.315] 197.1030 to 197.1036
9 shall not be deemed a public record and shall not be subject to
10 the provisions of section 109.180 or chapter 610. The name of
11 the complainant or any person mentioned in the reports shall not
12 be disclosed unless:

13 (1) The complainant, resident or the in-home services
14 client mentioned agrees to disclosure of his or her name;

15 (2) The department determines that disclosure is necessary
16 in order to prevent further abuse, neglect, misappropriation of
17 property or funds, or falsification of any documents verifying
18 service delivery to an in-home services client;

19 (3) Release of a name is required for conformance with a
20 lawful subpoena;

21 (4) Release of a name is required in connection with a
22 review by the administrative hearing commission in accordance
23 with section 198.039;

24 (5) The department determines that release of a name is
25 appropriate when forwarding a report of findings of an
26 investigation to a licensing authority; or

27 (6) Release of a name is requested by the division of
28 family services for the purpose of licensure under chapter 210.

1 2. The department shall, upon request, provide to the
2 division of employment security within the department of labor
3 and industrial relations copies of the investigative reports that
4 led to an employee being placed on the disqualification list.

5 **[660.321.] 197.1042.** Notwithstanding any other provision of
6 law, the department shall not disclose personally identifiable
7 medical, social, personal, or financial records of any eligible
8 adult being served by the division of senior services except when
9 disclosed in a manner that does not identify the eligible adult,
10 or when ordered to do so by a court of competent jurisdiction.
11 Such records shall be accessible without court order for
12 examination and copying only to the following persons or offices,
13 or to their designees:

14 (1) The department or any person or agency designated by
15 the department for such purposes as the department may determine;

16 (2) The attorney general, to perform his or her
17 constitutional or statutory duties;

18 (3) The department of mental health for residents placed
19 through that department, to perform its constitutional or
20 statutory duties;

21 (4) Any appropriate law enforcement agency, to perform its
22 constitutional or statutory duties;

23 (5) The eligible adult, his or her legal guardian or any
24 other person designated by the eligible adult; and

25 (6) The department of social services for individuals who
26 receive Medicaid benefits, to perform its constitutional or
27 statutory duties.

28 198.070. 1. When any adult day care worker; chiropractor;

1 Christian Science practitioner; coroner; dentist; embalmer;
2 employee of the departments of social services, mental health, or
3 health and senior services; employee of a local area agency on
4 aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee;
6 hospital and clinic personnel engaged in examination, care, or
7 treatment of persons; in-home services owner, provider, operator,
8 or employee; law enforcement officer; long-term care facility
9 administrator or employee; medical examiner; medical resident or
10 intern; mental health professional; minister; nurse; nurse
11 practitioner; optometrist; other health practitioner; peace
12 officer; pharmacist; physical therapist; physician; physician's
13 assistant; podiatrist; probation or parole officer; psychologist;
14 social worker; or other person with the care of a person sixty
15 years of age or older or an eligible adult has reasonable cause
16 to believe that a resident of a facility has been abused or
17 neglected, he or she shall immediately report or cause a report
18 to be made to the department.

19 2. The report shall contain the name and address of the
20 facility, the name of the resident, information regarding the
21 nature of the abuse or neglect, the name of the complainant, and
22 any other information which might be helpful in an investigation.

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

28 4. In addition to the penalties imposed by this section,

1 any administrator who knowingly conceals any act of abuse or
2 neglect resulting in death or serious physical injury, as defined
3 in section [565.002] 556.061, is guilty of a class D felony.

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

8 6. Upon receipt of a report, the department shall initiate
9 an investigation within twenty-four hours and, as soon as
10 possible during the course of the investigation, shall notify the
11 resident's next of kin or responsible party of the report and the
12 investigation and further notify them whether the report was
13 substantiated or unsubstantiated unless such person is the
14 alleged perpetrator of the abuse or neglect. As provided in
15 section [565.186] 197.1010, substantiated reports of elder abuse
16 shall be promptly reported by the department to the appropriate
17 law enforcement agency and prosecutor.

18 7. If the investigation indicates possible abuse or neglect
19 of a resident, the investigator shall refer the complaint
20 together with the investigator's report to the department
21 director or the director's designee for appropriate action. If,
22 during the investigation or at its completion, the department has
23 reasonable cause to believe that immediate removal is necessary
24 to protect the resident from abuse or neglect, the department or
25 the local prosecuting attorney may, or the attorney general upon
26 request of the department shall, file a petition for temporary
27 care and protection of the resident in a circuit court of
28 competent jurisdiction. The circuit court in which the petition

1 is filed shall have equitable jurisdiction to issue an ex parte
2 order granting the department authority for the temporary care
3 and protection of the resident, for a period not to exceed thirty
4 days.

5 8. Reports shall be confidential, as provided pursuant to
6 section ~~[660.320]~~ 197.1040.

7 9. Anyone, except any person who has abused or neglected a
8 resident in a facility, who makes a report pursuant to this
9 section or who testifies in any administrative or judicial
10 proceeding arising from the report shall be immune from any civil
11 or criminal liability for making such a report or for testifying
12 except for liability for perjury, unless such person acted
13 negligently, recklessly, in bad faith or with malicious purpose.
14 It is a crime ~~[pursuant to section 565.186 and 565.188]~~ under
15 section 565.189 for any person to ~~[purposely]~~ knowingly file a
16 false report of elder abuse or neglect.

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

21 11. No person who directs or exercises any authority in a
22 facility shall evict, harass, dismiss or retaliate against a
23 resident or employee because such resident or employee or any
24 member of such resident's or employee's family has made a report
25 of any violation or suspected violation of laws, ordinances or
26 regulations applying to the facility which the resident, the
27 resident's family or an employee has reasonable cause to believe
28 has been committed or has occurred. Through the existing

1 department information and referral telephone contact line,
2 residents, their families and employees of a facility shall be
3 able to obtain information about their rights, protections and
4 options in cases of eviction, harassment, dismissal or
5 retaliation due to a report being made pursuant to this section.

6 12. Any person who abuses or neglects a resident of a
7 facility is subject to criminal prosecution under section
8 [565.180, 565.182, or] 565.184.

9 13. The department shall maintain the employee
10 disqualification list and place on the employee disqualification
11 list the names of any persons who are or have been employed in
12 any facility and who have been finally determined by the
13 department pursuant to section [660.315] 197.1036 to have
14 knowingly or recklessly abused or neglected a resident. For
15 purposes of this section only, "knowingly" and "recklessly" shall
16 have the meanings that are ascribed to them in this section. A
17 person acts "knowingly" with respect to the person's conduct when
18 a reasonable person should be aware of the result caused by his
19 or her conduct. A person acts "recklessly" when the person
20 consciously disregards a substantial and unjustifiable risk that
21 the person's conduct will result in serious physical injury and
22 such disregard constitutes a gross deviation from the standard of
23 care that a reasonable person would exercise in the situation.

24 14. The timely self-reporting of incidents to the central
25 registry by a facility shall continue to be investigated in
26 accordance with department policy, and shall not be counted or
27 reported by the department as a hot-line call but rather a
28 self-reported incident. If the self-reported incident results in

1 a regulatory violation, such incident shall be reported as a
2 substantiated report.

3 210.117. 1. A child taken into the custody of the state
4 shall not be reunited with a parent or placed in a home in which
5 the parent or any person residing in the home has been found
6 guilty of[, or pled guilty to,] any of the following offenses
7 when a child was the victim:

8 (1) A felony violation of section 566.030, 566.031,
9 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067,
10 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,]
11 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209,
12 566.212, or 566.215;

13 (2) A violation of section 568.020;

14 (3) [A violation of subdivision (2) of subsection 1 of
15 section 568.060] Abuse of a child under section 568.060 when such
16 abuse is sexual in nature;

17 (4) A violation of section 568.065;

18 (5) A violation of section [568.080] 573.200;

19 (6) A violation of section [568.090] 573.205; or

20 (7) A violation of section 568.175;

21 (8) A violation of section 566.040, 566.070, or 566.090 as
22 such sections existed prior to August 28, 2013; or

23 (9) A violation of section 568.080 or 568.090 as such
24 sections existed prior to January 1, 2017.

25 2. For all other violations of offenses in chapters 566 and
26 568 not specifically listed in subsection 1 of this section or
27 for a violation of an offense committed in another state when a
28 child is the victim that would be a violation of chapter 566 or

1 568, if committed in Missouri, the division may exercise its
2 discretion regarding the placement of a child taken into the
3 custody of the state in which a parent or any person residing in
4 the home has been found guilty of[, or pled guilty to,] any such
5 offense.

6 3. In any case where the children's division determines
7 based on a substantiated report of child abuse that a child has
8 abused another child, the abusing child shall be prohibited from
9 returning to or residing in any residence, facility, or school
10 within one thousand feet of the residence of the abused child or
11 any child care facility or school that the abused child attends,
12 unless and until a court of competent jurisdiction determines
13 that the alleged abuse did not occur or the abused child reaches
14 the age of eighteen, whichever earlier occurs. The provisions of
15 this subsection shall not apply when the abusing child and the
16 abused child are siblings or children living in the same home.

17 210.1012. 1. There is hereby created a statewide program
18 called the "Amber Alert System" referred to in this section as
19 the "system" to aid in the identification and location of an
20 abducted child.

21 2. For the purposes of this section, "abducted child" means
22 a child whose whereabouts are unknown and who is:

23 (1) Less than eighteen years of age and reasonably believed
24 to be the victim of the crime of kidnapping or kidnapping in the
25 first degree as defined by section 565.110 as determined by local
26 law enforcement;

27 (2) Reasonably believed to be the victim of the crime of
28 child kidnapping as defined by section 565.115 as determined by

1 local law enforcement; or

2 (3) Less than eighteen years of age and at least fourteen
3 years of age and who, if under the age of fourteen, would
4 otherwise be reasonably believed to be a victim of child
5 kidnapping as defined by section 565.115 as determined by local
6 law enforcement.

7 3. The department of public safety shall develop regions to
8 provide the system. The department of public safety shall
9 coordinate local law enforcement agencies and public commercial
10 television and radio broadcasters to provide an effective system.
11 In the event that a local law enforcement agency opts not to set
12 up a system and an abduction occurs within the jurisdiction, it
13 shall notify the department of public safety who will notify
14 local media in the region.

15 4. The Amber alert system shall include all state agencies
16 capable of providing urgent and timely information to the public
17 together with broadcasters and other private entities that
18 volunteer to participate in the dissemination of urgent public
19 information. At a minimum, the Amber alert system shall include
20 the department of public safety, highway patrol, department of
21 transportation, department of health and senior services, and
22 Missouri lottery.

23 5. The department of public safety shall have the authority
24 to notify other regions upon verification that the criteria
25 established by the oversight committee has been met.

26 6. Participation in an Amber alert system is entirely at
27 the option of local law enforcement agencies and federally
28 licensed radio and television broadcasters.

1 7. Any person who knowingly makes a false report that
2 triggers an alert pursuant to this section is guilty of a class A
3 misdemeanor.

4 211.038. 1. A child under the jurisdiction of the juvenile
5 court shall not be reunited with a parent or placed in a home in
6 which the parent or any person residing in the home has been
7 found guilty of[, or pled guilty to,] any of the following
8 offenses when a child was the victim:

9 (1) A felony violation of section 566.030, 566.031,
10 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067,
11 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,]
12 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209,
13 566.212, or 566.215;

14 (2) A violation of section 568.020;

15 (3) [A violation of subdivision (2) of subsection 1 of
16 section 568.060] Abuse of a child under section 568.060 when such
17 abuse is sexual in nature;

18 (4) A violation of section 568.065;

19 (5) A violation of section [568.080] 573.200;

20 (6) A violation of section [568.090] 573.205; or

21 (7) A violation of section 568.175;

22 (8) A violation of section 566.040, 566.070, or 566.090 as
23 such sections existed prior to August 28, 2013; or

24 (9) A violation of section 568.080 or 568.090 as such
25 sections existed prior to January 1, 2017.

26 2. For all other violations of offenses in chapters 566 and
27 568 not specifically listed in subsection 1 of this section or
28 for a violation of an offense committed in another state when a

1 child is the victim that would be a violation of chapter 566 or
2 568 if committed in Missouri, the juvenile court may exercise its
3 discretion regarding the placement of a child under the
4 jurisdiction of the juvenile court in a home in which a parent or
5 any person residing in the home has been found guilty of, or pled
6 guilty to, any such offense.

7 3. If the juvenile court determines that a child has abused
8 another child, such abusing child shall be prohibited from
9 returning to or residing in any residence located within one
10 thousand feet of the residence of the abused child, or any child
11 care facility or school that the abused child attends, until the
12 abused child reaches eighteen years of age. The prohibitions of
13 this subsection shall not apply where the alleged abuse occurred
14 between siblings or children living in the same home.

15 217.010. As used in this chapter and chapter 558, unless
16 the context clearly indicates otherwise, the following terms
17 shall mean:

18 (1) "Administrative segregation unit", a cell for the
19 segregation of offenders from the general population of a
20 facility for relatively extensive periods of time;

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

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

24 (4) "Correctional center", any premises or institution
25 where incarceration, evaluation, care, treatment, or
26 rehabilitation is provided to persons who are under the
27 department's authority;

28 (5) "Department", the department of corrections of the

1 state of Missouri;

2 (6) "Director", the director of the department of
3 corrections or his designee;

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

9 (8) "Division", a statutorily created agency within the
10 department or an agency created by the departmental
11 organizational plan;

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

14 (10) "Local volunteer community board", a board of
15 qualified local community volunteers selected by the court for
16 the purpose of working in partnership with the court and the
17 department of corrections in a reparative probation program;

18 (11) "Nonviolent offender", any offender who is convicted
19 of a crime other than murder in the first or second degree,
20 involuntary manslaughter, kidnapping, kidnapping in the first
21 degree, rape in the first degree, forcible rape, sodomy in the
22 first degree, forcible sodomy, robbery in the first degree or
23 assault in the first degree;

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

26 (13) "Probation", a procedure under which a defendant found
27 guilty of a crime upon verdict or plea is released by the court
28 without imprisonment, subject to conditions imposed by the court

1 and subject to the supervision of the board;

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

5 217.364. 1. The department of corrections shall establish
6 by regulation the "Offenders Under Treatment Program". The
7 program shall include institutional placement of certain
8 offenders, as outlined in subsection 3 of this section, under the
9 supervision and control of the department of corrections. The
10 department shall establish rules determining how, when and where
11 an offender shall be admitted into or removed from the program.

12 2. As used in this section, the term "offenders under
13 treatment program" means a one-hundred-eighty-day institutional
14 correctional program for the monitoring, control and treatment of
15 certain substance abuse offenders and certain nonviolent
16 offenders followed by placement on parole with continued
17 supervision.

18 3. The following offenders may participate in the program
19 as determined by the department:

20 (1) Any nonviolent offender who has not previously been
21 remanded to the department and who has [pled guilty or] been
22 found guilty of violating the provisions of chapter 195 or 579 or
23 whose substance abuse was a precipitating or contributing factor
24 in the commission of his offense; or

25 (2) Any nonviolent offender who has pled guilty or been
26 found guilty of a crime which did not involve the use of a
27 weapon, and who has not previously been remanded to the
28 department.

1 4. This program shall be used as an intermediate sanction
2 by the department. The program may include education, treatment
3 and rehabilitation programs. If an offender successfully
4 completes the institutional phase of the program, the department
5 shall notify the board of probation and parole within thirty days
6 of completion. Upon notification from the department that the
7 offender has successfully completed the program, the board of
8 probation and parole may at its discretion release the offender
9 on parole as authorized in subsection 1 of section 217.690.

10 5. The availability of space in the institutional program
11 shall be determined by the department of corrections.

12 6. If the offender fails to complete the program, the
13 offender shall be taken out of the program and shall serve the
14 remainder of his sentence with the department.

15 7. Time spent in the program shall count as time served on
16 the sentence.

17 217.703. 1. The division of probation and parole shall
18 award earned compliance credits to any offender who is:

19 (1) Not subject to lifetime supervision under sections
20 217.735 and 559.106 or otherwise found to be ineligible to earn
21 credits by a court pursuant to subsection 2 of this section;

22 (2) On probation, parole, or conditional release for an
23 offense listed in chapter [195] 579, or an offense previously
24 listed in chapter 195, or for a class C or D felony, excluding
25 the offenses of [aggravated] stalking in the first degree, rape
26 in the second degree, sexual assault, sodomy in the second
27 degree, deviate sexual assault, assault in the second degree
28 under subdivision (2) of subsection 1 of section [565.060]

1 565.052, sexual misconduct involving a child, endangering the
2 welfare of a child in the first degree under subdivision (2) of
3 subsection 1 of section 568.045, incest, invasion of privacy,
4 [and] abuse of a child, and any offense of aggravated stalking or
5 assault in the second degree under subdivision (2) of subsection
6 1 of section 565.060 as such offenses existed prior to January 1,
7 2017;

8 (3) Supervised by the board; and

9 (4) In compliance with the conditions of supervision
10 imposed by the sentencing court or board.

11 2. If an offender was placed on probation, parole, or
12 conditional release for an offense of:

13 (1) Involuntary manslaughter in the first degree;

14 (2) Involuntary manslaughter in the second degree;

15 (3) Assault in the second degree except under subdivision
16 (2) of subsection 1 of section [565.060] 565.052 or section
17 565.060 as it existed prior to January 1, 2017;

18 (4) Domestic assault in the second degree;

19 (5) Assault [of a law enforcement officer in the second] in
20 the third degree when the victim is a special victim or assault
21 of a law enforcement officer in the second degree as it existed
22 prior to January 1, 2017;

23 (6) Statutory rape in the second degree;

24 (7) Statutory sodomy in the second degree;

25 (8) Endangering the welfare of a child in the first degree
26 under subdivision (1) of subsection 1 of section 568.045; or

27 (9) Any case in which the defendant is found guilty of a
28 felony offense under chapter 571, the sentencing court may, upon

1 its own motion or a motion of the prosecuting or circuit
2 attorney, make a finding that the offender is ineligible to earn
3 compliance credits because the nature and circumstances of the
4 offense or the history and character of the offender indicate
5 that a longer term of probation, parole, or conditional release
6 is necessary for the protection of the public or the guidance of
7 the offender. The motion may be made any time prior to the first
8 month in which the person may earn compliance credits under this
9 section. The offender's ability to earn credits shall be
10 suspended until the court or board makes its finding. If the
11 court or board finds that the offender is eligible for earned
12 compliance credits, the credits shall begin to accrue on the
13 first day of the next calendar month following the issuance of
14 the decision.

15 3. Earned compliance credits shall reduce the term of
16 probation, parole, or conditional release by thirty days for each
17 full calendar month of compliance with the terms of supervision.
18 Credits shall begin to accrue for eligible offenders after the
19 first full calendar month of supervision or on October 1, 2012,
20 if the offender began a term of probation, parole, or conditional
21 release before September 1, 2012.

22 4. For the purposes of this section, the term "compliance"
23 shall mean the absence of an initial violation report submitted
24 by a probation or parole officer during a calendar month, or a
25 motion to revoke or motion to suspend filed by a prosecuting or
26 circuit attorney, against the offender.

27 5. Credits shall not accrue during any calendar month in
28 which a violation report has been submitted or a motion to revoke

1 or motion to suspend has been filed, and shall be suspended
2 pending the outcome of a hearing, if a hearing is held. If no
3 hearing is held or the court or board finds that the violation
4 did not occur, then the offender shall be deemed to be in
5 compliance and shall begin earning credits on the first day of
6 the next calendar month following the month in which the report
7 was submitted or the motion was filed. All earned credits shall
8 be rescinded if the court or board revokes the probation or
9 parole or the court places the offender in a department program
10 under subsection 4 of section 559.036. Earned credits shall
11 continue to be suspended for a period of time during which the
12 court or board has suspended the term of probation, parole, or
13 release, and shall begin to accrue on the first day of the next
14 calendar month following the lifting of the suspension.

15 6. Offenders who are deemed by the division to be
16 absconders shall not earn credits. For purposes of this
17 subsection, "absconder" shall mean an offender under supervision
18 who has left such offender's place of residency without the
19 permission of the offender's supervising officer for the purpose
20 of avoiding supervision. An offender shall no longer be deemed
21 an absconder when such offender is available for active
22 supervision.

23 7. Notwithstanding subsection 2 of section 217.730 to the
24 contrary, once the combination of time served in custody, if
25 applicable, time served on probation, parole, or conditional
26 release, and earned compliance credits satisfy the total term of
27 probation, parole, or conditional release, the board or
28 sentencing court shall order final discharge of the offender, so

1 long as the offender has completed at least two years of his or
2 her probation or parole, which shall include any time served in
3 custody under section 217.718 and sections 559.036 and 559.115.

4 8. The award or rescission of any credits earned under this
5 section shall not be subject to appeal or any motion for
6 postconviction relief.

7 9. At least twice a year, the division shall calculate the
8 number of months the offender has remaining on his or her term of
9 probation, parole, or conditional release, taking into
10 consideration any earned compliance credits, and notify the
11 offender of the length of the remaining term.

12 10. No less than sixty days before the date of final
13 discharge, the division shall notify the sentencing court, the
14 board, and, for probation cases, the circuit or prosecuting
15 attorney of the impending discharge. If the sentencing court,
16 the board, or the circuit or prosecuting attorney upon receiving
17 such notice does not take any action under subsection 5 of this
18 section, the offender shall be discharged under subsection 7 of
19 this section.

20 217.735. 1. Notwithstanding any other provision of law to
21 the contrary, the board shall supervise an offender for the
22 duration of his or her natural life when the offender has
23 [pleaded guilty to or] been found guilty of an offense under:

24 (1) Section 566.030, 566.032, 566.060, [or] 566.062 [based
25 on an act committed on or after August 28, 2006, or the offender
26 has pleaded guilty to or has been found guilty of an offense
27 under section], 566.067, 566.083, 566.100, 566.151, 566.212,
28 566.213, 568.020, 568.080, or 568.090 based on an act committed

1 on or after August 28, 2006[,]; or

2 (2) Section 566.210, 566.211, 573.200, or 573.205 based on
3 an act committed on or after January 1, 2017

4
5 against a victim who was less than fourteen years old and the
6 offender is a prior sex offender as defined in subsection 2 of
7 this section.

8 2. For the purpose of this section, a prior sex offender is
9 a person who has previously pleaded guilty to or been found
10 guilty of an offense contained in chapter 566 or violating
11 section 568.020 when the person had sexual intercourse or deviate
12 sexual intercourse with the victim, or violating subdivision (2)
13 of subsection 1 of section 568.045.

14 3. Subsection 1 of this section applies to offenders who
15 have been granted probation, and to offenders who have been
16 released on parole, conditional release, or upon serving their
17 full sentence without early release. Supervision of an offender
18 who was released after serving his or her full sentence will be
19 considered as supervision on parole.

20 4. A mandatory condition of lifetime supervision of an
21 offender under this section is that the offender be
22 electronically monitored. Electronic monitoring shall be based
23 on a global positioning system or other technology that
24 identifies and records the offender's location at all times.

25 5. In appropriate cases as determined by a risk assessment,
26 the board may terminate the supervision of an offender who is
27 being supervised under this section when the offender is
28 sixty-five years of age or older.

1 6. In accordance with section 217.040, the board may adopt
2 rules relating to supervision and electronic monitoring of
3 offenders under this section.

4 217.785. 1. As used in this section, the term "Missouri
5 postconviction drug treatment program" means a program of
6 noninstitutional and institutional correctional programs for the
7 monitoring, control and treatment of certain drug abuse
8 offenders.

9 2. The department of corrections shall establish by
10 regulation the "Missouri Postconviction Drug Treatment Program".
11 The program shall include noninstitutional and institutional
12 placement. The institutional phase of the program may include
13 any offender under the supervision and control of the department
14 of corrections. The department shall establish rules determining
15 how, when and where an offender shall be admitted into or removed
16 from the program.

17 3. Any first-time offender who has [pled guilty or] been
18 found guilty of violating the provisions of chapter 195 or 579,
19 or whose controlled substance abuse was a precipitating or
20 contributing factor in the commission of his offense, and who is
21 placed on probation may be required to participate in the
22 noninstitutional phase of the program, which may include
23 education, treatment and rehabilitation programs. Persons
24 required to attend a program pursuant to this section may be
25 charged a reasonable fee to cover the costs of the program.
26 Failure of an offender to complete successfully the
27 noninstitutional phase of the program shall be sufficient cause
28 for the offender to be remanded to the sentencing court for

1 assignment to the institutional phase of the program or any other
2 authorized disposition.

3 4. A probationer shall be eligible for assignment to the
4 institutional phase of the postconviction drug treatment program
5 if he has failed to complete successfully the noninstitutional
6 phase of the program. If space is available, the sentencing
7 court may assign the offender to the institutional phase of the
8 program as a special condition of probation, without the
9 necessity of formal revocation of probation.

10 5. The availability of space in the institutional program
11 shall be determined by the department of corrections. If the
12 sentencing court is advised that there is no space available,
13 then the court shall consider other authorized dispositions.

14 6. Any time after ninety days and prior to one hundred
15 twenty days after assignment of the offender to the institutional
16 phase of the program, the department shall submit to the court a
17 report outlining the performance of the offender in the program.
18 If the department determines that the offender will not
19 participate or has failed to complete the program, the department
20 shall advise the sentencing court, who shall cause the offender
21 to be brought before the court for consideration of revocation of
22 the probation or other authorized disposition. If the offender
23 successfully completes the program, the department shall release
24 the individual to the appropriate probation and parole district
25 office and so advise the court.

26 7. Time spent in the institutional phase of the program
27 shall count as time served on the sentence.

28 221.025. 1. As an alternative to confinement, an

1 individual may be placed on electronic monitoring pursuant to
2 subsection 1 of section 544.455 or subsection 6 of section
3 557.011, with such terms and conditions as a court shall deem
4 just and appropriate under the circumstances.

5 2. A judge may, in his or her discretion, credit any such
6 period of electronic monitoring against any period of confinement
7 or incarceration ordered, however, electronic monitoring shall
8 not be considered to be in custody or incarceration for purposes
9 of eligibility for the MO HealthNet program, nor shall it be
10 considered confinement in a correctional center or private or
11 county jail for purposes of determining responsibility for the
12 individual's health care.

13 3. This section shall not authorize a court to place an
14 individual on electronic monitoring in lieu of the required
15 imprisonment, community service, or court-ordered treatment
16 program involving community service, if that individual is a
17 prior, persistent, aggravated, [or] chronic, or habitual offender
18 sentenced pursuant to section [577.023] 577.001 or section
19 577.023 as it existed prior to January 1, 2017.

20 221.111. 1. [No person shall knowingly deliver, attempt to
21 deliver, have in such person's possession, deposit or conceal in
22 or about the premises of any county or private jail or other
23 county correctional facility] A person commits the offense of
24 possession of unlawful items in a prison or jail if such person
25 knowingly delivers, attempts to deliver, possesses, deposits, or
26 conceals in or about the premises of any correctional center as
27 the term "correctional center" is defined under section 217.010,
28 or any city, county, or private jail:

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

4 (2) Any other alkaloid of any kind or any [spiritous or
5 malt] intoxicating liquor as the term intoxicating liquor is
6 defined in section 311.020;

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

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

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

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

1 prohibited by rule or regulation of such jail or facility. Such
2 rules or regulations, including a list of personal items allowed
3 in the jail or facility, shall be prominently posted for viewing
4 both inside and outside such jail or facility in an area
5 accessible to any visitor, and shall be made available to any
6 person requesting such rule or regulation. Violation of this
7 subsection shall be an infraction if not covered by other
8 statutes.

9 4. Any person who has been found guilty of a violation of
10 subdivision (2) of subsection 1 of this section involving any
11 alkaloid shall be entitled to expungement of the record of the
12 violation. The procedure to expunge the record shall be pursuant
13 to section 610.123. The record of any person shall not be
14 expunged if such person has been found guilty of knowingly
15 delivering, attempting to deliver, possessing, depositing, or
16 concealing any alkaloid of any controlled substance in or about
17 the premises of any correctional center, or city or county jail,
18 or private prison or jail.

19 260.211. 1. A person commits the offense of criminal
20 disposition of demolition waste if he purposely or knowingly
21 disposes of or causes the disposal of more than two thousand
22 pounds or four hundred cubic feet of such waste on property in
23 this state other than in a solid waste processing facility or
24 solid waste disposal area having a permit as required by section
25 260.205; provided that, this subsection shall not prohibit the
26 use or require a solid waste permit for the use of solid wastes
27 in normal farming operations or in the processing or
28 manufacturing of other products in a manner that will not create

1 a public nuisance or adversely affect public health and shall not
2 prohibit the disposal of or require a solid waste permit for the
3 disposal by an individual of solid wastes resulting from his or
4 her own residential activities on property owned or lawfully
5 occupied by him or her when such wastes do not thereby create a
6 public nuisance or adversely affect the public health.

7 Demolition waste shall not include clean fill or vegetation.

8 Criminal disposition of demolition waste is a class D felony. In
9 addition to other penalties prescribed by law, a person convicted
10 of criminal disposition of demolition waste is subject to a fine
11 not to exceed twenty thousand dollars, except as provided below.

12 The magnitude of the fine shall reflect the seriousness or
13 potential seriousness of the threat to human health and the
14 environment posed by the violation, but shall not exceed twenty
15 thousand dollars, except that if a court of competent
16 jurisdiction determines that the person responsible for illegal
17 disposal of demolition waste under this subsection did so for
18 remuneration as a part of an ongoing commercial activity, the
19 court shall set a fine which reflects the seriousness or
20 potential threat to human health and the environment which at
21 least equals the economic gain obtained by the person, and such
22 fine may exceed the maximum established herein.

23 2. Any person who purposely or knowingly disposes of or
24 causes the disposal of more than two thousand pounds or four
25 hundred cubic feet of his or her personal construction or
26 demolition waste on his or her own property shall be guilty of a
27 class ~~[C]~~ D misdemeanor. If such person receives any amount of
28 money, goods, or services in connection with permitting any other

1 person to dispose of construction or demolition waste on his or
2 her property, such person shall be guilty of a class D felony.

3 3. The court shall order any person convicted of illegally
4 disposing of demolition waste upon his or her own property for
5 remuneration to clean up such waste and, if he or she fails to
6 clean up the waste or if he or she is unable to clean up the
7 waste, the court may notify the county recorder of the county
8 containing the illegal disposal site. The notice shall be
9 designed to be recorded on the record.

10 4. The court may order restitution by requiring any person
11 convicted under this section to clean up any demolition waste he
12 illegally dumped and the court may require any such person to
13 perform additional community service by cleaning up and properly
14 disposing of demolition waste illegally dumped by other persons.

15 5. The prosecutor of any county or circuit attorney of any
16 city not within a county may, by information or indictment,
17 institute a prosecution for any violation of the provisions of
18 this section.

19 6. Any person shall be guilty of conspiracy as defined in
20 section 564.016 if he or she knows or should have known that his
21 or her agent or employee has committed the acts described in
22 sections 260.210 to 260.212 while engaged in the course of
23 employment.

24 302.020. 1. Unless otherwise provided for by law, it shall
25 be unlawful for any person, except those expressly exempted by
26 section 302.080, to:

27 (1) Operate any vehicle upon any highway in this state
28 unless the person has a valid license;

1 (2) Operate a motorcycle or motortricycle upon any highway
2 of this state unless such person has a valid license that shows
3 the person has successfully passed an examination for the
4 operation of a motorcycle or motortricycle as prescribed by the
5 director. The director may indicate such upon a valid license
6 issued to such person, or shall issue a license restricting the
7 applicant to the operation of a motorcycle or motortricycle if
8 the actual demonstration, required by section 302.173, is
9 conducted on such vehicle;

10 (3) Authorize or knowingly permit a motorcycle or
11 motortricycle owned by such person or under such person's control
12 to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the
14 operation of a motorcycle or motortricycle or has been issued an
15 instruction permit therefor;

16 (4) Operate a motor vehicle with an instruction permit or
17 license issued to another person.

18 2. Every person operating or riding as a passenger on any
19 motorcycle or motortricycle, as defined in section 301.010, upon
20 any highway of this state shall wear protective headgear at all
21 times the vehicle is in motion. The protective headgear shall
22 meet reasonable standards and specifications established by the
23 director.

24 3. Notwithstanding the provisions of section 302.340 any
25 person convicted of violating subdivision (1) or (2) of
26 subsection 1 of this section is guilty of a misdemeanor. A first
27 violation of subdivision (1) or (2) of subsection 1 of this
28 section shall be punishable [by a fine not to exceed three

hundred dollars] as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable [by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars] as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable [by a fine not to exceed three hundred dollars] as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years,

1 except as hereinafter provided;

2 (3) To any person whose license has been suspended, during
3 such suspension, or to any person whose license has been revoked,
4 until the expiration of one year after such license was revoked;

5 (4) To any person who is an habitual drunkard or is
6 addicted to the use of narcotic drugs;

7 (5) To any person who has previously been adjudged to be
8 incapacitated and who at the time of application has not been
9 restored to partial capacity;

10 (6) To any person who, when required by this law to take an
11 examination, has failed to pass such examination;

12 (7) To any person who has an unsatisfied judgment against
13 such person, as defined in chapter 303, until such judgment has
14 been satisfied or the financial responsibility of such person, as
15 [defined] described in section 303.120, has been established;

16 (8) To any person whose application shows that the person
17 has been convicted within one year prior to such application of
18 violating the laws of this state relating to failure to stop
19 after an accident and to disclose the person's identity or
20 driving a motor vehicle without the owner's consent;

21 (9) To any person who has been convicted more than twice of
22 violating state law, or a county or municipal ordinance where the
23 defendant was represented by or waived the right to an attorney
24 in writing, relating to driving while intoxicated; except that,
25 after the expiration of ten years from the date of conviction of
26 the last offense of violating such law or ordinance relating to
27 driving while intoxicated, a person who was so convicted may
28 petition the circuit court of the county in which such last

1 conviction was rendered and the court shall review the person's
2 habits and conduct since such conviction, including the results
3 of a criminal history check as defined in section 302.010. If
4 the court finds that the petitioner has not been [convicted, pled
5 guilty to or been] found guilty of, and has no pending charges
6 for any offense related to alcohol, controlled substances or
7 drugs and has no other alcohol-related enforcement contacts as
8 defined in section 302.525 during the preceding ten years and
9 that the petitioner's habits and conduct show such petitioner to
10 no longer pose a threat to the public safety of this state, the
11 court shall order the director to issue a license to the
12 petitioner if the petitioner is otherwise qualified pursuant to
13 the provisions of sections 302.010 to 302.540. No person may
14 obtain a license pursuant to the provisions of this subdivision
15 through court action more than one time;

16 (10) To any person who has [pled guilty to or been
17 convicted of the crime of involuntary manslaughter while
18 operating a motor vehicle in an intoxicated condition] been found
19 guilty of acting with criminal negligence while driving while
20 intoxicated to cause the death of another person, or to any
21 person who has been convicted twice within a five-year period of
22 violating state law, county or municipal ordinance of driving
23 while intoxicated, or any other intoxication-related traffic
24 offense as defined in section [577.023] 577.001, except that,
25 after the expiration of five years from the date of conviction of
26 the last offense of violating such law or ordinance, a person who
27 was so convicted may petition the circuit court of the county in
28 which such last conviction was rendered and the court shall

1 review the person's habits and conduct since such conviction,
2 including the results of a criminal history check as defined in
3 section 302.010. If the court finds that the petitioner has not
4 been [convicted, pled guilty to, or been] found guilty of, and
5 has no pending charges for any offense related to alcohol,
6 controlled substances, or drugs and has no other alcohol-related
7 enforcement contacts as defined in section 302.525 during the
8 preceding five years, and that the petitioner's habits and
9 conduct show such petitioner to no longer pose a threat to the
10 public safety of this state, the court shall order the director
11 to issue a license to the petitioner if the petitioner is
12 otherwise qualified pursuant to the provisions of sections
13 302.010 to 302.540;

14 (11) To any person who is otherwise disqualified pursuant
15 to the provisions of sections 302.010 to 302.780, chapter 303, or
16 section 544.046;

17 (12) To any person who is under the age of eighteen years,
18 if such person's parents or legal guardians file a certified
19 document with the department of revenue stating that the director
20 shall not issue such person a driver's license. Each document
21 filed by the person's parents or legal guardians shall be made
22 upon a form furnished by the director and shall include
23 identifying information of the person for whom the parents or
24 legal guardians are denying the driver's license. The document
25 shall also contain identifying information of the person's
26 parents or legal guardians. The document shall be certified by
27 the parents or legal guardians to be true and correct. This
28 provision shall not apply to any person who is legally

1 emancipated. The parents or legal guardians may later file an
2 additional document with the department of revenue which
3 reinstates the person's ability to receive a driver's license.

4 2. Any person whose license is reinstated under the
5 provisions of subdivision (9) or (10) of subsection 1 of this
6 section shall be required to file proof with the director of
7 revenue that any motor vehicle operated by the person is equipped
8 with a functioning, certified ignition interlock device as a
9 required condition of reinstatement. The ignition interlock
10 device required for reinstatement under this subsection and for
11 obtaining a limited driving privilege under paragraph (a) or (b)
12 of subdivision (8) of subsection 3 of section 302.309 shall have
13 a photo identification technology [and global positioning system
14 features] feature, and a court may require a global positioning
15 system feature for such device. The ignition interlock device
16 shall further be required to be maintained on all motor vehicles
17 operated by the person for a period of not less than six months
18 immediately following the date of reinstatement. If the monthly
19 monitoring reports show that the ignition interlock device has
20 registered any confirmed blood alcohol concentration readings
21 above the alcohol setpoint established by the department of
22 transportation or that the person has tampered with or
23 circumvented the ignition interlock device, then the period for
24 which the person must maintain the ignition interlock device
25 following the date of reinstatement shall be extended for an
26 additional six months. If the person fails to maintain such
27 proof with the director, the license shall be suspended for the
28 remainder of the six-month period or until proof as required by

1 this section is filed with the director. Upon the completion of
2 the six-month period, the license shall be shown as reinstated,
3 if the person is otherwise eligible.

4 3. Any person who petitions the court for reinstatement of
5 his or her license pursuant to subdivision (9) or (10) of
6 subsection 1 of this section shall make application with the
7 Missouri state highway patrol as provided in section 43.540, and
8 shall submit two sets of fingerprints collected pursuant to
9 standards as determined by the highway patrol. One set of
10 fingerprints shall be used by the highway patrol to search the
11 criminal history repository and the second set shall be forwarded
12 to the Federal Bureau of Investigation for searching the federal
13 criminal history files. At the time of application, the
14 applicant shall supply to the highway patrol the court name and
15 case number for the court where he or she has filed his or her
16 petition for reinstatement. The applicant shall pay the fee for
17 the state criminal history check pursuant to section 43.530 and
18 pay the appropriate fee determined by the Federal Bureau of
19 Investigation for the federal criminal history record. The
20 Missouri highway patrol, upon receipt of the results of the
21 criminal history check, shall forward a copy of the results to
22 the circuit court designated by the applicant and to the
23 department. Notwithstanding the provisions of section 610.120,
24 all records related to any criminal history check shall be
25 accessible and available to the director and the court.

26 [302.060. 1. The director shall not issue any
27 license and shall immediately deny any driving
28 privilege:

29 (1) To any person who is under the age of
30 eighteen years, if such person operates a motor vehicle
31 in the transportation of persons or property as

1 classified in section 302.015;

2 (2) To any person who is under the age of sixteen
3 years, except as hereinafter provided;

4 (3) To any person whose license has been
5 suspended, during such suspension, or to any person
6 whose license has been revoked, until the expiration of
7 one year after such license was revoked;

8 (4) To any person who is an habitual drunkard or
9 is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been
11 adjudged to be incapacitated and who at the time of
12 application has not been restored to partial capacity;

13 (6) To any person who, when required by this law
14 to take an examination, has failed to pass such
15 examination;

16 (7) To any person who has an unsatisfied judgment
17 against such person, as defined in chapter 303, until
18 such judgment has been satisfied or the financial
19 responsibility of such person, as defined in section
20 303.120, has been established;

21 (8) To any person whose application shows that
22 the person has been convicted within one year prior to
23 such application of violating the laws of this state
24 relating to failure to stop after an accident and to
25 disclose the person's identity or driving a motor
26 vehicle without the owner's consent;

27 (9) To any person who has been convicted more
28 than twice of violating state law, or a county or
29 municipal ordinance where the defendant was represented
30 by or waived the right to an attorney in writing,
31 relating to driving while intoxicated; except that,
32 after the expiration of ten years from the date of
33 conviction of the last offense of violating such law or
34 ordinance relating to driving while intoxicated, a
35 person who was so convicted may petition the circuit
36 court of the county in which such last conviction was
37 rendered and the court shall review the person's habits
38 and conduct since such conviction, including the
39 results of a criminal history check as defined in
40 section 302.010. If the court finds that the
41 petitioner has not been convicted, pled guilty to or
42 been found guilty of, and has no pending charges for
43 any offense related to alcohol, controlled substances
44 or drugs and has no other alcohol-related enforcement
45 contacts as defined in section 302.525 during the
46 preceding ten years and that the petitioner's habits
47 and conduct show such petitioner to no longer pose a
48 threat to the public safety of this state, the court
49 may order the director to issue a license to the
50 petitioner if the petitioner is otherwise qualified
51 pursuant to the provisions of sections 302.010 to

1 302.540. No person may obtain a license pursuant to
2 the provisions of this subdivision through court action
3 more than one time;

4 (10) To any person who has pled guilty to or been
5 convicted of the crime of involuntary manslaughter
6 while operating a motor vehicle in an intoxicated
7 condition, or to any person who has been convicted
8 twice within a five-year period of violating state law,
9 county or municipal ordinance of driving while
10 intoxicated, or any other intoxication-related traffic
11 offense as defined in section 577.023, except that,
12 after the expiration of five years from the date of
13 conviction of the last offense of violating such law or
14 ordinance, a person who was so convicted may petition
15 the circuit court of the county in which such last
16 conviction was rendered and the court shall review the
17 person's habits and conduct since such conviction,
18 including the results of a criminal history check as
19 defined in section 302.010. If the court finds that
20 the petitioner has not been convicted, pled guilty to,
21 or been found guilty of, and has no pending charges for
22 any offense related to alcohol, controlled substances,
23 or drugs and has no other alcohol-related enforcement
24 contacts as defined in section 302.525 during the
25 preceding five years, and that the petitioner's habits
26 and conduct show such petitioner to no longer pose a
27 threat to the public safety of this state, the court
28 may order the director to issue a license to the
29 petitioner if the petitioner is otherwise qualified
30 pursuant to the provisions of sections 302.010 to
31 302.540;

32 (11) To any person who is otherwise disqualified
33 pursuant to the provisions of sections 302.010 to
34 302.780, chapter 303, or section 544.046;

35 (12) To any person who is under the age of
36 eighteen years, if such person's parents or legal
37 guardians file a certified document with the department
38 of revenue stating that the director shall not issue
39 such person a driver's license. Each document filed by
40 the person's parents or legal guardians shall be made
41 upon a form furnished by the director and shall include
42 identifying information of the person for whom the
43 parents or legal guardians are denying the driver's
44 license. The document shall also contain identifying
45 information of the person's parents or legal guardians.
46 The document shall be certified by the parents or legal
47 guardians to be true and correct. This provision shall
48 not apply to any person who is legally emancipated.
49 The parents or legal guardians may later file an
50 additional document with the department of revenue
51 which reinstates the person's ability to receive a

1 driver's license.

2 2. Any person whose license is reinstated under
3 the provisions of subdivisions (9) and (10) of
4 subsection 1 of this section shall be required to file
5 proof with the director of revenue that any motor
6 vehicle operated by the person is equipped with a
7 functioning, certified ignition interlock device as a
8 required condition of reinstatement. The ignition
9 interlock device required for reinstatement under this
10 subsection and for obtaining a limited driving
11 privilege under paragraph (a) or (b) of subdivision (8)
12 of subsection 3 of section 302.309 shall have photo
13 identification technology and global positioning system
14 features. The ignition interlock device shall further
15 be required to be maintained on all motor vehicles
16 operated by the person for a period of not less than
17 six months immediately following the date of
18 reinstatement. If the monthly monitoring reports show
19 that the ignition interlock device has registered any
20 confirmed blood alcohol concentration readings above
21 the alcohol setpoint established by the department of
22 transportation or that the person has tampered with or
23 circumvented the ignition interlock device, then the
24 period for which the person must maintain the ignition
25 interlock device following the date of reinstatement
26 shall be extended for an additional six months. If the
27 person fails to maintain such proof with the director,
28 the license shall be suspended for the remainder of the
29 six-month period or until proof as required by this
30 section is filed with the director. Upon the
31 completion of the six-month period, the license shall
32 be shown as reinstated, if the person is otherwise
33 eligible.

34 3. Any person who petitions the court for
35 reinstatement of his or her license pursuant to
36 subdivision (9) or (10) of subsection 1 of this section
37 shall make application with the Missouri state highway
38 patrol as provided in section 43.540, and shall submit
39 two sets of fingerprints collected pursuant to
40 standards as determined by the highway patrol. One set
41 of fingerprints shall be used by the highway patrol to
42 search the criminal history repository and the second
43 set shall be forwarded to the Federal Bureau of
44 Investigation for searching the federal criminal
45 history files. At the time of application, the
46 applicant shall supply to the highway patrol the court
47 name and case number for the court where he or she has
48 filed his or her petition for reinstatement. The
49 applicant shall pay the fee for the state criminal
50 history check pursuant to section 43.530 and pay the
51 appropriate fee determined by the Federal Bureau of

1 Investigation for the federal criminal history record.
2 The Missouri highway patrol, upon receipt of the
3 results of the criminal history check, shall forward a
4 copy of the results to the circuit court designated by
5 the applicant and to the department. Notwithstanding
6 the provisions of section 610.120, all records related
7 to any criminal history check shall be accessible and
8 available to the director and the court.】

9 302.304. 1. The director shall notify by ordinary mail any
10 operator of the point value charged against the operator's record
11 when the record shows four or more points have been accumulated
12 in a twelve-month period.

13 2. In an action to suspend or revoke a license or driving
14 privilege under this section points shall be accumulated on the
15 date of conviction. No case file of any conviction for a driving
16 violation for which points may be assessed pursuant to section
17 302.302 may be closed until such time as a copy of the record of
18 such conviction is forwarded to the department of revenue.

19 3. The director shall suspend the license and driving
20 privileges of any person whose driving record shows the driver
21 has accumulated eight points in eighteen months.

22 4. The license and driving privilege of any person whose
23 license and driving privilege have been suspended under the
24 provisions of sections 302.010 to 302.540 except those persons
25 whose license and driving privilege have been suspended under the
26 provisions of subdivision (8) of subsection 1 of section 302.302
27 or has accumulated sufficient points together with a conviction
28 under subdivision (10) of subsection 1 of section 302.302 and who
29 has filed proof of financial responsibility with the department
30 of revenue, in accordance with chapter 303, and is otherwise
31 eligible, shall be reinstated as follows:

32 (1) In the case of an initial suspension, thirty days after

1 the effective date of the suspension;

2 (2) In the case of a second suspension, sixty days after
3 the effective date of the suspension;

4 (3) In the case of the third and subsequent suspensions,
5 ninety days after the effective date of the suspension.

6 Unless proof of financial responsibility is filed with the
7 department of revenue, a suspension shall continue in effect for
8 two years from its effective date.

9 5. The period of suspension of the driver's license and
10 driving privilege of any person under the provisions of
11 subdivision (8) of subsection 1 of section 302.302 or who has
12 accumulated sufficient points together with a conviction under
13 subdivision (10) of subsection 1 of section 302.302 shall be
14 thirty days, followed by a sixty-day period of restricted driving
15 privilege as defined in section 302.010. Upon completion of such
16 period of restricted driving privilege, upon compliance with
17 other requirements of law and upon filing of proof of financial
18 responsibility with the department of revenue, in accordance with
19 chapter 303, the license and driving privilege shall be
20 reinstated. If a person, otherwise subject to the provisions of
21 this subsection, files proof of installation with the department
22 of revenue that any vehicle operated by such person is equipped
23 with a functioning, certified ignition interlock device, there
24 shall be no period of suspension. However, in lieu of a
25 suspension the person shall instead complete a ninety-day period
26 of restricted driving privilege. If the person fails to maintain
27 such proof of the device with the director of revenue as
28 required, the restricted driving privilege shall be terminated.

1 Upon completion of such ninety-day period of restricted driving
2 privilege, upon compliance with other requirements of law, and
3 upon filing of proof of financial responsibility with the
4 department of revenue, in accordance with chapter 303, the
5 license and driving privilege shall be reinstated. However, if
6 the monthly monitoring reports during such ninety-day period
7 indicate that the ignition interlock device has registered a
8 confirmed blood alcohol concentration level above the alcohol
9 setpoint established by the department of transportation or such
10 reports indicate that the ignition interlock device has been
11 tampered with or circumvented, then the license and driving
12 privilege of such person shall not be reinstated until the person
13 completes an additional thirty-day period of restricted driving
14 privilege.

15 6. If the person fails to maintain proof of financial
16 responsibility in accordance with chapter 303, or, if applicable,
17 if the person fails to maintain proof that any vehicle operated
18 is equipped with a functioning, certified ignition interlock
19 device installed pursuant to subsection 5 of this section, the
20 person's driving privilege and license shall be resuspended.

21 7. The director shall revoke the license and driving
22 privilege of any person when the person's driving record shows
23 such person has accumulated twelve points in twelve months or
24 eighteen points in twenty-four months or twenty-four points in
25 thirty-six months. The revocation period of any person whose
26 license and driving privilege have been revoked under the
27 provisions of sections 302.010 to 302.540 and who has filed proof
28 of financial responsibility with the department of revenue in

1 accordance with chapter 303 and is otherwise eligible, shall be
2 terminated by a notice from the director of revenue after one
3 year from the effective date of the revocation. Unless proof of
4 financial responsibility is filed with the department of revenue,
5 except as provided in subsection 2 of section 302.541, the
6 revocation shall remain in effect for a period of two years from
7 its effective date. If the person fails to maintain proof of
8 financial responsibility in accordance with chapter 303, the
9 person's license and driving privilege shall be rerevoked. Any
10 person whose license and driving privilege have been revoked
11 under the provisions of sections 302.010 to 302.540 shall, upon
12 receipt of the notice of termination of the revocation from the
13 director, pass the complete driver examination and apply for a
14 new license before again operating a motor vehicle upon the
15 highways of this state.

16 8. If, prior to conviction for an offense that would
17 require suspension or revocation of a person's license under the
18 provisions of this section, the person's total points accumulated
19 are reduced, pursuant to the provisions of section 302.306, below
20 the number of points required for suspension or revocation
21 pursuant to the provisions of this section, then the person's
22 license shall not be suspended or revoked until the necessary
23 points are again obtained and accumulated.

24 9. If any person shall neglect or refuse to surrender the
25 person's license, as provided herein, the director shall direct
26 the state highway patrol or any peace or police officer to secure
27 possession thereof and return it to the director.

28 10. Upon the issuance of a reinstatement or termination

1 notice after a suspension or revocation of any person's license
2 and driving privilege under the provisions of sections 302.010 to
3 302.540, the accumulated point value shall be reduced to four
4 points, except that the points of any person serving as a member
5 of the Armed Forces of the United States outside the limits of
6 the United States during a period of suspension or revocation
7 shall be reduced to zero upon the date of the reinstatement or
8 termination of notice. It shall be the responsibility of such
9 member of the Armed Forces to submit copies of official orders to
10 the director of revenue to substantiate such overseas service.
11 Any other provision of sections 302.010 to 302.540 to the
12 contrary notwithstanding, the effective date of the four points
13 remaining on the record upon reinstatement or termination shall
14 be the date of the reinstatement or termination notice.

15 11. No credit toward reduction of points shall be given
16 during periods of suspension or revocation or any period of
17 driving under a limited driving privilege granted by a court or
18 the director of revenue.

19 12. Any person or nonresident whose license or privilege to
20 operate a motor vehicle in this state has been suspended or
21 revoked under this or any other law shall, before having the
22 license or privilege to operate a motor vehicle reinstated, pay
23 to the director a reinstatement fee of twenty dollars which shall
24 be in addition to all other fees provided by law.

25 13. Notwithstanding any other provision of law to the
26 contrary, if after two years from the effective date of any
27 suspension or revocation issued under this chapter, except any
28 suspension or revocation issued under section 302.410, 302.462,

1 or 302.574, the person or nonresident has not paid the
2 reinstatement fee of twenty dollars, the director shall reinstate
3 such license or privilege to operate a motor vehicle in this
4 state. Any person who has had his or her license suspended or
5 revoked under section 302.410, 302.462, or 302.574, shall be
6 required to pay the reinstatement fee.

7 14. No person who has had a license to operate a motor
8 vehicle suspended or revoked as a result of an assessment of
9 points for a violation under subdivision (8), (9) or (10) of
10 subsection 1 of section 302.302 shall have that license
11 reinstated until such person has participated in and successfully
12 completed a substance abuse traffic offender program defined in
13 section 302.010, or a program determined to be comparable by the
14 department of mental health. Assignment recommendations, based
15 upon the needs assessment as described in subdivision (24) of
16 section 302.010, shall be delivered in writing to the person with
17 written notice that the person is entitled to have such
18 assignment recommendations reviewed by the court if the person
19 objects to the recommendations. The person may file a motion in
20 the associate division of the circuit court of the county in
21 which such assignment was given, on a printed form provided by
22 the state courts administrator, to have the court hear and
23 determine such motion pursuant to the provisions of chapter 517.
24 The motion shall name the person or entity making the needs
25 assessment as the respondent and a copy of the motion shall be
26 served upon the respondent in any manner allowed by law. Upon
27 hearing the motion, the court may modify or waive any assignment
28 recommendation that the court determines to be unwarranted based

1 upon a review of the needs assessment, the person's driving
2 record, the circumstances surrounding the offense, and the
3 likelihood of the person committing a like offense in the future,
4 except that the court may modify but may not waive the assignment
5 to an education or rehabilitation program of a person determined
6 to be a prior or persistent offender as defined in section
7 **[577.023]** 577.001 or of a person determined to have operated a
8 motor vehicle with fifteen-hundredths of one percent or more by
9 weight in such person's blood. Compliance with the court
10 determination of the motion shall satisfy the provisions of this
11 section for the purpose of reinstating such person's license to
12 operate a motor vehicle. The respondent's personal appearance at
13 any hearing conducted pursuant to this subsection shall not be
14 necessary unless directed by the court.

15 15. The fees for the program authorized in subsection 14 of
16 this section, or a portion thereof to be determined by the
17 department of mental health, shall be paid by the person enrolled
18 in the program. Any person who is enrolled in the program shall
19 pay, in addition to any fee charged for the program, a
20 supplemental fee in an amount to be determined by the department
21 of mental health for the purposes of funding the substance abuse
22 traffic offender program defined in section 302.010 **[and section**
23 **577.001]** or a program determined to be comparable by the
24 department of mental health. The administrator of the program
25 shall remit to the division of alcohol and drug abuse of the
26 department of mental health on or before the fifteenth day of
27 each month the supplemental fee for all persons enrolled in the
28 program, less two percent for administrative costs. Interest

1 shall be charged on any unpaid balance of the supplemental fees
2 due the division of alcohol and drug abuse pursuant to this
3 section and shall accrue at a rate not to exceed the annual rate
4 established pursuant to the provisions of section 32.065, plus
5 three percentage points. The supplemental fees and any interest
6 received by the department of mental health pursuant to this
7 section shall be deposited in the mental health earnings fund
8 which is created in section 630.053.

9 16. Any administrator who fails to remit to the division of
10 alcohol and drug abuse of the department of mental health the
11 supplemental fees and interest for all persons enrolled in the
12 program pursuant to this section shall be subject to a penalty
13 equal to the amount of interest accrued on the supplemental fees
14 due the division pursuant to this section. If the supplemental
15 fees, interest, and penalties are not remitted to the division of
16 alcohol and drug abuse of the department of mental health within
17 six months of the due date, the attorney general of the state of
18 Missouri shall initiate appropriate action of the collection of
19 said fees and interest accrued. The court shall assess attorney
20 fees and court costs against any delinquent program.

21 17. Any person who has had a license to operate a motor
22 vehicle suspended or revoked as a result of an assessment of
23 points for a conviction for an intoxication-related traffic
24 offense as defined under section [577.023] 577.001, and who has a
25 prior alcohol-related enforcement contact as defined under
26 section 302.525, shall be required to file proof with the
27 director of revenue that any motor vehicle operated by the person
28 is equipped with a functioning, certified ignition interlock

1 device as a required condition of reinstatement of the license.
2 The ignition interlock device shall further be required to be
3 maintained on all motor vehicles operated by the person for a
4 period of not less than six months immediately following the date
5 of reinstatement. If the monthly monitoring reports show that
6 the ignition interlock device has registered any confirmed blood
7 alcohol concentration readings above the alcohol setpoint
8 established by the department of transportation or that the
9 person has tampered with or circumvented the ignition interlock
10 device, then the period for which the person must maintain the
11 ignition interlock device following the date of reinstatement
12 shall be extended for an additional six months. If the person
13 fails to maintain such proof with the director, the license shall
14 be resuspended or revoked and the person shall be guilty of a
15 class A misdemeanor.

16 [302.304. 1. The director shall notify by
17 ordinary mail any operator of the point value charged
18 against the operator's record when the record shows
19 four or more points have been accumulated in a
20 twelve-month period.

21 2. In an action to suspend or revoke a license or
22 driving privilege under this section points shall be
23 accumulated on the date of conviction. No case file of
24 any conviction for a driving violation for which points
25 may be assessed pursuant to section 302.302 may be
26 closed until such time as a copy of the record of such
27 conviction is forwarded to the department of revenue.

28 3. The director shall suspend the license and
29 driving privileges of any person whose driving record
30 shows the driver has accumulated eight points in
31 eighteen months.

32 4. The license and driving privilege of any
33 person whose license and driving privilege have been
34 suspended under the provisions of sections 302.010 to
35 302.540 except those persons whose license and driving
36 privilege have been suspended under the provisions of
37 subdivision (8) of subsection 1 of section 302.302 or
38 has accumulated sufficient points together with a
39 conviction under subdivision (10) of subsection 1 of

1 section 302.302 and who has filed proof of financial
2 responsibility with the department of revenue, in
3 accordance with chapter 303, and is otherwise eligible,
4 shall be reinstated as follows:

5 (1) In the case of an initial suspension, thirty
6 days after the effective date of the suspension;

7 (2) In the case of a second suspension, sixty
8 days after the effective date of the suspension;

9 (3) In the case of the third and subsequent
10 suspensions, ninety days after the effective date of
11 the suspension.

12 Unless proof of financial responsibility is filed with
13 the department of revenue, a suspension shall continue
14 in effect for two years from its effective date.

15 5. The period of suspension of the driver's
16 license and driving privilege of any person under the
17 provisions of subdivision (8) of subsection 1 of
18 section 302.302 or who has accumulated sufficient
19 points together with a conviction under subdivision
20 (10) of subsection 1 of section 302.302 shall be thirty
21 days, followed by a sixty-day period of restricted
22 driving privilege as defined in section 302.010. Upon
23 completion of such period of restricted driving
24 privilege, upon compliance with other requirements of
25 law and upon filing of proof of financial
26 responsibility with the department of revenue, in
27 accordance with chapter 303, the license and driving
28 privilege shall be reinstated. If a person, otherwise
29 subject to the provisions of this subsection, files
30 proof of installation with the department of revenue
31 that any vehicle operated by such person is equipped
32 with a functioning, certified ignition interlock
33 device, then the period of suspension shall be fifteen
34 days, followed by a seventy-five day period of
35 restricted driving privilege. If the person fails to
36 maintain such proof of the device with the director of
37 revenue as required, the restricted driving privilege
38 shall be terminated. Upon completion of such
39 seventy-five day period of restricted driving
40 privilege, upon compliance with other requirements of
41 law, and upon filing of proof of financial
42 responsibility with the department of revenue, in
43 accordance with chapter 303, the license and driving
44 privilege shall be reinstated. However, if the monthly
45 monitoring reports during such seventy-five day period
46 indicate that the ignition interlock device has
47 registered a blood alcohol concentration level above
48 the alcohol setpoint established by the department of
49 transportation or such reports indicate that the
50 ignition interlock device has been tampered with or
51 circumvented, then the license and driving privilege of

1 such person shall not be reinstated until the person
2 completes an additional seventy-five day period of
3 restricted driving privilege without any such
4 violations.

5 6. If the person fails to maintain proof of
6 financial responsibility in accordance with chapter
7 303, or, if applicable, if the person fails to maintain
8 proof that any vehicle operated is equipped with a
9 functioning, certified ignition interlock device
10 installed pursuant to subsection 5 of this section, the
11 person's driving privilege and license shall be
12 resuspended.

13 7. The director shall revoke the license and
14 driving privilege of any person when the person's
15 driving record shows such person has accumulated twelve
16 points in twelve months or eighteen points in
17 twenty-four months or twenty-four points in thirty-six
18 months. The revocation period of any person whose
19 license and driving privilege have been revoked under
20 the provisions of sections 302.010 to 302.540 and who
21 has filed proof of financial responsibility with the
22 department of revenue in accordance with chapter 303
23 and is otherwise eligible, shall be terminated by a
24 notice from the director of revenue after one year from
25 the effective date of the revocation. Unless proof of
26 financial responsibility is filed with the department
27 of revenue, except as provided in subsection 2 of
28 section 302.541, the revocation shall remain in effect
29 for a period of two years from its effective date. If
30 the person fails to maintain proof of financial
31 responsibility in accordance with chapter 303, the
32 person's license and driving privilege shall be
33 rerevoked. Any person whose license and driving
34 privilege have been revoked under the provisions of
35 sections 302.010 to 302.540 shall, upon receipt of the
36 notice of termination of the revocation from the
37 director, pass the complete driver examination and
38 apply for a new license before again operating a motor
39 vehicle upon the highways of this state.

40 8. If, prior to conviction for an offense that
41 would require suspension or revocation of a person's
42 license under the provisions of this section, the
43 person's total points accumulated are reduced, pursuant
44 to the provisions of section 302.306, below the number
45 of points required for suspension or revocation
46 pursuant to the provisions of this section, then the
47 person's license shall not be suspended or revoked
48 until the necessary points are again obtained and
49 accumulated.

50 9. If any person shall neglect or refuse to
51 surrender the person's license, as provided herein, the

1 director shall direct the state highway patrol or any
2 peace or police officer to secure possession thereof
3 and return it to the director.

4 10. Upon the issuance of a reinstatement or
5 termination notice after a suspension or revocation of
6 any person's license and driving privilege under the
7 provisions of sections 302.010 to 302.540, the
8 accumulated point value shall be reduced to four
9 points, except that the points of any person serving as
10 a member of the Armed Forces of the United States
11 outside the limits of the United States during a period
12 of suspension or revocation shall be reduced to zero
13 upon the date of the reinstatement or termination of
14 notice. It shall be the responsibility of such member
15 of the Armed Forces to submit copies of official orders
16 to the director of revenue to substantiate such
17 overseas service. Any other provision of sections
18 302.010 to 302.540 to the contrary notwithstanding, the
19 effective date of the four points remaining on the
20 record upon reinstatement or termination shall be the
21 date of the reinstatement or termination notice.

22 11. No credit toward reduction of points shall be
23 given during periods of suspension or revocation or any
24 period of driving under a limited driving privilege
25 granted by a court or the director of revenue.

26 12. Any person or nonresident whose license or
27 privilege to operate a motor vehicle in this state has
28 been suspended or revoked under this or any other law
29 shall, before having the license or privilege to
30 operate a motor vehicle reinstated, pay to the director
31 a reinstatement fee of twenty dollars which shall be in
32 addition to all other fees provided by law.

33 13. Notwithstanding any other provision of law to
34 the contrary, if after two years from the effective
35 date of any suspension or revocation issued under this
36 chapter, the person or nonresident has not paid the
37 reinstatement fee of twenty dollars, the director shall
38 reinstate such license or privilege to operate a motor
39 vehicle in this state.

40 14. No person who has had a license to operate a
41 motor vehicle suspended or revoked as a result of an
42 assessment of points for a violation under subdivision
43 (8), (9) or (10) of subsection 1 of section 302.302
44 shall have that license reinstated until such person
45 has participated in and successfully completed a
46 substance abuse traffic offender program defined in
47 section 302.010, or a program determined to be
48 comparable by the department of mental health.
49 Assignment recommendations, based upon the needs
50 assessment as described in subdivision (22) of section
51 302.010, shall be delivered in writing to the person

1 with written notice that the person is entitled to have
2 such assignment recommendations reviewed by the court
3 if the person objects to the recommendations. The
4 person may file a motion in the associate division of
5 the circuit court of the county in which such
6 assignment was given, on a printed form provided by the
7 state courts administrator, to have the court hear and
8 determine such motion pursuant to the provisions of
9 chapter 517. The motion shall name the person or
10 entity making the needs assessment as the respondent
11 and a copy of the motion shall be served upon the
12 respondent in any manner allowed by law. Upon hearing
13 the motion, the court may modify or waive any
14 assignment recommendation that the court determines to
15 be unwarranted based upon a review of the needs
16 assessment, the person's driving record, the
17 circumstances surrounding the offense, and the
18 likelihood of the person committing a like offense in
19 the future, except that the court may modify but may
20 not waive the assignment to an education or
21 rehabilitation program of a person determined to be a
22 prior or persistent offender as defined in section
23 577.023 or of a person determined to have operated a
24 motor vehicle with fifteen-hundredths of one percent or
25 more by weight in such person's blood. Compliance with
26 the court determination of the motion shall satisfy the
27 provisions of this section for the purpose of
28 reinstating such person's license to operate a motor
29 vehicle. The respondent's personal appearance at any
30 hearing conducted pursuant to this subsection shall not
31 be necessary unless directed by the court.

32 15. The fees for the program authorized in
33 subsection 14 of this section, or a portion thereof to
34 be determined by the department of mental health, shall
35 be paid by the person enrolled in the program. Any
36 person who is enrolled in the program shall pay, in
37 addition to any fee charged for the program, a
38 supplemental fee in an amount to be determined by the
39 department of mental health for the purposes of funding
40 the substance abuse traffic offender program defined in
41 section 302.010 and section 577.001 or a program
42 determined to be comparable by the department of mental
43 health. The administrator of the program shall remit
44 to the division of alcohol and drug abuse of the
45 department of mental health on or before the fifteenth
46 day of each month the supplemental fee for all persons
47 enrolled in the program, less two percent for
48 administrative costs. Interest shall be charged on any
49 unpaid balance of the supplemental fees due the
50 division of alcohol and drug abuse pursuant to this
51 section and shall accrue at a rate not to exceed the

1 annual rate established pursuant to the provisions of
2 section 32.065, plus three percentage points. The
3 supplemental fees and any interest received by the
4 department of mental health pursuant to this section
5 shall be deposited in the mental health earnings fund
6 which is created in section 630.053.

7 16. Any administrator who fails to remit to the
8 division of alcohol and drug abuse of the department of
9 mental health the supplemental fees and interest for
10 all persons enrolled in the program pursuant to this
11 section shall be subject to a penalty equal to the
12 amount of interest accrued on the supplemental fees due
13 the division pursuant to this section. If the
14 supplemental fees, interest, and penalties are not
15 remitted to the division of alcohol and drug abuse of
16 the department of mental health within six months of
17 the due date, the attorney general of the state of
18 Missouri shall initiate appropriate action of the
19 collection of said fees and interest accrued. The
20 court shall assess attorney fees and court costs
21 against any delinquent program.

22 17. Any person who has had a license to operate a
23 motor vehicle suspended or revoked as a result of an
24 assessment of points for a violation under subdivision
25 (9) of subsection 1 of section 302.302 shall be
26 required to file proof with the director of revenue
27 that any motor vehicle operated by the person is
28 equipped with a functioning, certified ignition
29 interlock device as a required condition of
30 reinstatement of the license. The ignition interlock
31 device shall further be required to be maintained on
32 all motor vehicles operated by the person for a period
33 of not less than six months immediately following the
34 date of reinstatement. If the monthly monitoring
35 reports show that the ignition interlock device has
36 registered any confirmed blood alcohol concentration
37 readings above the alcohol setpoint established by the
38 department of transportation or that the person has
39 tampered with or circumvented the ignition interlock
40 device, then the period for which the person must
41 maintain the ignition interlock device following the
42 date of reinstatement shall be extended for an
43 additional six months. If the person fails to maintain
44 such proof with the director, the license shall be
45 resuspended or revoked and the person shall be guilty
46 of a class A misdemeanor.】

47
48 302.309. 1. Whenever any license is suspended pursuant to
49 sections 302.302 to 302.309, the director of revenue shall return

1 the license to the operator immediately upon the termination of
2 the period of suspension and upon compliance with the
3 requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these
5 sections, upon the termination of the period of revocation, shall
6 apply for a new license in the manner prescribed by law.

7 3. (1) All circuit courts, the director of revenue, or a
8 commissioner operating under section 478.007 shall have
9 jurisdiction to hear applications and make eligibility
10 determinations granting limited driving privileges, except as
11 provided under subdivision (8) of this subsection. Any
12 application may be made in writing to the director of revenue and
13 the person's reasons for requesting the limited driving privilege
14 shall be made therein.

15 (2) When any court of record having jurisdiction or the
16 director of revenue finds that an operator is required to operate
17 a motor vehicle in connection with any of the following:

- 18 (a) A business, occupation, or employment;
- 19 (b) Seeking medical treatment for such operator;
- 20 (c) Attending school or other institution of higher
21 education;
- 22 (d) Attending alcohol or drug treatment programs;
- 23 (e) Seeking the required services of a certified ignition
24 interlock device provider; or
- 25 (f) Any other circumstance the court or director finds
26 would create an undue hardship on the operator,
27 the court or director may grant such limited driving privilege as
28 the circumstances of the case justify if the court or director

1 finds undue hardship would result to the individual, and while so
2 operating a motor vehicle within the restrictions and limitations
3 of the limited driving privilege the driver shall not be guilty
4 of operating a motor vehicle without a valid license.

5 (3) An operator may make application to the proper court in
6 the county in which such operator resides or in the county in
7 which is located the operator's principal place of business or
8 employment. Any application for a limited driving privilege made
9 to a circuit court shall name the director as a party defendant
10 and shall be served upon the director prior to the grant of any
11 limited privilege, and shall be accompanied by a copy of the
12 applicant's driving record as certified by the director. Any
13 applicant for a limited driving privilege shall have on file with
14 the department of revenue proof of financial responsibility as
15 required by chapter 303. Any application by a person who
16 transports persons or property as classified in section 302.015
17 may be accompanied by proof of financial responsibility as
18 required by chapter 303, but if proof of financial responsibility
19 does not accompany the application, or if the applicant does not
20 have on file with the department of revenue proof of financial
21 responsibility, the court or the director has discretion to grant
22 the limited driving privilege to the person solely for the
23 purpose of operating a vehicle whose owner has complied with
24 chapter 303 for that vehicle, and the limited driving privilege
25 must state such restriction. When operating such vehicle under
26 such restriction the person shall carry proof that the owner has
27 complied with chapter 303 for that vehicle.

28 (4) No limited driving privilege shall be issued to any

1 person otherwise eligible under the provisions of paragraph (a)
2 of subdivision (6) of this subsection on a license revocation
3 resulting from a conviction under subdivision (9) of subsection 1
4 of section 302.302, or a license denial under paragraph (a) or
5 (b) of subdivision (8) of this subsection, or a license
6 revocation under paragraph (g) of subdivision (6) of this
7 subsection, until the applicant has filed proof with the
8 department of revenue that any motor vehicle operated by the
9 person is equipped with a functioning, certified ignition
10 interlock device as a required condition of limited driving
11 privilege. The ignition interlock device required for obtaining
12 a limited driving privilege under paragraph (a) or (b) of
13 subdivision (8) of this subsection shall have a photo
14 identification technology [and global positioning system
15 features] feature, and a court may require a global positioning
16 system feature for such device.

17 (5) The court order or the director's grant of the limited
18 or restricted driving privilege shall indicate the termination
19 date of the privilege, which shall be not later than the end of
20 the period of suspension or revocation. The court order or the
21 director's grant of the limited or restricted driving privilege
22 shall also indicate whether a functioning, certified ignition
23 interlock device is required as a condition of operating a motor
24 vehicle with the limited driving privilege. A copy of any court
25 order shall be sent by the clerk of the court to the director,
26 and a copy shall be given to the driver which shall be carried by
27 the driver whenever such driver operates a motor vehicle. The
28 director of revenue upon granting a limited driving privilege

1 shall give a copy of the limited driving privilege to the
2 applicant. The applicant shall carry a copy of the limited
3 driving privilege while operating a motor vehicle. A conviction
4 which results in the assessment of points pursuant to section
5 302.302, other than a violation of a municipal stop sign
6 ordinance where no accident is involved, against a driver who is
7 operating a vehicle pursuant to a limited driving privilege
8 terminates the privilege, as of the date the points are assessed
9 to the person's driving record. If the date of arrest is prior
10 to the issuance of the limited driving privilege, the privilege
11 shall not be terminated. Failure of the driver to maintain proof
12 of financial responsibility, as required by chapter 303, or to
13 maintain proof of installation of a functioning, certified
14 ignition interlock device, as applicable, shall terminate the
15 privilege. The director shall notify by ordinary mail the driver
16 whose privilege is so terminated.

17 (6) Except as provided in subdivision (8) of this
18 subsection, no person is eligible to receive a limited driving
19 privilege whose license at the time of application has been
20 suspended or revoked for the following reasons:

21 (a) A conviction of violating the provisions of section
22 577.010 or 577.012, or any similar provision of any federal or
23 state law, or a municipal or county law where the judge in such
24 case was an attorney and the defendant was represented by or
25 waived the right to an attorney in writing, until the person has
26 completed the first thirty days of a suspension or revocation
27 imposed pursuant to this chapter;

28 (b) A conviction of any felony in the commission of which a

1 motor vehicle was used;

2 (c) Ineligibility for a license because of the provisions
3 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or
4 (11) of subsection 1 of section 302.060;

5 (d) Because of operating a motor vehicle under the
6 influence of narcotic drugs, a controlled substance as defined in
7 chapter 195, or having left the scene of an accident as provided
8 in section 577.060;

9 (e) Due to a revocation for failure to submit to a chemical
10 test pursuant to section [577.041] 302.574 or due to a refusal to
11 submit to a chemical test in any other state, unless such person
12 has completed the first ninety days of such revocation and files
13 proof of installation with the department of revenue that any
14 vehicle operated by such person is equipped with a functioning,
15 certified ignition interlock device, provided the person is not
16 otherwise ineligible for a limited driving privilege;

17 (f) Due to a suspension pursuant to subsection 2 of section
18 302.525 and who has not completed the first thirty days of such
19 suspension, provided the person is not otherwise ineligible for a
20 limited driving privilege; or

21 (g) Due to a revocation pursuant to subsection 2 of section
22 302.525 if such person has not completed the first forty-five
23 days of such revocation, provided the person is not otherwise
24 ineligible for a limited driving privilege.

25 (7) No person who possesses a commercial driver's license
26 shall receive a limited driving privilege issued for the purpose
27 of operating a commercial motor vehicle if such person's driving
28 privilege is suspended, revoked, cancelled, denied, or

1 disqualified. Nothing in this section shall prohibit the
2 issuance of a limited driving privilege for the purpose of
3 operating a noncommercial motor vehicle provided that pursuant to
4 the provisions of this section, the applicant is not otherwise
5 ineligible for a limited driving privilege.

6 (8) (a) Provided that pursuant to the provisions of this
7 section, the applicant is not otherwise ineligible for a limited
8 driving privilege, a circuit court or the director may, in the
9 manner prescribed in this subsection, allow a person who has had
10 such person's license to operate a motor vehicle revoked where
11 that person cannot obtain a new license for a period of ten
12 years, as prescribed in subdivision (9) of subsection 1 of
13 section 302.060, to apply for a limited driving privilege
14 pursuant to this subsection. Such person shall present evidence
15 satisfactory to the court or the director that such person's
16 habits and conduct show that the person no longer poses a threat
17 to the public safety of this state. A circuit court shall grant
18 a limited driving privilege to any individual who otherwise is
19 eligible to receive a limited driving privilege, has filed proof
20 of installation of a certified ignition interlock device, and has
21 had no alcohol-related enforcement contacts since the
22 alcohol-related enforcement contact that resulted in the person's
23 license denial.

24 (b) Provided that pursuant to the provisions of this
25 section, the applicant is not otherwise ineligible for a limited
26 driving privilege or convicted of [involuntary manslaughter while
27 operating a motor vehicle in an intoxicated condition] acting
28 with criminal negligence while driving while intoxicated to cause

1 the death of another person, a circuit court or the director may,
2 in the manner prescribed in this subsection, allow a person who
3 has had such person's license to operate a motor vehicle revoked
4 where that person cannot obtain a new license for a period of
5 five years because of two convictions of driving while
6 intoxicated, as prescribed in subdivision (10) of subsection 1 of
7 section 302.060, to apply for a limited driving privilege
8 pursuant to this subsection. Such person shall present evidence
9 satisfactory to the court or the director that such person's
10 habits and conduct show that the person no longer poses a threat
11 to the public safety of this state. Any person who is denied a
12 license permanently in this state because of an alcohol-related
13 conviction subsequent to a restoration of such person's driving
14 privileges pursuant to subdivision (9) of section 302.060 shall
15 not be eligible for limited driving privilege pursuant to the
16 provisions of this subdivision. A circuit court shall grant a
17 limited driving privilege to any individual who otherwise is
18 eligible to receive a limited driving privilege, has filed proof
19 of installation of a certified ignition interlock device, and has
20 had no alcohol-related enforcement contacts since the
21 alcohol-related enforcement contact that resulted in the person's
22 license denial.

23 (9) A DWI docket or court established under section 478.007
24 may grant a limited driving privilege to a participant in or
25 graduate of the program who would otherwise be ineligible for
26 such privilege under another provision of law. The DWI docket or
27 court shall not grant a limited driving privilege to a
28 participant during his or her initial forty-five days of

1 participation.

2 4. Any person who has received notice of denial of a
3 request of limited driving privilege by the director of revenue
4 may make a request for a review of the director's determination
5 in the circuit court of the county in which the person resides or
6 the county in which is located the person's principal place of
7 business or employment within thirty days of the date of mailing
8 of the notice of denial. Such review shall be based upon the
9 records of the department of revenue and other competent evidence
10 and shall be limited to a review of whether the applicant was
11 statutorily entitled to the limited driving privilege.

12 5. The director of revenue shall promulgate rules and
13 regulations necessary to carry out the provisions of this
14 section. Any rule or portion of a rule, as that term is defined
15 in section 536.010, that is created under the authority delegated
16 in this section shall become effective only if it complies with
17 and is subject to all of the provisions of chapter 536 and, if
18 applicable, section 536.028. This section and chapter 536 are
19 nonseverable and if any of the powers vested with the general
20 assembly pursuant to chapter 536 to review, to delay the
21 effective date or to disapprove and annul a rule are subsequently
22 held unconstitutional, then the grant of rulemaking authority and
23 any rule proposed or adopted after August 28, 2001, shall be
24 invalid and void.

25 302.321. 1. A person commits the [crime] offense of
26 driving while revoked if such person operates a motor vehicle on
27 a highway when such person's license or driving privilege has
28 been cancelled, suspended, or revoked under the laws of this

1 state or any other state and acts with criminal negligence with
2 respect to knowledge of the fact that such person's driving
3 privilege has been cancelled, suspended, or revoked.

4 2. Any person convicted of driving while revoked is guilty
5 of a misdemeanor. A first violation of this section shall be
6 punishable [by a fine not to exceed three hundred dollars] as a
7 class D misdemeanor. A second or third violation of this section
8 shall be punishable [by imprisonment in the county jail for a
9 term not to exceed one year and/or a fine not to exceed one
10 thousand dollars] as a class A misdemeanor. Any person with no
11 prior alcohol-related enforcement contacts as defined in section
12 302.525, convicted a fourth or subsequent time of driving while
13 revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or
15 waived the right to an attorney in writing, and where the prior
16 three driving-while-revoked offenses occurred within ten years of
17 the date of occurrence of the present offense; and any person
18 with a prior alcohol-related enforcement contact as defined in
19 section 302.525, convicted a third or subsequent time of driving
20 while revoked or a county or municipal ordinance of driving while
21 suspended or revoked where the defendant was represented by or
22 waived the right to an attorney in writing, and where the prior
23 two driving-while-revoked offenses occurred within ten years of
24 the date of occurrence of the present offense and where the
25 person received and served a sentence of ten days or more on such
26 previous offenses is guilty of a class D felony. Except upon
27 conviction as a first offense, no court shall suspend the
28 imposition of sentence as to such a person nor sentence such

1 person to pay a fine in lieu of a term of imprisonment, nor shall
2 such person be eligible for parole or probation until such person
3 has served a minimum of forty-eight consecutive hours of
4 imprisonment, unless as a condition of such parole or probation,
5 such person performs at least ten days involving at least forty
6 hours of community service under the supervision of the court in
7 those jurisdictions which have a recognized program for community
8 service. Driving while revoked is a class D felony on the second
9 or subsequent conviction pursuant to section 577.010 or a fourth
10 or subsequent conviction for any other offense. Prior pleas of
11 guilty and prior findings of guilty shall be pleaded and proven
12 in the same manner as required by section 558.021.

13 [577.500.] 302.400. 1. A court of competent jurisdiction
14 shall, upon a [plea of guilty, conviction or] finding of guilt,
15 or, if the court is a juvenile court, upon a finding of fact that
16 the offense was committed by a juvenile, enter an order
17 suspending or revoking the driving privileges of any person
18 determined to have committed one of the following offenses and
19 who, at the time said offense was committed, was under twenty-one
20 years of age:

21 (1) Any alcohol-related traffic offense in violation of
22 state law or a county or[, beginning July 1, 1992,] municipal
23 ordinance, where the defendant was represented by an attorney or
24 waived the right to an attorney in writing;

25 (2) Any offense in violation of state law or[, beginning
26 July 1, 1992,] a county or municipal ordinance, where the
27 defendant was represented by an attorney or waived the right to
28 an attorney in writing, involving the possession or use of

1 alcohol, committed while operating a motor vehicle;

2 (3) Any offense involving the possession or use of a
3 controlled substance as defined in chapter 195 in violation of
4 [the] state law or[, beginning July 1, 1992,] a county or
5 municipal ordinance, where the defendant was represented by an
6 attorney or waived the right to an attorney in writing;

7 (4) Any offense involving the alteration, modification, or
8 misrepresentation of a license to operate a motor vehicle in
9 violation of section 311.328;

10 (5) Any subsequent offense in violation of state law or[,
11 beginning July 1, 1992,] a county or municipal ordinance, where
12 the defendant was represented by, or waived in writing the right
13 to, an attorney [in writing], involving the possession or use of
14 alcohol [for a second time]; except that a determination of guilt
15 or its equivalent shall have been made for the first offense and
16 both offenses shall have been committed by the person when the
17 person was under eighteen years of age.

18 2. A court of competent jurisdiction shall, upon a [plea of
19 guilty or nolo contendere, conviction or] finding of guilt, or,
20 if the court is a juvenile court, upon a finding of fact that the
21 offense was committed by a juvenile, enter an order suspending or
22 revoking the driving privileges of any person determined to have
23 committed a [crime or] violation of section 311.325 and who, at
24 the time said [crime or] violation was committed, was more than
25 fifteen years of age and under twenty-one years of age.

26 3. The court shall require the person against whom a court
27 has entered an order suspending or revoking driving privileges
28 under subsections 1 and 2 of this section to surrender [to it of]

1 any license to operate a motor vehicle, temporary instruction
2 permit, intermediate driver's license, or any other driving
3 privilege then held by [any] such person [against whom a court
4 has entered an order suspending or revoking driving privileges
5 under subsections 1 and 2 of this section].

6 4. The court, if other than a juvenile court, shall forward
7 to the director of revenue the order of suspension or revocation
8 of driving privileges and any licenses, temporary instruction
9 permits, intermediate driver's licenses, or any other driving
10 privilege acquired under subsection 3 of this section.

11 5. (1) Notwithstanding chapter 211 to the contrary, the
12 court, if a juvenile court, shall forward to the director of
13 revenue the order of suspension or revocation of driving
14 privileges and any licenses, temporary instruction permits,
15 intermediate driver's licenses, or any other driving privilege
16 acquired under subsection 3 of this section for any person
17 sixteen years of age or older[, the provision of chapter 211 to
18 the contrary notwithstanding].

19 (2) Notwithstanding chapter 211 to the contrary, the court,
20 if a juvenile court, shall hold the order of suspension or
21 revocation of driving privileges for any person less than sixteen
22 years of age until thirty days before the person's sixteenth
23 birthday, at which time the juvenile court shall forward to the
24 director of revenue the order of suspension or revocation of
25 driving privileges[, the provision of chapter 211 to the contrary
26 notwithstanding].

27 6. The period of suspension for a first offense under
28 subsection 1 of this section shall be ninety days. Any second or

1 subsequent offense under subsection 1 of this section shall
2 result in revocation of the offender's driving privileges for one
3 year. The period of suspension for a first offense under
4 subsection 2 of this section shall be thirty days. The period of
5 suspension for a second offense under subsection 2 of this
6 section shall be ninety days. Any third or subsequent offense
7 under subsection 2 of this section shall result in revocation of
8 the offender's driving privileges for one year.

9 [577.505.] 302.405. A court of competent jurisdiction shall
10 enter an order revoking the driving privileges of any person
11 determined to have violated any state, county, or municipal law
12 involving the possession or use of a controlled substance, as
13 defined in chapter 195, while operating a motor vehicle and who,
14 at the time said offense was committed, was twenty-one years of
15 age or older [when the person pleads guilty, or is convicted or
16 found guilty of such offense by the court]. The court shall
17 require the person to surrender to [it of] the court all
18 operator's and chauffeur's licenses then held by such person.
19 The court shall forward to the director of revenue the order of
20 revocation of driving privileges and any licenses surrendered.

21 [577.510.] 302.410. 1. Upon receipt of a court order
22 suspending or revoking the driving privileges of a person
23 [pursuant to sections 577.500 and 577.505] under sections 302.400
24 and 302.405, the director of revenue shall suspend the driving
25 privileges for ninety days or revoke the driving privileges of
26 such person for a period of one year, provided however, that in
27 the case of a person who at the time of the offense was less than
28 sixteen years of age, the period of suspension or revocation

1 shall commence on that person's sixteenth birthday. The
2 provisions of this chapter [302] to the contrary notwithstanding,
3 the suspension or revocation shall be imposed without further
4 hearing. Any person whose driving privileges have been suspended
5 or revoked [pursuant to sections 577.500 and 577.505] under
6 sections 302.400 and 302.405 may petition the circuit court for a
7 hardship driving privilege and said application shall be
8 determined and administered in the same manner as allowed in
9 section 302.309.

10 2. The director of revenue shall permit the issuance of a
11 temporary instruction permit in the same manner as allowed in
12 subsection [2] 3 of section 302.130 to persons fifteen years of
13 age and under seventeen years of age denied driving privileges by
14 court order pursuant to section [577.500] 302.400. This
15 exception only applies to instruction permits that entitle a
16 person to operate a motor vehicle on the highways in the presence
17 of an authorized instructor.

18 [577.515.] 302.415. If a person shall neglect or refuse to
19 surrender all operator's and chauffeur's licenses, as provided
20 for in sections [577.500 and 577.505] 302.400 and 302.405, the
21 director shall direct the state highway patrol or any peace or
22 police officer to secure possession thereof and return such
23 license or licenses to the director.

24 [577.520.] 302.420. 1. No person who has had his or her
25 license suspended or revoked under the provisions of sections
26 [577.500 and 577.505] 302.400 and 302.405 shall have that license
27 reinstated until he or she has paid a twenty-dollar reinstatement
28 fee and has successfully completed a substance abuse traffic

1 offender program as defined in section ~~[577.001]~~ 302.010.

2 2. The fees for the substance abuse traffic offender
3 program, or a portion thereof to be determined by the division of
4 alcohol and drug abuse of the department of mental health, shall
5 be paid by the person enrolled in the program. Any person who is
6 enrolled in the program shall pay, in addition to any fee charged
7 for the program, a supplemental fee to be determined by the
8 department of mental health for the purposes of funding the
9 substance abuse traffic offender program defined in section
10 302.010 ~~[and section 577.001]~~, or a program determined to be
11 comparable by the department of mental health. The administrator
12 of the program shall remit to the division of alcohol and drug
13 abuse of the department of mental health on or before the
14 fifteenth of each month the supplemental fees for all persons
15 enrolled in the program, less two percent for administrative
16 costs. Interest shall be charged on any unpaid balance of the
17 supplemental fees due the division of alcohol and drug abuse
18 pursuant to this section and shall accrue at a rate not to exceed
19 the annual rates established pursuant to the provisions of
20 section 32.065 plus three percentage points. The supplemental
21 fees and any interest received by the department of mental health
22 pursuant to this section shall be deposited in the mental health
23 earnings fund which is created in section 630.053.

24 3. Any administrator who fails to remit to the division of
25 alcohol and drug abuse of the department of mental health the
26 supplemental fees and interest for all persons enrolled in the
27 program pursuant to this section shall be subject to a penalty
28 equal to the amount of interest accrued on the supplemental fees

1 due the division pursuant to this section. If the supplemental
2 fees, interest, and penalties are not remitted to the division of
3 alcohol and drug abuse of the department of mental health within
4 six months of the due date, the attorney general of the state of
5 Missouri shall initiate appropriate action ~~[of the collection of]~~
6 to collect said fees and any accrued interest ~~[accrued]~~. The
7 court shall assess attorney fees and court costs against any
8 delinquent program.

9 ~~[577.525.]~~ 302.425. Any court which has jurisdiction over
10 violations of state, county or municipal laws shall enter an
11 order, in addition to other orders authorized by law, requiring
12 the completion of a substance abuse traffic offender program as
13 defined in section ~~[577.001]~~ 302.010, as a part of the judgment
14 entered in the case, for any person determined to have violated a
15 state, county, or municipal law involving the possession or use
16 of alcohol and who at the time of said offense was under
17 twenty-one years of age when the court, if a juvenile court,
18 finds that the offense was committed by such person or, if a
19 city, county, or state court, when the person pleads guilty, or
20 is found guilty of such offense by the court.

21 ~~[577.530.]~~ 302.426. The director of revenue shall have
22 authority to make such rules and regulations as he or she deems
23 necessary for the administration of sections ~~[577.500 to 577.525.]~~
24 No rule or portion of a rule promulgated under the authority of
25 sections 577.500 to 577.530 shall become effective unless it has
26 been promulgated pursuant to the provisions of section 536.024]
27 302.400 to 302.425. Any rule or portion of a rule, as that term
28 is defined in section 536.010, that is created under the

1 authority delegated in this section shall become effective only
2 if it complies with and is subject to all of the provisions of
3 chapter 536 and, if applicable, section 536.028. This section
4 and chapter 536 are nonseverable and if any of the powers vested
5 with the general assembly pursuant to chapter 536 to review, to
6 delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after January 1, 2017,
9 shall be invalid and void.

10 302.440. In addition to any other provisions of law, a
11 court may require that any person who is found guilty of a first
12 intoxication-related traffic offense, as defined in section
13 577.001, and a court shall require that any person who is found
14 guilty of a second or subsequent intoxication-related traffic
15 offense, as defined in section 577.001, shall not operate any
16 motor vehicle unless that vehicle is equipped with a functioning,
17 certified ignition interlock device for a period of not less than
18 six months from the date of reinstatement of the person's
19 driver's license. In addition, any court authorized to grant a
20 limited driving privilege under section 302.309 to any person who
21 is found guilty of a second or subsequent intoxication-related
22 traffic offense shall require the use of an ignition interlock
23 device on all vehicles operated by the person as a required
24 condition of the limited driving privilege. These requirements
25 shall be in addition to any other provisions of this chapter or
26 chapter 577 requiring installation and maintenance of an ignition
27 interlock device. Any person required to use an ignition
28 interlock device shall comply with such requirement subject to

1 the penalties provided by section 577.599.

2 [577.602.] 302.442. 1. If a court imposes a fine and
3 requires the use of an ignition interlock device for the same
4 offense, the amount of the fine may be reduced by the cost of the
5 ignition interlock device.

6 2. If the court requires the use of an ignition interlock
7 device, it shall order the installation of the device on any
8 vehicle which the offender operates during the period of
9 probation or limited driving privilege.

10 3. If the court imposes the use of an ignition interlock
11 device on a person having full or limited driving privileges, the
12 court shall require the person to provide proof of compliance
13 with the order to the court or the probation officer within
14 thirty days of this court's order or sooner, as required by the
15 court, in addition to any proof required to be filed with the
16 director of revenue under the provisions of this chapter or
17 chapter [302] 577. If the person fails to provide proof of
18 installation within that period, absent a finding by the court of
19 good cause for that failure which is entered in the court record,
20 the court shall revoke or terminate the person's probation or
21 limited driving privilege.

22 4. Nothing in sections [577.600 to 577.614] 302.440 to
23 302.462 shall be construed to authorize a person to operate a
24 motor vehicle whose driving privileges have been suspended or
25 revoked, unless the person has obtained a limited driving
26 privilege or restricted driving privilege under other provisions
27 of law.

28 5. The person whose driving privilege is restricted

1 pursuant to section [577.600] 302.440 shall report to the court
2 or the probation officer at least once annually, or more
3 frequently as the court may order, on the operation of each
4 ignition interlock device in the person's vehicle or vehicles.
5 Such person shall be responsible for the cost and maintenance of
6 the ignition interlock device. If such device is broken,
7 destroyed or stolen, such person shall also be liable for the
8 cost of replacement of the device.

9 6. The court may require a person whose driving privilege
10 is restricted under section [577.600] 302.440 to report to any
11 officer appointed by the court in lieu of a probation officer.

12 7. The court shall require periodic calibration checks that
13 are needed for the proper operation of the ignition interlock
14 device.

15 [577.604.] 302.454. The court shall require the use of a
16 certified ignition interlock device during the period of
17 probation if the person is permitted to operate a motor vehicle,
18 whether the privilege to operate a motor vehicle is restricted or
19 not, as determined by the court.

20 [577.606.] 302.456. The court shall send the order to the
21 department of revenue in all cases where the driving privilege of
22 a person is restricted pursuant to section [577.600] 302.440.
23 The order shall contain the requirement for, and the period of,
24 the use of a certified ignition interlock device under sections
25 [577.600 to 577.614] 302.440 to 302.462. The records of the
26 department of revenue shall contain a record reflecting mandatory
27 use of the device.

28 [577.608.] 302.458. 1. The department of public safety

1 shall certify or cause to be certified ignition interlock devices
2 required by sections ~~[577.600 to 577.614]~~ 302.440 to 302.462 and
3 publish a list of approved devices.

4 2. The department of public safety shall adopt guidelines
5 for the proper use of the ignition interlock devices in full
6 compliance with sections ~~[577.600 to 577.614]~~ 302.440 to 302.462.

7 3. The department of public safety shall use information
8 from an independent agency to certify ignition interlock devices
9 on or off the premises of the manufacturer in accordance with the
10 guidelines. The cost of certification shall be borne by the
11 manufacturers of interlock ignition devices. In certifying the
12 devices, those which do not impede the safe operation of the
13 vehicle and which have the fewest opportunities to be bypassed so
14 as to render the provisions of sections ~~[577.600 to 577.614]~~
15 302.440 to 302.462 ineffective shall be certified.

16 4. No model of ignition interlock device shall be certified
17 unless it meets the accuracy requirements specified by the
18 guidelines of the department of public safety.

19 5. Before certifying any device, the department of public
20 safety shall consult with the National Highway Traffic Safety
21 Administration regarding the use of ignition interlock devices.

22 ~~[577.610.]~~ 302.460. The manufacturer shall affix to each
23 ignition interlock device a label which shall contain a warning
24 that any person tampering, circumventing or otherwise misusing
25 the device is guilty of a class A misdemeanor.

26 ~~[577.614.]~~ 302.462. 1. In addition to any other provisions
27 of law, upon a finding of ~~[guilty of, or a plea of guilty to,]~~
28 guilt to a violation of ~~[subsection 1 of section 577.600]~~ section

1 577.599, the department of revenue shall revoke the person's
2 driving privilege for one year from the date of conviction.

3 2. In addition to any other provision of law, if a person
4 is found guilty of[, or pleads guilty to,] a second violation of
5 [subsubsection 1 of section 577.600] section 577.599 during the same
6 period of required use of an approved ignition interlock device,
7 the department of revenue shall revoke the person's driving
8 privilege for five years from the date of conviction.

9 3. The court shall notify the department of revenue of all
10 guilty findings [and pleas pursuant to subsection 1 of section
11 577.600] under section 577.599.

12 4. The department of revenue shall charge a reinstatement
13 fee as required by section 302.304 prior to the reinstatement of
14 any driving privilege suspended or revoked pursuant to this
15 section.

16 5. No restricted or limited driving privilege shall be
17 issued for any person whose license is revoked pursuant to this
18 section.

19 302.540. 1. No person who has had a license to operate a
20 motor vehicle suspended or revoked under the provisions of
21 sections 302.500 to 302.540 shall have that license reinstated
22 until such person has participated in and successfully completed
23 a substance abuse traffic offender program defined in section
24 302.010, or a program determined to be comparable by the
25 department of mental health. Assignment recommendations, based
26 upon the needs assessment as described in subdivision [(22)] (24)
27 of section 302.010, shall be delivered in writing to the person
28 with written notice that the person is entitled to have such

1 assignment recommendations reviewed by the court if the person
2 objects to the recommendations. The person may file a motion in
3 the associate division of the circuit court of the county in
4 which such assignment was given, on a printed form provided by
5 the state courts administrator, to have the court hear and
6 determine such motion pursuant to the provisions of chapter 517.
7 The motion shall name the person or entity making the needs
8 assessment as the respondent and a copy of the motion shall be
9 served upon the respondent in any manner allowed by law. Upon
10 hearing the motion, the court may modify or waive any assignment
11 recommendation that the court determines to be unwarranted based
12 upon a review of the needs assessment, the person's driving
13 record, the circumstances surrounding the offense, and the
14 likelihood of the person committing a like offense in the future,
15 except that the court may modify but may not waive the assignment
16 to an education or rehabilitation program of a person determined
17 to be a prior or persistent offender as defined in section
18 **[577.023]** 577.001 or of a person determined to have operated a
19 motor vehicle with fifteen-hundredths of one percent or more by
20 weight in such person's blood. Compliance with the court
21 determination of the motion shall satisfy the provisions of this
22 section for the purpose of reinstating such person's license to
23 operate a motor vehicle. The respondent's personal appearance at
24 any hearing conducted pursuant to this subsection shall not be
25 necessary unless directed by the court.

26 2. The fees for the program authorized in subsection 1 of
27 this section, or a portion thereof to be determined by the
28 division of alcohol and drug abuse of the department of mental

1 health, shall be paid by the person enrolled in the program. Any
2 person who is enrolled in the program shall pay, in addition to
3 any fee charged for the program, a supplemental fee to be
4 determined by the department of mental health for the purposes of
5 funding the substance abuse traffic offender program defined in
6 section 302.010 [and section 577.001] or a program determined to
7 be comparable by the department of mental health. The
8 administrator of the program shall remit to the division of
9 alcohol and drug abuse of the department of mental health on or
10 before the fifteenth day of each month the supplemental fee for
11 all persons enrolled in the program, less two percent for
12 administrative costs. Interest shall be charged on any unpaid
13 balance of the supplemental fees due the division of alcohol and
14 drug abuse pursuant to this section and shall accrue at a rate
15 not to exceed the annual rate established pursuant to the
16 provision of section 32.065 plus three percentage points. The
17 supplemental fees and any interest received by the department of
18 mental health pursuant to this section shall be deposited in the
19 mental health earnings fund which is created in section 630.053.

20 3. Any administrator who fails to remit to the division of
21 alcohol and drug abuse of the department of mental health the
22 supplemental fees and interest for all persons enrolled in the
23 program pursuant to this section shall be subject to a penalty
24 equal to the amount of interest accrued on the supplemental fees
25 due the division pursuant to this section. If the supplemental
26 fees, interest, and penalties are not remitted to the division of
27 alcohol and drug abuse of the department of mental health within
28 six months of the due date, the attorney general of the state of

1 Missouri shall initiate appropriate action of the collection of
2 said fees and interest accrued. The court shall assess attorney
3 fees and court costs against any delinquent program.

4 4. Court-ordered participation in a substance abuse traffic
5 offender program, pursuant to section [577.049] 302.580, shall
6 satisfy the requirements of this section if the court action
7 arose out of the same occurrence that resulted in a person's
8 license being administratively suspended or revoked.

9 5. The division of alcohol and drug abuse of the department
10 of mental health may create a treatment demonstration project
11 within existing appropriations and shall develop and certify a
12 program to provide education or rehabilitation services for
13 individuals determined by the division to be serious or repeat
14 offenders. The program shall qualify as a substance abuse
15 traffic offender program. As used in this subsection, a "serious
16 or repeat offender" is one who was determined to have a blood
17 alcohol content of fifteen-hundredths of one percent or more by
18 weight while operating a motor vehicle or a prior or persistent
19 offender as defined in section [577.023] 577.001.

20 302.541. 1. In addition to other fees required by law, any
21 person who has had a license to operate a motor vehicle suspended
22 or revoked following a determination, pursuant to section
23 302.505, or section 302.410, 302.574, 577.010, or 577.012,
24 [577.041 or 577.510,] or any county or municipal ordinance, where
25 the defendant was represented by or waived the right to an
26 attorney, that such person was driving while intoxicated or with
27 a blood alcohol content of eight-hundredths of one percent or
28 more by weight or, where such person was at the time of the

1 arrest less than twenty-one years of age and was driving with a
2 blood alcohol content of two-hundredths of one percent or more by
3 weight, shall pay an additional fee of twenty-five dollars prior
4 to the reinstatement or reissuance of the license.

5 2. Any person less than twenty-one years of age whose
6 driving privilege has been suspended or revoked solely for a
7 first determination pursuant to sections 302.500 to 302.540 that
8 such person was driving a motor vehicle with two-hundredths of
9 one percent or more blood alcohol content is exempt from filing
10 proof of financial responsibility with the department of revenue
11 in accordance with chapter 303 as a prerequisite for
12 reinstatement of driving privileges or obtaining a restricted
13 driving privilege as provided by section 302.525.

14 302.574. 1. If a person who was operating a vehicle
15 refuses upon the request of the officer to submit to any chemical
16 test under section 577.041, the officer shall, on behalf of the
17 director of revenue, serve the notice of license revocation
18 personally upon the person and shall take possession of any
19 license to operate a vehicle issued by this state which is held
20 by that person. The officer shall issue a temporary permit, on
21 behalf of the director of revenue, which is valid for fifteen
22 days and shall also give the person notice of his or her right to
23 file a petition for review to contest the license revocation.

24 2. Such officer shall make a certified report under
25 penalties of perjury for making a false statement to a public
26 official. The report shall be forwarded to the director of
27 revenue and shall include the following:

28 (1) That the officer has:

1 (a) Reasonable grounds to believe that the arrested person
2 was driving a motor vehicle while in an intoxicated condition; or

3 (b) Reasonable grounds to believe that the person stopped,
4 being under the age of twenty-one years, was driving a motor
5 vehicle with a blood alcohol content of two-hundredths of one
6 percent or more by weight; or

7 (c) Reasonable grounds to believe that the person stopped,
8 being under the age of twenty-one years, was committing a
9 violation of the traffic laws of the state, or political
10 subdivision of the state, and such officer has reasonable grounds
11 to believe, after making such stop, that the person had a blood
12 alcohol content of two-hundredths of one percent or greater;

13 (2) That the person refused to submit to a chemical test;

14 (3) Whether the officer secured the license to operate a
15 motor vehicle of the person;

16 (4) Whether the officer issued a fifteen-day temporary
17 permit;

18 (5) Copies of the notice of revocation, the fifteen-day
19 temporary permit, and the notice of the right to file a petition
20 for review. The notices and permit may be combined in one
21 document; and

22 (6) Any license, which the officer has taken into
23 possession, to operate a motor vehicle.

24 3. Upon receipt of the officer's report, the director shall
25 revoke the license of the person refusing to take the test for a
26 period of one year; or if the person is a nonresident, such
27 person's operating permit or privilege shall be revoked for one
28 year; or if the person is a resident without a license or permit

1 to operate a motor vehicle in this state, an order shall be
2 issued denying the person the issuance of a license or permit for
3 a period of one year.

4 4. If a person's license has been revoked because of the
5 person's refusal to submit to a chemical test, such person may
6 petition for a hearing before a circuit division or associate
7 division of the court in the county in which the arrest or stop
8 occurred. The person may request such court to issue an order
9 staying the revocation until such time as the petition for review
10 can be heard. If the court, in its discretion, grants such stay,
11 it shall enter the order upon a form prescribed by the director
12 of revenue and shall send a copy of such order to the director.
13 Such order shall serve as proof of the privilege to operate a
14 motor vehicle in this state and the director shall maintain
15 possession of the person's license to operate a motor vehicle
16 until termination of any revocation under this section. Upon the
17 person's request, the clerk of the court shall notify the
18 prosecuting attorney of the county and the prosecutor shall
19 appear at the hearing on behalf of the director of revenue. At
20 the hearing, the court shall determine only:

21 (1) Whether the person was arrested or stopped;

22 (2) Whether the officer had:

23 (a) Reasonable grounds to believe that the person was
24 driving a motor vehicle while in an intoxicated or drugged
25 condition; or

26 (b) Reasonable grounds to believe that the person stopped,
27 being under the age of twenty-one years, was driving a motor
28 vehicle with a blood alcohol content of two-hundredths of one

1 percent or more by weight; or

2 (c) Reasonable grounds to believe that the person stopped,
3 being under the age of twenty-one years, was committing a
4 violation of the traffic laws of the state, or political
5 subdivision of the state, and such officer had reasonable grounds
6 to believe, after making such stop, that the person had a blood
7 alcohol content of two-hundredths of one percent or greater; and

8 (3) Whether the person refused to submit to the test.

9 5. If the court determines any issue not to be in the
10 affirmative, the court shall order the director to reinstate the
11 license or permit to drive.

12 6. Requests for review as provided in this section shall go
13 to the head of the docket of the court wherein filed.

14 7. No person who has had a license to operate a motor
15 vehicle suspended or revoked under the provisions of this section
16 shall have that license reinstated until such person has
17 participated in and successfully completed a substance abuse
18 traffic offender program defined in section 302.010, or a program
19 determined to be comparable by the department of mental health.
20 Assignment recommendations, based upon the needs assessment as
21 described in subdivision (24) of section 302.010, shall be
22 delivered in writing to the person with written notice that the
23 person is entitled to have such assignment recommendations
24 reviewed by the court if the person objects to the
25 recommendations. The person may file a motion in the associate
26 division of the circuit court of the county in which such
27 assignment was given, on a printed form provided by the state
28 courts administrator, to have the court hear and determine such

1 motion under the provisions of chapter 517. The motion shall
2 name the person or entity making the needs assessment as the
3 respondent and a copy of the motion shall be served upon the
4 respondent in any manner allowed by law. Upon hearing the
5 motion, the court may modify or waive any assignment
6 recommendation that the court determines to be unwarranted based
7 upon a review of the needs assessment, the person's driving
8 record, the circumstances surrounding the offense, and the
9 likelihood of the person committing a similar offense in the
10 future, except that the court may modify but may not waive the
11 assignment to an education or rehabilitation program of a person
12 determined to be a prior or persistent offender as defined in
13 section 577.001, or of a person determined to have operated a
14 motor vehicle with a blood alcohol content of fifteen-hundredths
15 of one percent or more by weight. Compliance with the court
16 determination of the motion shall satisfy the provisions of this
17 section for the purpose of reinstating such person's license to
18 operate a motor vehicle. The respondent's personal appearance at
19 any hearing conducted under this subsection shall not be
20 necessary unless directed by the court.

21 8. The fees for the substance abuse traffic offender
22 program, or a portion thereof, to be determined by the division
23 of alcohol and drug abuse of the department of mental health,
24 shall be paid by the person enrolled in the program. Any person
25 who is enrolled in the program shall pay, in addition to any fee
26 charged for the program, a supplemental fee to be determined by
27 the department of mental health for the purposes of funding the
28 substance abuse traffic offender program defined in section

1 302.010. The administrator of the program shall remit to the
2 division of alcohol and drug abuse of the department of mental
3 health on or before the fifteenth day of each month the
4 supplemental fee for all persons enrolled in the program, less
5 two percent for administrative costs. Interest shall be charged
6 on any unpaid balance of the supplemental fees due to the
7 division of alcohol and drug abuse under this section, and shall
8 accrue at a rate not to exceed the annual rates established under
9 the provisions of section 32.065, plus three percentage points.
10 The supplemental fees and any interest received by the department
11 of mental health under this section shall be deposited in the
12 mental health earnings fund, which is created in section 630.053.

13 9. Any administrator who fails to remit to the division of
14 alcohol and drug abuse of the department of mental health the
15 supplemental fees and interest for all persons enrolled in the
16 program under this section shall be subject to a penalty equal to
17 the amount of interest accrued on the supplemental fees due to
18 the division under this section. If the supplemental fees,
19 interest, and penalties are not remitted to the division of
20 alcohol and drug abuse of the department of mental health within
21 six months of the due date, the attorney general of the state of
22 Missouri shall initiate appropriate action for the collection of
23 said fees and accrued interest. The court shall assess
24 attorneys' fees and court costs against any delinquent program.

25 10. Any person who has had a license to operate a motor
26 vehicle revoked under this section and who has a prior
27 alcohol-related enforcement contact, as defined in section
28 302.525, shall be required to file proof with the director of

1 revenue that any motor vehicle operated by the person is equipped
2 with a functioning, certified ignition interlock device as a
3 required condition of license reinstatement. Such ignition
4 interlock device shall further be required to be maintained on
5 all motor vehicles operated by the person for a period of not
6 less than six months immediately following the date of
7 reinstatement. If the monthly monitoring reports show that the
8 ignition interlock device has registered any confirmed blood
9 alcohol concentration readings above the alcohol setpoint
10 established by the department of transportation or that the
11 person has tampered with or circumvented the ignition interlock
12 device, then the period for which the person must maintain the
13 ignition interlock device following the date of reinstatement
14 shall be extended for an additional six months. If the person
15 fails to maintain such proof with the director as required by
16 this section, the license shall be rerevoked and the person shall
17 be guilty of a class A misdemeanor.

18 11. The revocation period of any person whose license and
19 driving privilege has been revoked under this section and who has
20 filed proof of financial responsibility with the department of
21 revenue in accordance with chapter 303 and is otherwise eligible,
22 shall be terminated by a notice from the director of revenue
23 after one year from the effective date of the revocation. Unless
24 proof of financial responsibility is filed with the department of
25 revenue, the revocation shall remain in effect for a period of
26 two years from its effective date. If the person fails to
27 maintain proof of financial responsibility in accordance with
28 chapter 303, the person's license and driving privilege shall be

1 rerevoked.

2 12. A person commits the offense of failure to maintain
3 proof with the Missouri department of revenue if, when required
4 to do so, he or she fails to file proof with the director of
5 revenue that any vehicle operated by the person is equipped with
6 a functioning, certified ignition interlock device or fails to
7 file proof of financial responsibility with the department of
8 revenue in accordance with chapter 303. The offense of failure
9 to maintain proof with the Missouri department of revenue is a
10 class A misdemeanor.

11 [577.049.] 302.580. 1. Upon [a plea of guilty or] a
12 finding of [guilty] guilt for an offense of violating the
13 provisions of section 577.010 or 577.012 or violations of county
14 or municipal ordinances involving alcohol- or drug-related
15 traffic offenses, the court shall order the person to participate
16 in and successfully complete a substance abuse traffic offender
17 program defined in section [577.001] 302.010.

18 2. The fees for the substance abuse traffic offender
19 program, or a portion thereof, to be determined by the division
20 of alcohol and drug abuse of the department of mental health,
21 shall be paid by the person enrolling in the program. Any person
22 who is enrolled in the program shall pay, in addition to any fee
23 charged for the program, a supplemental fee to be determined by
24 the department of mental health for the purposes of funding the
25 substance abuse traffic offender program defined in section
26 302.010 [and section 577.001]. The administrator of the program
27 shall remit to the division of alcohol and drug abuse of the
28 department of mental health on or before the fifteenth day of

1 each month the supplemental fees for all persons enrolled in the
2 program, less two percent for administrative costs. Interest
3 shall be charged on any unpaid balance of the supplemental fees
4 due to the division of alcohol and drug abuse pursuant to this
5 section and shall accrue at a rate not to exceed the annual rates
6 established pursuant to the provisions of section 32.065, plus
7 three percentage points. The supplemental fees and any interest
8 received by the department of mental health pursuant to this
9 section shall be deposited in the mental health earnings fund, which
10 which is created in section 630.053.

11 3. Any administrator who fails to remit to the division of
12 alcohol and drug abuse of the department of mental health the
13 supplemental fees and interest for all persons enrolled in the
14 program pursuant to this section shall be subject to a penalty
15 equal to the amount of interest accrued on the supplemental fees
16 due to the division pursuant to this section. If the
17 supplemental fees, interest, and penalties are not remitted to
18 the division of alcohol and drug abuse of the department of
19 mental health within six months of the due date, the attorney
20 general of the state of Missouri shall initiate appropriate
21 action of the collection of said fees and accrued interest
22 [accrued]. The court shall assess attorney fees and court costs
23 against any delinquent program.

24 [577.052.] 302.584. Any rule or portion of a rule
25 promulgated pursuant to this act shall become effective only as
26 provided pursuant to chapter 536 including, but not limited to,
27 section 536.028, if applicable, after August 28, 1997. All
28 rulemaking authority delegated prior to August 28, 1997, is of no

1 force and effect and repealed. The provisions of this section
2 are nonseverable and if any of the powers vested with the general
3 assembly pursuant to section 536.028, if applicable, to review,
4 to delay the effective date, or to disapprove and annul a rule or
5 portion of a rule are held unconstitutional or invalid, the
6 purported grant of rulemaking authority and any rule so proposed
7 and contained in the order of rulemaking shall be invalid and
8 void.

9 [577.051.] 302.592. 1. A record of the disposition in any
10 court proceeding involving [a violation of any of the provisions
11 of sections 577.005 to 577.023, or violation of county or
12 municipal ordinances involving alcohol- or drug-related driving
13 offenses] any criminal offense, infraction, or ordinance
14 violation related to the operation of a vehicle while intoxicated
15 or with an excessive blood alcohol content shall be forwarded to
16 the department of revenue, within seven days by the clerk of the
17 court in which the proceeding was held. The records shall be
18 forwarded by the department of revenue, within fifteen days of
19 receipt, to the Missouri state highway patrol and shall be
20 entered by the highway patrol in the Missouri uniform law
21 enforcement system records. Dispositions that shall be reported
22 are guilty pleas [of guilty], findings of [guilty] guilt,
23 suspended imposition of sentence, suspended execution of
24 sentence, probation, conditional sentences, sentences of
25 confinement, and any other such dispositions that may be required
26 under state or federal regulations. The record forwarded by the
27 clerk shall clearly [show] state the name of the court, the court
28 case number, the name, address, and motor vehicle operator's or

1 chauffeur's license number of the person who is the subject of
2 the proceeding, the code or number identifying the particular
3 arrest, and any court action or requirements pertaining thereto.

4 2. All records received by the Missouri state highway
5 patrol or the department of revenue under the provisions of this
6 section shall be entered in the Missouri uniform law enforcement
7 system records and maintained by the Missouri state highway
8 patrol. Records placed in the Missouri uniform law enforcement
9 system under the provisions of this section shall be made
10 available to any law enforcement officer in this state, any
11 prosecuting or circuit attorney in this state, or to any judge of
12 a municipal or state court upon request.

13 3. [Any] A person commits the offense of refusal to furnish
14 records of disposition if he or she is required [by this section]
15 to furnish records to the Missouri state highway patrol or
16 department of revenue [who willfully] under this section and
17 purposely refuses to furnish such records [is guilty of]. The
18 offense of refusal to furnish records of disposition is a class
19 [C] D misdemeanor.

20 [4. Records required to be filed with the Missouri state
21 highway patrol or the department of revenue under the provisions
22 of sections 302.225 and 577.001 to 577.051 shall be filed
23 beginning July 1, 1983, and no penalties for nonfiling of records
24 shall be applied prior to July 1, 1983.

25 5. Forms and procedures for filing of records with the
26 Missouri state highway patrol or department of revenue as
27 required in this chapter shall be promulgated by the director of
28 the department of public safety or department of revenue, as

1 applicable, and approved by the Missouri supreme court.

2 6. All record-keeping procedures required under the
3 provisions of sections 577.005 to 577.023 shall be in accordance
4 with this section, chapter 610 to the contrary notwithstanding.]

5 302.700. 1. Sections 302.700 to 302.780 may be cited as
6 the "Uniform Commercial Driver's License Act".

7 2. When used in sections 302.700 to 302.780, the following
8 words and phrases mean:

9 (1) "Alcohol", any substance containing any form of
10 alcohol, including, but not limited to, ethanol, methanol,
11 propanol and isopropanol;

12 (2) "Alcohol concentration", the number of grams of alcohol
13 per one hundred milliliters of blood or the number of grams of
14 alcohol per two hundred ten liters of breath or the number of
15 grams of alcohol per sixty-seven milliliters of urine;

16 (3) "CDL driver", a person holding or required to hold a
17 commercial driver's license (CDL);

18 (4) "CDLIS driver record", the electronic record of the
19 individual commercial driver's status and history stored by the
20 state of record as part of the Commercial Driver's License
21 Information System (CDLIS) established under 49 U.S.C. Section
22 31309, et seq.;

23 (5) "CDLIS motor vehicle record (CDLIS MVR)", a report
24 generated from the CDLIS driver record which meets the
25 requirements for access to CDLIS information and is provided by
26 states to users authorized in 49 CFR 384, subject to the
27 provisions of the Driver Privacy Protection Act, 18 U.S.C.
28 Sections 2721 to 2725, et seq.;

1 (6) "Commercial driver's instruction permit", a commercial
2 learner's permit issued to an individual by a state or other
3 jurisdiction of domicile in accordance with the standards
4 contained in 49 CFR 383, which, when carried with a valid
5 driver's license issued by the same state or jurisdiction,
6 authorizes the individual to operate a class of commercial motor
7 vehicle when accompanied by a holder of a valid commercial
8 driver's license for purposes of behind-the-wheel training. When
9 issued to a commercial driver's license holder, a commercial
10 learner's permit serves as authorization for accompanied
11 behind-the-wheel training in a commercial motor vehicle for which
12 the holder's current commercial driver's license is not valid;

13 (7) "Commercial driver's license (CDL)", a license issued by
14 this state or other jurisdiction of domicile in accordance with
15 49 CFR 383 which authorizes the individual to operate a class of
16 commercial motor vehicle;

17 (8) "Commercial driver's license downgrade", occurs when:

18 (a) A driver changes the self-certification to interstate,
19 but operates exclusively in transportation or operation excepted
20 from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2, 391.68,
21 or 398.3;

22 (b) A driver changes the self-certification to intrastate
23 only, if the driver qualifies under the state's physical
24 qualification requirements for intrastate only;

25 (c) A driver changes the self-certification to intrastate,
26 but operating exclusively in transportation or operations
27 excepted from all or part of the state driver qualification
28 requirements; or

1 (d) The state removes the commercial driver's license
2 privilege from the driver's license;

3 (9) "Commercial driver's license information system
4 (CDLIS)", the information system established pursuant to the
5 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
6 Law 99-570) to serve as a clearinghouse for locating information
7 related to the licensing and identification of commercial motor
8 vehicle drivers;

9 (10) "Commercial motor vehicle", a motor vehicle or
10 combination of motor vehicles used in commerce to transport
11 passengers or property:

12 (a) If the vehicle has a gross combination weight rating or
13 gross combination weight of twenty-six thousand one or more
14 pounds inclusive of a towed unit which has a gross vehicle weight
15 rating or gross vehicle weight of more than ten thousand one
16 pounds or more, whichever is greater;

17 (b) If the vehicle has a gross vehicle weight rating or
18 gross vehicle weight of twenty-six thousand one or more pounds,
19 whichever is greater;

20 (c) If the vehicle is designed to transport sixteen or more
21 passengers, including the driver; or

22 (d) If the vehicle is transporting hazardous materials and
23 is required to be placarded under the Hazardous Materials
24 Transportation Act (46 U.S.C. Section 1801, et seq.);

25 (11) "Controlled substance", any substance so classified
26 under Section 102(6) of the Controlled Substances Act (21 U.S.C.
27 Section 802(6)), and includes all substances listed in schedules
28 I through V of 21 CFR 1308, as they may be revised from time to

1 time;

2 (12) "Conviction", an unvacated adjudication of guilt,
3 including pleas of guilt and nolo contendere, or a determination
4 that a person has violated or failed to comply with the law in a
5 court of original jurisdiction or an authorized administrative
6 proceeding, an unvacated forfeiture of bail or collateral
7 deposited to secure the person's appearance in court, the payment
8 of a fine or court cost, or violation of a condition of release
9 without bail, regardless of whether the penalty is rebated,
10 suspended or prorated, including an offense for failure to appear
11 or pay;

12 (13) "Director", the director of revenue or his authorized
13 representative;

14 (14) "Disqualification", any of the following three
15 actions:

16 (a) The suspension, revocation, or cancellation of a
17 commercial driver's license or commercial driver's instruction
18 permit;

19 (b) Any withdrawal of a person's privileges to drive a
20 commercial motor vehicle by a state, Canada, or Mexico as the
21 result of a violation of federal, state, county, municipal, or
22 local law relating to motor vehicle traffic control or violations
23 committed through the operation of motor vehicles, other than
24 parking, vehicle weight, or vehicle defect violations;

25 (c) A determination by the Federal Motor Carrier Safety
26 Administration that a person is not qualified to operate a
27 commercial motor vehicle under 49 CFR 383.52 or 391;

28 (15) "Drive", to drive, operate or be in physical control

1 of a commercial motor vehicle;

2 (16) "Driver", any person who drives, operates, or is in
3 physical control of a motor vehicle, or who is required to hold a
4 commercial driver's license;

5 (17) "Driver applicant", an individual who applies to
6 obtain, transfer, upgrade, or renew a commercial driver's license
7 or commercial driver's instruction permit in this state;

8 (18) "Driving under the influence of alcohol", the
9 commission of any one or more of the following acts:

10 (a) Driving a commercial motor vehicle with the alcohol
11 concentration of four one-hundredths of a percent or more as
12 prescribed by the Secretary or such other alcohol concentration
13 as may be later determined by the Secretary by regulation;

14 (b) Driving a commercial or noncommercial motor vehicle
15 while intoxicated in violation of any federal or state law, or in
16 violation of a county or municipal ordinance;

17 (c) Driving a commercial or noncommercial motor vehicle
18 with excessive blood alcohol content in violation of any federal
19 or state law, or in violation of a county or municipal ordinance;

20 (d) Refusing to submit to a chemical test in violation of
21 section [577.041] 302.574, section 302.750, any federal or state
22 law, or a county or municipal ordinance; or

23 (e) Having any state, county or municipal alcohol-related
24 enforcement contact, as defined in subsection 3 of section
25 302.525; provided that any suspension or revocation pursuant to
26 section 302.505, committed in a noncommercial motor vehicle by an
27 individual twenty-one years of age or older shall have been
28 committed by the person with an alcohol concentration of at least

1 eight-hundredths of one percent or more, or in the case of an
2 individual who is less than twenty-one years of age, shall have
3 been committed by the person with an alcohol concentration of at
4 least two-hundredths of one percent or more, and if committed in
5 a commercial motor vehicle, a concentration of four-hundredths of
6 one percent or more;

7 (19) "Driving under the influence of a controlled
8 substance", the commission of any one or more of the following
9 acts in a commercial or noncommercial motor vehicle:

10 (a) Driving a commercial or noncommercial motor vehicle
11 while under the influence of any substance so classified under
12 Section 102(6) of the Controlled Substances Act (21 U.S.C.
13 Section 802(6)), including any substance listed in schedules I
14 through V of 21 CFR 1308, as they may be revised from time to
15 time;

16 (b) Driving a commercial or noncommercial motor vehicle
17 while in a drugged condition in violation of any federal or state
18 law or in violation of a county or municipal ordinance; or

19 (c) Refusing to submit to a chemical test in violation of
20 section ~~[577.041]~~ 302.574, section 302.750, any federal or state
21 law, or a county or municipal ordinance;

22 (20) "Electronic device", includes but is not limited to a
23 cellular telephone, personal digital assistant, pager, computer,
24 or any other device used to input, write, send, receive, or read
25 text;

26 (21) "Employer", any person, including the United States, a
27 state, or a political subdivision of a state, who owns or leases
28 a commercial motor vehicle or assigns a driver to operate such a

1 vehicle;

2 (22) "Endorsement", an authorization on an individual's
3 commercial driver's license or commercial learner's permit
4 required to permit the individual to operate certain types of
5 commercial motor vehicles;

6 (23) "Farm vehicle", a commercial motor vehicle controlled
7 and operated by a farmer used exclusively for the transportation
8 of agricultural products, farm machinery, farm supplies, or a
9 combination of these, within one hundred fifty miles of the farm,
10 other than one which requires placarding for hazardous materials
11 as defined in this section, or used in the operation of a common
12 or contract motor carrier, except that a farm vehicle shall not
13 be a commercial motor vehicle when the total combined gross
14 weight rating does not exceed twenty-six thousand one pounds when
15 transporting fertilizers as defined in subdivision (29) of this
16 subsection;

17 (24) "Fatality", the death of a person as a result of a
18 motor vehicle accident;

19 (25) "Felony", any offense under state or federal law that
20 is punishable by death or imprisonment for a term exceeding one
21 year;

22 (26) "Foreign", outside the fifty states of the United
23 States and the District of Columbia;

24 (27) "Gross combination weight rating" or "GCWR", the value
25 specified by the manufacturer as the loaded weight of a
26 combination (articulated) vehicle. In the absence of a value
27 specified by the manufacturer, GCWR will be determined by adding
28 the GVWR of the power unit and the total weight of the towed unit

1 and any load thereon;

2 (28) "Gross vehicle weight rating" or "GVWR", the value
3 specified by the manufacturer as the loaded weight of a single
4 vehicle;

5 (29) "Hazardous materials", any material that has been
6 designated as hazardous under 49 U.S.C. Section 5103 and is
7 required to be placarded under subpart F of CFR 172 or any
8 quantity of a material listed as a select agent or toxin in 42
9 CFR 73. Fertilizers, including but not limited to ammonium
10 nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,
11 motor fuel or special fuel, shall not be considered hazardous
12 materials when transported by a farm vehicle provided all other
13 provisions of this definition are followed;

14 (30) "Imminent hazard", the existence of a condition that
15 presents a substantial likelihood that death, serious illness,
16 severe personal injury, or a substantial endangerment to health,
17 property, or the environment may occur before the reasonably
18 foreseeable completion date of a formal proceeding begins to
19 lessen the risk of that death, illness, injury, or endangerment;

20 (31) "Issuance", the initial licensure, license transfers,
21 license renewals, and license upgrades;

22 (32) "Manual transmission" (also known as a stick shift,
23 stick, straight drive or standard transmission), a transmission
24 utilizing a driver-operated clutch that is activated by a pedal
25 or lever and a gear-shift mechanism operated either by hand or
26 foot. All other transmissions, whether semiautomatic or
27 automatic, will be considered automatic for the purposes of the
28 standardized restriction code;

1 (33) "Medical examiner", a person who is licensed,
2 certified, or registered, in accordance with applicable state
3 laws and regulations, to perform physical examinations. The term
4 includes, but is not limited to, doctors of medicine, doctors of
5 osteopathy, physician assistants, advanced practice nurses, and
6 doctors of chiropractic;

7 (34) "Medical variance", when a driver has received one of
8 the following that allows the driver to be issued a medical
9 certificate:

10 (a) An exemption letter permitting operation of a
11 commercial motor vehicle under 49 CFR 381, Subpart C or 49 CFR
12 391.64;

13 (b) A skill performance evaluation certificate permitting
14 operation of a commercial motor vehicle under 49 CFR 391.49;

15 (35) "Mobile telephone", a mobile communication device that
16 is classified as or uses any commercial mobile radio service, as
17 defined in the regulations of the Federal Communications
18 Commission, 47 CFR 20.3, but does not include two-way or citizens
19 band radio services;

20 (36) "Motor vehicle", any self-propelled vehicle not
21 operated exclusively upon tracks;

22 (37) "Noncommercial motor vehicle", a motor vehicle or
23 combination of motor vehicles not defined by the term commercial
24 motor vehicle in this section;

25 (38) "Out of service", a temporary prohibition against the
26 operation of a commercial motor vehicle by a particular driver,
27 or the operation of a particular commercial motor vehicle, or the
28 operation of a particular motor carrier;

1 (39) "Out-of-service order", a declaration by an authorized
2 enforcement officer of a federal, state, Canadian, Mexican or any
3 local jurisdiction, that a driver, or a commercial motor vehicle,
4 or a motor carrier operation, is out of service under 49 CFR
5 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or
6 the North American Standard Out-of-Service Criteria;

7 (40) "School bus", a commercial motor vehicle used to
8 transport preprimary, primary, or secondary school students from
9 home to school, from school to home, or to and from
10 school-sponsored events. School bus does not include a bus used
11 as a common carrier as defined by the Secretary;

12 (41) "Secretary", the Secretary of Transportation of the
13 United States;

14 (42) "Serious traffic violation", driving a commercial
15 motor vehicle in such a manner that the driver receives a
16 conviction for the following offenses or driving a noncommercial
17 motor vehicle when the driver receives a conviction for the
18 following offenses and the conviction results in the suspension
19 or revocation of the driver's license or noncommercial motor
20 vehicle driving privilege:

21 (a) Excessive speeding, as defined by the Secretary by
22 regulation;

23 (b) Careless, reckless or imprudent driving which includes,
24 but shall not be limited to, any violation of section 304.016,
25 any violation of section 304.010, or any other violation of
26 federal or state law, or any county or municipal ordinance while
27 driving a commercial motor vehicle in a willful or wanton
28 disregard for the safety of persons or property, or improper or

1 erratic traffic lane changes, or following the vehicle ahead too
2 closely, but shall not include careless and imprudent driving by
3 excessive speed;

4 (c) A violation of any federal or state law or county or
5 municipal ordinance regulating the operation of motor vehicles
6 arising out of an accident or collision which resulted in death
7 to any person, other than a parking violation;

8 (d) Driving a commercial motor vehicle without obtaining a
9 commercial driver's license in violation of any federal or state
10 or county or municipal ordinance;

11 (e) Driving a commercial motor vehicle without a commercial
12 driver's license in the driver's possession in violation of any
13 federal or state or county or municipal ordinance. Any
14 individual who provides proof to the court which has jurisdiction
15 over the issued citation that the individual held a valid
16 commercial driver's license on the date that the citation was
17 issued shall not be guilty of this offense;

18 (f) Driving a commercial motor vehicle without the proper
19 commercial driver's license class or endorsement for the specific
20 vehicle group being operated or for the passengers or type of
21 cargo being transported in violation of any federal or state law
22 or county or municipal ordinance;

23 (g) Violating a state or local law or ordinance on motor
24 vehicle traffic control prohibiting texting while driving a
25 commercial motor vehicle;

26 (h) Violating a state or local law or ordinance on motor
27 vehicle traffic control restricting or prohibiting the use of a
28 hand-held mobile telephone while driving a commercial motor

1 vehicle; or

2 (i) Any other violation of a federal or state law or county
3 or municipal ordinance regulating the operation of motor
4 vehicles, other than a parking violation, as prescribed by the
5 Secretary by regulation;

6 (43) "State", a state of the United States, including the
7 District of Columbia;

8 (44) "Tank vehicle", any commercial motor vehicle that is
9 designed to transport any liquid or gaseous materials within a
10 tank or tanks having an individual rated capacity of more than
11 one hundred nineteen gallons and an aggregate rated capacity of
12 one thousand gallons or more that is either permanently or
13 temporarily attached to the vehicle or the chassis. A commercial
14 motor vehicle transporting an empty storage container tank, not
15 designed for transportation, with a rated capacity of one
16 thousand gallons or more, that is temporarily attached to a
17 flatbed trailer is not considered a tank vehicle;

18 (45) "Texting", manually entering alphanumeric text into,
19 or reading text from, an electronic device. This action includes
20 but is not limited to short message service, emailing, instant
21 messaging, commanding or requesting access to a website, pressing
22 more than a single button to initiate or terminate a voice
23 communication using a mobile telephone, or engaging in any other
24 form of electronic text retrieval or entry, for present or future
25 communication. Texting does not include:

26 (a) Inputting, selecting, or reading information on a
27 global positioning system or navigation system;

28 (b) Pressing a single button to initiate or terminate a

1 voice communication using a mobile telephone; or

2 (c) Using a device capable of performing multiple functions
3 (e.g., fleet management systems, dispatching devices, smart
4 phones, citizens band radios, music players) for a purpose that
5 is not otherwise prohibited in this part;

6 (46) "United States", the fifty states and the District of
7 Columbia.

8 302.780. 1. It shall be unlawful for a person to:

9 (1) Drive a commercial motor vehicle in a willful or wanton
10 disregard for the safety of persons or property; or

11 (2) [Drive a commercial motor vehicle while having an
12 alcohol concentration of four one-hundredths of a percent or more
13 as prescribed by the secretary or such other alcohol
14 concentration as may be later determined by the secretary by
15 regulation; or

16 (3)] Drive a commercial motor vehicle while under the
17 influence of any substance so classified under section 102(6) of
18 the Controlled Substances Act (21 U.S.C. 802(6)), including any
19 substance listed in schedules I through V of 21 CFR part 1308, as
20 they may be revised from time to time.

21 2. Except as otherwise provided for in sections 302.700 to
22 302.780, whenever the doing of anything is required or is
23 prohibited or is declared to be unlawful, any person who shall be
24 convicted of a violation thereof shall be guilty of a class B
25 misdemeanor.

26 303.025. 1. No owner of a motor vehicle registered in this
27 state, or required to be registered in this state, shall operate,
28 register or maintain registration of a motor vehicle, or permit

1 another person to operate such vehicle, unless the owner
2 maintains the financial responsibility which conforms to the
3 requirements of the laws of this state. No nonresident shall
4 operate or permit another person to operate in this state a motor
5 vehicle registered to such nonresident unless the nonresident
6 maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence.
8 Furthermore, no person shall operate a motor vehicle owned by
9 another with the knowledge that the owner has not maintained
10 financial responsibility unless such person has financial
11 responsibility which covers the person's operation of the other's
12 vehicle; however, no owner or nonresident shall be in violation
13 of this subsection if he or she fails to maintain financial
14 responsibility on a motor vehicle which is inoperable or being
15 stored and not in operation. The director may prescribe rules
16 and regulations for the implementation of this section.

17 2. A motor vehicle owner shall maintain the owner's
18 financial responsibility in a manner provided for in section
19 303.160, or with a motor vehicle liability policy which conforms
20 to the requirements of the laws of this state. A nonresident
21 motor vehicle owner shall maintain the owner's financial
22 responsibility which conforms to the requirements of the laws of
23 the nonresident's state of residence.

24 3. Any person who violates this section is guilty of a
25 misdemeanor. A first violation of this section shall be
26 punishable [by a fine not to exceed three hundred dollars] as a
27 class D misdemeanor. A second or subsequent violation of this
28 section shall be punishable by imprisonment in the county jail

1 for a term not to exceed fifteen days and/or a fine not to exceed
2 ~~[three]~~ five hundred dollars. Prior pleas of guilty and prior
3 findings of guilty shall be pleaded and proven in the same manner
4 as required by section 558.021. However, no person shall be
5 found guilty of violating this section if the operator
6 demonstrates to the court that he or she met the financial
7 responsibility requirements of this section at the time the peace
8 officer, commercial vehicle enforcement officer or commercial
9 vehicle inspector wrote the citation. In addition to any other
10 authorized punishment, the court shall notify the director of
11 revenue of any person convicted pursuant to this section and
12 shall do one of the following:

13 (1) Enter an order suspending the driving privilege as of
14 the date of the court order. If the court orders the suspension
15 of the driving privilege, the court shall require the defendant
16 to surrender to it any driver's license then held by such person.
17 The length of the suspension shall be as prescribed in subsection
18 2 of section 303.042. The court shall forward to the director of
19 revenue the order of suspension of driving privilege and any
20 license surrendered within ten days;

21 (2) Forward the record of the conviction for an assessment
22 of four points;

23 (3) In lieu of an assessment of points, render an order of
24 supervision as provided in section 302.303. An order of
25 supervision shall not be used in lieu of points more than one
26 time in any thirty-six-month period. Every court having
27 jurisdiction pursuant to the provisions of this section shall
28 forward a record of conviction to the Missouri state highway

1 patrol, or at the written direction of the Missouri state highway
2 patrol, to the department of revenue, in a manner approved by the
3 director of the department of public safety. The director shall
4 establish procedures for the record keeping and administration of
5 this section; or

6 (4) For a nonresident, suspend the nonresident's driving
7 privileges in this state in accordance with section 303.030 and
8 notify the official in charge of the issuance of licenses and
9 registration certificates in the state in which such nonresident
10 resides in accordance with section 303.080.

11 4. Nothing in sections 303.010 to 303.050, 303.060,
12 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed
13 as prohibiting the department of insurance, financial
14 institutions and professional registration from approving or
15 authorizing those exclusions and limitations which are contained
16 in automobile liability insurance policies and the uninsured
17 motorist provisions of automobile liability insurance policies.

18 5. If a court enters an order of suspension, the offender
19 may appeal such order directly pursuant to chapter 512 and the
20 provisions of section 302.311 shall not apply.

21 [577.217.] 305.125. If a person refuses upon the request of
22 the officer to submit to a chemical test under section 577.041,
23 then no test shall be given. Any refusal to submit to a test
24 shall be an infraction which may be punished by a fine of up to
25 one thousand dollars. The officer shall inform the person that
26 his or her failure to submit to the test may result in a fine and
27 administrative penalties by the Federal Aviation Administration.

28 [577.221.] 305.126. [All positive test results and test

1 refusals] Whenever a person operating an aircraft or acting as a
2 flight crew member of any aircraft has a positive chemical test
3 under chapter 577 or refuses a chemical test under section
4 577.041, the test result and refusal shall be reported by law
5 enforcement agencies to the Federal Aviation Administration. If
6 a person pleads guilty to or is found guilty of a violation of
7 sections [577.201 and 577.203] 577.015 and 577.016, a report of
8 the conviction shall be forwarded by the court in which the
9 conviction occurred to the Federal Aviation Administration.

10 311.315. 1. A person commits the offense of manufacturing
11 a false identification if he or she possesses any means of
12 identification for the purpose of manufacturing and providing or
13 selling a false identification card to a person under the age of
14 twenty-one for the purpose of purchasing or obtaining alcohol.

15 2. The offense of manufacturing a false identification is a
16 class A misdemeanor.

17 311.325. 1. Any person under the age of twenty-one years,
18 who purchases or attempts to purchase, or has in his or her
19 possession, any intoxicating liquor as defined in section 311.020
20 or who is visibly in an intoxicated condition as defined in
21 section 577.001, or has a detectable blood alcohol content of
22 more than two-hundredths of one percent or more by weight of
23 alcohol in such person's blood is guilty of a misdemeanor. A
24 first violation of this section shall be punishable [by a fine
25 not to exceed three hundred dollars] as a class D misdemeanor. A
26 second or subsequent violation of this section shall be
27 punishable [by imprisonment in the county jail for a term not to
28 exceed one year and/or a fine not to exceed one thousand dollars]

1 as a class A misdemeanor. Prior [pleas of guilty and prior]
2 findings of [guilty] guilt shall be pleaded and proven in the
3 same manner as required by section 558.021. For purposes of
4 prosecution under this section or any other provision of this
5 chapter involving an alleged illegal sale or transfer of
6 intoxicating liquor to a person under twenty-one years of age, a
7 manufacturer-sealed container describing that there is
8 intoxicating liquor therein need not be opened or the contents
9 therein tested to verify that there is intoxicating liquor in
10 such container. The alleged violator may allege that there was
11 not intoxicating liquor in such container, but the burden of
12 proof of such allegation is on such person, as it shall be
13 presumed that such a sealed container describing that there is
14 intoxicating liquor therein contains intoxicating liquor.

15 2. For purposes of determining violations of any provision
16 of this chapter, or of any rule or regulation of the supervisor
17 of alcohol and tobacco control, a manufacturer-sealed container
18 describing that there is intoxicating liquor therein need not be
19 opened or the contents therein tested to verify that there is
20 intoxicating liquor in such container. The alleged violator may
21 allege that there was not intoxicating liquor in such container,
22 but the burden of proof of such allegation is on such person, as
23 it shall be presumed that such a sealed container describing that
24 there is intoxicating liquor therein contains intoxicating
25 liquor.

26 3. Any person under the age of twenty-one years who
27 purchases or attempts to purchase, or has in his or her
28 possession, any intoxicating liquor, or who is visibly in an

1 intoxicated condition as defined in section 577.001, shall be
2 deemed to have given consent to a chemical test or tests of the
3 person's breath, blood, saliva, or urine for the purpose of
4 determining the alcohol or drug content of the person's blood.
5 The implied consent to submit to the chemical tests listed in
6 this subsection shall be limited to not more than two such tests
7 arising from the same arrest, incident, or charge. Chemical
8 analysis of the person's breath, blood, saliva, or urine shall be
9 performed according to methods approved by the state department
10 of health and senior services by licensed medical personnel or by
11 a person possessing a valid permit issued by the state department
12 of health and senior services for this purpose. The state
13 department of health and senior services shall approve
14 satisfactory techniques, devices, equipment, or methods to be
15 considered valid and shall establish standards to ascertain the
16 qualifications and competence of individuals to conduct analyses
17 and to issue permits which shall be subject to termination or
18 revocation by the state department of health and senior services.
19 The person tested may have a physician, or a qualified
20 technician, chemist, registered nurse, or other qualified person
21 at the choosing and expense of the person to be tested,
22 administer a test in addition to any administered at the
23 direction of a law enforcement officer. The failure or inability
24 to obtain an additional test by a person shall not preclude the
25 admission of evidence relating to the test taken at the direction
26 of a law enforcement officer. Upon the request of the person who
27 is tested, full information concerning the test shall be made
28 available to such person. Full information is limited to the

1 following:

2 (1) The type of test administered and the procedures
3 followed;

4 (2) The time of the collection of the blood or breath
5 sample or urine analyzed;

6 (3) The numerical results of the test indicating the
7 alcohol content of the blood and breath and urine;

8 (4) The type and status of any permit which was held by the
9 person who performed the test;

10 (5) If the test was administered by means of a
11 breath-testing instrument, the date of performance of the most
12 recent required maintenance of such instrument. Full information
13 does not include manuals, schematics, or software of the
14 instrument used to test the person or any other material that is
15 not in the actual possession of the state. Additionally, full
16 information does not include information in the possession of the
17 manufacturer of the test instrument.

18 4. The provisions of this section shall not apply to a
19 student who:

20 (1) Is eighteen years of age or older;

21 (2) Is enrolled in an accredited college or university and
22 is a student in a culinary course;

23 (3) Is required to taste, but not consume or imbibe, any
24 beer, ale, porter, wine, or other similar malt or fermented
25 beverage as part of the required curriculum; and

26 (4) Tastes a beverage under subdivision (3) of this
27 subsection only for instructional purposes during classes that
28 are part of the curriculum of the accredited college or

1 university. The beverage must at all times remain in the
2 possession and control of an authorized instructor of the college
3 or university, who must be twenty-one years of age or older.
4 Nothing in this subsection may be construed to allow a student
5 under the age of twenty-one to receive any beer, ale, porter,
6 wine, or other similar malt or fermented beverage unless the
7 beverage is delivered as part of the student's required
8 curriculum and the beverage is used only for instructional
9 purposes during classes conducted as part of the curriculum.

10 [566.265.] 351.493. If a corporation or other business
11 [pleads guilty to or] is found guilty of violating section
12 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, 566.213, or
13 566.215, in addition to the criminal penalties described in such
14 sections and other remedies provided for by law, the court may:

15 (1) Order its dissolution or reorganization;

16 (2) Order the suspension or revocation of any license,
17 permit, or prior approval granted to it by the state;

18 (3) Order the surrender of its charter if it is organized
19 under Missouri law or the revocation of its certificate to
20 conduct business in Missouri if it is not organized under
21 Missouri law.

22 [577.006.] 479.172. 1. Each municipal judge shall receive
23 adequate instruction on the laws related to intoxication-related
24 traffic offenses as defined in section [577.023] 577.001
25 including jurisdictional issues related to such offenses,
26 reporting requirements to the highway patrol central repository
27 as set out in section 43.503 and required assessment for
28 offenders under the substance abuse traffic offender program

1 (SATOP). Each municipal judge shall adopt a written policy
2 requiring that municipal court personnel timely report all
3 dispositions of all charges for intoxication-related traffic
4 offenses to the central repository.

5 2. Each municipal court shall provide a copy of its written
6 policy for reporting dispositions of intoxication-related traffic
7 offenses to the office of state courts administrator and the
8 highway patrol. To assist municipal courts, the office of state
9 courts administrator may create a model policy for the reporting
10 of dispositions of all charges for intoxication-related traffic
11 offenses.

12 3. Each municipal division of every circuit court in the
13 state of Missouri shall prepare a report every six months. The
14 report shall include, but shall not be limited to, the total
15 number and disposition of every intoxication-related traffic
16 offense adjudicated, dismissed or pending in its municipal court
17 division. The municipal court division shall submit said report
18 to the circuit court en banc. The report shall include the
19 six-month period beginning January first and ending June
20 thirtieth and the six-month period beginning July first and
21 ending December thirty-first of each year. The report shall be
22 submitted to the circuit court en banc no later than sixty days
23 following the end of the reporting period. The circuit court en
24 banc shall make recommendations or take any action it deems
25 appropriate based on its review of said reports.

26 [572.120.] 513.660. Any gambling device or gambling record,
27 or any money used as bets or stakes in unlawful gambling
28 activity, possessed or used in violation of this chapter may be

1 seized by any [peace] law enforcement officer and is forfeited to
2 the state. Forfeiture procedures shall be conducted as provided
3 by rule of court. Forfeited money and the proceeds from the sale
4 of forfeited property shall be paid into the school fund of the
5 county. Any forfeited gambling device or record not needed in
6 connection with any proceedings under this chapter and which has
7 no legitimate use shall be ordered publicly destroyed.

8 [570.123.] 537.123. In addition to all other penalties
9 provided by law, any person who makes, utters, draws, or delivers
10 any check, draft, or order for the payment of money upon any
11 bank, savings and loan association, credit union, or other
12 depository, financial institution, person, firm, or corporation
13 which is not honored because of lack of funds or credit to pay or
14 because of not having an account with the drawee and who fails to
15 pay the amount for which such check, draft, or order was made in
16 cash to the holder within thirty days after notice and a written
17 demand for payment, deposited as certified or registered mail in
18 the United States mail, or by regular mail, supported by an
19 affidavit of service by mailing, notice deemed conclusive three
20 days following the date the affidavit is executed, and addressed
21 to the maker and to the endorser, if any, of the check, draft, or
22 order at each of their addresses as it appears on the check,
23 draft, or order or to the last known address, shall, in addition
24 to the face amount owing upon such check, draft, or order, be
25 liable to the holder for three times the face amount owed or one
26 hundred dollars, whichever is greater, plus reasonable attorney
27 fees incurred in bringing an action pursuant to this section.
28 Only the original holder, whether the holder is a person, bank,

1 savings and loan association, credit union, or other depository,
2 financial institution, firm or corporation, may bring an action
3 pursuant to this section. No original holder shall bring an
4 action pursuant to this section if the original holder has been
5 paid the face amount of the check and costs recovered by the
6 prosecuting attorney or circuit attorney pursuant to subsection 6
7 of section 570.120. If the issuer of the check has paid the face
8 amount of the check and costs pursuant to subsection 6 of section
9 570.120, such payment shall be an affirmative defense to any
10 action brought pursuant to this section. The original holder
11 shall elect to bring an action pursuant to this section or
12 section 570.120, but may not bring an action pursuant to both
13 sections. In no event shall the damages allowed pursuant to this
14 section exceed five hundred dollars, exclusive of reasonable
15 attorney fees. In situations involving payroll checks, the
16 damages allowed pursuant to this section shall only be assessed
17 against the employer who issued the payroll check and not against
18 the employee to whom the payroll check was issued. The
19 provisions of sections 408.140 and 408.233 to the contrary
20 notwithstanding, a lender may bring an action pursuant to this
21 section. The provisions of this section will not apply in cases
22 where there exists a bona fide dispute over the quality of goods
23 sold or services rendered.

24 [570.087.] 537.127. 1. As used in this section, the
25 following terms mean:

26 (1) "Actual damages", the full retail value of any
27 merchandise which is taken or which has its price altered in a
28 manner described in subsection 2 of this section, plus any proven

1 incidental costs to the owner of the merchandise not to exceed
2 one hundred dollars;

3 (2) "Mercantile establishment", any place where merchandise
4 is displayed, held or offered for sale either at retail or at
5 wholesale;

6 (3) "Merchandise", all things movable and capable of manual
7 delivery and offered for sale either at retail or wholesale;

8 (4) "Unemancipated minor", an individual under the age of
9 eighteen years whose parents or guardian have not surrendered the
10 right to the care, custody and earnings of such individual, and
11 are under a duty to support or maintain such individual.

12 2. An adult or a minor who takes possession of any
13 merchandise from any mercantile establishment without the consent
14 of the owner, without paying the purchase price and with the
15 intention of converting such merchandise to his own use, or the
16 use of another, or who purchases merchandise after altering the
17 price indicia of such merchandise, shall be civilly liable to the
18 owner for actual damages plus a penalty payable to the owner of
19 not less than one hundred dollars nor more than two hundred fifty
20 dollars and all court costs and reasonable attorney fees.

21 3. The parents or guardian having physical custody of an
22 unemancipated minor, who takes possession of any merchandise from
23 any mercantile establishment without the consent of the owner,
24 without paying the purchase price and with the intention of
25 converting such merchandise to his own use, or the use of
26 another, or who purchases merchandise after altering the price
27 indicia of such merchandise, shall be civilly liable to the owner
28 for actual damages, provided that a parent or guardian shall not

1 be liable if they have not had physical custody for a period in
2 excess of one year.

3 4. Notwithstanding the provisions of subsections 2 and 3 of
4 this section, any person who, without the consent of the owner,
5 takes possession of a shopping cart from any mercantile
6 establishment with the intent to convert such shopping cart to
7 his own use or the use of another shall be civilly liable to the
8 owner for actual damages plus a penalty payable to the owner of
9 one hundred dollars and all court costs and reasonable attorney
10 fees.

11 5. A conviction under section 570.030 [or 570.040] shall
12 not be a condition precedent to maintaining a civil action
13 pursuant to the provisions of this section.

14 6. No owner or agent or employee of the owner may attempt
15 to gain an advantage in a civil action by threatening to initiate
16 a criminal prosecution pertaining to the same incident.

17 [566.013.] 542.425. In the course of a criminal
18 investigation under [this] chapter 566 or 573, when the venue of
19 the alleged criminal conduct cannot be readily determined without
20 further investigation, the attorney general may request the
21 prosecuting attorney of Cole County to request a circuit or
22 associate circuit judge of Cole County to issue a subpoena to any
23 witness who may have information for the purpose of oral
24 examination under oath or to require access to data or the
25 production of books, papers, records, or other material of
26 evidentiary nature at the office of the attorney general. If,
27 upon review of the evidence produced pursuant to the subpoenas,
28 it appears that a violation of [this] chapter 566 or 573 may have

1 been committed, the attorney general shall provide the evidence
2 produced pursuant to subpoena to an appropriate county
3 prosecuting attorney or circuit attorney having venue over the
4 criminal offense.

5 [577.039.] 544.218. An arrest without a warrant by a law
6 enforcement officer, including a uniformed member of the state
7 highway patrol, for a violation of section 577.010 or 577.012 is
8 lawful whenever the arresting officer has reasonable grounds to
9 believe that the person to be arrested has violated the section,
10 whether or not the violation occurred in the presence of the
11 arresting officer.

12 [577.680.] 544.472. 1. If verification of the nationality
13 or lawful immigration status of any person who is charged and
14 confined to jail for any period of time cannot be made from
15 documents in the possession of the prisoner or after a reasonable
16 effort on the part of the arresting agency to determine the
17 nationality or immigration status of the person so confined,
18 verification shall be made by the arresting agency within
19 forty-eight hours through a query to the Law Enforcement Support
20 Center (LESC) of the United States Department of Homeland
21 Security or other office or agency designated for that purpose by
22 the United States Department of Homeland Security. If it is
23 determined that the prisoner is in the United States unlawfully,
24 the arresting agency shall notify the United States Department of
25 Homeland Security. [Until August 28, 2009, this section shall
26 only apply to officers employed by the department of public
27 safety to include: the highway patrol, water patrol, capitol
28 police, fire marshal's office, and division of alcohol and

1 tobacco control.]

2 2. Nothing in this section shall be construed to deny any
3 person bond or prevent a person from being released from
4 confinement if such person is otherwise eligible for release.

5 [566.135.] 545.940. 1. Pursuant to a motion filed by the
6 prosecuting attorney or circuit attorney with notice given to the
7 defense attorney and for good cause shown, in any criminal case
8 in which a defendant has been charged by the prosecuting
9 attorney's office or circuit attorney's office with any offense
10 under [this chapter or pursuant to section 575.150, 567.020,
11 565.050, 565.060, 565.070,] chapter 566 or section 565.050,
12 assault in the first degree; 565.052, assault in the second
13 degree; 565.054, assault in the third degree; 565.056, assault in
14 the fourth degree; section 565.072, domestic assault in the first
15 degree; section 565.073, domestic assault in the second degree;
16 section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic
17 assault in the third degree; section 565.076, domestic assault in
18 the fourth degree; section 567.020, prostitution; section
19 568.045, endangering the welfare of a child in the first degree;
20 section 568.050, [or] endangering the welfare of a child in the
21 second degree; section 568.060, abuse of a child; section
22 575.150, resisting or interfering with an arrest; or paragraph
23 (a), (b), or (c), of subdivision (2) of subsection 1 of section
24 191.677, recklessly exposing a person to HIV, the court may order
25 that the defendant be conveyed to a state-, city-, or
26 county-operated HIV clinic for testing for HIV, hepatitis B,
27 hepatitis C, syphilis, gonorrhea, and chlamydia. The results of
28 [the defendant's HIV, hepatitis B, hepatitis C, syphilis,

gonorrhea, and chlamydia] such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

556.011. [This code] Chapters 556 to 580 shall be known and may be cited as "The Revised Criminal Code".

556.021. 1. [An offense defined by this code or by any other statute of this state constitutes an infraction if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

2.] An infraction does not constitute [a crime] a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a [crime] criminal offense.

[3.] 2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor.

[4.] 3. If a [defendant] person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the [defendant] person is charged, or if a [defendant] person fails to respond to notice of an infraction from the

1 central violations bureau established in section 476.385, the
2 court may issue a default judgment for court costs and fines for
3 the infraction which shall be enforced in the same manner as
4 other default judgments, including enforcement under sections
5 488.5028 and 488.5030, unless the court determines that good
6 cause or excusable neglect exists for the [defendant's] person's
7 failure to appear for the infraction. The notice of entry of
8 default judgment and the amount of fines and costs imposed shall
9 be sent to the [defendant] person by first class mail. The
10 default judgment may be set aside for good cause if the
11 [defendant] person files a motion to set aside the judgment
12 within six months of the date the notice of entry of default
13 judgment is mailed.

14 [5.] 4. Notwithstanding subsection [4] 3 of this section or
15 any provisions of law to the contrary, a court may issue a
16 warrant for failure to appear for any violation which is
17 classified as an infraction.

18 [6.] 5. Judgment against the defendant for an infraction
19 shall be in the amount of the fine authorized by law and the
20 court costs for the offense.

21 [7. Subsections 3 to 6 of this section shall become
22 effective January 1, 2012.]

23 556.026. No conduct constitutes an offense or infraction
24 unless made so by this code or by other applicable statute.

25 556.037. Notwithstanding the provisions of section 556.036,
26 prosecutions for unlawful sexual offenses involving a person
27 eighteen years of age or under must be commenced within thirty
28 years after the victim reaches the age of eighteen unless the

1 prosecutions are for rape in the first degree, forcible rape,
2 attempted rape in the first degree, attempted forcible rape,
3 sodomy in the first degree, forcible sodomy, kidnapping,
4 kidnapping in the first degree, attempted sodomy in the first
5 degree, or attempted forcible sodomy in which case such
6 prosecutions may be commenced at any time.

7 [565.255.] 556.038. Notwithstanding the provisions of
8 section 556.036, either misdemeanor or felony prosecutions under
9 sections [565.250] 565.252 to 565.257 shall be commenced within
10 the following periods of limitation:

11 (1) Three years from the date the viewing, photographing or
12 filming occurred; or

13 (2) If the person who was viewed, photographed or filmed
14 did not realize at the time that he was being viewed,
15 photographed or filmed, within three years of the time the person
16 who was viewed or in the photograph or film first learns that he
17 was viewed, photographed or filmed.

18 556.061. In this code, unless the context requires a
19 different definition, the following [shall apply] terms shall
20 mean:

21 (1) "Access", to instruct, communicate with, store data in,
22 retrieve or extract data from, or otherwise make any use of any
23 resources of, a computer, computer system, or computer network;

24 (2) "Affirmative defense" [has the meaning specified in
25 section 556.056];

26 (a) The defense referred to is not submitted to the trier
27 of fact unless supported by evidence; and

28 (b) If the defense is submitted to the trier of fact the

1 defendant has the burden of persuasion that the defense is more
2 probably true than not;

3 [(2)] (3) "Burden of injecting the issue" [has the meaning
4 specified in section 556.051].:

5 (a) The issue referred to is not submitted to the trier of
6 fact unless supported by evidence; and

7 (b) If the issue is submitted to the trier of fact any
8 reasonable doubt on the issue requires a finding for the
9 defendant on that issue;

10 [(3)] (4) "Commercial film and photographic print
11 processor", any person who develops exposed photographic film
12 into negatives, slides or prints, or who makes prints from
13 negatives or slides, for compensation. The term commercial film
14 and photographic print processor shall include all employees of
15 such persons but shall not include a person who develops film or
16 makes prints for a public agency;

17 (5) "Computer", the box that houses the central processing
18 unit (cpu), along with any internal storage devices, such as
19 internal hard drives, and internal communication devices, such as
20 internal modems capable of sending or receiving electronic mail
21 or fax cards, along with any other hardware stored or housed
22 internally. Thus, computer refers to hardware, software and data
23 contained in the main unit. Printers, external modems attached
24 by cable to the main unit, monitors, and other external
25 attachments will be referred to collectively as peripherals and
26 discussed individually when appropriate. When the computer and
27 all peripherals are referred to as a package, the term "computer
28 system" is used. Information refers to all the information on a

1 computer system including both software applications and data;

2 (6) "Computer equipment", includes computers, terminals,
3 data storage devices, and all other computer hardware associated
4 with a computer system or network;

5 (7) "Computer hardware", includes all equipment which can
6 collect, analyze, create, display, convert, store, conceal or
7 transmit electronic, magnetic, optical or similar computer
8 impulses or data. Hardware includes, but is not limited to, any
9 data processing devices, such as central processing units, memory
10 typewriters and self-contained laptop or notebook computers;
11 internal and peripheral storage devices, transistor-like binary
12 devices and other memory storage devices, such as floppy disks,
13 removable disks, compact disks, digital video disks, magnetic
14 tape, hard drive, optical disks and digital memory; local area
15 networks, such as two or more computers connected together to a
16 central computer server via cable or modem; peripheral input or
17 output devices, such as keyboards, printers, scanners, plotters,
18 video display monitors and optical readers; and related
19 communication devices, such as modems, cables and connections,
20 recording equipment, RAM or ROM units, acoustic couplers,
21 automatic dialers, speed dialers, programmable telephone dialing
22 or signaling devices and electronic tone-generating devices; as
23 well as any devices, mechanisms or parts that can be used to
24 restrict access to computer hardware, such as physical keys and
25 locks;

26 (8) "Computer network", a complex consisting of two or more
27 interconnected computers or computer systems;

28 (9) "Computer program", a set of instructions, statements,

1 or related data that directs or is intended to direct a computer
2 to perform certain functions;

3 (10) "Computer software", digital information which can be
4 interpreted by a computer and any of its related components to
5 direct the way they work. Software is stored in electronic,
6 magnetic, optical or other digital form. The term commonly
7 includes programs to run operating systems and applications, such
8 as word processing, graphic, or spreadsheet programs, utilities,
9 compilers, interpreters and communications programs;

10 (11) "Computer-related documentation", includes written,
11 recorded, printed or electronically stored material which
12 explains or illustrates how to configure or use computer
13 hardware, software or other related items;

14 (12) "Computer system", a set of related, connected or
15 unconnected, computer equipment, data, or software;

16 [(4)] (13) "Confinement":

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

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

21 b. The person is released on bail, bond, or recognizance,
22 personal or otherwise; or

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

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

27 a. The person is on probation or parole, temporary or
28 otherwise; or

1 b. The person is under sentence to serve a term of
2 confinement which is not continuous, or is serving a sentence
3 under a work-release program, and in either such case is not
4 being held in a place of confinement or is not being held under
5 guard by a person having the legal power and duty to transport
6 the person to or from a place of confinement;

7 [(5)] (14) "Consent": consent or lack of consent may be
8 expressed or implied. Assent does not constitute consent if:

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

12 (b) It is given by a person who by reason of youth, mental
13 disease or defect, intoxication, a drug-induced state, or any
14 other reason is manifestly unable or known by the actor to be
15 unable to make a reasonable judgment as to the nature or
16 harmfulness of the conduct charged to constitute the offense; or

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

18 (15) "Controlled substance", a drug substance, or immediate
19 precursor in schedules I through V as defined in chapter 195;

20 [(6)] (16) "Criminal negligence" [has the meaning specified
21 in section 562.016], failure to be aware of a substantial and
22 unjustifiable risk that circumstances exist or a result will
23 follow, and such failure constitutes a gross deviation from the
24 standard of care which a reasonable person would exercise in the
25 situation;

26 [(7)] (17) "Custody", a person is in custody when [the
27 person] he or she has been arrested but has not been delivered to
28 a place of confinement;

1 (18) "Damage", when used in relation to a computer system
2 or network, means any alteration, deletion, or destruction of any
3 part of the computer system or network;

4 ~~[(8)]~~ (19) "Dangerous felony" ~~[means]~~, the felonies of
5 arson in the first degree, assault in the first degree, attempted
6 rape in the first degree if physical injury results, attempted
7 forcible rape if physical injury results, attempted sodomy in the
8 first degree if physical injury results, attempted forcible
9 sodomy if physical injury results, rape in the first degree,
10 forcible rape, sodomy in the first degree, forcible sodomy,
11 assault in the second degree if the victim of such assault is a
12 special victim as defined in subdivision (14) of section 565.002,
13 kidnapping in the first degree, kidnapping, murder in the second
14 degree, assault of a law enforcement officer in the first degree,
15 domestic assault in the first degree, elder abuse in the first
16 degree, robbery in the first degree, statutory rape in the first
17 degree when the victim is a child less than twelve years of age
18 at the time of the commission of the act giving rise to the
19 offense, statutory sodomy in the first degree when the victim is
20 a child less than twelve years of age at the time of the
21 commission of the act giving rise to the offense, ~~[and,]~~ child
22 molestation in the second degree, abuse of a child if the child
23 dies as a result of injuries sustained from conduct chargeable
24 under section 568.060, child kidnapping, ~~[and]~~ parental
25 kidnapping committed by detaining or concealing the whereabouts
26 of the child for not less than one hundred twenty days under
27 section 565.153, and an "intoxication-related traffic offense" or
28 "intoxication-related boating offense" if the person is found to

1 be a "habitual offender" as such terms are defined in section
2 577.001;

3 [(9)] (20) "Dangerous instrument" [means], any instrument,
4 article or substance, which, under the circumstances in which it
5 is used, is readily capable of causing death or other serious
6 physical injury;

7 (21) "Data", a representation of information, facts,
8 knowledge, concepts, or instructions prepared in a formalized or
9 other manner and intended for use in a computer or computer
10 network. Data may be in any form including, but not limited to,
11 printouts, microfiche, magnetic storage media, punched cards and
12 as may be stored in the memory of a computer;

13 [(10)] (22) "Deadly weapon" [means], any firearm, loaded or
14 unloaded, or any weapon from which a shot, readily capable of
15 producing death or serious physical injury, may be discharged, or
16 a switchblade knife, dagger, billy club, blackjack or metal
17 knuckles;

18 (23) "Digital camera", a camera that records images in a
19 format which enables the images to be downloaded into a computer;

20 (24) "Disability", a mental, physical, or developmental
21 impairment that substantially limits one or more major life
22 activities or the ability to provide adequately for one's care or
23 protection, whether the impairment is congenital or acquired by
24 accident, injury or disease, where such impairment is verified by
25 medical findings;

26 (25) "Elderly person", a person sixty years of age or
27 older;

28 [(11)] (26) "Felony" [has the meaning specified in section

1 556.016], an offense so designated or an offense for which
2 persons found guilty thereof may be sentenced to death or
3 imprisonment for a term of more than one year;

4 ~~[(12)]~~ (27) "Forcible compulsion" [means] either:

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

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

9 ~~[(13)]~~ (28) "Incapacitated" [means that], a temporary or
10 permanent physical or mental condition[, temporary or permanent,]
11 in which a person is unconscious, unable to appraise the nature
12 of [such person's] his or her conduct, or unable to communicate
13 unwillingness to an act;

14 ~~[(14)]~~ (29) "Infraction" [has the meaning specified in
15 section 556.021], a violation defined by this code or by any
16 other statute of this state if it is so designated or if no
17 sentence other than a fine, or fine and forfeiture or other civil
18 penalty, is authorized upon conviction;

19 ~~[(15)]~~ (30) "Inhabitable structure" [has the meaning
20 specified in section 569.010], a vehicle, vessel or structure:

21 (a) Where any person lives or carries on business or other
22 calling; or

23 (b) Where people assemble for purposes of business,
24 government, education, religion, entertainment, or public
25 transportation; or

26 (c) Which is used for overnight accommodation of persons.
27 Any such vehicle, vessel, or structure is "inhabitable"
28 regardless of whether a person is actually present;

1 (d) If a building or structure is divided into separately
2 occupied units, any unit not occupied by the actor is an
3 "inhabitable structure of another";

4 [(16)] (31) "Knowingly" [has the meaning specified in
5 section 562.016], when used with respect to:

6 (a) Conduct or attendant circumstances, means a person is
7 aware of the nature of his or her conduct or that those
8 circumstances exist; or

9 (b) A result of conduct, means a person is aware that his
10 or her conduct is practically certain to cause that result;

11 [(17)] (32) "Law enforcement officer" [means], any public
12 servant having both the power and duty to make arrests for
13 violations of the laws of this state, and federal law enforcement
14 officers authorized to carry firearms and to make arrests for
15 violations of the laws of the United States;

16 [(18)] (33) "Misdemeanor" [has the meaning specified in
17 section 556.016], an offense so designated or an offense for
18 which persons found guilty thereof may be sentenced to
19 imprisonment for a term of which the maximum is one year or less;

20 (34) "Of another", property that any entity, including but
21 not limited to any natural person, corporation, limited liability
22 company, partnership, association, governmental subdivision or
23 instrumentality, other than the actor, has a possessory or
24 proprietary interest therein, except that property shall not be
25 deemed property of another who has only a security interest
26 therein, even if legal title is in the creditor pursuant to a
27 conditional sales contract or other security arrangement;

28 [(19)] (35) "Offense" [means], any felony[,] or misdemeanor

1 [or infraction];

2 [(20)] (36) "Physical injury" [means physical pain,
3 illness, or any impairment of physical condition], slight
4 impairment of any function of the body or temporary loss of use
5 of any part of the body;

6 [(21)] (37) "Place of confinement" [means], any building or
7 facility and the grounds thereof wherein a court is legally
8 authorized to order that a person charged with or convicted of a
9 crime be held;

10 [(22)] (38) "Possess" or "possessed" [means], having actual
11 or constructive possession of an object with knowledge of its
12 presence. A person has actual possession if such person has the
13 object on his or her person or within easy reach and convenient
14 control. A person has constructive possession if such person has
15 the power and the intention at a given time to exercise dominion
16 or control over the object either directly or through another
17 person or persons. Possession may also be sole or joint. If one
18 person alone has possession of an object, possession is sole. If
19 two or more persons share possession of an object, possession is
20 joint;

21 (39) "Property", anything of value, whether real or
22 personal, tangible or intangible, in possession or in action;

23 [(23)] (40) "Public servant" [means], any person employed
24 in any way by a government of this state who is compensated by
25 the government by reason of such person's employment, any person
26 appointed to a position with any government of this state, or any
27 person elected to a position with any government of this state.
28 It includes, but is not limited to, legislators, jurors, members

1 of the judiciary and law enforcement officers. It does not
2 include witnesses;

3 [(24)] (41) "Purposely" [has the meaning specified in
4 section 562.016], when used with respect to a person's conduct or
5 to a result thereof, means when it is his or her conscious object
6 to engage in that conduct or to cause that result;

7 [(25)] (42) "Recklessly" [has the meaning specified in
8 section 562.016], consciously disregarding a substantial and
9 unjustifiable risk that circumstances exist or that a result will
10 follow, and such disregard constitutes a gross deviation from the
11 standard of care which a reasonable person would exercise in the
12 situation;

13 [(26) "Ritual" or "ceremony" means an act or series of acts
14 performed by two or more persons as part of an established or
15 prescribed pattern of activity;

16 (27)] (43) "Serious emotional injury", an injury that
17 creates a substantial risk of temporary or permanent medical or
18 psychological damage, manifested by impairment of a behavioral,
19 cognitive or physical condition. Serious emotional injury shall
20 be established by testimony of qualified experts upon the
21 reasonable expectation of probable harm to a reasonable degree of
22 medical or psychological certainty;

23 [(28)] (44) "Serious physical injury" [means], physical
24 injury that creates a substantial risk of death or that causes
25 serious disfigurement or protracted loss or impairment of the
26 function of any part of the body;

27 [(29) "Sexual conduct" means acts of human masturbation;
28 deviate sexual intercourse; sexual intercourse; or physical

1 contact with a person's clothed or unclothed genitals, pubic
2 area, buttocks, or the breast of a female in an act of apparent
3 sexual stimulation or gratification;

4 (30) "Sexual contact" means any touching of the genitals or
5 anus of any person, or the breast of any female person, or any
6 such touching through the clothing, for the purpose of arousing
7 or gratifying sexual desire of any person;

8 (31) "Sexual performance", any performance, or part
9 thereof, which includes sexual conduct by a child who is less
10 than seventeen years of age;]

11 (45) "Services", when used in relation to a computer system
12 or network, means use of a computer, computer system, or computer
13 network and includes, but is not limited to, computer time, data
14 processing, and storage or retrieval functions;

15 (46) "Sexual orientation", male or female heterosexuality,
16 homosexuality or bisexuality by inclination, practice, identity
17 or expression, or having a self-image or identity not
18 traditionally associated with one's gender;

19 (47) "Vehicle", a self-propelled mechanical device designed
20 to carry a person or persons, excluding vessels or aircraft;

21 (48) "Vessel", any boat or craft propelled by a motor or by
22 machinery, whether or not such motor or machinery is a principal
23 source of propulsion used or capable of being used as a means of
24 transportation on water, or any boat or craft more than twelve
25 feet in length which is powered by sail alone or by a combination
26 of sail and machinery, and used or capable of being used as a
27 means of transportation on water, but not any boat or craft
28 having, as the only means of propulsion, a paddle or oars;

1 [(32)] (49) "Voluntary act" [has the meaning specified in
2 section 562.011]:

3 (a) A bodily movement performed while conscious as a result
4 of effort or determination. Possession is a voluntary act if the
5 possessor knowingly procures or receives the thing possessed, or
6 having acquired control of it was aware of his control for a
7 sufficient time to have enabled him to dispose of it or terminate
8 his control; or

9 (b) An omission to perform an act of which the actor is
10 physically capable. A person is not guilty of an offense based
11 solely upon an omission to perform an act unless the law defining
12 the offense expressly so provides, or a duty to perform the
13 omitted act is otherwise imposed by law;

14 (50) "Vulnerable person", any person in the custody, care,
15 or control of the department of mental health who is receiving
16 services from an operated, funded, licensed, or certified
17 program.

18 [565.100.] 556.101. 1. It is an element of the offenses
19 described in sections 565.110 [through 565.130 of this chapter]
20 to 565.130 that the confinement, movement or restraint be
21 committed without the consent of the victim.

22 2. Lack of consent results from:

23 (1) Forcible compulsion; or

24 (2) Incapacity to consent.

25 3. A person is deemed incapable of consent if he is

26 (1) Less than fourteen years [old] of age; or

27 (2) Incapacitated.

28 557.016. 1. Felonies are classified for the purpose of

1 sentencing into the following [four] five categories:

- 2 (1) Class A felonies;
- 3 (2) Class B felonies;
- 4 (3) Class C felonies; and
- 5 (4) Class D felonies.

6 2. Misdemeanors are classified for the purpose of
7 sentencing into the following [three] four categories:

- 8 (1) Class A misdemeanors;
- 9 (2) Class B misdemeanors; [and]
- 10 (3) Class C misdemeanors; and
- 11 (4) Class D misdemeanors.

12 3. Infractions are not further classified.

13 557.021. 1. Any offense defined outside this code which is
14 declared to be a misdemeanor without specification of the penalty
15 therefor is a class A misdemeanor.

16 2. Any offense defined outside this code which is declared
17 to be a felony without specification of the penalty therefor is a
18 class D felony.

19 3. For the purpose of applying the extended term provisions
20 of section 558.016 and the minimum prison term provisions of
21 section 558.019 and for determining the penalty for attempts and
22 conspiracies, offenses defined outside of this code shall be
23 classified as follows:

24 (1) If the offense is a felony:

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

28 (b) It is a class B felony if the maximum term of

1 imprisonment authorized exceeds ten years but is less than twenty
2 years;

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

5 (d) It is a class D felony if the maximum term of
6 imprisonment is less than ten years;

7 (2) If the offense is a misdemeanor:

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

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

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

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

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

19 557.026. 1. When a probation officer is available to any
20 court, such probation officer shall, unless waived by the
21 defendant, [make] conduct a presentence investigation in all
22 felony cases and make a sentencing assessment report to the court
23 before any authorized disposition is made under section 557.011.
24 In all class A misdemeanor cases a probation officer shall, if
25 directed by the court, [make] conduct a presentence investigation
26 and make a sentencing assessment report to the court before any
27 authorized disposition is made under section 557.011. The report
28 shall not be submitted to the court or its contents disclosed to

1 anyone until the defendant has [pleaded guilty or] been found
2 guilty.

3 2. The [presentence investigation] sentencing assessment
4 report shall be prepared, presented and utilized as provided by
5 rule of court, except that no court shall prevent the defendant
6 or the attorney for the defendant from having access to the
7 complete [presentence investigation] sentencing assessment report
8 and recommendations before any authorized disposition is made
9 under section 557.011.

10 3. The defendant shall not be obligated to make any
11 statement to a probation officer in connection with any
12 [presentence investigation hereunder] sentencing assessment
13 report.

14 4. When the jury enters a finding of [guilty] guilt and
15 assesses punishment, the probation officer shall, as part of the
16 presentence investigation, inquire of the victim of the offense
17 for which such punishment was assessed of the facts of the
18 offense and any personal injury or financial loss incurred by the
19 victim. If the victim is dead or otherwise unable to make a
20 statement, the probation officer shall attempt to obtain such
21 information from a member of the immediate family of the victim.

22 557.035. 1. For all violations of subdivision (1) of
23 subsection 1 of section 569.100 or subdivision (1), (2), (3),
24 (4), (6), (7) or (8) of subsection 1 of section 571.030, which
25 the state believes to be knowingly motivated because of race,
26 color, religion, national origin, sex, sexual orientation or
27 disability of the victim or victims, the state may charge the
28 [crime or crimes] offense or offenses under this section, and the

1 violation is a class C felony.

2 2. For all violations of section [565.070] 565.054;
3 subdivisions (1), (3) and (4) of subsection 1 of section 565.090;
4 subdivision (1) of subsection 1 of section 569.090; subdivision
5 (1) of subsection 1 of section 569.120; section 569.140; or
6 section 574.050; which the state believes to be knowingly
7 motivated because of race, color, religion, national origin, sex,
8 sexual orientation or disability of the victim or victims, the
9 state may charge the [crime or crimes] offense or offenses under
10 this section, and the violation is a class D felony.

11 3. The court shall assess punishment in all of the cases in
12 which the state pleads and proves any of the motivating factors
13 listed in this section.

14 [4. For the purposes of this section, the following terms
15 mean:

16 (1) "Disability", a physical or mental impairment which
17 substantially limits one or more of a person's major life
18 activities, being regarded as having such an impairment, or a
19 record of having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality,
21 homosexuality or bisexuality by inclination, practice, identity
22 or expression, or having a self-image or identity not
23 traditionally associated with one's gender.]

24 557.036. 1. Upon a finding of guilt [upon verdict or
25 plea], the court shall decide the extent or duration of sentence
26 or other disposition to be imposed under all the circumstances,
27 having regard to the nature and circumstances of the offense and
28 the history and character of the defendant and render judgment

1 accordingly.

2 2. Where an offense is submitted to the jury, the trial
3 shall proceed in two stages. At the first stage, the jury shall
4 decide only whether the defendant is guilty or not guilty of any
5 submitted offense. The issue of punishment shall not be
6 submitted to the jury at the first stage.

7 3. If the jury at the first stage of a trial finds the
8 defendant guilty of the submitted offense, the second stage of
9 the trial shall proceed. The issue at the second stage of the
10 trial shall be the punishment to be assessed and declared.
11 Evidence supporting or mitigating punishment may be presented.
12 Such evidence may include, within the discretion of the court,
13 evidence concerning the impact of the [crime] offense upon the
14 victim, the victim's family and others, the nature and
15 circumstances of the offense, and the history and character of
16 the defendant. Rebuttal and surrebuttal evidence may be
17 presented. The state shall be the first to proceed. The court
18 shall instruct the jury as to the range of punishment authorized
19 by statute for each submitted offense. The attorneys may argue
20 the issue of punishment to the jury, and the state shall have the
21 right to open and close the argument. The jury shall assess and
22 declare the punishment as authorized by statute.

23 4. A second stage of the trial shall not proceed and the
24 court, and not the jury, shall assess punishment if:

25 (1) The defendant requests in writing, prior to voir dire,
26 that the court assess the punishment in case of a finding of
27 guilt; or

28 (2) The state pleads and proves the defendant is a prior

1 offender, persistent offender, dangerous offender, or persistent
2 misdemeanor offender as defined in section 558.016, or a
3 persistent sexual offender or predatory sexual offender as
4 defined in section [558.018, or a predatory sexual offender as
5 defined in section 558.018] 566.125. If the jury cannot agree on
6 the punishment to be assessed, the court shall proceed as
7 provided in subsection 1 of this section. If, after due
8 deliberation by the jury, the court finds the jury cannot agree
9 on punishment, then the court may instruct the jury that if it
10 cannot agree on punishment that the court will assess punishment.

11 5. If the jury returns a verdict of guilty in the first
12 stage and declares a term of imprisonment in the second stage,
13 the court shall proceed as provided in subsection 1 of this
14 section except that any term of imprisonment imposed cannot
15 exceed the term declared by the jury unless the term declared by
16 the jury is less than the authorized lowest term for the offense,
17 in which event the court cannot impose a term of imprisonment
18 greater than the lowest term provided for the offense.

19 6. If the defendant is found to be a prior offender,
20 persistent offender, dangerous offender or persistent misdemeanor
21 offender as defined in section 558.016:

22 (1) If he has been found guilty of an offense, the court
23 shall proceed as provided in section 558.016; or

24 (2) If he has been found guilty of a class A felony, the
25 court may impose any sentence authorized for the class A felony.

26 7. The court shall not seek an advisory verdict from the
27 jury in cases of prior offenders, persistent offenders, dangerous
28 offenders, persistent sexual offenders or predatory sexual

1 offenders; if an advisory verdict is rendered, the court shall
2 not deem it advisory, but shall consider it as mere surplusage.

3 557.051. 1. A person who has been found guilty of an
4 offense under chapter 566, or any sex offense involving a child
5 under chapters 568 and 573, and who is granted a suspended
6 imposition or execution of sentence or placed under the
7 supervision of the board of probation and parole shall be
8 required to participate in and successfully complete a program of
9 treatment, education and rehabilitation designed for perpetrators
10 of sexual offenses. Persons required to attend a program under
11 this section shall be required to follow all directives of the
12 treatment program provider, and may be charged a reasonable fee
13 to cover the costs of such program.

14 2. A person who provides assessment services or who makes a
15 report, finding, or recommendation for any offender to attend any
16 counseling or program of treatment, education or rehabilitation
17 as a condition or requirement of probation following a finding of
18 guilt for an offense under chapter 566, or any sex offense
19 involving a child under chapters 568 and 573, shall not be
20 related within the third degree of consanguinity or affinity to
21 any person who has a financial interest, whether direct or
22 indirect, in the counseling or program of treatment, education or
23 rehabilitation or any financial interest, whether direct or
24 indirect, in any private entity which provides the counseling or
25 program of treatment, education or rehabilitation. A person who
26 violates this subsection shall thereafter:

27 (1) Immediately remit to the state of Missouri any
28 financial income gained as a direct or indirect result of the

1 action constituting the violation;

2 (2) Be prohibited from providing assessment or counseling
3 services or any program of treatment, education or rehabilitation
4 to, for, on behalf of, at the direction of, or in contract with
5 the state board of probation and parole or any office thereof;
6 and

7 (3) Be prohibited from having any financial interest,
8 whether direct or indirect, in any private entity which provides
9 assessment or counseling services or any program of treatment,
10 education or rehabilitation to, for, on behalf of, at the
11 direction of, or in contract with the state board of probation
12 and parole or any office thereof.

13 3. The provisions of subsection 2 of this section shall not
14 apply when the department of corrections has identified only one
15 qualified service provider within reasonably accessible distance
16 from the offender or when the only providers available within a
17 reasonable distance are related within the third degree of
18 consanguinity or affinity to any person who has a financial
19 interest in the service provider.

20 [560.011.] 558.002. 1. Except as otherwise provided for an
21 offense outside this code, a person who has been convicted of [a
22 class C or D felony] an offense may be sentenced

23 [(1)] to pay a fine which does not exceed [five thousand
24 dollars; or

25 (2)]:

26 (1) For a class C or D felony, ten thousand dollars;

27 (2) For a class A misdemeanor, two thousand dollars;

28 (3) For a class B misdemeanor, one thousand dollars;

1 (4) For a class C misdemeanor, seven hundred fifty dollars;

2 (5) For a class D misdemeanor, five hundred dollars;

3 (6) For an infraction, four hundred dollars; or

4 (7) If the [offender] person has gained money or property
5 through the commission of the [crime] offense, to pay an amount,
6 fixed by the court, not exceeding double the amount of the
7 [offender's] person's gain from the commission of the [crime. An
8 individual offender may be fined not more than twenty thousand
9 dollars under this provision] offense.

10 2. A sentence to pay a fine, when imposed on a corporation
11 for an offense defined in this code or for any offense defined
12 outside this code for which no specific corporate fine is
13 specified, shall be a sentence to pay an amount, fixed by the
14 court, which does not exceed:

15 (1) For a felony, twenty thousand dollars;

16 (2) For a misdemeanor, ten thousand dollars;

17 (3) For an infraction, one thousand dollars; or

18 (4) If the corporation has gained money or property through
19 the commission of the offense, to pay an amount, fixed by the
20 court, not exceeding double the amount of the corporation's gain
21 from the commission of the offense.

22 3. As used in this section the term "gain" means the amount
23 of money or the value of property derived from the commission of
24 the [crime] offense. The amount of money or value of property
25 returned to the victim of the [crime] offense or seized by or
26 surrendered to lawful authority prior to the time sentence is
27 imposed shall be deducted from the fine. When the court imposes
28 a fine based on gain the court shall make a finding as to the

1 amount of the offender's gain from the crime. If the record does
2 not contain sufficient evidence to support such a finding, the
3 court may conduct a hearing upon the issue.

4 [3. The provisions of this section shall not apply to
5 corporations.]

6 [560.026.] 558.004. 1. In determining the amount and the
7 method of payment of a fine, the court shall, insofar as
8 practicable, proportion the fine to the burden that payment will
9 impose in view of the financial resources of an individual. The
10 court shall not sentence an offender to pay a fine in any amount
11 which will prevent him or her from making restitution or
12 reparation to the victim of the offense.

13 2. When any other disposition is authorized by statute, the
14 court shall not sentence an individual to pay a fine only unless,
15 having regard to the nature and circumstances of the offense and
16 the history and character of the offender, it is of the opinion
17 that the fine alone will suffice for the protection of the
18 public.

19 3. The court shall not sentence an individual to pay a fine
20 in addition to any other sentence authorized by section 557.011
21 unless

22 (1) He or she has derived a pecuniary gain from the
23 offense; or

24 (2) The court is of the opinion that a fine is uniquely
25 adapted to deterrence of the type of offense involved or to the
26 correction of the defendant.

27 4. When an offender is sentenced to pay a fine, the court
28 may provide for the payment to be made within a specified period

1 of time or in specified installments. If no such provision is
2 made a part of the sentence, the fine shall be payable forthwith.

3 5. When an offender is sentenced to pay a fine, the court
4 shall not impose at the same time an alternative sentence to be
5 served in the event that the fine is not paid. The response of
6 the court to nonpayment shall be determined only after the fine
7 has not been paid, as provided in section ~~[560.031]~~ 558.006.

8 ~~[560.031.]~~ 558.006. 1. When an offender sentenced to pay a
9 fine defaults in the payment of the fine or in any installment,
10 the court upon motion of the prosecuting attorney or upon its own
11 motion may require him or her to show cause why he or she should
12 not be imprisoned for nonpayment. The court may issue a warrant
13 of arrest or a summons for his or her appearance.

14 2. Following an order to show cause under subsection 1 of
15 this section, unless the offender shows that his or her default
16 was not attributable to an intentional refusal to obey the
17 sentence of the court, or not attributable to a failure on his or
18 her part to make a good faith effort to obtain the necessary
19 funds for payment, the court may order the defendant imprisoned
20 for a term not to exceed one hundred eighty days if the fine was
21 imposed for conviction of a felony or thirty days if the fine was
22 imposed for conviction of a misdemeanor or infraction. The court
23 may provide in its order that payment or satisfaction of the fine
24 at any time will entitle the offender to his or her release from
25 such imprisonment or, after entering the order, may at any time
26 reduce the sentence for good cause shown, including payment or
27 satisfaction of the fine.

28 3. If it appears that the default in the payment of a fine

1 is excusable under the standards set forth in subsection 2 of
2 this section, the court may enter an order allowing the offender
3 additional time for payment, reducing the amount of the fine or
4 of each installment, or revoking the fine or the unpaid portion
5 in whole or in part.

6 4. When a fine is imposed on a corporation it is the duty
7 of the person or persons authorized to make disbursement of the
8 assets of the corporation and their superiors to pay the fine
9 from the assets of the corporation. The failure of such persons
10 to do so shall render them subject to imprisonment under
11 subsections 1 and 2 of this section.

12 5. Upon default in the payment of a fine or any installment
13 thereof, the fine may be collected by any means authorized for
14 the enforcement of money judgments.

15 [560.036.] 558.008. A defendant who has been sentenced to
16 pay a fine may at any time petition the sentencing court for a
17 revocation of a fine or any unpaid portion thereof. If it
18 appears to the satisfaction of the court that the circumstances
19 which warranted the imposition of the fine no longer exist or
20 that it would otherwise be unjust to require payment of the fine,
21 the court may revoke the fine or the unpaid portion in whole or
22 in part or may modify the method of payment.

23 558.011. 1. The authorized terms of imprisonment,
24 including both prison and conditional release terms, are:

25 (1) For a class A felony, a term of years not less than ten
26 years and not to exceed thirty years, or life imprisonment;

27 (2) For a class B felony, a term of years not less than
28 five years and not to exceed fifteen years;

1 (3) For a class C felony, a term of years not to exceed
2 seven years;

3 (4) For a class D felony, a term of years not to exceed
4 four years;

5 (5) For a class A misdemeanor, a term not to exceed one
6 year;

7 (6) For a class B misdemeanor, a term not to exceed six
8 months;

9 (7) For a class C misdemeanor, a term not to exceed fifteen
10 days.

11 2. In cases of class C and D felonies, the court shall have
12 discretion to imprison for a special term not to exceed one year
13 in the county jail or other authorized penal institution, and the
14 place of confinement shall be fixed by the court. If the court
15 imposes a sentence of imprisonment for a term longer than one
16 year upon a person convicted of a class C or D felony, it shall
17 commit the person to the custody of the department of corrections
18 [for a term of years not less than two years and not exceeding
19 the maximum authorized terms provided in subdivisions (3) and (4)
20 of subsection 1 of this section].

21 3. (1) When a regular sentence of imprisonment for a
22 felony is imposed, the court shall commit the person to the
23 custody of the department of corrections for the term imposed
24 under section 557.036, or until released under procedures
25 established elsewhere by law.

26 (2) A sentence of imprisonment for a misdemeanor shall be
27 for a definite term and the court shall commit the person to the
28 county jail or other authorized penal institution for the term of

1 his or her sentence or until released under procedure established
2 elsewhere by law.

3 4. (1) Except as otherwise provided, a sentence of
4 imprisonment for a term of years for felonies other than
5 dangerous felonies as defined in section 556.061, and other than
6 sentences of imprisonment which involve the individual's fourth
7 or subsequent remand to the department of corrections shall
8 consist of a prison term and a conditional release term. The
9 conditional release term of any term imposed under section
10 557.036 shall be:

11 (a) One-third for terms of nine years or less;

12 (b) Three years for terms between nine and fifteen years;

13 (c) Five years for terms more than fifteen years; and the
14 prison term shall be the remainder of such term. The prison term
15 may be extended by the board of probation and parole pursuant to
16 subsection 5 of this section.

17 (2) "Conditional release" means the conditional discharge
18 of an offender by the board of probation and parole, subject to
19 conditions of release that the board deems reasonable to assist
20 the offender to lead a law-abiding life, and subject to the
21 supervision under the state board of probation and parole. The
22 conditions of release shall include avoidance by the offender of
23 any other [crime] offense, federal or state, and other conditions
24 that the board in its discretion deems reasonably necessary to
25 assist the releasee in avoiding further violation of the law.

26 5. The date of conditional release from the prison term may
27 be extended up to a maximum of the entire sentence of
28 imprisonment by the board of probation and parole. The director

1 of any division of the department of corrections except the board
2 of probation and parole may file with the board of probation and
3 parole a petition to extend the conditional release date when an
4 offender fails to follow the rules and regulations of the
5 division or commits an act in violation of such rules. Within
6 ten working days of receipt of the petition to extend the
7 conditional release date, the board of probation and parole shall
8 convene a hearing on the petition. The offender shall be present
9 and may call witnesses in his or her behalf and cross-examine
10 witnesses appearing against the offender. The hearing shall be
11 conducted as provided in section 217.670. If the violation
12 occurs in close proximity to the conditional release date, the
13 conditional release may be held for a maximum of fifteen working
14 days to permit necessary time for the division director to file a
15 petition for an extension with the board and for the board to
16 conduct a hearing, provided some affirmative manifestation of an
17 intent to extend the conditional release has occurred prior to
18 the conditional release date. If at the end of a
19 fifteen-working-day period a board decision has not been reached,
20 the offender shall be released conditionally. The decision of
21 the board shall be final.

22 558.016. 1. The court may sentence a person who has
23 [pleaded guilty to or has] been found guilty of an offense to a
24 term of imprisonment as authorized by section 558.011 or to a
25 term of imprisonment authorized by a statute governing the
26 offense if it finds the defendant is a prior offender or a
27 persistent misdemeanor offender[, or to]. The court may sentence
28 a person to an extended term of imprisonment if [it finds]:

1 (1) The defendant is a persistent offender or a dangerous
2 offender, and the person is sentenced under subsection 7 of this
3 section;

4 (2) The statute under which the person was found guilty
5 contains a sentencing enhancement provision that is based on a
6 prior finding of guilt or a finding of prior criminal conduct and
7 the person is sentenced according to the statute; or

8 (3) A more specific sentencing enhancement provision
9 applies that is based on a prior finding of guilt or a finding of
10 prior criminal conduct.

11 2. A "prior offender" is one who has [pleaded guilty to or
12 has] been found guilty of one felony.

13 3. A "persistent offender" is one who has [pleaded guilty
14 to or has] been found guilty of two or more felonies committed at
15 different times.

16 4. A "dangerous offender" is one who:

17 (1) Is being sentenced for a felony during the commission
18 of which he knowingly murdered or endangered or threatened the
19 life of another person or knowingly inflicted or attempted or
20 threatened to inflict serious physical injury on another person;
21 and

22 (2) Has [pleaded guilty to or has] been found guilty of a
23 class A or B felony or a dangerous felony.

24 5. A "persistent misdemeanor offender" is one who [has
25 pleaded guilty to or] has been found guilty of two or more [class
26 A or B misdemeanors] offenses, committed at different times[,
27 which] that are [defined as offenses under chapters 195, 565,
28 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576]

1 classified as A or B misdemeanors under the laws of this state.

2 6. The [pleas or] findings of [guilty] guilt shall be prior
3 to the date of commission of the present offense.

4 7. [The total authorized maximum terms of imprisonment for
5 a persistent offender or a dangerous offender are:

6 (1) For a class A felony, any sentence authorized for a
7 class A felony;

8 (2) For a class B felony, any sentence authorized for a
9 class A felony;

10 (3) For a class C felony, any sentence authorized for a
11 class B felony;

12 (4) For a class D felony, any sentence authorized for a
13 class C felony] The court shall sentence a person, who has been
14 found to be a persistent offender or a dangerous offender, and is
15 found guilty of a class B, C, or D felony to the authorized term
16 of imprisonment for the offense that is one class higher than the
17 offense for which the person is found guilty.

18 558.019. 1. This section shall not be construed to affect
19 the powers of the governor under article IV, section 7, of the
20 Missouri Constitution. This statute shall not affect those
21 provisions of section 565.020, section [558.018] 566.125, or
22 section 571.015, which set minimum terms of sentences, or the
23 provisions of section 559.115, relating to probation.

24 2. The provisions of subsections 2 to 5 of this section
25 shall be applicable to all classes of felonies except those set
26 forth in chapter [195] 579, and those otherwise excluded in
27 subsection 1 of this section. For the purposes of this section,
28 "prison commitment" means and is the receipt by the department of

1 corrections of an offender after sentencing. For purposes of
2 this section, prior prison commitments to the department of
3 corrections shall not include [commitment to a regimented
4 discipline program established pursuant to section 217.378] an
5 offender's first incarceration prior to release on probation
6 under section 217.362 or 559.115. Other provisions of the law to
7 the contrary notwithstanding, any offender who has [pleaded
8 guilty to or has] been found guilty of a felony other than a
9 dangerous felony as defined in section 556.061 and is committed
10 to the department of corrections shall be required to serve the
11 following minimum prison terms:

12 (1) If the offender has one previous prison commitment to
13 the department of corrections for a felony offense, the minimum
14 prison term which the offender must serve shall be forty percent
15 of his or her sentence or until the offender attains seventy
16 years of age, and has served at least thirty percent of the
17 sentence imposed, whichever occurs first;

18 (2) If the offender has two previous prison commitments to
19 the department of corrections for felonies unrelated to the
20 present offense, the minimum prison term which the offender must
21 serve shall be fifty percent of his or her sentence or until the
22 offender attains seventy years of age, and has served at least
23 forty percent of the sentence imposed, whichever occurs first;

24 (3) If the offender has three or more previous prison
25 commitments to the department of corrections for felonies
26 unrelated to the present offense, the minimum prison term which
27 the offender must serve shall be eighty percent of his or her
28 sentence or until the offender attains seventy years of age, and

1 has served at least forty percent of the sentence imposed,
2 whichever occurs first.

3 3. Other provisions of the law to the contrary
4 notwithstanding, any offender who has [pleaded guilty to or has]
5 been found guilty of a dangerous felony as defined in section
6 556.061 and is committed to the department of corrections shall
7 be required to serve a minimum prison term of eighty-five percent
8 of the sentence imposed by the court or until the offender
9 attains seventy years of age, and has served at least forty
10 percent of the sentence imposed, whichever occurs first.

11 4. For the purpose of determining the minimum prison term
12 to be served, the following calculations shall apply:

13 (1) A sentence of life shall be calculated to be thirty
14 years;

15 (2) Any sentence either alone or in the aggregate with
16 other consecutive sentences for [crimes] offenses committed at or
17 near the same time which is over seventy-five years shall be
18 calculated to be seventy-five years.

19 5. For purposes of this section, the term "minimum prison
20 term" shall mean time required to be served by the offender
21 before he or she is eligible for parole, conditional release or
22 other early release by the department of corrections.

23 6. (1) A sentencing advisory commission is hereby created
24 to consist of eleven members. One member shall be appointed by
25 the speaker of the house. One member shall be appointed by the
26 president pro tem of the senate. One member shall be the
27 director of the department of corrections. Six members shall be
28 appointed by and serve at the pleasure of the governor from among

1 the following: the public defender commission; private citizens;
2 a private member of the Missouri Bar; the board of probation and
3 parole; and a prosecutor. Two members shall be appointed by the
4 supreme court, one from a metropolitan area and one from a rural
5 area. All members shall be appointed to a four-year term. All
6 members of the sentencing commission appointed prior to August
7 28, 1994, shall continue to serve on the sentencing advisory
8 commission at the pleasure of the governor.

9 (2) The commission shall study sentencing practices in the
10 circuit courts throughout the state for the purpose of
11 determining whether and to what extent disparities exist among
12 the various circuit courts with respect to the length of
13 sentences imposed and the use of probation for offenders
14 convicted of the same or similar ~~[crimes]~~ offenses and with
15 similar criminal histories. The commission shall also study and
16 examine whether and to what extent sentencing disparity among
17 economic and social classes exists in relation to the sentence of
18 death and if so, the reasons therefor, if sentences are
19 comparable to other states, if the length of the sentence is
20 appropriate, and the rate of rehabilitation based on sentence.
21 It shall compile statistics, examine cases, draw conclusions, and
22 perform other duties relevant to the research and investigation
23 of disparities in death penalty sentencing among economic and
24 social classes.

25 (3) The commission shall study alternative sentences,
26 prison work programs, work release, home-based incarceration,
27 probation and parole options, and any other programs and report
28 the feasibility of these options in Missouri.

1 (4) The governor shall select a chairperson who shall call
2 meetings of the commission as required or permitted pursuant to
3 the purpose of the sentencing commission.

4 (5) The members of the commission shall not receive
5 compensation for their duties on the commission, but shall be
6 reimbursed for actual and necessary expenses incurred in the
7 performance of these duties and for which they are not reimbursed
8 by reason of their other paid positions.

9 (6) The circuit and associate circuit courts of this state,
10 the office of the state courts administrator, the department of
11 public safety, and the department of corrections shall cooperate
12 with the commission by providing information or access to
13 information needed by the commission. The office of the state
14 courts administrator will provide needed staffing resources.

15 7. Courts shall retain discretion to lower or exceed the
16 sentence recommended by the commission as otherwise allowable by
17 law, and to order restorative justice methods, when applicable.

18 8. If the imposition or execution of a sentence is
19 suspended, the court may order any or all of the following
20 restorative justice methods, or any other method that the court
21 finds just or appropriate:

22 (1) Restitution to any victim or a statutorily created fund
23 for costs incurred as a result of the offender's actions;

24 (2) Offender treatment programs;

25 (3) Mandatory community service;

26 (4) Work release programs in local facilities; and

27 (5) Community-based residential and nonresidential
28 programs.

1 9. The provisions of this section shall apply only to
2 offenses occurring on or after August 28, 2003.

3 10. Pursuant to subdivision (1) of subsection 8 of this
4 section, the court may order the assessment and payment of a
5 designated amount of restitution to a county law enforcement
6 restitution fund established by the county commission pursuant to
7 section 50.565. Such contribution shall not exceed three hundred
8 dollars for any charged offense. Any restitution moneys
9 deposited into the county law enforcement restitution fund
10 pursuant to this section shall only be expended pursuant to the
11 provisions of section 50.565.

12 11. A judge may order payment to a restitution fund only if
13 such fund had been created by ordinance or resolution of a county
14 of the state of Missouri prior to sentencing. A judge shall not
15 have any direct supervisory authority or administrative control
16 over any fund to which the judge is ordering a [defendant] person
17 to make payment.

18 12. A [defendant] person who fails to make a payment to a
19 county law enforcement restitution fund may not have his or her
20 probation revoked solely for failing to make such payment unless
21 the judge, after evidentiary hearing, makes a finding supported
22 by a preponderance of the evidence that the [defendant] person
23 either willfully refused to make the payment or that the
24 [defendant] person willfully, intentionally, and purposefully
25 failed to make sufficient bona fide efforts to acquire the
26 resources to pay.

27 13. Nothing in this section shall be construed to allow the
28 sentencing advisory commission to issue recommended sentences in

1 specific cases pending in the courts of this state.

2 558.041. 1. Any offender committed to the department of
3 corrections, except those persons committed pursuant to
4 subsection ~~[6]~~ 7 of section 558.016, or subsection 3 of section
5 ~~[558.018]~~ 566.125, may receive additional credit in terms of days
6 spent in confinement upon recommendation for such credit by the
7 offender's institutional superintendent when the offender meets
8 the requirements for such credit as provided in subsections 3 and
9 4 of this section. Good time credit may be rescinded by the
10 director or his or her designee pursuant to the divisional policy
11 issued pursuant to subsection 3 of this section.

12 2. Any credit extended to an offender shall only apply to
13 the sentence which the offender is currently serving.

14 3. The director of the department of corrections shall
15 issue a policy for awarding credit. The policy may reward an
16 inmate who has served his or her sentence in an orderly and
17 peaceable manner and has taken advantage of the rehabilitation
18 programs available to him or her. Any violation of institutional
19 rules or the laws of this state may result in the loss of all or
20 a portion of any credit earned by the inmate pursuant to this
21 section.

22 4. The department shall cause the policy to be published in
23 the code of state regulations.

24 5. No rule or portion of a rule promulgated under the
25 authority of this chapter shall become effective unless it has
26 been promulgated pursuant to the provisions of section 536.024.

27 558.046. The sentencing court may, upon petition, reduce
28 any term of sentence or probation pronounced by the court or a

1 term of conditional release or parole pronounced by the state
2 board of probation and parole if the court determines that:

3 (1) The convicted person was:

4 (a) Convicted of [a crime] an offense that did not involve
5 violence or the threat of violence; and

6 (b) Convicted of [a crime] an offense that involved alcohol
7 or illegal drugs; and

8 (2) Since the commission of such [crime] offense, the
9 convicted person has successfully completed a detoxification and
10 rehabilitation program; and

11 (3) The convicted person is not:

12 (a) A prior offender, a persistent offender, a dangerous
13 offender or a persistent misdemeanor offender as defined by
14 section 558.016; or

15 (b) A persistent sexual offender as defined in section
16 [558.018] 566.125; or

17 (c) A prior offender, a persistent offender or a class X
18 offender as defined in section 558.019.

19 559.036. 1. A term of probation commences on the day it is
20 imposed. Multiple terms of Missouri probation, whether imposed at
21 the same time or at different times, shall run concurrently.
22 Terms of probation shall also run concurrently with any federal
23 or other state jail, prison, probation or parole term for another
24 offense to which the defendant is or becomes subject during the
25 period, unless otherwise specified by the Missouri court.

26 2. The court may terminate a period of probation and
27 discharge the defendant at any time before completion of the
28 specific term fixed under section 559.016 if warranted by the

1 conduct of the defendant and the ends of justice. The court may
2 extend the term of the probation, but no more than one extension
3 of any probation may be ordered except that the court may extend
4 the term of probation by one additional year by order of the
5 court if the defendant admits he or she has violated the
6 conditions of probation or is found by the court to have violated
7 the conditions of his or her probation. Total time on any
8 probation term, including any extension shall not exceed the
9 maximum term established in section 559.016. Procedures for
10 termination, discharge and extension may be established by rule
11 of court.

12 3. If the defendant violates a condition of probation at
13 any time prior to the expiration or termination of the probation
14 term, the court may continue him or her on the existing
15 conditions, with or without modifying or enlarging the conditions
16 or extending the term.

17 4. (1) Unless the defendant consents to the revocation of
18 probation, if a continuation, modification, enlargement or
19 extension is not appropriate under this section, the court shall
20 order placement of the offender in one of the department of
21 corrections' one hundred twenty-day programs so long as:

22 (a) The underlying offense for the probation is a class C
23 or D felony or an offense listed in chapter [195] 579 or an
24 offense previously listed in chapter 195; except that, the court
25 may, upon its own motion or a motion of the prosecuting or
26 circuit attorney, make a finding that an offender is not eligible
27 if the underlying offense is involuntary manslaughter in the
28 first degree, involuntary manslaughter in the second degree,

1 [aggravated] stalking in the first degree, assault in the second
2 degree, sexual assault, rape in the second degree, domestic
3 assault in the second degree, assault [of a law enforcement
4 officer in the second degree] in the third degree when the victim
5 is a special victim, statutory rape in the second degree,
6 statutory sodomy in the second degree, deviate sexual assault,
7 sodomy in the second degree, sexual misconduct involving a child,
8 incest, endangering the welfare of a child in the first degree
9 under subdivision (1) or (2) of subsection 1 of section 568.045,
10 abuse of a child, invasion of privacy [or], any case in which the
11 defendant is found guilty of a felony offense under chapter 571,
12 or an offense of aggravated stalking or assault of a law
13 enforcement officer in the second degree as such offenses existed
14 prior to January 1, 2017;

15 (b) The probation violation is not the result of the
16 defendant being an absconder or being found guilty of, pleading
17 guilty to, or being arrested on suspicion of any felony,
18 misdemeanor, or infraction. For purposes of this subsection,
19 "absconder" shall mean an offender under supervision who has left
20 such offender's place of residency without the permission of the
21 offender's supervising officer for the purpose of avoiding
22 supervision;

23 (c) The defendant has not violated any conditions of
24 probation involving the possession or use of weapons, or a
25 stay-away condition prohibiting the defendant from contacting a
26 certain individual; and

27 (d) The defendant has not already been placed in one of the
28 programs by the court for the same underlying offense or during

1 the same probation term.

2 (2) Upon receiving the order, the department of corrections
3 shall conduct an assessment of the offender and place such
4 offender in the appropriate one hundred twenty-day program under
5 subsection 3 of section 559.115.

6 (3) Notwithstanding any of the provisions of subsection 3
7 of section 559.115 to the contrary, once the defendant has
8 successfully completed the program under this subsection, the
9 court shall release the defendant to continue to serve the term
10 of probation, which shall not be modified, enlarged, or extended
11 based on the same incident of violation. Time served in the
12 program shall be credited as time served on any sentence imposed
13 for the underlying offense.

14 5. If the defendant consents to the revocation of probation
15 or if the defendant is not eligible under subsection 4 of this
16 section for placement in a program and a continuation,
17 modification, enlargement, or extension of the term under this
18 section is not appropriate, the court may revoke probation and
19 order that any sentence previously imposed be executed. If
20 imposition of sentence was suspended, the court may revoke
21 probation and impose any sentence available under section
22 557.011. The court may mitigate any sentence of imprisonment by
23 reducing the prison or jail term by all or part of the time the
24 defendant was on probation. The court may, upon revocation of
25 probation, place an offender on a second term of probation. Such
26 probation shall be for a term of probation as provided by section
27 559.016, notwithstanding any amount of time served by the
28 offender on the first term of probation.

1 6. Probation shall not be revoked without giving the
2 probationer notice and an opportunity to be heard on the issues
3 of whether such probationer violated a condition of probation
4 and, if a condition was violated, whether revocation is warranted
5 under all the circumstances. Not less than five business days
6 prior to the date set for a hearing on the violation, except for
7 a good cause shown, the judge shall inform the probationer that
8 he or she may have the right to request the appointment of
9 counsel if the probationer is unable to retain counsel. If the
10 probationer requests counsel, the judge shall determine whether
11 counsel is necessary to protect the probationer's due process
12 rights. If the judge determines that counsel is not necessary,
13 the judge shall state the grounds for the decision in the record.

14 7. The prosecuting or circuit attorney may file a motion to
15 revoke probation or at any time during the term of probation, the
16 court may issue a notice to the probationer to appear to answer a
17 charge of a violation, and the court may issue a warrant of
18 arrest for the violation. Such notice shall be personally served
19 upon the probationer. The warrant shall authorize the return of
20 the probationer to the custody of the court or to any suitable
21 detention facility designated by the court. Upon the filing of
22 the prosecutor's or circuit attorney's motion or on the court's
23 own motion, the court may immediately enter an order suspending
24 the period of probation and may order a warrant for the
25 defendant's arrest. The probation shall remain suspended until
26 the court rules on the prosecutor's or circuit attorney's motion,
27 or until the court otherwise orders the probation reinstated.

28 8. The power of the court to revoke probation shall extend

1 for the duration of the term of probation designated by the court
2 and for any further period which is reasonably necessary for the
3 adjudication of matters arising before its expiration, provided
4 that some affirmative manifestation of an intent to conduct a
5 revocation hearing occurs prior to the expiration of the period
6 and that every reasonable effort is made to notify the
7 probationer and to conduct the hearing prior to the expiration of
8 the period.

9 559.100. 1. The circuit courts of this state shall have
10 power, herein provided, to place on probation or to parole
11 persons convicted of any offense over which they have
12 jurisdiction, except as otherwise provided in [sections 195.275
13 to 195.296, section 558.018,] section 559.115, section 565.020,
14 sections 566.030, 566.060, 566.067, 566.125, 566.151, and
15 [566.213] 566.210, section 571.015, section 579.170, and
16 subsection 3 of section 589.425.

17 2. The circuit court shall have the power to revoke the
18 probation or parole previously granted under section 559.036 and
19 commit the person to the department of corrections. The circuit
20 court shall determine any conditions of probation or parole for
21 the defendant that it deems necessary to ensure the successful
22 completion of the probation or parole term, including the
23 extension of any term of supervision for any person while on
24 probation or parole. The circuit court may require that the
25 defendant pay restitution for his [crime] or her offense. The
26 probation or parole may be revoked under section 559.036 for
27 failure to pay restitution or for failure to conform his or her
28 behavior to the conditions imposed by the circuit court. The

1 circuit court may, in its discretion, credit any period of
2 probation or parole as time served on a sentence.

3 3. Restitution, whether court-ordered as provided in
4 subsection 2 of this section or agreed to by the parties, or as
5 enforced under section 558.019, shall be paid through the office
6 of the prosecuting attorney or circuit attorney. Nothing in this
7 section shall prohibit the prosecuting attorney or circuit
8 attorney from contracting with or utilizing another entity for
9 the collection of restitution and costs under this section. When
10 ordered by the court, interest shall be allowed under subsection
11 1 of section 408.040. In addition to all other costs and fees
12 allowed by law, each prosecuting attorney or circuit attorney who
13 takes any action to collect restitution shall collect from the
14 person paying restitution an administrative handling cost. The
15 cost shall be twenty-five dollars for restitution of less than
16 one hundred dollars and fifty dollars for restitution of at least
17 one hundred dollars but less than two hundred fifty dollars. For
18 restitution of two hundred fifty dollars or more an additional
19 fee of ten percent of the total restitution shall be assessed,
20 with a maximum fee for administrative handling costs not to
21 exceed seventy-five dollars total. Notwithstanding the
22 provisions of sections 50.525 to 50.745, the costs provided for
23 in this subsection shall be deposited by the county treasurer
24 into a separate interest-bearing fund to be expended by the
25 prosecuting attorney or circuit attorney. This fund shall be
26 known as the "Administrative Handling Cost Fund", and it shall be
27 the fund for deposits under this section and under section
28 570.120. The funds shall be expended, upon warrants issued by

1 the prosecuting attorney or circuit attorney directing the
2 treasurer to issue checks thereon, only for purposes related to
3 that authorized by subsection 4 of this section.

4 4. The moneys deposited in the fund may be used by the
5 prosecuting attorney or circuit attorney for office supplies,
6 postage, books, training, office equipment, capital outlay,
7 expenses of trial and witness preparation, additional employees
8 for the staff of the prosecuting or circuit attorney, employees'
9 salaries, and for other lawful expenses incurred by the
10 prosecuting or circuit attorney in the operation of that office.

11 5. This fund may be audited by the state auditor's office
12 or the appropriate auditing agency.

13 6. If the moneys collected and deposited into this fund are
14 not totally expended annually, then the unexpended balance shall
15 remain in the fund and the balance shall be kept in the fund to
16 accumulate from year to year.

17 7. Nothing in this section shall be construed to prohibit a
18 crime victim from pursuing other lawful remedies against a
19 defendant for restitution.

20 559.106. 1. Notwithstanding any statutory provision to the
21 contrary, when a court grants probation to an offender who has
22 [pleaded guilty to or has] been found guilty of an offense in:

23 (1) Section 566.030, 566.032, 566.060, [or] 566.062, [based
24 on an act committed on or after August 28, 2006, or the offender
25 has pleaded guilty to or has been found guilty of an offense
26 under section] 566.067, 566.083, 566.100, 566.151, 566.212,
27 566.213, 568.020, 568.080, or 568.090, based on an act committed
28 on or after August 28, 2006[,]; or

1 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or
2 573.205 based on an act committed on or after January 1, 2017,

3
4 against a victim who was less than fourteen years old and the
5 offender is a prior sex offender as defined in subsection 2 of
6 this section, the court shall order that the offender be
7 supervised by the board of probation and parole for the duration
8 of his or her natural life.

9 2. For the purpose of this section, a prior sex offender is
10 a person who has previously [pleaded guilty to or has] been found
11 guilty of an offense contained in chapter 566, or violating
12 section 568.020, when the person had sexual intercourse or
13 deviate sexual intercourse with the victim, or of violating
14 subdivision (2) of subsection 1 of section 568.045.

15 3. When probation for the duration of the offender's
16 natural life has been ordered, a mandatory condition of such
17 probation is that the offender be electronically monitored.
18 Electronic monitoring shall be based on a global positioning
19 system or other technology that identifies and records the
20 offender's location at all times.

21 4. In appropriate cases as determined by a risk assessment,
22 the court may terminate the probation of an offender who is being
23 supervised under this section when the offender is sixty-five
24 years of age or older.

25 559.115. 1. Neither probation nor parole shall be granted
26 by the circuit court between the time the transcript on appeal
27 from the offender's conviction has been filed in appellate court
28 and the disposition of the appeal by such court.

1 2. Unless otherwise prohibited by subsection 8 of this
2 section, a circuit court only upon its own motion and not that of
3 the state or the offender shall have the power to grant probation
4 to an offender anytime up to one hundred twenty days after such
5 offender has been delivered to the department of corrections but
6 not thereafter. The court may request information and a
7 recommendation from the department concerning the offender and
8 such offender's behavior during the period of incarceration.
9 Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section
11 217.777, or may place the offender on probation with any other
12 conditions authorized by law.

13 3. The court may recommend placement of an offender in a
14 department of corrections one hundred twenty-day program under
15 this subsection or order such placement under subsection 4 of
16 section 559.036. Upon the recommendation or order of the court,
17 the department of corrections shall assess each offender to
18 determine the appropriate one hundred twenty-day program in which
19 to place the offender, which may include placement in the shock
20 incarceration program or institutional treatment program. When
21 the court recommends and receives placement of an offender in a
22 department of corrections one hundred twenty-day program, the
23 offender shall be released on probation if the department of
24 corrections determines that the offender has successfully
25 completed the program except as follows. Upon successful
26 completion of a program under this subsection, the board of
27 probation and parole shall advise the sentencing court of an
28 offender's probationary release date thirty days prior to

1 release. The court shall follow the recommendation of the
2 department unless the court determines that probation is not
3 appropriate. If the court determines that probation is not
4 appropriate, the court may order the execution of the offender's
5 sentence only after conducting a hearing on the matter within
6 ninety to one hundred twenty days from the date the offender was
7 delivered to the department of corrections. If the department
8 determines the offender has not successfully completed a one
9 hundred twenty-day program under this subsection, the offender
10 shall be removed from the program and the court shall be advised
11 of the removal. The department shall report on the offender's
12 participation in the program and may provide recommendations for
13 terms and conditions of an offender's probation. The court shall
14 then have the power to grant probation or order the execution of
15 the offender's sentence.

16 4. If the court is advised that an offender is not eligible
17 for placement in a one hundred twenty-day program under
18 subsection 3 of this section, the court shall consider other
19 authorized dispositions. If the department of corrections one
20 hundred twenty-day program under subsection 3 of this section is
21 full, the court may place the offender in a private program
22 approved by the department of corrections or the court, the
23 expenses of such program to be paid by the offender, or in an
24 available program offered by another organization. If the
25 offender is convicted of a class C or class D nonviolent felony,
26 the court may order probation while awaiting appointment to
27 treatment.

28 5. Except when the offender has been found to be a

1 predatory sexual offender pursuant to section [558.018] 566.125,
2 the court shall request the department of corrections to conduct
3 a sexual offender assessment if the defendant [has pleaded guilty
4 to or] has been found guilty of sexual abuse when classified as a
5 class B felony. Upon completion of the assessment, the
6 department shall provide to the court a report on the offender
7 and may provide recommendations for terms and conditions of an
8 offender's probation. The assessment shall not be considered a
9 one hundred twenty-day program as provided under subsection 3 of
10 this section. The process for granting probation to an offender
11 who has completed the assessment shall be as provided under
12 subsections 2 and 6 of this section.

13 6. Unless the offender is being granted probation pursuant
14 to successful completion of a one hundred twenty-day program the
15 circuit court shall notify the state in writing when the court
16 intends to grant probation to the offender pursuant to the
17 provisions of this section. The state may, in writing, request a
18 hearing within ten days of receipt of the court's notification
19 that the court intends to grant probation. Upon the state's
20 request for a hearing, the court shall grant a hearing as soon as
21 reasonably possible. If the state does not respond to the
22 court's notice in writing within ten days, the court may proceed
23 upon its own motion to grant probation.

24 7. An offender's [first] incarceration under this section
25 prior to release on probation shall not be considered a previous
26 prison commitment for the purpose of determining a minimum prison
27 term under the provisions of section 558.019.

28 8. Notwithstanding any other provision of law, probation

1 may not be granted pursuant to this section to offenders who have
2 been convicted of murder in the second degree pursuant to section
3 565.021; forcible rape pursuant to section 566.030 as it existed
4 prior to August 28, 2013; rape in the first degree under section
5 566.030; forcible sodomy pursuant to section 566.060 as it
6 existed prior to August 28, 2013; sodomy in the first degree
7 under section 566.060; statutory rape in the first degree
8 pursuant to section 566.032; statutory sodomy in the first degree
9 pursuant to section 566.062; child molestation in the first
10 degree pursuant to section 566.067 when classified as a class A
11 felony; abuse of a child pursuant to section 568.060 when
12 classified as a class A felony; or an offender who has been found
13 to be a predatory sexual offender pursuant to section [558.018]
14 566.125; or any offense in which there exists a statutory
15 prohibition against either probation or parole.

16 559.600. In cases where the board of probation and parole
17 is not required under section 217.750 to provide probation
18 supervision and rehabilitation services for misdemeanor
19 offenders, the circuit and associate circuit judges in a circuit
20 may contract with one or more private entities or other
21 court-approved entity to provide such services. The
22 court-approved entity, including private or other entities, shall
23 act as a misdemeanor probation office in that circuit and shall,
24 pursuant to the terms of the contract, supervise persons placed
25 on probation by the judges for class A, B, [and] C, and D
26 misdemeanor offenses, specifically including persons placed on
27 probation for violations of section 577.023. Nothing in sections
28 559.600 to 559.615 shall be construed to prohibit the board of

1 probation and parole, or the court, from supervising misdemeanor
2 offenders in a circuit where the judges have entered into a
3 contract with a probation entity.

4 559.633. 1. Upon [a plea of guilty or] a finding of
5 [guilty for a commission of] guilt for a felony offense pursuant
6 to chapter [195] 579, except for those offenses in which there
7 exists a statutory prohibition against either probation or
8 parole, when placing the person on probation, the court shall
9 order the person to begin a required educational assessment and
10 community treatment program within the first sixty days of
11 probation as a condition of probation. Persons who are placed on
12 probation after a period of incarceration pursuant to section
13 559.115 may not be required to participate in a required
14 educational assessment and community treatment program.

15 2. The fees for the required educational assessment and
16 community treatment program, or a portion of such fees, to be
17 determined by the department of corrections, shall be paid by the
18 person receiving the assessment. Any person who is assessed
19 shall pay, in addition to any fee charged for the assessment, a
20 supplemental fee of sixty dollars. The administrator of the
21 program shall remit to the department of corrections the
22 supplemental fees for all persons assessed, less two percent for
23 administrative costs. The supplemental fees received by the
24 department of corrections pursuant to this section shall be
25 deposited in the correctional substance abuse earnings fund
26 created pursuant to section 559.635.

27 [564.011.] 562.012. 1. [A person is guilty of attempt to
28 commit an offense when, with the purpose of committing the

1 offense, he does] Guilt for an offense may be based upon an
2 attempt to commit an offense if, with the purpose of committing
3 the offense, a person performs any act which is a substantial
4 step towards the commission of the offense. A "substantial step"
5 is conduct which is strongly corroborative of the firmness of the
6 actor's purpose to complete the commission of the offense.

7 2. It is no defense to a prosecution [under this section]
8 that the offense attempted was, under the actual attendant
9 circumstances, factually or legally impossible of commission, if
10 such offense could have been committed had the attendant
11 circumstances been as the actor believed them to be.

12 3. Unless otherwise [provided, an attempt to commit an
13 offense is a:

14 (1) Class B felony if the offense attempted is a class A
15 felony.

16 (2) Class C felony if the offense attempted is a class B
17 felony.

18 (3) Class D felony if the offense attempted is a class C
19 felony.

20 (4) Class A misdemeanor if the offense attempted is a class
21 D felony.

22 (5) Class C misdemeanor if the offense attempted is a
23 misdemeanor of any degree] set forth in the statute creating the
24 offense, when guilt for a felony or misdemeanor is based upon an
25 attempt to commit that offense, the felony or misdemeanor shall
26 be classified one step lower than the class provided for the
27 felony or misdemeanor in the statute creating the offense.

28 [564.016.] 562.014. 1. [A person is guilty of conspiracy

1 with another person or persons to commit an offense if] Guilt for
2 an offense may be based upon a conspiracy to commit an offense
3 when a person, with the purpose of promoting or facilitating [its
4 commission he] the commission of an offense, agrees with [such
5 other] another person or persons that they or one or more of them
6 will engage in conduct which constitutes such offense.

7 2. [If a person guilty of conspiracy knows that a person
8 with whom he conspires to commit an offense has conspired with
9 another person or persons to commit the same offense, he is
10 guilty of conspiring with such other person or persons to commit
11 such offense, whether or not he knows their identity] It is no
12 defense to a prosecution for conspiring to commit an offense that
13 a person, who knows that a person with whom he or she conspires
14 to commit an offense has conspired with another person or persons
15 to commit the same offense, does not know the identity of such
16 other person or persons.

17 3. If a person conspires to commit a number of offenses, he
18 [is] or she can be found guilty of only one [conspiracy] offense
19 so long as such multiple offenses are the object of the same
20 agreement.

21 4. No person may be convicted of [conspiracy to commit] an
22 offense based upon a conspiracy to commit an offense unless an
23 overt act in pursuance of such conspiracy is alleged and proved
24 to have been done by him or her or by a person with whom he or
25 she conspired.

26 5. (1) No [one] person shall be convicted of [conspiracy]
27 an offense based upon a conspiracy to commit an offense if, after
28 conspiring to commit the offense, he or she prevented the

1 accomplishment of the objectives of the conspiracy under
2 circumstances manifesting a renunciation of his or her criminal
3 purpose.

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

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

8 (1) **[Conspiracy]** A conspiracy to commit an offense is a
9 continuing course of conduct which terminates when the offense or
10 offenses which are its object are committed or the agreement that
11 they be committed is abandoned by the defendant and by those with
12 whom he or she conspired.

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

18 7. A person **[may]** shall not be charged, convicted or
19 sentenced on the basis of the same course of conduct of both the
20 actual commission of an offense and a conspiracy to commit that
21 offense.

22 8. Unless otherwise **[provided,** a conspiracy to commit an
23 offense is a:

24 (1) Class B felony if the object of the conspiracy is a
25 class A felony.

26 (2) Class C felony if the object of the conspiracy is a
27 class B felony.

28 (3) Class D felony if the object of the conspiracy is a

1 class C felony.

2 (4) Class A misdemeanor if the object of the conspiracy is
3 a class D felony.

4 (5) Class C misdemeanor if the object of the conspiracy is
5 a misdemeanor of any degree or an infraction] set forth in the
6 statute creating the offense, when guilt for a felony or
7 misdemeanor is based upon a conspiracy to commit that offense,
8 the felony or misdemeanor shall be classified one step lower than
9 the class provided for the felony or misdemeanor in the statute
10 creating the offense.

11 565.002. As used in this chapter, unless a different
12 meaning is otherwise plainly required the following terms mean:

13 (1) "Adequate cause" [means] cause that would reasonably
14 produce a degree of passion in a person of ordinary temperament
15 sufficient to substantially impair an ordinary person's capacity
16 for self-control;

17 (2) "Child", a person under seventeen years of age;

18 (3) "Conduct", includes any act or omission;

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

26 [(3)] (5) "Deliberation" means cool reflection for any
27 length of time no matter how brief;

28 [(4) "Intoxicated condition" means under the influence of

1 alcohol, a controlled substance, or drug, or any combination
2 thereof;

3 (5) "Operates" means physically driving or operating or
4 being in actual physical control of a motor vehicle;

5 (6) "Serious physical injury" means physical injury that
6 creates a substantial risk of death or that causes serious
7 disfigurement or protracted loss or impairment of the function of
8 any part of the body;]

9 (6) "Domestic victim", a household or family member as the
10 term "family" or "household member" is defined in section
11 455.010, including any child who is a member of the household or
12 family;

13 (7) "Emotional distress", something markedly greater than
14 the level of uneasiness, nervousness, unhappiness, or the like
15 which are commonly experienced in day-to-day living;

16 (8) "Full or partial nudity", the showing of all or any
17 part of the human genitals or pubic area or buttock, or any part
18 of the nipple of the breast of any female person, with less than
19 a fully opaque covering;

20 (9) "Legal custody", the right to the care, custody and
21 control of a child;

22 (10) "Parent", either a biological parent or a parent by
23 adoption;

24 (11) "Person having a right of custody", a parent or legal
25 guardian of the child;

26 (12) "Photographs" or "films", the making of any
27 photograph, motion picture film, videotape, or any other
28 recording or transmission of the image of a person;

1 (13) "Place where a person would have a reasonable
2 expectation of privacy", any place where a reasonable person
3 would believe that a person could disrobe in privacy, without
4 being concerned that the person's undressing was being viewed,
5 photographed or filmed by another;

6 (14) "Special victim", any of the following:

7 (a) A law enforcement officer assaulted in the performance
8 of official duties or as a direct result of such official duties;

9 (b) Emergency personnel, meaning any paid or volunteer
10 firefighter, emergency room or trauma center personnel, or
11 emergency medical technician, assaulted in the performance of
12 official duties or as a direct result of such official duties;

13 (c) A probation and parole officer assaulted in the
14 performance of official duties or as a direct result of such
15 official duties;

16 (d) An elderly person;

17 (e) A person with a disability;

18 (f) A vulnerable person;

19 (g) Any jailer or corrections officer of the state or one
20 of its political subdivisions assaulted in the performance of
21 official duties or as a direct result of such official duties;

22 (h) A highway worker in a construction or work zone as the
23 terms "highway worker", "construction zone", and "work zone" are
24 defined under section 304.580;

25 (i) Any utility worker, meaning any employee of a utility
26 that provides gas, heat, electricity, water, steam,
27 telecommunications services, or sewer services, whether
28 privately, municipally, or cooperatively owned, while in the

1 performance of his or her job duties, including any person
2 employed under a contract;

3 (j) Any cable worker, meaning any employee of a cable
4 operator, as such term is defined in section 67.2677, including
5 any person employed under contract, while in the performance of
6 his or her job duties; and

7 (k) Any employee of a mass transit system, including any
8 employee of public bus or light rail companies, while in the
9 performance of his or her job duties;

10 ~~[(7)]~~ (15) "Sudden passion" ~~[means]~~, passion directly
11 caused by and arising out of provocation by the victim or another
12 acting with the victim which passion arises at the time of the
13 offense and is not solely the result of former provocation;

14 ~~[(8)]~~ (16) "Trier" ~~[means]~~, the judge or jurors to whom
15 issues of fact, guilt or innocence, or the assessment and
16 declaration of punishment are submitted for decision;

17 (17) "Views", the looking upon of another person, with the
18 unaided eye or with any device designed or intended to improve
19 visual acuity, for the purpose of arousing or gratifying the
20 sexual desire of any person.

21 565.004. 1. Each homicide offense which is lawfully joined
22 in the same indictment or information together with any homicide
23 offense or offense other than a homicide shall be charged
24 together with such offense in separate counts. A count charging
25 any offense of homicide may only be charged and tried together
26 with one or more counts of any other homicide or offense other
27 than a homicide as provided in subsection 2 of section 545.140.
28 Except as provided in subsections 2, 3, and 4 of this section, no

1 murder in the first degree offense may be tried together with any
2 offense other than murder in the first degree. In the event of a
3 joinder of homicide offenses, all offenses charged which are
4 supported by the evidence in the case, together with all proper
5 lesser offenses under section [565.025] 565.029, shall, when
6 requested by one of the parties or the court, be submitted to the
7 jury or, in a jury-waived trial, considered by the judge.

8 2. A count charging any offense of homicide of a particular
9 individual may be joined in an indictment or information and
10 tried with one or more counts charging alternatively any other
11 homicide or offense other than a homicide committed against that
12 individual. The state shall not be required to make an election
13 as to the alternative count on which it will proceed. This
14 subsection in no way limits the right to try in the conjunctive,
15 where they are properly joined under subsection 1 of this
16 section, either separate offenses other than murder in the first
17 degree or separate offenses of murder in the first degree
18 committed against different individuals.

19 3. When a defendant has been charged and proven before
20 trial to be a prior offender pursuant to chapter 558 so that the
21 judge shall assess punishment and not a jury for an offense other
22 than murder in the first degree, that offense may be tried and
23 submitted to the trier together with any murder in the first
24 degree charge with which it is lawfully joined. In such case the
25 judge will assess punishment on any offense joined with a murder
26 in the first degree charge according to law and, when the trier
27 is a jury, it shall be instructed upon punishment on the charge
28 of murder in the first degree in accordance with section 565.030.

1 4. When the state waives the death penalty for a murder
2 first degree offense, that offense may be tried and submitted to
3 the trier together with any other charge with which it is
4 lawfully joined.

5 [565.080.] 565.010. 1. When conduct is charged to
6 constitute an offense because it causes or threatens physical
7 injury, consent to that conduct or to the infliction of the
8 injury is a defense only if:

9 (1) The physical injury consented to or threatened by the
10 conduct is not serious physical injury; or

11 (2) The conduct and the harm are reasonably foreseeable
12 hazards of

13 (a) The victim's occupation or profession; or

14 (b) Joint participation in a lawful athletic contest or
15 competitive sport; or

16 (3) The consent establishes a justification for the conduct
17 under chapter 563 of this code.

18 2. The defendant shall have the burden of injecting the
19 issue of consent.

20 565.021. 1. A person commits the [crime] offense of murder
21 in the second degree if he or she:

22 (1) Knowingly causes the death of another person or, with
23 the purpose of causing serious physical injury to another person,
24 causes the death of another person; or

25 (2) Commits or attempts to commit any felony, and, in the
26 perpetration or the attempted perpetration of such felony or in
27 the flight from the perpetration or attempted perpetration of
28 such felony, another person is killed as a result of the

1 perpetration or attempted perpetration of such felony or
2 immediate flight from the perpetration of such felony or
3 attempted perpetration of such felony.

4 2. The offense of murder in the second degree is a class A
5 felony, and the punishment for second degree murder shall be in
6 addition to the punishment for commission of a related felony or
7 attempted felony, other than murder or manslaughter.

8 3. Notwithstanding section 556.046 and section [565.025]
9 565.029, in any charge of murder in the second degree, the jury
10 shall be instructed on, or, in a jury-waived trial, the judge
11 shall consider, any and all of the subdivisions in subsection 1
12 of this section which are supported by the evidence and requested
13 by one of the parties or the court.

14 565.024. 1. A person commits the [crime] offense of
15 involuntary manslaughter in the first degree if he or she[:
16 (1)] recklessly causes the death of another person[; or
17 (2) While in an intoxicated condition operates a motor
18 vehicle or vessel in this state and, when so operating, acts with
19 criminal negligence to cause the death of any person; or
20 (3) While in an intoxicated condition operates a motor
21 vehicle or vessel in this state, and, when so operating, acts
22 with criminal negligence to:

23 (a) Cause the death of any person not a passenger in the
24 vehicle or vessel operated by the defendant, including the death
25 of an individual that results from the defendant's vehicle
26 leaving a highway, as defined by section 301.010, or the
27 highway's right-of-way; or vessel leaving the water; or
28 (b) Cause the death of two or more persons; or

1 (c) Cause the death of any person while he or she has a
2 blood alcohol content of at least eighteen-hundredths of one
3 percent by weight of alcohol in such person's blood; or

4 (4) Operates a motor vehicle in violation of subsection 2
5 of section 304.022, and when so operating, acts with criminal
6 negligence to cause the death of any person authorized to operate
7 an emergency vehicle, as defined in section 304.022, while such
8 person is in the performance of official duties;

9 (5) Operates a vessel in violation of subsections 1 and 2
10 of section 306.132, and when so operating acts with criminal
11 negligence to cause the death of any person authorized to operate
12 an emergency watercraft, as defined in section 306.132, while
13 such person is in the performance of official duties].

14 2. The offense of involuntary manslaughter in the first
15 degree [under subdivision (1) or (2) of subsection 1 of this
16 section] is a class C felony and, notwithstanding section 558.011
17 to the contrary, the authorized term of imprisonment is a term of
18 years of not less than three years and not to exceed ten years.

19 [Involuntary manslaughter in the first degree under subdivision
20 (3) of subsection 1 of this section is a class B felony. A
21 second or subsequent violation of subdivision (3) of subsection 1
22 of this section is a class A felony. For any violation of
23 subdivision (3) of subsection 1 of this section, the minimum
24 prison term which the defendant must serve shall be eighty-five
25 percent of his or her sentence. Any violation of subdivisions
26 (4) and (5) of subsection 1 of this section is a class B felony.

27 3. A person commits the crime of involuntary manslaughter
28 in the second degree if he acts with criminal negligence to cause

1 the death of any person.

2 4. Involuntary manslaughter in the second degree is a class
3 D felony.]

4 565.027. 1. A person commits the offense of involuntary
5 manslaughter in the second degree if he or she acts with criminal
6 negligence to cause the death of any person.

7 2. The offense of involuntary manslaughter in the second
8 degree is a class D felony.

9 [565.025.] 565.029. 1. With the exceptions provided in
10 subsection 3 of this section and subsection 3 of section 565.021,
11 section 556.046 shall be used for the purpose of consideration of
12 lesser offenses by the trier in all homicide cases.

13 2. The following lists shall comprise, in the order listed,
14 the lesser degree offenses:

15 (1) The lesser degree offenses of murder in the first
16 degree are:

17 (a) Murder in the second degree under subdivisions (1) and
18 (2) of subsection 1 of section 565.021;

19 (b) Voluntary manslaughter under subdivision (1) of
20 subsection 1 of section 565.023; [and]

21 (c) Involuntary manslaughter [under subdivision (1) of
22 subsection 1 of section 565.024] in the first degree; and

23 (d) Involuntary manslaughter in the second degree;

24 (2) The lesser degree offenses of murder in the second
25 degree are:

26 (a) Voluntary manslaughter under subdivision (1) of
27 subsection 1 of section 565.023; [and]

28 (b) Involuntary manslaughter [under subdivision (1) of

1 subsection 1 of section 565.024] in the first degree; and

2 (c) Involuntary manslaughter in the second degree.

3 3. No instruction on a lesser included offense shall be
4 submitted unless requested by one of the parties or the court.

5 565.050. 1. A person commits the [crime] offense of
6 assault in the first degree if he or she attempts to kill or
7 knowingly causes or attempts to cause serious physical injury to
8 another person.

9 2. The offense of assault in the first degree is a class B
10 felony unless in the course thereof the [actor] person inflicts
11 serious physical injury on the victim, or if the victim of such
12 assault is a special victim, as the term "special victim" is
13 defined under section 565.002, in which case it is a class A
14 felony.

15 [565.060.] 565.052. 1. A person commits the [crime]
16 offense of assault in the second degree if he or she:

17 (1) Attempts to kill or knowingly causes or attempts to
18 cause serious physical injury to another person under the
19 influence of sudden passion arising out of adequate cause; or

20 (2) Attempts to cause or knowingly causes physical injury
21 to another person by means of a deadly weapon or dangerous
22 instrument; or

23 (3) Recklessly causes serious physical injury to another
24 person; or

25 (4) [While in an intoxicated condition or under the
26 influence of controlled substances or drugs, operates a motor
27 vehicle in this state and, when so operating, acts with criminal
28 negligence to cause physical injury to any other person than

1 himself; or

2 (5)] Recklessly causes physical injury to another person by
3 means of discharge of a firearm[; or

4 (6) Operates a motor vehicle in violation of subsection 2
5 of section 304.022, and when so operating, acts with criminal
6 negligence to cause physical injury to any person authorized to
7 operate an emergency vehicle, as defined in section 304.022,
8 while such person is in the performance of official duties].

9 2. The defendant shall have the burden of injecting the
10 issue of influence of sudden passion arising from adequate cause
11 under subdivision (1) of subsection 1 of this section.

12 3. The offense of assault in the second degree is a class C
13 felony, unless the victim of such assault is a special victim, as
14 the term "special victim" is defined under section 565.002, in
15 which case it is a class B felony.

16 [565.070.] 565.054. 1. A person commits the [crime]
17 offense of assault in the third degree if[:

18 (1) The person attempts to cause or recklessly causes
19 physical injury to another person; or

20 (2) With criminal negligence the person causes physical
21 injury to another person by means of a deadly weapon; or

22 (3) The person purposely places another person in
23 apprehension of immediate physical injury; or

24 (4) The person recklessly engages in conduct which creates
25 a grave risk of death or serious physical injury to another
26 person; or

27 (5) The person knowingly causes physical contact with
28 another person knowing the other person will regard the contact

1 as offensive or provocative; or

2 (6) The person knowingly causes physical contact with an
3 incapacitated person, as defined in section 475.010, which a
4 reasonable person, who is not incapacitated, would consider
5 offensive or provocative.

6 2. Except as provided in subsections 3 and 4 of this
7 section, assault in the third degree is a class A misdemeanor.

8 3. A person who violates the provisions of subdivision (3)
9 or (5) of subsection 1 of this section is guilty of a class C
10 misdemeanor.

11 4. A person who has pled guilty to or been found guilty of
12 the crime of assault in the third degree more than two times
13 against any family or household member as defined in section
14 455.010 is guilty of a class D felony for the third or any
15 subsequent commission of the crime of assault in the third degree
16 when a class A misdemeanor. The offenses described in this
17 subsection may be against the same family or household member or
18 against different family or household members] he or she
19 knowingly causes physical injury to another person.

20 2. The offense of assault in the third degree is a class D
21 felony, unless the victim of such assault is a special victim, as
22 the term "special victim" is defined under section 565.002, in
23 which case it is a class C felony.

24 565.056. 1. A person commits the offense of assault in the
25 fourth degree if:

26 (1) The person attempts to cause or recklessly causes
27 physical injury, physical pain, or illness to another person;

28 (2) With criminal negligence the person causes physical

1 injury to another person by means of a firearm;

2 (3) The person purposely places another person in
3 apprehension of immediate physical injury;

4 (4) The person recklessly engages in conduct which creates
5 a substantial risk of death or serious physical injury to another
6 person;

7 (5) The person knowingly causes or attempts to cause
8 physical contact with a person with a disability, which a
9 reasonable person, who does not have a disability, would consider
10 offensive or provocative; or

11 (6) The person knowingly causes physical contact with
12 another person knowing the other person will regard the contact
13 as offensive or provocative.

14 2. Except as provided in subsection 3 of this section,
15 assault in the fourth degree is a class A misdemeanor.

16 3. Violation of the provisions of subdivision (3) or (6) of
17 subsection 1 of this section is a class C misdemeanor unless the
18 victim is a special victim, as the term "special victim" is
19 defined under section 565.002, in which case a violation of such
20 provisions is a class A misdemeanor.

21 565.072. 1. A person commits the [crime] offense of
22 domestic assault in the first degree if he or she attempts to
23 kill or knowingly causes or attempts to cause serious physical
24 injury to a [family or household member, including any child who
25 is a member of the family or household, as defined in section
26 455.010] domestic victim, as the term "domestic victim" is
27 defined under section 565.002.

28 2. The offense of domestic assault in the first degree is a

1 class B felony unless in the course thereof the [actor] person
2 inflicts serious physical injury on the victim [or has previously
3 pleaded guilty to or been found guilty of committing this crime],
4 in which case it is a class A felony.

5 565.073. 1. A person commits the [crime] offense of
6 domestic assault in the second degree if the act involves a
7 [family or household member, including any child who is a member
8 of the family or household, as defined in section 455.010]
9 domestic victim, as the term "domestic victim" is defined under
10 section 565.002, and he or she:

11 (1) [Attempts to cause or] Knowingly causes physical injury
12 to such family or household member by any means, including but
13 not limited to, [by] use of a deadly weapon or dangerous
14 instrument, or by choking or strangulation; or

15 (2) Recklessly causes serious physical injury to such
16 family or household member; or

17 (3) Recklessly causes physical injury to such family or
18 household member by means of any deadly weapon.

19 2. The offense of domestic assault in the second degree is
20 a class C felony.

21 565.074. 1. A person commits the [crime of domestic
22 assault in the third degree if the act involves a family or
23 household member, including any child who is a member of the
24 family or household, as defined in section 455.010 and:

25 (1) The person attempts to cause or recklessly causes
26 physical injury to such family or household member; or

27 (2) With criminal negligence the person causes physical
28 injury to such family or household member by means of a deadly

1 weapon or dangerous instrument; or

2 (3) The person purposely places such family or household
3 member in apprehension of immediate physical injury by any means;
4 or

5 (4) The person recklessly engages in conduct which creates
6 a grave risk of death or serious physical injury to such family
7 or household member; or

8 (5) The person knowingly causes physical contact with such
9 family or household member knowing the other person will regard
10 the contact as offensive; or

11 (6) The person knowingly attempts to cause or causes the
12 isolation of such family or household member by unreasonably and
13 substantially restricting or limiting such family or household
14 member's access to other persons, telecommunication devices or
15 transportation for the purpose of isolation.

16 2. Except as provided in subsection 3 of this section,
17 domestic assault in the third degree is a class A misdemeanor.

18 3. A person who has pleaded guilty to or been found guilty
19 of the crime of domestic assault in the third degree more than
20 two times against any family or household member as defined in
21 section 455.010, or of any offense committed in violation of any
22 county or municipal ordinance in any state, any state law, any
23 federal law, or any military law which, if committed in this
24 state, would be a violation of this section, is guilty of a class
25 D felony for the third or any subsequent commission of the crime
26 of domestic assault. The offenses described in this subsection
27 may be against the same family or household member or against
28 different family or household members] offense of domestic

1 assault in the third degree if he or she attempts to cause
2 physical injury or knowingly causes physical pain or illness to a
3 domestic victim, as the term "domestic victim" is defined under
4 section 565.002.

5 2. The offense of domestic assault in the third degree is a
6 class D felony.

7 565.076. 1. A person commits the offense of domestic
8 assault in the fourth degree if the act involves a domestic
9 victim, as the term "domestic victim" is defined under section
10 565.002, and:

11 (1) The person attempts to cause or recklessly causes
12 physical injury, physical pain, or illness to such domestic
13 victim;

14 (2) With criminal negligence the person causes physical
15 injury to such domestic victim by means of a deadly weapon or
16 dangerous instrument;

17 (3) The person purposely places such domestic victim in
18 apprehension of immediate physical injury by any means;

19 (4) The person recklessly engages in conduct which creates
20 a substantial risk of death or serious physical injury to such
21 domestic victim;

22 (5) The person knowingly causes physical contact with such
23 domestic victim knowing he or she will regard the contact as
24 offensive; or

25 (6) The person knowingly attempts to cause or causes the
26 isolation of such domestic victim by unreasonably and
27 substantially restricting or limiting his or her access to other
28 persons, telecommunication devices or transportation for the

1 purpose of isolation.

2 2. The offense of domestic assault in the fourth degree is
3 a class A misdemeanor, unless the person has previously been
4 found guilty of the offense of assault of a domestic victim two
5 or more times, in which case it is a class D felony. The
6 offenses described in this subsection may be against the same
7 domestic victim or against different domestic victims.

8 [565.063.] 565.079. 1. As used in this section, the
9 following terms mean:

10 (1) "[Domestic] Assault offense"[:

11 (a) The commission of the crime of domestic assault in the
12 first degree or domestic assault in the second degree; or

13 (b) The commission of the crime of assault in the first
14 degree or assault in the second degree if the victim of the
15 assault was a family or household member;

16 (c) The commission of a crime in another state, or any
17 federal, tribal, or military offense which, if committed in this
18 state, would be a violation of any offense listed in paragraph
19 (a) or (b) of this subdivision;

20 (2) "Family" or "household member", spouses, former
21 spouses, adults related by blood or marriage, adults who are
22 presently residing together or have resided together in the past
23 and adults who have a child in common regardless of whether they
24 have been married or have resided together at any time;

25 (3)], the offenses of murder in the first degree, murder in
26 the second degree, voluntary manslaughter, involuntary
27 manslaughter in the first degree, assault in the first degree,
28 assault in the second degree, assault in the third degree,

1 assault in the fourth degree, domestic assault in the first
2 degree, domestic assault in the second degree, domestic assault
3 in the third degree, domestic assault in the fourth degree, or an
4 attempt to commit any of these offenses, or the commission of an
5 offense in another jurisdiction that if committed in this state
6 would constitute the commission of any of the listed offenses;

7 (2) "Persistent [domestic violence] assault offender", a
8 person who has [pleaded guilty to or has] been found guilty of
9 two or more [domestic] assault offenses, where such two or more
10 offenses occurred within ten years of the occurrence of the
11 [domestic] assault offense for which the person is charged; and

12 [(4)] (3) "Prior [domestic violence] assault offender", a
13 person who has [pleaded guilty to or has] been found guilty of
14 one [domestic] assault offense, where such prior offense occurred
15 within five years of the occurrence of the [domestic] assault
16 offense for which the person is charged.

17 2. No court shall suspend the imposition of sentence as to
18 a prior or persistent [domestic violence] assault offender
19 pursuant to this section nor sentence such person to pay a fine
20 in lieu of a term of imprisonment, section 557.011 to the
21 contrary notwithstanding, nor shall such person be eligible for
22 parole or probation until such person has served a minimum of six
23 months' imprisonment.

24 3. The court shall find the defendant to be a prior
25 [domestic violence] assault offender or persistent [domestic
26 violence] assault offender, if:

27 (1) The indictment or information, original or amended, or
28 the information in lieu of an indictment pleads all essential

1 facts warranting a finding that the defendant is a prior
2 [domestic violence] assault offender or persistent [domestic
3 violence] assault offender; and

4 (2) Evidence is introduced that establishes sufficient
5 facts pleaded to warrant a finding beyond a reasonable doubt the
6 defendant is a prior [domestic violence] assault offender or
7 persistent [domestic violence] assault offender; and

8 (3) The court makes findings of fact that warrant a finding
9 beyond a reasonable doubt by the court that the defendant is a
10 prior [domestic violence] assault offender or persistent
11 [domestic violence] assault offender.

12 4. In a jury trial, such facts shall be pleaded,
13 established and found prior to submission to the jury outside of
14 its hearing.

15 5. In a trial without a jury or upon a plea of guilty, the
16 court may defer the proof in findings of such facts to a later
17 time, but prior to sentencing.

18 6. The defendant shall be accorded full rights of
19 confrontation and cross-examination, with the opportunity to
20 present evidence, at such hearings.

21 7. The defendant may waive proof of the facts alleged.

22 8. Nothing in this section shall prevent the use of
23 presentence investigations or commitments.

24 9. At the sentencing hearing both the state and the
25 defendant shall be permitted to present additional information
26 bearing on the issue of sentence.

27 10. The [pleas or] findings of [guilty] guilt shall be
28 prior to the date of commission of the present offense.

1 11. The court shall not instruct the jury as to the range
2 of punishment or allow the jury, upon a finding of [guilty]
3 guilt, to assess and declare the punishment as part of its
4 verdict in cases of prior [domestic violence] assault offenders
5 or persistent [domestic violence] assault offenders.

6 12. Evidence of prior convictions shall be heard and
7 determined by the trial court out of the hearing of the jury
8 prior to the submission of the case to the jury, and shall
9 include but not be limited to evidence of convictions received by
10 a search of the records of the Missouri uniform law enforcement
11 system maintained by the Missouri state highway patrol. After
12 hearing the evidence, the court shall enter its findings thereon.

13 13. [Evidence of similar criminal convictions of domestic
14 violence pursuant to this chapter, chapter 566, or chapter 568
15 within five years of the offense at issue, shall be admissible
16 for the purposes of showing a past history of domestic violence.

17 14. Any person who has pleaded guilty to or been found
18 guilty of a violation of section 565.072 shall be sentenced to
19 the authorized term of imprisonment for a class A felony if the
20 court finds the offender is a prior domestic violence offender.
21 The offender shall be sentenced to the authorized term of
22 imprisonment for a class A felony which term shall be served
23 without probation or parole if the court finds the offender is a
24 persistent domestic violence offender or the prior domestic
25 violence offender inflicts serious physical injury on the victim.

26 15. Any person who has pleaded guilty to or been found
27 guilty of a violation of section 565.073 shall be sentenced:

28 (1) To the authorized term of imprisonment for a class B

1 felony if the court finds the offender is a prior domestic
2 violence offender; or

3 (2) To the authorized term of imprisonment for a class A
4 felony if the court finds the offender is a persistent domestic
5 violence offender] The court shall sentence a person, who has
6 been found to be a prior assault offender, and is found guilty of
7 a class B, C, or D felony under this chapter to the authorized
8 term of imprisonment for the class one class step higher than the
9 offense for which the person was found guilty.

10 14. The court shall sentence a person, who has been found
11 to be a persistent assault offender, and is found guilty of a
12 class C or D felony under this chapter to the authorized term of
13 imprisonment for the class two steps higher than the offense for
14 which the person was found guilty. A person found to be a
15 persistent assault offender who is found guilty of a class B
16 felony shall be sentenced to the authorized term of imprisonment
17 for a class A felony.

18 565.090. 1. A person commits the [crime] offense of
19 harassment in the first degree if he or she[:

20 (1) Knowingly communicates a threat to commit any felony to
21 another person and in so doing frightens, intimidates, or causes
22 emotional distress to such other person; or

23 (2) When communicating with another person, knowingly uses
24 coarse language offensive to one of average sensibility and
25 thereby puts such person in reasonable apprehension of offensive
26 physical contact or harm; or

27 (3) Knowingly frightens, intimidates, or causes emotional
28 distress to another person by anonymously making a telephone call

1 or any electronic communication; or

2 (4) Knowingly communicates with another person who is, or
3 who purports to be, seventeen years of age or younger and in so
4 doing and without good cause recklessly frightens, intimidates,
5 or causes emotional distress to such other person; or

6 (5) Knowingly makes repeated unwanted communication to
7 another person; or

8 (6) Without good cause engages in any other act with the
9 purpose to frighten, intimidate, or cause emotional distress to
10 another person, cause such person to be frightened, intimidated,
11 or emotionally distressed, and such person's response to the act
12 is one of a person of average sensibilities considering the age
13 of such person], without good cause, engages in any act with the
14 purpose to cause emotional distress to another person, and such
15 act does cause such person to suffer emotional distress.

16 2. The offense of harassment [is a class A misdemeanor
17 unless:

18 (1) Committed by a person twenty-one years of age or older
19 against a person seventeen years of age or younger; or

20 (2) The person has previously pleaded guilty to or been
21 found guilty of a violation of this section, or of any offense
22 committed in violation of any county or municipal ordinance in
23 any state, any state law, any federal law, or any military law
24 which, if committed in this state, would be chargeable or
25 indictable as a violation of any offense listed in this
26 subsection. In such cases, harassment shall be a class D felony]
27 in the first degree is a class D felony.

28 3. This section shall not apply to activities of federal,

1 state, county, or municipal law enforcement officers conducting
2 investigations of violation of federal, state, county, or
3 municipal law.

4 565.091. 1. A person commits the offense of harassment in
5 the second degree if he or she, without good cause, engages in
6 any act with the purpose to cause emotional distress to another
7 person.

8 2. The offense of harassment in the second degree is a
9 class A misdemeanor.

10 565.110. 1. A person commits the [crime] offense of
11 kidnapping in the first degree if he or she unlawfully removes
12 another person without his or her consent from the place where he
13 or she is found or unlawfully confines another person without his
14 or her consent for a substantial period, for the purpose of:

15 (1) Holding that person for ransom or reward, or for any
16 other act to be performed or not performed for the return or
17 release of that person; or

18 (2) Using the person as a shield or as a hostage; or

19 (3) Interfering with the performance of any governmental or
20 political function; or

21 (4) Facilitating the commission of any felony or flight
22 thereafter; or

23 (5) Inflicting physical injury on or terrorizing the victim
24 or another.

25 2. The offense of kidnapping in the first degree is a class
26 A felony unless committed under subdivision (4) or (5) of
27 subsection 1 of this section in which cases it is a class B
28 felony.

1 565.115. 1. A person commits the [crime] offense of child
2 kidnapping if [such person] he or she is not a relative of the
3 child within the third degree and [such person:

4 (1) Unlawfully removes a child under the age of fourteen
5 without the consent of such child's parent or guardian from the
6 place where such child is found; or

7 (2) Unlawfully confines a child under the age of fourteen
8 without the consent of such child's parent or guardian], knowing
9 he or she has no right to do so, removes a child under the age of
10 fourteen without consent of the child's parents or guardian, or
11 confines such child for a substantial period of time without such
12 consent.

13 2. In determining whether the child was removed or confined
14 unlawfully, it is an affirmative defense that the person
15 reasonably believed that the person's actions were necessary to
16 preserve the child from danger to his or her welfare.

17 3. The offense of child kidnapping is a class A felony.

18 565.120. 1. A person commits the [crime of felonious
19 restraint] offense of kidnapping in the second degree if he or
20 she knowingly restrains another unlawfully and without consent so
21 as to interfere substantially with his or her liberty and exposes
22 him or her to a substantial risk of serious physical injury.

23 2. [Felonious restraint is a class C felony] The offense of
24 kidnapping in the second degree is a class C felony.

25 565.130. 1. A person commits the [crime of false
26 imprisonment] offense of kidnapping in the third degree if he or
27 she knowingly restrains another unlawfully and without consent so
28 as to interfere substantially with his or her liberty.

1 2. [False imprisonment] The offense of kidnapping in the
2 third degree is a class A misdemeanor unless the person
3 unlawfully restrained is removed from this state, in which case
4 it is a class D felony.

5 565.140. 1. A person does not commit [false imprisonment]
6 the offense of kidnapping in the third degree under section
7 565.130 if the person restrained is a child [under the age of]
8 less than seventeen years of age and:

9 (1) A parent, guardian or other person responsible for the
10 general supervision of the child's welfare has consented to the
11 restraint; or

12 (2) The [actor] person is a relative of the child; and

13 (a) The [actor's] person's sole purpose is to assume
14 control of the child; and

15 (b) The child is not taken out of the state of Missouri.

16 2. For the purpose of this section, "relative" means a
17 parent or stepparent, ancestor, sibling, uncle or aunt, including
18 an adoptive relative of the same degree through marriage or
19 adoption.

20 3. The defendant shall have the burden of injecting the
21 issue of a defense under this section.

22 565.150. 1. A person commits the [crime] offense of
23 interference with custody if, knowing that he or she has no legal
24 right to do so, he or she takes or entices from legal custody any
25 person entrusted by order of a court to the custody of another
26 person or institution.

27 2. The offense of interference with custody is a class A
28 misdemeanor unless the person taken or enticed away from legal

1 custody is removed from this state, detained in another state or
2 concealed, in which case it is a class D felony.

3 3. Upon a finding of guilt for an offense under this
4 section, the court may, in addition to or in lieu of any sentence
5 or fine imposed, assess as restitution against the defendant and
6 in favor of the legal custodian or parent, any reasonable
7 expenses incurred by the legal custodian or parent in searching
8 for or returning the child.

9 565.153. 1. In the absence of a court order determining
10 rights of custody or visitation to a child, a person having a
11 right of custody of the child commits the [crime] offense of
12 parental kidnapping if he or she removes, takes, detains,
13 conceals, or entices away that child within or without the state,
14 without good cause, and with the intent to deprive the custody
15 right of another person or a public agency also having a custody
16 right to that child.

17 2. Parental kidnapping is a class D felony, unless
18 committed by detaining or concealing the whereabouts of the child
19 for:

20 (1) Not less than sixty days but not longer than one
21 hundred nineteen days, in which case, the [crime] offense is a
22 class C felony;

23 (2) Not less than one hundred twenty days, in which case,
24 the [crime] offense is a class B felony.

25 3. A subsequently obtained court order for custody or
26 visitation shall not affect the application of this section.

27 4. Upon a finding of guilt for an offense under this
28 section, the court may, in addition to or in lieu of any sentence

1 or fine imposed, assess as restitution against the defendant and
2 in favor of the legal custodian or parent, any reasonable
3 expenses incurred by the legal custodian or parent in searching
4 for or returning the child.

5 565.156. 1. A person commits the [crime] offense of child
6 abduction if he or she:

7 (1) Intentionally takes, detains, entices, conceals or
8 removes a child from a parent after being served with process in
9 an action affecting marriage or paternity but prior to the
10 issuance of a temporary or final order determining custody; or

11 (2) At the expiration of visitation rights outside the
12 state, intentionally fails or refuses to return or impedes the
13 return of the child to the legal custodian in Missouri; or

14 (3) Conceals, detains, or removes the child for payment or
15 promise of payment at the instruction of a person who has no
16 legal right to custody; or

17 (4) Retains in this state for thirty days a child removed
18 from another state without the consent of the legal custodian or
19 in violation of a valid court order of custody; or

20 (5) Having legal custody of the child pursuant to a valid
21 court order, removes, takes, detains, conceals or entices away
22 that child within or without the state, without good cause, and
23 with the intent to deprive the custody or visitation rights of
24 another person, without obtaining written consent as is provided
25 under section 452.377.

26 2. The offense of child abduction is a class D felony.

27 3. Upon a finding of guilt for an offense under this
28 section, the court may, in addition to or in lieu of any sentence

1 or fine imposed, assess as restitution against the defendant and
2 in favor of the legal custodian or parent, any reasonable
3 expenses incurred by the legal custodian or parent in searching
4 for or returning the child.

5 565.160. It shall be an absolute defense to the [crimes]
6 offenses of interference with custody, parental kidnapping, and
7 child abduction that:

8 (1) The person had custody of the child pursuant to a valid
9 court order granting legal custody or visitation rights which
10 existed at the time of the alleged violation, except that this
11 defense is not available to persons charged with child abduction
12 under subdivision (5) of subsection 1 of section 565.156;

13 (2) [The person had physical custody of the child pursuant
14 to a court order granting legal custody or visitation rights and
15 failed to return the child as a result of circumstances beyond
16 his or her control, and the person notified or made a reasonable
17 attempt to notify the other parent or legal custodian of the
18 child of such circumstances within twenty-four hours after the
19 visitation period had expired and returned the child as soon as
20 possible] After expiration of a period of custody or visitation
21 granted by court order, the person failed to return the child as
22 a result of circumstances beyond such person's control, and the
23 person notified or made a reasonable attempt to notify the other
24 parent or legal custodian of the child of such circumstance
25 within twenty-four hours after the expiration of the period of
26 custody or visitation and returned the child as soon as possible;
27 or

28 (3) The person was fleeing an incident or pattern of

1 domestic violence.

2 565.163. Persons accused of committing the [crime] offense
3 of interference with custody, parental kidnapping or child
4 abduction [shall] may be prosecuted by the prosecuting attorney
5 or circuit attorney:

6 (1) In the county in which the child was taken or enticed
7 away from legal custody;

8 (2) In any county in which the child who was taken or
9 enticed away from legal custody was taken or held by the
10 defendant;

11 (3) The county in which lawful custody of the child taken
12 or enticed away was granted; or

13 (4) The county in which the defendant is found.

14 565.184. 1. A person commits the [crime of elder abuse in
15 the third degree] offense of abuse of an elderly person, a person
16 with a disability, or a vulnerable person if he or she:

17 (1) [Knowingly causes or attempts to cause physical contact
18 with any person sixty years of age or older or an eligible adult
19 as defined in section 660.250, knowing the other person will
20 regard the contact as harmful or provocative; or

21 (2)] Purposely engages in conduct involving more than one
22 incident that causes [grave] emotional distress to [a person
23 sixty years of age or older or an eligible adult, as defined in
24 section 660.250] an elderly person, a person with a disability,
25 or a vulnerable person. The course of conduct shall be such as
26 would cause a reasonable [person age sixty years of age or older
27 or an eligible adult, as defined in section 660.250,] elderly
28 person, person with a disability, or vulnerable person to suffer

1 substantial emotional distress; or

2 [(3) Purposely or knowingly places a person sixty years of
3 age or older or an eligible adult, as defined in section 660.250,
4 in apprehension of immediate physical injury; or

5 (4)] (2) Intentionally fails to provide care, goods or
6 services to [a person sixty years of age or older or an eligible
7 adult, as defined in section 660.250] an elderly person, a person
8 with a disability, or a vulnerable person. The result of the
9 conduct shall be such as would cause a reasonable [person age
10 sixty or older or an eligible adult, as defined in section
11 660.250,] elderly person, person with a disability, or vulnerable
12 person to suffer physical or emotional distress; or

13 [(5)] (3) Knowingly acts or knowingly fails to act in a
14 manner which results in a [grave] substantial risk to the life,
15 body or health of [a person sixty years of age or older or an
16 eligible adult, as defined in section 660.250] an elderly person,
17 a person with a disability, or a vulnerable person.

18 2. [Elder abuse in the third degree] The offense of abuse
19 of an elderly person, a person with a disability, or a vulnerable
20 person is a class A misdemeanor. Nothing in this section shall
21 be construed to mean that an elderly person, a person with a
22 disability, or a vulnerable person is abused solely because such
23 person chooses to rely on spiritual means through prayer, in lieu
24 of medical care, for his or her health care, as evidence by such
25 person's explicit consent, advance directive for health care, or
26 practice.

27 565.188. 1. [When any adult day care worker; chiropractor;
28 Christian Science practitioner; coroner; dentist; embalmer;

1 employee of the departments of social services, mental health, or
2 health and senior services; employee of a local area agency on
3 aging or an organized area agency on aging program; funeral
4 director; home health agency or home health agency employee;
5 hospital and clinic personnel engaged in examination, care, or
6 treatment of persons; in-home services owner, provider, operator,
7 or employee; law enforcement officer; long-term care facility
8 administrator or employee; medical examiner; medical resident or
9 intern; mental health professional; minister; nurse; nurse
10 practitioner; optometrist; other health practitioner; peace
11 officer; pharmacist; physical therapist; physician; physician's
12 assistant; podiatrist; probation or parole officer; psychologist;
13 social worker; or other person with responsibility for the care
14 of a person sixty years of age or older has reasonable cause to
15 suspect that such a person has been subjected to abuse or neglect
16 or observes such a person being subjected to conditions or
17 circumstances which would reasonably result in abuse or neglect,
18 he or she shall immediately report or cause a report to be made
19 to the department in accordance with the provisions of sections
20 660.250 to 660.295. Any other person who becomes aware of
21 circumstances which may reasonably be expected to be the result
22 of or result in abuse or neglect may report to the department.

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

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

28 4. Every person who has been previously convicted of or

1 pled guilty to making a false report to the department and who is
2 subsequently convicted of making a false report under subsection
3 3 of this section is guilty of a class D felony.

4 5. Evidence of prior convictions of false reporting shall
5 be heard by the court, out of the hearing of the jury, prior to
6 the submission of the case to the jury, and the court shall
7 determine the existence of the prior convictions] A person
8 commits the offense of failure to report elder abuse or neglect
9 if he or she is required to make a report as required under
10 subdivision (2) of subsection 1 of section 197.1002, and
11 knowingly fails to make a report.

12 2. The offense of failure to report elder abuse or neglect
13 is a class A misdemeanor.

14 565.189. 1. A person commits the offense of filing a false
15 elder abuse or neglect report if he or she knowingly files a
16 false report of elder abuse or neglect.

17 2. The offense of filing a false elder abuse or neglect
18 report is a class A misdemeanor, unless the person has previously
19 been found guilty of making a false report to the department and
20 is subsequently found guilty of making a false report under this
21 section, in which case it is a class D felony.

22 3. Evidence of prior findings of guilt of false reporting
23 shall be heard by the court, out of the hearing of the jury,
24 prior to the submission of the case to the jury, and the court
25 shall determine the existence of the prior findings of guilt.

26 565.218. 1. [When any physician, physician assistant,
27 dentist, chiropractor, optometrist, podiatrist, intern, resident,
28 nurse, nurse practitioner, medical examiner, social worker,

1 licensed professional counselor, certified substance abuse
2 counselor, psychologist, physical therapist, pharmacist, other
3 health practitioner, minister, Christian Science practitioner,
4 facility administrator, nurse's aide or orderly in a residential
5 facility, day program or specialized service operated, funded or
6 licensed by the department or in a mental health facility or
7 mental health program in which people may be admitted on a
8 voluntary basis or are civilly detained pursuant to chapter 632;
9 or employee of the departments of social services, mental health,
10 or health and senior services; or home health agency or home
11 health agency employee; hospital and clinic personnel engaged in
12 examination, care, or treatment of persons; in-home services
13 owner, provider, operator, or employee; law enforcement officer;
14 long-term care facility administrator or employee; mental health
15 professional; peace officer; probation or parole officer; or
16 other nonfamilial person with responsibility for the care of a
17 vulnerable person, as defined by section 630.005, has reasonable
18 cause to suspect that such a person has been subjected to abuse
19 or neglect or observes such a person being subjected to
20 conditions or circumstances that would reasonably result in abuse
21 or neglect, he or she shall immediately report or cause a report
22 to be made to the department in accordance with section 630.163.
23 Any other person who becomes aware of circumstances which may
24 reasonably be expected to be the result of or result in abuse or
25 neglect may report to the department. Notwithstanding any other
26 provision of this section, a duly ordained minister, clergy,
27 religious worker, or Christian Science practitioner while
28 functioning in his or her ministerial capacity shall not be

1 required to report concerning a privileged communication made to
2 him or her in his or her professional capacity.] A person commits
3 the offense of failure to report vulnerable person abuse or
4 neglect if he or she is required to make a report under section
5 630.162 and knowingly fails to make a report.

6 2. [Any person who knowingly fails to make a report as
7 required in subsection 1 of this section is guilty of a class A
8 misdemeanor and shall be subject to a fine up to one thousand
9 dollars] The offense of knowingly failing to make a report as
10 required in this section is a class A misdemeanor and the
11 offender shall be subject to a fine of up to one thousand
12 dollars, unless the offender has previously been found guilty of
13 failing to make a report as required in this section, in which
14 case the offense is a class D felony and the offender shall be
15 subject to a fine of up to five thousand dollars. Penalties
16 collected for violations of this section shall be transferred to
17 the state school moneys fund as established in section 166.051
18 and distributed to the public schools of this state in the manner
19 provided in section 163.031. Such penalties shall not be
20 considered charitable for tax purposes.

21 [3. Every person who has been previously convicted of or
22 pled guilty to failing to make a report as required in subsection
23 1 of this section and who is subsequently convicted of failing to
24 make a report under subsection 2 of this section is guilty of a
25 class D felony and shall be subject to a fine up to five thousand
26 dollars. Penalties collected for violation of this subsection
27 shall be transferred to the state school moneys fund as
28 established in section 166.051 and distributed to the public

1 schools of this state in the manner provided in section 163.031.
2 Such penalties shall not be considered charitable for tax
3 purposes.

4 4. Any person who knowingly files a false report of
5 vulnerable person abuse or neglect is guilty of a class A
6 misdemeanor and shall be subject to a fine up to one thousand
7 dollars. Penalties collected for violations of this subsection
8 shall be transferred to the state school moneys fund as
9 established in section 166.051 and distributed to the public
10 schools of this state in the manner provided in section 163.031.
11 Such penalties shall not be considered charitable for tax
12 purposes.

13 5. Every person who has been previously convicted of or
14 pled guilty to making a false report to the department and who is
15 subsequently convicted of making a false report under subsection
16 4 of this section is guilty of a class D felony and shall be
17 subject to a fine up to five thousand dollars. Penalties
18 collected for violations of this subsection shall be transferred
19 to the state school moneys fund as established in section 166.051
20 and distributed to the public schools of this state in the manner
21 provided in section 163.031. Such penalties shall not considered
22 charitable for tax purposes.

23 6. Evidence of prior convictions of false reporting shall
24 be heard by the court, out of the hearing of the jury, prior to
25 the submission of the case to the jury, and the court shall
26 determine the existence of the prior convictions.

27 7. Any residential facility, day program or specialized
28 service operated, funded or licensed by the department that

1 prevents or discourages a patient, resident or client, employee
2 or other person from reporting that a patient, resident or client
3 of a facility, program or service has been abused or neglected
4 shall be subject to loss of their license issued pursuant to
5 sections 630.705 to 630.760, and civil fines of up to five
6 thousand dollars for each attempt to prevent or discourage
7 reporting.】

8 565.222. 1. A person commits the offense of filing a false
9 vulnerable person abuse report if he or she knowingly files a
10 false report of vulnerable person abuse or neglect.

11 2. The offense of filing a false report of vulnerable
12 person abuse or neglect is a class A misdemeanor and the offender
13 shall be subject to a fine of up to one thousand dollars, unless
14 the offender has previously been found guilty of making a false
15 report to the department, in which case the offense is a class D
16 felony and the offender shall be subject to a fine of up to five
17 thousand dollars. Penalties collected for violations of this
18 subsection shall be transferred to the state school moneys fund
19 as established in section 166.051 and distributed to the public
20 schools of this state in the manner provided in section 163.031.
21 Such penalties shall not be considered charitable for tax
22 purposes.

23 3. Evidence of prior findings of guilt under this section
24 shall be heard by the court, out of the hearing of the jury,
25 prior to the submission of the case to the jury, and the court
26 shall determine the existence of the prior findings of guilt.

27 565.225. 1. As used in this section and section 565.227,
28 the 【following terms shall mean:

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

8 (2) "Credible threat", a threat communicated with the
9 intent to cause the person who is the target of the threat to
10 reasonably fear for his or her safety, or the safety of his or
11 her family, or household members or domestic animals or livestock
12 as defined in section 276.606 kept at such person's residence or
13 on such person's property. The threat must be against the life
14 of, or a threat to cause physical injury to, or the kidnapping
15 of, the person, the person's family, or the person's household
16 members or domestic animals or livestock as defined in section
17 276.606 kept at such person's residence or on such person's
18 property;

19 (3) "Harasses", to engage in a course of conduct directed
20 at a specific person that serves no legitimate purpose, that
21 would cause a reasonable person under the circumstances to be
22 frightened, intimidated, or emotionally distressed] term
23 "disturbs" shall mean to engage in a course of conduct directed
24 at a specific person that serves no legitimate purpose and that
25 would cause a reasonable person under the circumstances to be
26 frightened, intimidated, or emotionally distressed.

27 2. A person commits the [crime] offense of stalking in the
28 first degree if he or she purposely, through his or her course of

1 conduct, [harasses] disturbs or follows with the intent of
2 [harassing] disturbing another person[.

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

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

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

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

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

27 (5) He or she has previously [pleaded guilty to or] been
28 found guilty of domestic assault, violation of an order of

1 protection, or any other crime where the other person was the
2 victim.

3 [4. The crime of stalking shall be a class A misdemeanor
4 unless the person has previously pleaded guilty to or been found
5 guilty of a violation of this section, or of any offense
6 committed in violation of any county or municipal ordinance in
7 any state, any state law, any federal law, or any military law
8 which, if committed in this state, would be chargeable or
9 indictable as a violation of any offense listed in this section,
10 in which case stalking shall be a class D felony.

11 5. The crime of aggravated stalking shall be a class D
12 felony unless the person has previously pleaded guilty to or been
13 found guilty of a violation of this section, or of any offense
14 committed in violation of any county or municipal ordinance in
15 any state, any state law, any federal law, or any military law
16 which, if committed in this state, would be chargeable or
17 indictable as a violation of any offense listed in this section,
18 aggravated stalking shall be a class C felony.

19 6.] 3. Any law enforcement officer may arrest, without a
20 warrant, any person he or she has probable cause to believe has
21 violated the provisions of this section.

22 [7.] 4. This section shall not apply to activities of
23 federal, state, county, or municipal law enforcement officers
24 conducting investigations of any violation of federal, state,
25 county, or municipal law.

26 5. The offense of stalking in the first degree is a class D
27 felony, unless the defendant has previously been found guilty of
28 a violation of this section or section 565.227, or any offense

1 committed in another jurisdiction which, if committed in this
2 state, would be chargeable or indictable as a violation of any
3 offense listed in this section or section 565.227, in which case
4 stalking in the first degree is a class C felony.

5 565.227. 1. A person commits the offense of stalking in
6 the second degree if he or she purposely, through his or her
7 course of conduct, disturbs, or follows with the intent to
8 disturb another person.

9 2. This section shall not apply to activities of federal,
10 state, county, or municipal law enforcement officers conducting
11 investigations of any violation of federal, state, county, or
12 municipal law.

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

16 4. The offense of stalking in the second degree is a class
17 A misdemeanor, unless the defendant has previously been found
18 guilty of a violation of this section or section 565.225, or of
19 any offense committed in another jurisdiction which, if committed
20 in this state, would be chargeable or indictable as a violation
21 of any offense listed in this section or section 565.225, in
22 which case stalking in the second degree is a class D felony.

23 [578.450.] 565.240. [No person shall] 1. A person commits
24 the offense of unlawful posting of certain information over the
25 internet if he or she knowingly [post] posts the name, home
26 address, Social Security number, or telephone number of any
27 person on the internet intending to cause great bodily harm or
28 death, or threatening to cause great bodily harm or death to such

1 person. [Any person who violates this section is guilty of a
2 class C misdemeanor.]

3 2. The offense of unlawful posting of certain information
4 over the internet is a class C misdemeanor.

5 565.252. 1. A person commits the [crime] offense of
6 invasion of privacy [in the first degree if such person] if he or
7 she knowingly:

8 (1) [Knowingly] Photographs [or], films, videotapes,
9 produces, or otherwise creates an image of another person,
10 without the person's [knowledge and] consent, while the person
11 [being photographed or filmed] is in a state of full or partial
12 nudity and is in a place where one would have a reasonable
13 expectation of privacy[, and the]; or

14 (2) Photographs, films, videotapes, produces, or otherwise
15 creates an image of another person under or through the clothing
16 worn by that other person for the purpose of viewing the body of
17 or the undergarments worn by that other person without that
18 person's consent.

19 2. Invasion of privacy is a class A misdemeanor unless:

20 (1) A person [subsequently] who creates an image in
21 violation of this section distributes the [photograph or film]
22 image to another or transmits the image [contained in the
23 photograph or film] in a manner that allows access to that image
24 via [a] computer; [or]

25 (2) [Knowingly] A person disseminates or permits the
26 dissemination by any means, to another person, of a videotape,
27 photograph, or film obtained in violation of [subdivision (1) of
28 this subsection or in violation of section 565.253.

1 2. Invasion of privacy in the first degree is a class D
2 felony] this section;

3 (3) More than one person is viewed, photographed, filmed or
4 videotaped during the same course of conduct; or

5 (4) The offense was committed by a person who has
6 previously been found guilty of invasion of privacy;

7
8 in which case invasion of privacy is a class D felony.

9 3. Prior findings of guilt shall be pleaded and proven in
10 the same manner required by the provisions of section 558.021.

11 4. As used in this section, "same course of conduct" means
12 more than one person has been viewed, photographed, filmed, or
13 videotaped under the same or similar circumstances pursuant to
14 one scheme or course of conduct, whether at the same or different
15 times.

16 566.010. As used in this chapter and chapter 568, the
17 following terms mean:

18 (1) "Aggravated sexual offense", any sexual offense, in the
19 course of which, the actor:

20 (a) Inflicts serious physical injury on the victim; or

21 (b) Displays a deadly weapon or dangerous instrument in a
22 threatening manner; or

23 (c) Subjects the victim to sexual intercourse or deviate
24 sexual intercourse with more than one person; or

25 (d) Had previously been found guilty of an offense under
26 this chapter or under section 573.200, child used in sexual
27 performance; section 573.205, promoting sexual performance by a
28 child; section 573.023, sexual exploitation of a minor; section

1 573.025, promoting child pornography in the first degree; section
2 573.035, promoting child pornography in the second degree;
3 section 573.037, possession of child pornography; or section
4 573.040, furnishing pornographic materials to minors; or has
5 previously been found guilty of an offense in another
6 jurisdiction which would constitute an offense under this chapter
7 or said sections;

8 (e) Commits the offense as part of an act or series of acts
9 performed by two or more persons as part of an established or
10 prescribed pattern of activity; or

11 (f) Engages in the act that constitutes the offense with a
12 person the actor knows to be, without regard to legitimacy, the
13 actor's:

14 a. Ancestor or descendant by blood or adoption;

15 b. Stepchild while the marriage creating that relationship
16 exists;

17 c. Brother or sister of the whole or half blood; or

18 d. Uncle, aunt, nephew, or niece of the whole blood;

19 (2) "Commercial sex act", any sex act on account of which
20 anything of value is given to or received by any person;

21 (3) "Deviate sexual intercourse", any act involving the
22 genitals of one person and the hand, mouth, tongue, or anus of
23 another person or a sexual act involving the penetration, however
24 slight, of the [male or female sex organ] penis, female
25 genitalia, or the anus by a finger, instrument or object done for
26 the purpose of arousing or gratifying the sexual desire of any
27 person or for the purpose of terrorizing the victim;

28 (4) "Forced labor", a condition of servitude induced by

1 means of:

2 (a) Any scheme, plan, or pattern of behavior intended to
3 cause a person to believe that, if the person does not enter into
4 or continue the servitude, such person or another person will
5 suffer substantial bodily harm or physical restraint; or

6 (b) The abuse or threatened abuse of the legal process;
7 [(2)] (5) "Sexual conduct", sexual intercourse, deviate
8 sexual intercourse or sexual contact;

9 [(3)] (6) "Sexual contact", any touching of another person
10 with the genitals or any touching of the genitals or anus of
11 another person, or the breast of a female person, or such
12 touching through the clothing, for the purpose of arousing or
13 gratifying the sexual desire of any person or for the purpose of
14 terrorizing the victim;

15 [(4)] (7) "Sexual intercourse", any penetration, however
16 slight, of the [female sex organ by the male sex organ, whether
17 or not an emission results] female genitalia by the penis.

18 566.020. 1. Whenever in this chapter the criminality of
19 conduct depends upon a child being [thirteen] less than fourteen
20 years of age [or younger], it is no defense that the defendant
21 believed the child to be older.

22 2. Whenever in this chapter the criminality of conduct
23 depends upon a child being [under] less than seventeen years of
24 age, it is an affirmative defense that the defendant reasonably
25 believed that the child was seventeen years of age or older.

26 3. Consent is not [an affirmative] a defense to any offense
27 under this chapter [566] if the alleged victim is less than
28 [twelve] fourteen years of age.

1 566.023. It shall be an affirmative defense to prosecutions
2 [pursuant to sections] under sections 566.032, 566.034, 566.062,
3 566.064, [566.068, and 566.090] 566.071, and subdivision (2) of
4 subsection 1 of section 566.101, that the defendant was married
5 to the victim at the time of the offense.

6 566.030. 1. A person commits the offense of rape in the
7 first degree if he or she has sexual intercourse with another
8 person who is incapacitated, incapable of consent, or lacks the
9 capacity to consent, or by the use of forcible compulsion.
10 Forcible compulsion includes the use of a substance administered
11 without a victim's knowledge or consent which renders the victim
12 physically or mentally impaired so as to be incapable of making
13 an informed consent to sexual intercourse.

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

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

25 (2) The person is a persistent or predatory sexual offender
26 as defined in section 566.125 and subjected to an extended term
27 of imprisonment under said section;

28 (3) The victim is a child less than twelve years of age, in

1 which case the required term of imprisonment is life imprisonment
2 without eligibility for probation or parole until the offender
3 has served not less than thirty years of such sentence or unless
4 the offender has reached the age of seventy-five years and has
5 served at least fifteen years of such sentence, unless such rape
6 in the first degree is described under subdivision ~~[(3)]~~ (4) of
7 this subsection; or

8 ~~[(3)]~~ (4) The victim is a child less than twelve years of
9 age and such rape in the first degree or attempt to commit rape
10 in the first degree was outrageously or wantonly vile, horrible
11 or inhumane, in that it involved torture or depravity of mind, in
12 which case the required term of imprisonment is life imprisonment
13 without eligibility for probation, parole or conditional release.

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

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

24 566.032. 1. A person commits the ~~[crime]~~ offense of
25 statutory rape in the first degree if he or she has sexual
26 intercourse with another person who is less than fourteen years
27 old.

28 2. The offense of statutory rape in the first degree or an

1 attempt to commit statutory rape in the first degree is a felony
2 for which the authorized term of imprisonment is life
3 imprisonment or a term of years not less than five years, unless
4 [in the course thereof the actor inflicts serious physical injury
5 on any person, displays a deadly weapon or dangerous instrument
6 in a threatening manner, subjects the victim to sexual
7 intercourse or deviate sexual intercourse with more than one
8 person]:

9 (1) The offense is an aggravated sexual offense, or the
10 victim is less than twelve years of age in which case the
11 authorized term of imprisonment is life imprisonment or a term of
12 years not less than ten years; or

13 (2) The person is a persistent or predatory sexual offender
14 as defined in section 566.125 and subjected to an extended term
15 of imprisonment under said section.

16 566.060. 1. A person commits the offense of sodomy in the
17 first degree if he or she has deviate sexual intercourse with
18 another person who is incapacitated, incapable of consent, or
19 lacks the capacity to consent, or by the use of forcible
20 compulsion. Forcible compulsion includes the use of a substance
21 administered without a victim's knowledge or consent which
22 renders the victim physically or mentally impaired so as to be
23 incapable of making an informed consent to sexual intercourse.

24 2. The offense of sodomy in the first degree or an attempt
25 to commit sodomy in the first degree is a felony for which the
26 authorized term of imprisonment is life imprisonment or a term of
27 years not less than five years, unless:

28 (1) [In the course thereof the actor inflicts serious

1 physical injury or displays a deadly weapon or dangerous
2 instrument in a threatening manner or subjects the victim to
3 sexual intercourse or deviate sexual intercourse with more than
4 one person] The offense is an aggravated sexual offense, in which
5 case the authorized term of imprisonment is life imprisonment or
6 a term of years not less than ten years; [or]

7 (2) The person is a persistent or predatory sexual offender
8 as defined in section 566.125 and subjected to an extended term
9 of imprisonment under said section;

10 (3) The victim is a child less than twelve years [old] of
11 age, in which case the required term of imprisonment is life
12 imprisonment without eligibility for probation or parole until
13 the offender has served not less than thirty years of such
14 sentence or unless the offender has reached the age of
15 seventy-five years and has served at least fifteen years of such
16 sentence, unless such sodomy in the first degree is described
17 under subdivision [(3)] (4) of this subsection; or

18 [(3)] (4) The victim is a child less than twelve years of
19 age and such sodomy in the first degree or attempt to commit
20 sodomy in the first degree was outrageously or wantonly vile,
21 horrible or inhumane, in that it involved torture or depravity of
22 mind, in which case the required term of imprisonment is life
23 imprisonment without eligibility for probation, parole or
24 conditional release.

25 3. Subsection 4 of section 558.019 shall not apply to the
26 sentence of a person who has been found guilty of sodomy in the
27 first degree or an attempt to commit sodomy in the first degree
28 when the victim is less than twelve years of age, and "life

1 imprisonment" shall mean imprisonment for the duration of a
2 person's natural life for the purposes of this section.

3 4. No person found guilty of sodomy in the first degree or
4 an attempt to commit sodomy in the first degree shall be granted
5 a suspended imposition of sentence or suspended execution of
6 sentence.

7 566.062. 1. A person commits the [crime] offense of
8 statutory sodomy in the first degree if he or she has deviate
9 sexual intercourse with another person who is less than fourteen
10 years [old] of age.

11 2. The offense of statutory sodomy in the first degree or
12 an attempt to commit statutory sodomy in the first degree is a
13 felony for which the authorized term of imprisonment is life
14 imprisonment or a term of years not less than five years, unless
15 [in the course thereof the actor inflicts serious physical injury
16 on any person, displays a deadly weapon or dangerous instrument
17 in a threatening manner, subjects the victim to sexual
18 intercourse or deviate sexual intercourse with more than one
19 person,]:

20 (1) The offense is an aggravated sexual offense or the
21 victim is less than twelve years of age, in which case the
22 authorized term of imprisonment is life imprisonment or a term of
23 years not less than ten years; or

24 (2) The person is a persistent or predatory sexual offender
25 as defined in section 566.125 and subjected to an extended term
26 of imprisonment under said section.

27 566.067. 1. A person commits the [crime] offense of child
28 molestation in the first degree if he or she subjects another

1 person who is less than [fourteen] twelve years of age to sexual
2 contact and the offense is an aggravated sexual offense.

3 2. The offense of child molestation in the first degree [is
4 a class B felony unless:

5 (1) The actor has previously been convicted of an offense
6 under this chapter or in the course thereof the actor inflicts
7 serious physical injury, displays a deadly weapon or deadly
8 instrument in a threatening manner, or the offense is committed
9 as part of a ritual or ceremony, in which case the crime is a
10 class A felony; or

11 (2) The victim is a child less than twelve years of age
12 and:

13 (a) The actor has previously been convicted of an offense
14 under this chapter; or

15 (b) In the course thereof the actor inflicts serious
16 physical injury, displays a deadly weapon or deadly instrument in
17 a threatening manner, or if the offense is committed as part of a
18 ritual or ceremony, in which case, the crime] is a class A felony
19 and such person shall serve his or her term of imprisonment
20 without eligibility for probation [or], parole, or conditional
21 release.

22 566.068. 1. A person commits the [crime] offense of child
23 molestation in the second degree if he or she:

24 (1) Subjects [another person] a child who is less than
25 [seventeen] twelve years of age to sexual contact; or

26 (2) Being twenty-one years of age or older, subjects a
27 child who is less than seventeen years of age to sexual contact
28 and the offense is an aggravated sexual offense.

1 2. The offense of child molestation in the second degree is
2 a class [A misdemeanor unless the actor has previously been
3 convicted of an offense under this chapter or in the course
4 thereof the actor inflicts serious physical injury on any person,
5 displays a deadly weapon or dangerous instrument in a threatening
6 manner, or the offense is committed as part of a ritual or
7 ceremony, in which case the crime is a class D] B felony.

8 566.069. 1. A person commits the offense of child
9 molestation in the third degree if he or she subjects a child who
10 is less than fourteen years of age to sexual contact.

11 2. The offense of child molestation in the third degree is
12 a class C felony, unless committed by the use of forcible
13 compulsion, in which case it is a class B felony.

14 Notwithstanding section 558.011 to the contrary, the authorized
15 term of imprisonment for a class C felony of child molestation in
16 the third degree is a term of years of not less than three years
17 and not to exceed ten years.

18 566.071. 1. A person commits the offense of child
19 molestation in the fourth degree if, being twenty-one years of
20 age or older, such person subjects another person, who is less
21 than seventeen years of age to sexual contact.

22 2. The offense of child molestation in the fourth degree is
23 a class C felony.

24 566.083. 1. A person commits the [crime] offense of sexual
25 misconduct involving a child if such person:

26 (1) Knowingly exposes his or her genitals to a child less
27 than fifteen years of age under circumstances in which he or she
28 knows that his or her conduct is likely to cause affront or alarm

1 to the child;

2 (2) Knowingly exposes his or her genitals to a child less
3 than fifteen years of age for the purpose of arousing or
4 gratifying the sexual desire of any person, including the child;

5 (3) Knowingly coerces or induces a child less than fifteen
6 years of age to expose the child's genitals for the purpose of
7 arousing or gratifying the sexual desire of any person, including
8 the child; or

9 (4) Knowingly coerces or induces a child who is known by
10 such person to be less than fifteen years of age to expose the
11 breasts of a female child through the internet or other
12 electronic means for the purpose of arousing or gratifying the
13 sexual desire of any person, including the child.

14 2. The provisions of this section shall apply regardless of
15 whether the person violates this section in person or via the
16 internet or other electronic means.

17 3. It is not [an affirmative] a defense to prosecution for
18 a violation of this section that the other person was a peace
19 officer masquerading as a minor.

20 4. The offense of sexual misconduct involving a child [or
21 attempted sexual misconduct involving a child] is a class D
22 felony unless the [actor] person has previously [pleaded guilty
23 to or] been found guilty of an offense [pursuant to] under this
24 chapter or the [actor] person has previously [pleaded guilty to
25 or has been convicted] been found guilty of an offense [against
26 the laws of another state or] in another jurisdiction which would
27 constitute an offense under this chapter, in which case it is a
28 class C felony.

1 566.086. 1. A person commits the [crime] offense of sexual
2 contact with a student if he or she has sexual contact with a
3 student of the [public] school and is:

4 (1) A teacher, as that term is defined in subdivisions (4),
5 (5), and (7) of section 168.104;

6 (2) A student teacher; or

7 (3) An employee of the school; or

8 (4) A volunteer of the school or of an organization working
9 with the school on a project or program who is not a student at
10 the [public] school; or

11 (5) An elected or appointed official of the [public] school
12 district; or

13 (6) A person employed by an entity that contracts with the
14 [public] school or school district to provide services.

15 2. For the purposes of this section, "school" shall mean
16 any public or private school in this state serving kindergarten
17 through grade twelve or any school bus used by the school
18 district.

19 3. The offense of sexual contact with a student is a class
20 D felony.

21 4. It is not a defense to prosecution for a violation of
22 this section that the student consented to the sexual contact.

23 566.093. 1. A person commits the offense of sexual
24 misconduct in the first degree if such person:

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

28 (2) Has sexual contact in the presence of a third person or

1 persons under circumstances in which he or she knows that such
2 conduct is likely to cause affront or alarm; or

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

5 2. The offense of sexual misconduct in the first degree is
6 a class B misdemeanor unless the person has previously been found
7 guilty of an offense under this chapter, or has previously been
8 found guilty of an offense in another jurisdiction which would
9 constitute an offense under this chapter, in which case it is a
10 class A misdemeanor.

11 566.100. 1. A person commits the offense of sexual abuse
12 in the first degree if he or she subjects another person to
13 sexual contact when that person is incapacitated, incapable of
14 consent, or lacks the capacity to consent, or by the use of
15 forcible compulsion.

16 2. The offense of sexual abuse in the first degree is a
17 class C felony unless [in the course thereof the actor inflicts
18 serious physical injury or displays a deadly weapon or dangerous
19 instrument in a threatening manner or subjects the victim to
20 sexual contact with more than one person or] the victim is less
21 than fourteen years of age, or it is an aggravated sexual
22 offense, in which case it is a class B felony. Notwithstanding
23 section 558.011 to the contrary, the authorized term of
24 imprisonment for a class C felony of sexual abuse in the first
25 degree is a term of years of not less than three years and not to
26 exceed ten years.

27 566.101. 1. A person commits the offense of sexual abuse
28 in the second degree if he or she purposely subjects another

1 person to sexual contact:

2 (1) Without that person's consent; or

3 (2) When the other person is less than seventeen years of
4 age.

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

12 566.115. 1. A person commits the offense of sexual conduct
13 with a nursing facility resident or vulnerable person in the
14 first degree if he or she:

15 (1) Being an owner or employee of a skilled nursing
16 facility, as defined in section 198.006, or an Alzheimer's
17 special care unit or program, as defined in section 198.505, has
18 sexual intercourse or deviate sexual intercourse with a resident;
19 or

20 (2) Being a vender, provider, agent, or employee of a
21 certified program operated, funded, licensed, or certified by the
22 department of mental health, has sexual intercourse or deviate
23 sexual intercourse with a vulnerable person.

24 2. The offense of sexual conduct with a nursing facility
25 resident or vulnerable person in the first degree is a class A
26 misdemeanor. Any second or subsequent violation of this section
27 is a class D felony.

28 3. The provisions of this section shall not apply to any

1 person who is married to the resident or vulnerable person.

2 4. Consent of the victim is not a defense to a prosecution
3 under this section.

4 [565.200.] 566.116. 1. [Any owner or employee of a skilled
5 nursing facility, as defined in section 198.006, or an
6 Alzheimer's special unit or program, as defined in section
7 198.505, who:

8 (1) Has sexual contact, as defined in section 566.010, with
9 a resident is guilty of a class B misdemeanor. Any person who
10 commits a second or subsequent violation of this subdivision is
11 guilty of a class A misdemeanor; or

12 (2) Has sexual intercourse or deviate sexual intercourse,
13 as defined in section 566.010, with a resident is guilty of a
14 class A misdemeanor. Any person who commits a second or
15 subsequent violation of this subdivision is guilty of a class D
16 felony] A person commits the offense of sexual conduct with a
17 nursing facility resident or vulnerable person in the second
18 degree if he or she:

19 (1) Being an owner or employee of a skilled nursing
20 facility as defined in section 198.006, or an Alzheimer's special
21 care unit program as defined in section 198.505, has sexual
22 contact with a resident; or

23 (2) Being a vender, provider, agent, or employee of a
24 certified program operated, funded, licensed, or certified by the
25 department of mental health, has sexual contact with a vulnerable
26 person.

27 2. The offense of sexual conduct with a nursing facility
28 resident or vulnerable person in the second degree is a class B

1 misdemeanor. Any second or subsequent violation of this section
2 is a class A misdemeanor.

3 3. The provisions of this section shall not apply to [an
4 owner or employee of a skilled nursing facility or Alzheimer's
5 special unit or program who engages in sexual conduct, as defined
6 in section 566.010, with a resident to whom the owner or employee
7 is married] any person who is married to the resident or
8 vulnerable person.

9 [3.] 4. Consent of the victim is not a defense to a
10 prosecution pursuant to this section.

11 [558.018.] 566.125. 1. The court shall sentence a person
12 to an extended term of imprisonment if it finds the defendant is
13 a persistent sexual offender and has been found guilty of
14 attempting to commit or committing the following offenses:

15 (1) Statutory rape in the first degree or statutory sodomy
16 in the first degree;

17 (2) Rape in the first degree or sodomy in the first degree
18 [attempted or committed on or after August 28, 2013];

19 (3) Forcible rape [committed or attempted any time during
20 the period of August 13, 1980 to August 27, 2013];

21 (4) Forcible sodomy [committed or attempted any time during
22 the period of January 1, 1995 to August 27, 2013];

23 (5) Rape [committed or attempted before August 13, 1980];

24 (6) Sodomy [committed or attempted before January 1, 1995].

25 2. A "persistent sexual offender" is one who has previously
26 been found guilty of attempting to commit or committing any of
27 the offenses listed in subsection 1 of this section or one who
28 has previously been found guilty of an offense in any other

1 jurisdiction which would constitute any of the offenses listed in
2 subsection 1 of this section.

3 3. The term of imprisonment for one found to be a
4 persistent sexual offender shall be imprisonment for life without
5 eligibility for probation or parole. Subsection 4 of section
6 558.019 shall not apply to any person imprisoned under this
7 subsection, and "imprisonment for life" shall mean imprisonment
8 for the duration of the person's natural life.

9 4. The court shall sentence a person to an extended term of
10 imprisonment as provided for in this section if it finds the
11 defendant is a predatory sexual offender and has been found
12 guilty of committing or attempting to commit any of the offenses
13 listed in subsection 1 of this section or committing child
14 molestation in the first or second degree [when classified as a
15 class B felony] or sexual abuse when classified as a class B
16 felony [to an extended term of imprisonment as provided for in
17 this section if it finds the defendant is a predatory sexual
18 offender].

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

21 (1) Has previously been found guilty of committing or
22 attempting to commit any of the offenses listed in subsection 1
23 of this section, or committing child molestation in the first or
24 second degree [when classified as a class B felony or], or sexual
25 abuse when classified as a class B felony; or

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

1 (3) Has committed an act or acts against more than one
2 victim which would constitute an offense or offenses listed in
3 subsection 4 of this section, whether or not the defendant was
4 charged with an additional offense or offenses as a result of
5 such act or acts.

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

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

20 (1) Has previously been found guilty of committing or
21 attempting to commit any of the offenses listed in subsection 1
22 of this section and is found guilty of committing or attempting
23 to commit any of the offenses listed in subsection 1 of this
24 section shall be any number of years but not less than thirty
25 years;

26 (2) Has previously [pleaded guilty to or has] been found
27 guilty of child molestation in the first or second degree [when
28 classified as a class B felony or], or sexual abuse when

1 classified as a class B felony and is found guilty of attempting
2 to commit or committing any of the offenses listed in subsection
3 1 of this section shall be any number of years but not less than
4 fifteen years;

5 (3) Has previously been found guilty of committing or
6 attempting to commit any of the offenses listed in subsection 1
7 of this section, or committing child molestation in the first or
8 second degree [when classified as a class B felony or], or sexual
9 abuse when classified as a class B felony shall be any number of
10 years but not less than fifteen years;

11 (4) Has previously [pleaded guilty to or has] been found
12 guilty of child molestation in the first degree [when classified
13 as a class B felony] or second degree, or sexual abuse when
14 classified as a class B felony, and [pleads guilty to or] is
15 found guilty of child molestation in the first or second degree
16 [when classified as a class B felony or], 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 (5) Is found to be a predatory sexual offender pursuant to
20 subdivision (2) or (3) of subsection 5 of this section shall be
21 any number of years within the range to which the person could
22 have been sentenced pursuant to the applicable law if the person
23 was not found to be a predatory sexual offender.

24 8. Notwithstanding any provision of law to the contrary,
25 the department of corrections, or any division thereof, may not
26 furlough an individual found to be and sentenced as a persistent
27 sexual offender or a predatory sexual offender.

28 566.145. 1. A person commits the [crime] offense of sexual

1 [contact] conduct with a prisoner or offender if he or she:

2 (1) [Such person] Is an employee of, or assigned to work
3 in, any jail, prison or correctional facility and [such person
4 has] engages in sexual [intercourse or deviate sexual
5 intercourse] conduct with a prisoner or an offender who is
6 confined in a jail, prison, or correctional facility; or

7 (2) [Such person] Is a probation and parole officer and
8 [has sexual intercourse or deviate sexual intercourse] engages in
9 sexual conduct with an offender who is under the direct
10 supervision of the officer.

11 2. For the purposes of this section the following terms
12 shall mean:

13 (1) "Offender", includes any person in the custody of a
14 prison or correctional facility and any person who is under the
15 supervision of the state board of probation and parole;

16 (2) "Prisoner", includes any person who is in the custody
17 of a jail, whether pretrial or after disposition of a charge.

18 3. The offense of sexual [contact] conduct with a prisoner
19 or offender is a class D felony.

20 4. Consent of a prisoner or offender is not [an
21 affirmative] a defense.

22 566.147. 1. Any person who, since July 1, 1979, has been
23 or hereafter has [pleaded guilty or nolo contendere to, or been
24 convicted of, or] been found guilty of:

25 (1) Violating any of the provisions of this chapter or the
26 provisions of [subsection 2 of] section 568.020, incest; section
27 568.045, endangering the welfare of a child in the first degree;
28 [subsection 2 of section 568.080] section 573.200, use of a child

1 in a sexual performance; section [568.090] 573.205, promoting a
2 sexual performance by a child; section 573.023, sexual
3 exploitation of a minor; section 573.025, promoting child
4 pornography in the first degree; section 573.035, promoting child
5 pornography in the second degree; section 573.037, possession of
6 child pornography, or section 573.040, furnishing pornographic
7 material to minors; or

8 (2) Any offense in any other [state or foreign country, or
9 under federal, tribal, or military] jurisdiction which, if
10 committed in this state, would be a violation listed in this
11 section; shall not reside within one thousand feet of any public
12 school as defined in section 160.011, any private school giving
13 instruction in a grade or grades not higher than the twelfth
14 grade, or any child care facility that is licensed under chapter
15 210, or any child care facility as defined in section 210.201
16 that is exempt from state licensure but subject to state
17 regulation under section 210.252 and holds itself out to be a
18 child care facility, where the school or facility is in existence
19 at the time the individual begins to reside at the location.

20 2. If such person has already established a residence and a
21 public school, a private school, or child care facility is
22 subsequently built or placed within one thousand feet of such
23 person's residence, then such person shall, within one week of
24 the opening of such public school, private school, or child care
25 facility, notify the county sheriff where such public school,
26 private school, or child care facility is located that he or she
27 is now residing within one thousand feet of such public school,
28 private school, or child care facility and shall provide

1 verifiable proof to the sheriff that he or she resided there
2 prior to the opening of such public school, private school, or
3 child care facility.

4 3. For purposes of this section, "resides" means sleeps in
5 a residence, which may include more than one location and may be
6 mobile or transitory.

7 4. Violation of the provisions of subsection 1 of this
8 section is a class D felony except that the second or any
9 subsequent violation is a class B felony. Violation of the
10 provisions of subsection 2 of this section is a class A
11 misdemeanor except that the second or subsequent violation is a
12 class D felony.

13 566.148. 1. Any person who has [pleaded guilty or nolo
14 contendere to, or been convicted of, or] been found guilty of:

15 (1) Violating any of the provisions of this chapter or the
16 provisions of [subsection 2 of] section 568.020, incest; section
17 568.045, endangering the welfare of a child in the first degree;
18 [subsection 2 of section 568.080] section 573.200, use of a child
19 in a sexual performance; section [568.090] 573.205, promoting a
20 sexual performance by a child; section 573.023, sexual
21 exploitation of a minor; section 573.025, promoting child
22 pornography in the first degree; section 573.035, promoting child
23 pornography in the second degree; section 573.037, possession of
24 child pornography, or section 573.040, furnishing pornographic
25 material to minors; or

26 (2) Any offense in any other [state or foreign country, or
27 under federal, tribal, or military] jurisdiction which, if
28 committed in this state, would be a violation listed in this

1 section; shall not knowingly be physically present in or loiter
2 within five hundred feet of or to approach, contact, or
3 communicate with any child under eighteen years of age in any
4 child care facility building, on the real property comprising any
5 child care facility when persons under the age of eighteen are
6 present in the building, on the grounds, or in the conveyance,
7 unless the offender is a parent, legal guardian, or custodian of
8 a student present in the building or on the grounds.

9 2. For purposes of this section, "child care facility"
10 shall [have the same meaning as such term is defined in section
11 210.201] include any child care facility licensed under chapter
12 210, or any child care facility that is exempt from state
13 licensure but subject to state regulation under section 210.252
14 and holds itself out to be a child care facility.

15 3. [Any person who violates] Violation of the provisions of
16 this section is [guilty of] a class A misdemeanor.

17 566.149. 1. Any person who has [pleaded guilty or nolo
18 contendere to, or been convicted of, or] been found guilty of:

19 (1) Violating any of the provisions of this chapter or the
20 provisions [of subsection 2] of section 568.020, incest; section
21 568.045, endangering the welfare of a child in the first degree;
22 [subsection 2 of section 568.080] section 573.200, use of a child
23 in a sexual performance; section [568.090] 573.205, promoting a
24 sexual performance by a child; section 573.023, sexual
25 exploitation of a minor; section 573.025, promoting child
26 pornography; or section 573.040, furnishing pornographic material
27 to minors; or

28 (2) Any offense in any other [state or foreign country, or

1 under tribal, federal, or military] jurisdiction which, if
2 committed in this state, would be a violation listed in this
3 section; shall not be present in or loiter within five hundred
4 feet of any school building, on real property comprising any
5 school, or in any conveyance owned, leased, or contracted by a
6 school to transport students to or from school or a
7 school-related activity when persons under the age of eighteen
8 are present in the building, on the grounds, or in the
9 conveyance, unless the offender is a parent, legal guardian, or
10 custodian of a student present in the building and has met the
11 conditions set forth in subsection 2 of this section.

12 2. No parent, legal guardian, or custodian who has [pleaded
13 guilty or nolo contendere to, or been convicted of, or] been
14 found guilty of violating any of the offenses listed in
15 subsection 1 of this section shall be present in any school
16 building, on real property comprising any school, or in any
17 conveyance owned, leased, or contracted by a school to transport
18 students to or from school or a school-related activity when
19 persons under the age of eighteen are present in the building, on
20 the grounds or in the conveyance unless the parent, legal
21 guardian, or custodian has permission to be present from the
22 superintendent or school board or in the case of a private school
23 from the principal. In the case of a public school, if
24 permission is granted, the superintendent or school board
25 president must inform the principal of the school where the sex
26 offender will be present. Permission may be granted by the
27 superintendent, school board, or in the case of a private school
28 from the principal for more than one event at a time, such as a

1 series of events, however, the parent, legal guardian, or
2 custodian must obtain permission for any other event he or she
3 wishes to attend for which he or she has not yet had permission
4 granted.

5 3. Regardless of the person's knowledge of his or her
6 proximity to school property or a school-related activity,
7 violation of the provisions of this section [~~shall be~~] is a class
8 A misdemeanor.

9 566.150. 1. Any person who has [~~pleaded guilty to, or been~~
10 ~~convicted of, or~~] been found guilty of:

11 (1) Violating any of the provisions of this chapter or the
12 provisions of [~~subsection 2 of~~] section 568.020, incest; section
13 568.045, endangering the welfare of a child in the first degree;
14 [~~subsection 2 of section 568.080~~] section 573.200, use of a child
15 in a sexual performance; section [~~568.090~~] 573.205, promoting a
16 sexual performance by a child; section 573.023, sexual
17 exploitation of a minor; section 573.025, promoting child
18 pornography; or section 573.040, furnishing pornographic material
19 to minors; or

20 (2) Any offense in any other [~~state or foreign country, or~~
21 ~~under federal, tribal, or military~~] jurisdiction which, if
22 committed in this state, would be a violation listed in this
23 section; shall not knowingly be present in or loiter within five
24 hundred feet of any real property comprising any public park with
25 playground equipment or a public swimming pool.

26 2. The first violation of the provisions of this section
27 [~~shall be~~] is a class D felony.

28 3. A second or subsequent violation of this section [~~shall~~

1 be] is a class C felony.

2 566.153. 1. A person commits the [crime] offense of age
3 misrepresentation with intent to solicit a minor when he or she
4 knowingly misrepresents his or her age with the intent to use the
5 internet or any electronic communication to engage in criminal
6 sexual conduct involving a minor.

7 2. The offense of age misrepresentation with intent to
8 solicit a minor is a class D felony.

9 566.155. 1. Any person who has [pleaded guilty to, or been
10 convicted of, or] been found guilty of:

11 (1) Violating any of the provisions of this chapter or the
12 provisions [of subsection 2] of section 568.020, incest; section
13 568.045, endangering the welfare of a child in the first degree;
14 [subsection 2 of section 568.080] section 573.200, use of a child
15 in a sexual performance; section [568.090] 573.205, promoting a
16 sexual performance by a child; section 573.023, sexual
17 exploitation of a minor; section 573.025, promoting child
18 pornography; or section 573.040, furnishing pornographic material
19 to minors; or

20 (2) Any offense in any other [state or foreign country, or
21 under federal, tribal, or military] jurisdiction which, if
22 committed in this state, would be a violation listed in this
23 section; shall not serve as an athletic coach, manager, or
24 athletic trainer for any sports team in which a child less than
25 seventeen years of age is a member.

26 2. The first violation of the provisions of this section
27 [shall be] is a class D felony.

28 3. A second or subsequent violation of this section [shall

1 be] is a class C felony.

2 566.209. 1. A person commits the [crime] offense of
3 trafficking for the purposes of sexual exploitation if [a person]
4 he or she knowingly recruits, entices, harbors, transports,
5 provides, or obtains by any means, including but not limited to
6 through the use of force, abduction, coercion, fraud, deception,
7 blackmail, or causing or threatening to cause financial harm,
8 another person for the use or employment of such person in sexual
9 conduct, a sexual performance, or the production of explicit
10 sexual material as defined in section 573.010, without his or her
11 consent, or benefits, financially or by receiving anything of
12 value, from participation in such activities.

13 2. The [crime] offense of trafficking for the purposes of
14 sexual exploitation is a felony punishable by imprisonment for a
15 term of years not less than five years and not more than twenty
16 years and a fine not to exceed two hundred fifty thousand
17 dollars. If a violation of this section was effected by force,
18 abduction, or coercion, the crime of trafficking for the purposes
19 of sexual exploitation is a felony punishable by imprisonment for
20 a term of years not less than ten years or life and a fine not to
21 exceed two hundred fifty thousand dollars.

22 [566.213.] 566.210. 1. A person commits the [crime]
23 offense of sexual trafficking of a child [under the age of twelve
24 if the individual] in the first degree if he or she knowingly:

25 (1) Recruits, entices, harbors, transports, provides, or
26 obtains by any means, including but not limited to through the
27 use of force, abduction, coercion, fraud, deception, blackmail,
28 or causing or threatening to cause financial harm, a person under

1 the age of twelve to participate in a commercial sex act, a
2 sexual performance, or the production of explicit sexual material
3 as defined in section 573.010, or benefits, financially or by
4 receiving anything of value, from participation in such
5 activities; or

6 (2) Causes a person under the age of twelve to engage in a
7 commercial sex act, a sexual performance, or the production of
8 explicit sexual material as defined in section 573.010.

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

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

22 [566.212.] 566.211. 1. A person commits the [crime]
23 offense of sexual trafficking of a child in the second degree if
24 [the individual] he or she knowingly:

25 (1) Recruits, entices, harbors, transports, provides, or
26 obtains by any means, including but not limited to through the
27 use of force, abduction, coercion, fraud, deception, blackmail,
28 or causing or threatening to cause financial harm, a person under

1 the age of eighteen to participate in a commercial sex act, a
2 sexual performance, or the production of explicit sexual material
3 as defined in section 573.010, or benefits, financially or by
4 receiving anything of value, from participation in such
5 activities; or

6 (2) Causes a person under the age of eighteen to engage in
7 a commercial sex act, a sexual performance, or the production of
8 explicit sexual material as defined in section 573.010.

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

11 3. The offense sexual trafficking of a child in the second
12 degree is a felony punishable by imprisonment for a term of years
13 not less than ten years or life and a fine not to exceed two
14 hundred fifty thousand dollars if the child is under the age of
15 eighteen. If a violation of this section was effected by force,
16 abduction, or coercion, the crime of sexual trafficking of a
17 child shall be a felony for which the authorized term of
18 imprisonment is life imprisonment without eligibility for
19 probation or parole until the defendant has served not less than
20 twenty-five years of such sentence.

21 566.215. 1. A person commits the [crime] offense of
22 contributing to human trafficking through the misuse of
23 documentation when [the individual] he or she knowingly:

24 (1) Destroys, conceals, removes, confiscates, or possesses
25 a valid or purportedly valid passport, government identification
26 document, or other immigration document of another person while
27 committing [crimes] offenses or with the intent to commit
28 [crimes] offenses, pursuant to sections [566.200] 566.203 to

1 566.218; or

2 (2) Prevents, restricts, or attempts to prevent or
3 restrict, without lawful authority, a person's ability to move or
4 travel by restricting the proper use of identification, in order
5 to maintain the labor or services of a person who is the victim
6 of [a crime] an offense committed pursuant to sections [566.200]
7 566.203 to 566.218.

8 2. A person who [pleads guilty to or] is found guilty of
9 the [crime] offense of contributing to human trafficking through
10 the misuse of documentation shall not be required to register as
11 a sexual offender pursuant to the provisions of section 589.400,
12 unless [such person] he or she is otherwise required to register
13 pursuant to the provisions of such section.

14 3. The [crime] offense of contributing to human trafficking
15 through the misuse of documentation is a class D felony.

16 566.218. Notwithstanding sections 557.011, 558.019, and
17 559.021, a [court sentencing a defendant convicted of] person
18 found guilty of violating [the] any provisions of section
19 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, [or]
20 566.213 [shall order the defendant], or 566.215 shall be ordered
21 by the sentencing court to pay restitution to the victim of the
22 offense regardless of whether the defendant is sentenced to a
23 term of imprisonment or probation. The minimum restitution
24 ordered by the court shall be in the amount determined by the
25 court necessary to compensate the victim for the value of the
26 victim's labor and/or for the mental and physical rehabilitation
27 of the victim and any child of the victim.

28 567.010. As used in this chapter, the following terms mean:

1 (1) ["Promoting prostitution", a person promotes
2 prostitution if, acting other than as a prostitute or a patron of
3 a prostitute, he knowingly

4 (a) Causes or aids a person to commit or engage in
5 prostitution; or

6 (b) Procures or solicits patrons for prostitution; or

7 (c) Provides persons or premises for prostitution purposes;
8 or

9 (d) Operates or assists in the operation of a house of
10 prostitution or a prostitution enterprise; or

11 (e) Accepts or receives or agrees to accept or receive
12 something of value pursuant to an agreement or understanding with
13 any person whereby he participates or is to participate in
14 proceeds of prostitution activity; or

15 (f) Engages in any conduct designed to institute, aid or
16 facilitate an act or enterprise of prostitution;

17 (2) "Prostitution", a person commits prostitution if he
18 engages or offers or agrees to engage in sexual conduct with
19 another person in return for something of value to be received by
20 the person or by a third person;

21 (3) "Patronizing prostitution", a person patronizes
22 prostitution if

23 (a) Pursuant to a prior understanding, he gives something
24 of value to another person as compensation for that person or a
25 third person having engaged in sexual conduct with him or with
26 another; or

27 (b) He gives or agrees to give something of value to
28 another person on an understanding that in return therefor that

1 person or a third person will engage in sexual conduct with him
2 or with another; or

3 (c) He solicits or requests another person to engage in
4 sexual conduct with him or with another, or to secure a third
5 person to engage in sexual conduct with him or with another, in
6 return for something of value;

7 (4)] "Deviate sexual intercourse", any sexual act involving
8 the genitals of one person and the mouth, hand, tongue, or anus
9 of another person; or any act involving the penetration, however
10 slight, of the penis, the female genitalia, or the anus by a
11 finger, instrument, or object done for the purpose of arousing or
12 gratifying the sexual desire of any person or for the purpose of
13 terrorizing the victim;

14 (2) "Prostitution-related offense", any violation of state
15 law for prostitution, patronizing prostitution, or promoting
16 prostitution;

17 (3) "Persistent prostitution offender", a person is a
18 persistent prostitution offender if he or she has been found
19 guilty of two or more prostitution-related offenses;

20 (4) "Sexual conduct" [occurs when there is], sexual
21 intercourse, deviate sexual intercourse, or sexual contact;

22 [(a)] (5) "Sexual intercourse" [which means], any
23 penetration, however slight, of the female [sex organ] genitalia
24 by the [male sex organ, whether or not an emission results or]
25 penis;

26 [(b) "Deviate sexual intercourse" which means any sexual
27 act involving the genitals of one person and the mouth, hand,
28 tongue or anus of another person; or

1 (c)] (6) "Sexual contact" [which means], any touching[,
2 manual or otherwise, of the anus or] of another person with the
3 genitals [of one person by another, done] or any touching of the
4 genitals or anus of another person or the breast of a female
5 person, or such touching through the clothing, for the purpose of
6 arousing or gratifying sexual desire of [either party] any person
7 or for the purpose of terrorizing the victim;

8 [(5)] (7) "Something of value" [means], any money or
9 property, or any token, object or article exchangeable for money
10 or property[;].

11 567.020. 1. A person commits the [crime] offense of
12 prostitution if [the person performs an act of prostitution] he
13 or she engages in or offers or agrees to engage in sexual conduct
14 with another person in return for something of value to be
15 received by any person.

16 2. The offense of prostitution is a class B misdemeanor
17 unless the person knew prior to performing the act of
18 prostitution that he or she was infected with HIV in which case
19 prostitution is a class B felony. The use of condoms is not a
20 defense to this [crime] offense.

21 3. As used in this section, "HIV" means the human
22 immunodeficiency virus that causes acquired immunodeficiency
23 syndrome.

24 4. The judge may order a drug and alcohol abuse treatment
25 program for any person found guilty of prostitution, either after
26 trial or upon a plea of guilty, before sentencing. For the class
27 B misdemeanor offense, upon the successful completion of such
28 program by the defendant, the court may at its discretion allow

1 the defendant to withdraw the plea of guilty or reverse the
2 verdict and enter a judgment of not guilty. For the class B
3 felony offense, the court shall not allow the defendant to
4 withdraw the plea of guilty or reverse the verdict and enter a
5 judgment of not guilty. The judge, however, has discretion to
6 take into consideration successful completion of a drug or
7 alcohol treatment program in determining the defendant's
8 sentence.

9 567.030. 1. A person commits the [crime] offense of
10 patronizing prostitution if he [patronizes prostitution] or she:

11 (1) Pursuant to a prior understanding, gives something of
12 value to another person as compensation for having engaged in
13 sexual conduct with any person;

14 (2) Gives or agrees to give something of value to another
15 person with the understanding that such person or another person
16 will engage in sexual conduct with any person; or

17 (3) Solicits or requests another person to engage in sexual
18 conduct with any person in return for something of value.

19 2. It shall not be [an affirmative] a defense that the
20 [defendant] person believed that the [person] individual he or
21 she patronized for prostitution was eighteen years of age or
22 older.

23 3. The offense of patronizing prostitution is a class B
24 misdemeanor, unless the individual who the person [is
25 patronizing] patronizes is [under the age of] less than eighteen
26 years of age but older than [the age of] fourteen years of age,
27 in which case patronizing prostitution is a class A misdemeanor.

28 4. The offense of patronizing prostitution is a class D

1 felony if the individual who the person patronizes is fourteen
2 years of age or younger. Nothing in this section shall preclude
3 the prosecution of an individual for the offenses of:

4 (1) Statutory rape in the first degree pursuant to section
5 566.032;

6 (2) Statutory rape in the second degree pursuant to section
7 566.034;

8 (3) Statutory sodomy in the first degree pursuant to
9 section 566.062; or

10 (4) Statutory sodomy in the second degree pursuant to
11 section 566.064.

12 567.070. 1. A person commits the ~~[crime]~~ offense of
13 promoting prostitution in the third degree if he or she knowingly
14 [promotes prostitution]:

15 (1) Causes or aids a person to commit or engage in
16 prostitution;

17 (2) Procures or solicits patrons for prostitution;

18 (3) Provides persons or premises for prostitution purposes;

19 (4) Operates or assists in the operation of a house of
20 prostitution or a prostitution business or enterprise;

21 (5) Accepts or receives or agrees to accept or receive
22 something of value pursuant to an agreement or understanding with
23 any person whereby he or she participates or is to participate in
24 proceeds of prostitution activity; or

25 (6) Engages in any conduct designed to institute, aid or
26 facilitate an act or enterprise of prostitution.

27 2. The offense of promoting prostitution in the third
28 degree is a class D felony.

1 567.080. 1. Any room, building or other structure
2 regularly used for [sexual contact for pay as defined in section
3 567.010 or] any [unlawful] prostitution activity prohibited by
4 this chapter is a public nuisance.

5 2. The attorney general, circuit attorney or prosecuting
6 attorney may, in addition to all criminal sanctions, prosecute a
7 suit in equity to enjoin the nuisance. If the court finds that
8 the owner of the room, building or structure knew or had reason
9 to believe that the premises were being used regularly for
10 [sexual contact for pay or unlawful] prostitution activity, the
11 court may order that the premises shall not be occupied or used
12 for such period as the court may determine, not to exceed one
13 year.

14 3. All persons, including owners, lessees, officers,
15 agents, inmates or employees, aiding or facilitating such a
16 nuisance may be made defendants in any suit to enjoin the
17 nuisance, and they may be enjoined from engaging in any [sexual
18 contact for pay or unlawful] prostitution activity anywhere
19 within the jurisdiction of the court.

20 4. Appeals shall be allowed from the judgment of the court
21 as in other civil actions.

22 567.085. 1. A person commits the [crime] offense of
23 promoting travel for prostitution if [the person] he or she
24 knowingly sells or offers to sell travel services that include or
25 facilitate travel for the purpose of engaging in prostitution as
26 defined by section [567.010] 567.020.

27 2. The [crime] offense of promoting travel for prostitution
28 is a class C felony.

1 567.087. 1. No travel agency or charter tour operator
2 shall:

3 (1) Promote travel for prostitution ~~[under]~~ as described in
4 section 567.085;

5 (2) Sell, advertise, or otherwise offer to sell travel
6 services or facilitate travel:

7 (a) For the purpose of engaging in a commercial sex act as
8 defined in section ~~[566.200]~~ 566.010;

9 (b) That consists of tourism packages or activities using
10 and offering any sexual contact as defined in section 566.010 as
11 enticement for tourism; or

12 (c) That provides or purports to provide access to or that
13 facilitates the availability of sex escorts or sexual services.

14 2. There shall be a rebuttable presumption that any travel
15 agency or charter tour operator using advertisements that include
16 the term "sex tours" or "sex travel" or include depictions of
17 human genitalia is in violation of this section.

18 567.110. Any person who ~~[pleads guilty to or is]~~ has been
19 found guilty of a violation of section 567.020 or 567.030 and who
20 is alleged and proved to be a persistent prostitution offender is
21 guilty of a class D felony.

22 568.020. 1. A person commits the ~~[crime]~~ offense of incest
23 if he or she marries or purports to marry or engages in sexual
24 intercourse or deviate sexual intercourse with a person he or she
25 knows to be, without regard to legitimacy, his or her:

26 (1) ~~[His]~~ Ancestor or descendant by blood or adoption; or

27 (2) ~~[His]~~ Stepchild, while the marriage creating that
28 relationship exists; or

1 (3) [His] Brother or sister of the whole or half-blood; or

2 (4) [His] Uncle, aunt, nephew or niece of the whole blood.

3 2. The offense of incest is a class D felony.

4 3. The court shall not grant probation to a person who has
5 previously been found guilty of an offense under this section.

6 568.030. 1. A person commits the [crime] offense of
7 abandonment of a child in the first degree if, as a parent,
8 guardian or other person legally charged with the care or custody
9 of a child less than four years [old] of age, he or she leaves
10 the child in any place with purpose wholly to abandon [it] the
11 child, under circumstances which are likely to result in serious
12 physical injury or death.

13 2. The offense of abandonment of a child in the first
14 degree is a class B felony, unless the child dies, in which case
15 it is a class A felony.

16 568.032. 1. A person commits the [crime] offense of
17 abandonment of a child in the second degree if, as a parent,
18 guardian or other person legally charged with the care or custody
19 of a child less than eight years [old] of age, he or she leaves
20 the child in any place with purpose wholly to abandon [it] the
21 child, under circumstances which are likely to result in serious
22 physical injury or death.

23 2. The offense of abandonment of a child in the second
24 degree is a class [D] C felony, unless the child suffers serious
25 physical injury, in which case it is a class B felony. It is a
26 class A felony if the child dies.

27 568.040. 1. A person commits the [crime] offense of
28 nonsupport if [such person] he or she knowingly fails to provide

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

6 2. For purposes of this section:

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

12 (2) "Good cause" means any substantial reason why the
13 defendant is unable to provide adequate support. Good cause does
14 not exist if the defendant purposely maintains his inability to
15 support;

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

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

22 3. Inability to provide support for good cause shall be an
23 affirmative defense under this section. A [person] defendant who
24 raises such affirmative defense has the burden of proving the
25 defense by a preponderance of the evidence.

26 4. The defendant shall have the burden of injecting the
27 issues raised by subdivision (4) of subsection 2 and subsection 3
28 of this section.

1 5. The offense of criminal nonsupport is a class A
2 misdemeanor, unless the total arrearage is in excess of an
3 aggregate of twelve monthly payments due under any order of
4 support issued by any court of competent jurisdiction or any
5 authorized administrative agency, in which case it is a class D
6 felony.

7 6. If at any time [a defendant] an offender convicted of
8 criminal nonsupport is placed on probation or parole, there may
9 be ordered as a condition of probation or parole that the
10 [defendant] offender commence payment of current support as well
11 as satisfy the arrearages. Arrearages may be satisfied first by
12 making such lump sum payment as the [defendant] offender is
13 capable of paying, if any, as may be shown after examination of
14 [defendant's] the offender's financial resources or assets, both
15 real, personal, and mixed, and second by making periodic
16 payments. Periodic payments toward satisfaction of arrears when
17 added to current payments due may be in such aggregate sums as is
18 not greater than fifty percent of the [defendant's] offender's
19 adjusted gross income after deduction of payroll taxes, medical
20 insurance that also covers a dependent spouse or children, and
21 any other court- or administrative-ordered support, only. If the
22 [defendant] offender fails to pay the current support and
23 arrearages as ordered, the court may revoke probation or parole
24 and then impose an appropriate sentence within the range for the
25 class of offense that the [defendant] offender was convicted of
26 as provided by law, unless the [defendant] offender proves good
27 cause for the failure to pay as required under subsection 3 of
28 this section.

1 7. During any period that a nonviolent [defendant] offender
2 is incarcerated for criminal nonsupport, if the [defendant]
3 offender is ready, willing, and able to be gainfully employed
4 during said period of incarceration, the [defendant] offender, if
5 he or she meets the criteria established by the department of
6 corrections, may be placed on work release to allow the
7 [defendant] offender to satisfy [defendant's] his or her
8 obligation to pay support. Arrearages shall be satisfied as
9 outlined in the collection agreement.

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

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

27 10. Persons accused of committing the offense of nonsupport
28 of the child shall be prosecuted:

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

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

5 568.045. 1. A person commits the [crime] offense of
6 endangering the welfare of a child in the first degree if he or
7 she:

8 (1) [The person] Knowingly acts in a manner that creates a
9 substantial risk to the life, body, or health of a child less
10 than seventeen years [old] of age; or

11 (2) [The person] Knowingly engages in sexual conduct with a
12 person under the age of seventeen years over whom the person is a
13 parent, guardian, or otherwise charged with the care and custody;

14 (3) [The person] Knowingly encourages, aids or causes a
15 child less than seventeen years of age to engage in any conduct
16 which violates the provisions of chapter [195] 579;

17 (4) [Such person enlists the aid, either through payment or
18 coercion, of a person less than seventeen years of age to
19 unlawfully manufacture, compound, produce, prepare, sell,
20 transport, test or analyze amphetamine or methamphetamine or any
21 of their analogues, or to obtain any material used to
22 manufacture, compound, produce, prepare, test or analyze
23 amphetamine or methamphetamine or any of their analogues; or

24 (5) Such person,] In the presence of a [person] child less
25 than seventeen years of age or in a residence where a [person]
26 child less than seventeen years of age resides, unlawfully
27 manufactures, or attempts to manufacture compounds, possesses,
28 produces, prepares, sells, transports, tests or analyzes

1 amphetamine or methamphetamine or any of their analogues.

2 2. The offense of endangering the welfare of a child in the
3 first degree is a class C felony unless the offense:

4 (1) Results in serious physical injury to the child, in
5 which case the offense is a class B felony; or

6 (2) Results in the death of a child, in which case the
7 offense is a class A felony;

8
9 Notwithstanding section 558.011 to the contrary, the authorized
10 term of imprisonment for a class C felony of endangering the
11 welfare of a child in the first degree is a term of years not
12 less than three years and not to exceed ten years if such offense
13 is committed as part of [a ritual or ceremony, or except on] an
14 act or series of acts performed by two or more persons as part of
15 an established or prescribed pattern of activity, or where
16 physical injury to the child results, or the offense is a second
17 or subsequent offense[, in which case the crime is a class B
18 felony] under this section.

19 [3. This section shall be known as "Hope's Law".]

20 568.050. 1. A person commits the [crime] offense of
21 endangering the welfare of a child in the second degree if he or
22 she:

23 (1) [He or she] With criminal negligence acts in a manner
24 that creates a substantial risk to the life, body or health of a
25 child less than seventeen years [old] of age; or

26 (2) [He or she] Knowingly encourages, aids or causes a
27 child less than seventeen years [old] of age to engage in any
28 conduct which causes or tends to cause the child to come within

1 the provisions of paragraph (d) of subdivision (2) of subsection
2 1 or subdivision (3) of subsection 1 of section 211.031; or

3 (3) Being a parent, guardian or other person legally
4 charged with the care or custody of a child less than seventeen
5 years [old, he or she] of age, recklessly fails or refuses to
6 exercise reasonable diligence in the care or control of such
7 child to prevent him or her from coming within the provisions of
8 paragraph (c) of subdivision (1) of subsection 1 or paragraph (d)
9 of subdivision (2) of subsection 1 or subdivision (3) of
10 subsection 1 of section 211.031; or

11 (4) [He or she] Knowingly encourages, aids or causes a
12 child less than seventeen years of age to enter into any room,
13 building or other structure which is a public nuisance as defined
14 in section [195.130; or

15 (5) He or she operates a vehicle in violation of
16 subdivision (2) or (3) of subsection 1 of section 565.024,
17 subdivision (4) of subsection 1 of section 565.060, section
18 577.010, or section 577.012 while a child less than seventeen
19 years old is present in the vehicle] 579.105.

20 2. Nothing in this section shall be construed to mean the
21 welfare of a child is endangered for the sole reason that he or
22 she is being provided nonmedical remedial treatment recognized
23 and permitted under the laws of this state.

24 3. The offense of endangering the welfare of a child in the
25 second degree is a class A misdemeanor unless the offense is
26 committed as part of [a ritual or ceremony] an act or series of
27 acts performed by two or more persons as part of an established
28 or prescribed pattern of activity, in which case the [crime]

1 offense is a class D felony.

2 568.060. 1. As used in this section, the following terms
3 shall mean:

4 (1) "Abuse", the infliction of physical, sexual, or mental
5 injury against a child by any person eighteen years of age or
6 older. For purposes of this section, abuse shall not include
7 injury inflicted on a child by accidental means by a person with
8 care, custody, or control of the child, or discipline of a child
9 by a person with care, custody, or control of the child,
10 including spanking, in a reasonable manner;

11 (2) "Abusive head trauma", a serious physical injury to the
12 head or brain caused by any means, including but not limited to
13 shaking, jerking, pushing, pulling, slamming, hitting, or
14 kicking;

15 (3) "Mental injury", an injury to the intellectual or
16 psychological capacity or the emotional condition of a child as
17 evidenced by an observable and substantial impairment of the
18 ability of the child to function within his or her normal range
19 of performance or behavior;

20 (4) "Neglect", the failure to provide, by those responsible
21 for the care, custody, and control of a child under the age of
22 eighteen years, the care reasonable and necessary to maintain the
23 physical and mental health of the child, when such failure
24 presents a substantial probability that death or physical injury
25 or sexual injury would result;

26 (5) "Physical injury", physical pain, illness, or any
27 impairment of physical condition, including but not limited to
28 bruising, lacerations, hematomas, welts, or permanent or

1 temporary disfigurement and impairment of any bodily function or
2 organ;

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

10 (7) "Serious physical injury", a physical injury that
11 creates a substantial risk of death or that causes serious
12 disfigurement or protracted loss or impairment of the function of
13 any part of the body.

14 2. A person commits the offense of abuse or neglect of a
15 child if such person knowingly causes a child who is less than
16 eighteen years of age:

17 (1) To suffer physical or mental injury as a result of
18 abuse or neglect; or

19 (2) To be placed in a situation in which the child may
20 suffer physical or mental injury as the result of abuse or
21 neglect.

22 3. A person commits the offense of abuse or neglect of a
23 child if such person recklessly causes a child who is less than
24 eighteen years of age to suffer from abusive head trauma.

25 4. A person does not commit the offense of abuse or neglect
26 of a child by virtue of the sole fact that the person delivers or
27 allows the delivery of a child to a provider of emergency
28 services.

1 5. The offense of abuse or neglect of a child is:

2 (1) A class C felony, without eligibility for probation
3 [or], parole, or conditional release until the defendant has
4 served no less than one year of such sentence, unless the person
5 has previously been found guilty of a violation of this section
6 or of a violation of the law of any other jurisdiction that
7 prohibits the same or similar conduct or the injury inflicted on
8 the child is a serious emotional injury or a serious physical
9 injury, in which case abuse or neglect of a child is a class B
10 felony, without eligibility for probation or parole until the
11 defendant has served not less than five years of such sentence;
12 or

13 (2) A class A felony if the child dies as a result of
14 injuries sustained from conduct chargeable under the provisions
15 of this section.

16 6. Notwithstanding subsection 5 of this section to the
17 contrary, the offense of abuse or neglect of a child is a class A
18 felony, without eligibility for probation [or], parole, or
19 conditional release until the defendant has served not less than
20 fifteen years of such sentence, if:

21 (1) The injury is a serious emotional injury or a serious
22 physical injury;

23 (2) The child is less than fourteen years of age; and

24 (3) The injury is the result of sexual abuse or sexual
25 abuse in the first degree as defined under section 566.100 or
26 sexual exploitation of a minor as defined under section 573.023.

27 7. The circuit or prosecuting attorney may refer a person
28 who is suspected of abuse or neglect of a child to an appropriate

1 public or private agency for treatment or counseling so long as
2 the agency has consented to taking such referrals. Nothing in
3 this subsection shall limit the discretion of the circuit or
4 prosecuting attorney to prosecute a person who has been referred
5 for treatment or counseling pursuant to this subsection.

6 8. Nothing in this section shall be construed to alter the
7 requirement that every element of any crime referred to herein
8 must be proven beyond a reasonable doubt.

9 9. Discipline, including spanking administered in a
10 reasonable manner, shall not be construed to be abuse under this
11 section.

12 568.070. 1. A person commits the ~~[crime]~~ offense of
13 unlawful transactions with a child if he or she:

14 (1) Being a pawnbroker, junk dealer, dealer in secondhand
15 goods, or any employee of such person, ~~[he]~~ with criminal
16 negligence buys or receives any personal property other than
17 agricultural products from an unemancipated minor, unless the
18 child's custodial parent or guardian has consented in writing to
19 the transaction; or

20 (2) ~~[He]~~ Knowingly permits a minor child to enter or remain
21 in a place where illegal activity in controlled substances, as
22 defined in chapter ~~[195]~~ 579, is maintained or conducted; or

23 (3) ~~[He]~~ With criminal negligence sells blasting caps, bulk
24 gunpowder, or explosives to a child under the age of seventeen,
25 or fireworks as defined in section 320.110, to a child under the
26 age of fourteen, unless the child's custodial parent or guardian
27 has consented in writing to the transaction. Criminal negligence
28 as to the age of the child is not an element of this crime.

1 2. The offense of unlawful transactions with a child is a
2 class B misdemeanor.

3 569.010. As used in this chapter the following terms mean:

4 (1) ["Forcibly steals", a person "forcibly steals", and
5 thereby commits robbery, when, in the course of stealing, as
6 defined in section 570.030, he uses or threatens the immediate
7 use of physical force upon another person for the purpose of:

8 (a) Preventing or overcoming resistance to the taking of
9 the property or to the retention thereof immediately after the
10 taking; or

11 (b) Compelling the owner of such property or another person
12 to deliver up the property or to engage in other conduct which
13 aids in the commission of the theft;

14 (2) "Inhabitable structure" includes a ship, trailer,
15 sleeping car, airplane, or other vehicle or structure:

16 (a) Where any person lives or carries on business or other
17 calling; or

18 (b) Where people assemble for purposes of business,
19 government, education, religion, entertainment or public
20 transportation; or

21 (c) Which is used for overnight accommodation of persons.
22 Any such vehicle or structure is "inhabitable" regardless of
23 whether a person is actually present;

24 (3) "Of another", property is that "of another" if any
25 natural person, corporation, partnership, association,
26 governmental subdivision or instrumentality, other than the
27 actor, has a possessory or proprietary interest therein;

28 (4) If a building or structure is divided into separately

1 occupied units, any unit not occupied by the actor is an
2 "inhabitable structure of another";

3 (5) "Vital public facility" includes a facility maintained
4 for use as a bridge, whether over land or water, dam, reservoir,
5 tunnel, communication installation or power station;

6 (6) "Utility", an enterprise which provides gas, electric,
7 steam, water, sewerage disposal or communication services and any
8 common carrier. It may be either publicly or privately owned or
9 operated;

10 (7) "To tamper", to interfere with something improperly, to
11 meddle with it, displace it, make unwarranted alterations in its
12 existing condition, or to deprive, temporarily, the owner or
13 possessor of that thing] "Cave or cavern", any naturally
14 occurring subterranean cavity enterable by a person including,
15 without limitation, a pit, pothole, natural well, grotto, and
16 tunnel, whether or not the opening has a natural entrance;

17 [(8)] (2) "Enter unlawfully or remain unlawfully", a person
18 ["enters unlawfully or remains unlawfully"] enters or remains in
19 or upon premises when he or she is not licensed or privileged to
20 do so. A person who, regardless of his or her purpose, enters or
21 remains in or upon premises which are at the time open to the
22 public does so with license and privilege unless he or she defies
23 a lawful order not to enter or remain, personally communicated to
24 him or her by the owner of such premises or by other authorized
25 person. A license or privilege to enter or remain in a building
26 which is only partly open to the public is not a license or
27 privilege to enter or remain in that part of the building which
28 is not open to the public;

1 (3) "To tamper", to interfere with something improperly, to
2 meddle with it, displace it, make unwarranted alterations in its
3 existing condition, or to deprive, temporarily, the owner or
4 possessor of that thing;

5 (4) "Utility", an enterprise which provides gas, electric,
6 steam, water, sewerage disposal, or communication, video,
7 internet, or voice over internet protocol services, and any
8 common carrier. It may be either publicly or privately owned or
9 operated.

10 569.053. 1. A person commits the offense of arson in the
11 third degree if he or she knowingly starts a fire or causes an
12 explosion and thereby recklessly damages or destroys a building
13 or an inhabitable structure of another.

14 2. The offense of arson in the third degree is a class A
15 misdemeanor.

16 569.060. 1. A person commits the [crime] offense of
17 reckless burning or exploding [when] if he [knowingly] or she
18 recklessly starts a fire or causes an explosion and thereby
19 [recklessly] damages or destroys [a building or an inhabitable
20 structure] the property of another.

21 2. The offense of reckless burning or exploding is a class
22 [A] B misdemeanor.

23 569.065. 1. A person commits the [crime] offense of
24 negligent burning or exploding [when] if he or she with criminal
25 negligence causes damage to property or to the woodlands,
26 cropland, grassland, prairie, or marsh of another by [fire or
27 explosion]:

28 (1) Starting a fire or causing an explosion; or

1 (2) Allowing a fire burning on lands in his or her
2 possession or control onto the property of another.

3 2. The offense of negligent burning or exploding is a class
4 [B] C misdemeanor.

5 569.090. 1. A person commits the [crime] offense of
6 tampering in the second degree if he or she:

7 (1) Tamperers with property of another for the purpose of
8 causing substantial inconvenience to that person or to another;
9 or

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

13 (3) Tamperers or makes connection with property of a utility;
14 or

15 (4) Tamperers with, or causes to be tampered with, any meter
16 or other property of an electric, gas, steam or water utility,
17 the effect of which tampering is either:

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

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

22 2. In any prosecution under subdivision (4) of subsection
23 1, proof that a meter or any other property of a utility has been
24 tampered with, and the person or persons accused received the use
25 or direct benefit of the electric, gas, steam or water service,
26 with one or more of the effects described in subdivision (4) of
27 subsection 1, shall be sufficient to support an inference which
28 the trial court may submit to the trier of fact, from which the

trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

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

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

(2) The defendant has a prior conviction or has [had a prior finding of guilt] previously been found guilty pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, [section 570.080,] or subdivision (2) of subsection 1 of this section, in which case it is a class C felony.

569.095. 1. A person commits the [crime] offense of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he has such authorization:

(1) Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or

(2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or

(3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or

(4) Discloses or takes a password, identifying code, personal identification number, or other confidential information

1 about a computer system or network that is intended to or does
2 control access to the computer system or network;

3 (5) Accesses a computer, a computer system, or a computer
4 network, and intentionally examines information about another
5 person;

6 (6) Receives, retains, uses, or discloses any data he knows
7 or believes was obtained in violation of this subsection.

8 2. The offense of tampering with computer data is a class A
9 misdemeanor, unless the offense is committed for the purpose of
10 devising or executing any scheme or artifice to defraud or to
11 obtain any property, the value of which is [five] seven hundred
12 fifty dollars or more, in which case [tampering with computer
13 data] it is a class D felony.

14 569.097. 1. A person commits the [crime] offense of
15 tampering with computer equipment if he or she knowingly and
16 without authorization or without reasonable grounds to believe
17 that he or she has such authorization:

18 (1) Modifies, destroys, damages, or takes equipment or data
19 storage devices used or intended to be used in a computer,
20 computer system, or computer network; or

21 (2) Modifies, destroys, damages, or takes any computer,
22 computer system, or computer network.

23 2. The offense of tampering with computer equipment is a
24 class A misdemeanor, unless:

25 (1) The offense is committed for the purpose of executing
26 any scheme or artifice to defraud or obtain any property, the
27 value of which is [five] seven hundred fifty dollars or more, in
28 which case it is a class D felony; or

1 (2) The damage to such computer equipment or to the
2 computer, computer system, or computer network is [five] seven
3 hundred fifty dollars or more [but less than one thousand
4 dollars], in which case it is a class D felony; or

5 (3) The damage to such computer equipment or to the
6 computer, computer system, or computer network is [one] twenty-
7 five thousand dollars or [greater] more, in which case it is a
8 class C felony.

9 569.099. 1. A person commits the [crime] offense of
10 tampering with computer users if he or she knowingly and without
11 authorization or without reasonable grounds to believe that he or
12 she has such authorization:

13 (1) Accesses or causes to be accessed any computer,
14 computer system, or computer network; or

15 (2) Denies or causes the denial of computer system services
16 to an authorized user of such computer system services, which, in
17 whole or in part, is owned by, under contract to, or operated
18 for, or on behalf of, or in conjunction with another.

19 2. The offense of tampering with computer users is a class
20 A misdemeanor unless the offense is committed for the purpose of
21 devising or executing any scheme or artifice to defraud or to
22 obtain any property, the value of which is [five] seven hundred
23 fifty dollars or more, in which case tampering with computer
24 users is a class D felony.

25 569.100. 1. A person commits the [crime] offense of
26 property damage in the first degree if such person:

27 (1) Knowingly damages property of another to an extent
28 exceeding seven hundred fifty dollars; or

1 (2) Damages property to an extent exceeding [one thousand]
2 seven hundred fifty dollars for the purpose of defrauding an
3 insurer; or

4 (3) Knowingly damages a motor vehicle of another and the
5 damage occurs while such person is making entry into the motor
6 vehicle for the purpose of committing the crime of stealing
7 therein or the damage occurs while such person is committing the
8 crime of stealing within the motor vehicle.

9 2. The offense of property damage in the first degree
10 committed under subdivision (1) or (2) of subsection 1 of this
11 section is a class D felony. The offense of property damage in
12 the first degree committed under subdivision (3) of subsection 1
13 of this section is a class C felony unless committed as a second
14 or subsequent violation of subdivision (3) of subsection 1 of
15 this section in which case it is a class B felony.

16 [578.416.] 569.132. [No person shall] 1. This section
17 shall be known and may be cited as the "Crop Protection Act".

18 2. A person commits the offense of prohibited acts
19 involving crops if he or she:

20 (1) Intentionally [cause] causes the loss of any crop;

21 (2) [Damage, vandalize, or steal] Damages, vandalizes, or
22 steals any property in or on land on which a crop is located;

23 (3) [Obtain] Obtains access to a crop by false pretenses
24 for the purpose of performing acts not authorized by the
25 landowner;

26 (4) [Enter] Enters or otherwise [interfere] interferes with
27 a crop with the intent to destroy, alter, duplicate or obtain
28 unauthorized possession of such crop;

1 (5) Knowingly ~~[obtain]~~ obtains, by theft or deception,
2 control over a crop for the purpose of depriving the rightful
3 owner of such crop, or for the purpose of destroying such crop;
4 or

5 (6) ~~[Enter or remain]~~ Enters or remains on land on which a
6 crop is located with the intent to commit an act prohibited by
7 this section.

8 3. The offense of prohibited acts involving crops is a
9 class A misdemeanor for each such violation unless:

10 (1) The loss or damage to the crop is seven hundred fifty
11 dollars or more, in which case it is a class D felony;

12 (2) The loss or damage to the crop is one thousand dollars
13 or more, in which case it is a class C felony;

14 (3) The loss or damage to the crop is twenty-five thousand
15 dollars or more, in which case it is a class B felony;

16 (4) The loss or damage to the crop is seventy-five thousand
17 dollars or more, in which case it is a class A felony.

18 4. Any person who has been damaged by a violation of this
19 section shall have a civil cause of action under section 537.353.

20 5. Nothing in this section shall preclude any owner or
21 operator injured in his or her business or on his or her property
22 by a violation of this section from seeking appropriate relief
23 under any other provision of law or remedy including the issuance
24 of an injunction against any person who violates this section.
25 The owner or operator of the business may petition the court to
26 permanently enjoin such persons from violating this section, and
27 the court shall provide such relief.

28 6. The director of the department of agriculture shall have

1 the authority to investigate any alleged violation of this
2 section, along with any other law enforcement agency, and may
3 take any action within the director's authority necessary for the
4 enforcement of this section. The attorney general, the highway
5 patrol, and other law enforcement officials shall provide
6 assistance required for the investigation.

7 7. The director may promulgate rules and regulations
8 necessary for the enforcement of this section. Any rule or
9 portion of a rule, as that term is defined in section 536.010
10 that is created under the authority delegated in this section
11 shall become effective only if it complies with and is subject to
12 all of the provisions of chapter 536, and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable and if
14 any of the powers vested with the general assembly pursuant to
15 chapter 536, to review, to delay the effective date, or to
16 disapprove and annul a rule are subsequently held
17 unconstitutional, then the grant of rulemaking authority and any
18 rule proposed or adopted after January 1, 2017, shall be invalid
19 and void.

20 [578.210.] 569.135. 1. [A person, without the prior
21 written permission of the owner or if a corporation is the owner,
22 of an officer of the corporation, lessee, or if the cavern is
23 located on public land, the superintendent thereof shall not]
24 Unless a person has the prior written permission of an owner,
25 officer, lessee, or superintendent of a cave or cavern, such
26 person commits the offense of unlawfully entering or defacing a
27 cave or cavern if he or she:

28 (1) Willfully or knowingly [break, break off, crack, carve

1 upon, write or otherwise mark] breaks, breaks off, cracks, carves
2 upon, writes or otherwise marks upon, or in any manner [destroy,
3 mutilate, injure, deface, remove, displace, mar or harm]
4 destroys, mutilates, injures, defaces, removes, displaces, mars,
5 or harms the surfaces of any cave or any natural material therein
6 including, without limitation, stalactites, stalagmites,
7 helictites, anthodites, gypsum flowers, or needles, cave pearls,
8 flowstone, draperies, rimstone, spathites, columns or similar
9 crystalline mineral formation, including the host rock thereof[.

10 2. A person shall not, without the permission required in
11 subsection 1 of this section, break, force, tamper with, remove
12 or otherwise disturb]; or

13 (2) Breaks, forces, tampers with, removes, or otherwise
14 disturbs a lock, gate, door or other structure designed to
15 prevent entrance to a cave or cavern. A person violates this
16 subsection whether or not entrance to the cave or cavern is
17 achieved.

18 2. No additional appropriations may be made for the
19 enforcement of this section.

20 3. The provisions of this section do not apply to vertical
21 or horizontal underground mining operations.

22 4. The offense of unlawfully entering or defacing a cave or
23 cavern is a class A misdemeanor.

24 [578.215.] 569.137. 1. As used in this section, the
25 following terms mean:

26 (1) "Cave system", the caves in a given area related to
27 each other hydrologically, whether continuous or discontinuous
28 from a single opening;

1 (2) "Sinkhole", a hollow place or depression in the ground
2 in which drainage may collect with an opening therefrom into an
3 underground channel or cave including any subsurface opening that
4 might be bridged by a formation of silt, gravel, humus, or any
5 other material through which percolation into the channel or cave
6 may occur.

7 2. A person [shall not] commits the offense of polluting
8 cave or subsurface waters if he or she purposely [introduce]
9 introduces into any cave, cave system, sinkhole or subsurface
10 waters of the state any substance or structure that will or could
11 violate any provision of the Missouri clean water law as set
12 forth in chapter [204] 644, or any water quality standard or
13 effluent limitation promulgated pursuant thereto.

14 [2.] 3. The provisions of [subsection 1 of] this section do
15 not apply:

16 (1) Where natural subsurface drainage systems including,
17 without limitation, caves, cave systems, sinkholes, fissures and
18 related openings are used for purposes of storm water drainage,
19 artificial recharge of aquifers, and irrigation return flow, and
20 where modifications of natural drainage systems are made for
21 purposes of improving natural drainage relationships; or

22 (2) To vertical or horizontal underground mining
23 operations.

24 [3.] 4. No additional appropriations may be made for the
25 enforcement of [sections 578.200 to 578.225] this section.

26 5. The offense of polluting cave or subsurface waters is a
27 class A misdemeanor.

28 569.145. In addition to the posting of real property as set

1 forth in section 569.140, the owner or lessee of any real
2 property may post the property by placing identifying purple
3 marks on trees or posts around the area to be posted. Each
4 purple mark shall be:

5 (1) A vertical line of at least eight inches in length and
6 the bottom of the mark shall be no less than three feet nor more
7 than five feet high. Such marks shall be placed no more than one
8 hundred feet apart and shall be readily visible to any person
9 approaching the property; or

10 (2) A post capped or otherwise marked on at least its top
11 two inches. The bottom of the cap or mark shall be not less than
12 three feet but not more than five feet six inches high. Posts so
13 marked shall be placed not more than thirty-six feet apart and
14 shall be readily visible to any person approaching the property.
15 Prior to applying a cap or mark which is visible from both sides
16 of a fence shared by different property owners or lessees, all
17 such owners or lessees shall concur in the decision to post their
18 own property. [Property so posted is to be considered posted for
19 all purposes, and any unauthorized entry upon the property is
20 trespass in the first degree, and a class B misdemeanor] Posting
21 in such a manner shall be found to be reasonably likely to come
22 to the attention of intruders for the purposes of section
23 569.140.

24 570.010. As used in this chapter, the following terms mean:

25 (1) "Adulterated" [means], l varying from the standard of
26 composition or quality prescribed by statute or lawfully
27 promulgated administrative regulations of this state lawfully
28 filed, or if none, as set by commercial usage;

1 (2) "Appropriate" [means], to take, obtain, use, transfer,
2 conceal [or], retain [possession of] or dispose;

3 (3) "Check", a check or other similar sight order or any
4 other form of presentment involving the transmission of account
5 information for the payment of money;

6 (4) "Coercion" [means], a threat, however communicated:

7 (a) To commit any [crime] offense; or

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

10 (c) To accuse any person of any [crime] offense; or

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

13 (e) To harm the credit or business [repute] reputation of
14 any person; or

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

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

26 [(4)] (5) "Credit device" [means], a writing, card, code,
27 number or other device purporting to evidence an undertaking to
28 pay for property or services delivered or rendered to or upon the

1 order of a designated person or bearer;

2 [(5)] (6) "Dealer" [means], a person in the business of
3 buying and selling goods;

4 [(6)] (7) "Debit device" [means], a writing, card, code,
5 number or other device, other than a check, draft or similar
6 paper instrument, by the use of which a person may initiate an
7 electronic fund transfer, including but not limited to devices
8 that enable electronic transfers of benefits to public assistance
9 recipients;

10 [(7)] (8) "Deceit or deceive" [means purposely], making a
11 representation which is false and which the actor does not
12 believe to be true and upon which the victim relies, as to a
13 matter of fact, law, value, intention or other state of mind, or
14 concealing a material fact as to the terms of a contract or
15 agreement. The term "deceit" does not, however, include falsity
16 as to matters having no pecuniary significance, or puffing by
17 statements unlikely to deceive ordinary persons in the group
18 addressed. Deception as to the actor's intention to perform a
19 promise shall not be inferred from the fact alone that he did not
20 subsequently perform the promise;

21 [(8)] (9) "Deprive" [means]:

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

23 (b) To restore property only upon payment of reward or
24 other compensation; or

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

27 (10) "Electronic benefits card" or "EBT card", a debit card
28 used to access food stamps or cash benefits issued by the

1 department of social services;

2 (11) "Financial institution", a bank, trust company,
3 savings and loan association, or credit union;

4 (12) "Food stamps", the nutrition assistance program in
5 Missouri that provides food and aid to low-income individuals who
6 are in need of benefits to purchase food operated by the United
7 States Department of Agriculture (USDA) in conjunction with the
8 department of social services;

9 (13) "Forcibly steals", a person, in the course of
10 stealing, uses or threatens the immediate use of physical force
11 upon another person for the purpose of:

12 (a) Preventing or overcoming resistance to the taking of
13 the property or to the retention thereof immediately after the
14 taking; or

15 (b) Compelling the owner of such property or another person
16 to deliver up the property or to engage in other conduct which
17 aids in the commission of the theft;

18 (14) "Internet service", an interactive computer service or
19 system or an information service, system, or access software
20 provider that provides or enables computer access by multiple
21 users to a computer server, and includes, but is not limited to,
22 an information service, system, or access software provider that
23 provides access to a network system commonly known as the
24 internet, or any comparable system or service and also includes,
25 but is not limited to, a world wide web page, newsgroup, message
26 board, mailing list, or chat area on any interactive computer
27 service or system or other online service;

28 (15) "Means of identification", anything used by a person

1 as a means to uniquely distinguish himself or herself;

2 (16) "Merchant", a person who deals in goods of the kind or
3 otherwise by his or her occupation holds oneself out as having
4 knowledge or skill peculiar to the practices or goods involved in
5 the transaction or to whom such knowledge or skill may be
6 attributed by his or her employment of an agent or broker or
7 other intermediary who by his or her occupation holds oneself out
8 as having such knowledge or skill;

9 [(9)] (17) "Mislabeled" [means], varying from the standard
10 of truth or disclosure in labeling prescribed by statute or
11 lawfully promulgated administrative regulations of this state
12 lawfully filed, or if none, as set by commercial usage; or
13 represented as being another person's product, though otherwise
14 accurately labeled as to quality and quantity;

15 [(10) "New and unused property" means tangible personal
16 property that has never been used since its production or
17 manufacture and is in its original unopened package or container
18 if such property was packaged;

19 (11) "Of another" property or services is that "of another"
20 if any natural person, corporation, partnership, association,
21 governmental subdivision or instrumentality, other than the
22 actor, has a possessory or proprietary interest therein, except
23 that property shall not be deemed property of another who has
24 only a security interest therein, even if legal title is in the
25 creditor pursuant to a conditional sales contract or other
26 security arrangement;

27 (12)] (18) "Pharmacy", any building, warehouse, physician's
28 office, hospital, pharmaceutical house or other structure used in

1 whole or in part for the sale, storage, or dispensing of any
2 controlled substance as defined in chapter 195;

3 (19) "Property" [means], anything of value, whether real or
4 personal, tangible or intangible, in possession or in action, and
5 shall include but not be limited to the evidence of a debt
6 actually executed but not delivered or issued as a valid
7 instrument;

8 [(13) "Receiving" means acquiring possession, control or
9 title or lending on the security of the property;

10 (14)] (20) "Public assistance benefits", anything of value,
11 including money, food, EBT cards, food stamps, commodities,
12 clothing, utilities, utilities payments, shelter, drugs and
13 medicine, materials, goods, and any service including
14 institutional care, medical care, dental care, child care,
15 psychiatric and psychological service, rehabilitation
16 instruction, training, transitional assistance, or counseling,
17 received by or paid on behalf of any person under chapters 198,
18 205, 207, 208, 209, and 660, or benefits, programs, and services
19 provided or administered by the Missouri department of social
20 services or any of its divisions;

21 (21) "Services" includes transportation, telephone,
22 electricity, gas, water, or other public service, cable
23 television service, accommodation in hotels, restaurants or
24 elsewhere, admission to exhibitions and use of vehicles;

25 (22) "Stealing-related offense", federal and state
26 violations of criminal statutes against stealing, robbery, or
27 buying or receiving stolen property and shall also include
28 municipal ordinances against the same if the offender was either

1 represented by counsel or knowingly waived counsel in writing and
2 the judge accepting the plea or making the findings was a
3 licensed attorney at the time of the court proceedings;

4 (23) "Video service", the provision of video programming
5 provided through wireline facilities located at least in part in
6 the public right-of-way without regard to delivery technology,
7 including internet protocol technology whether provided as part
8 of a tier, on demand, or a per-channel basis. This definition
9 includes cable service as defined by 47 U.S.C. Section 522(6),
10 but does not include any video programming provided by a
11 commercial mobile service provider as "commercial mobile service"
12 is defined in 47 U.S.C. Section 332(d), or any video programming
13 provided solely as part of and via a service that enables users
14 to access content, information, electronic mail, or other
15 services offered over the public internet, and includes microwave
16 television transmission, from a multipoint distribution service
17 not capable of reception by conventional television receivers
18 without the use of special equipment;

19 (24) "Voice over internet protocol service", a service
20 that:

21 (a) Enables real-time, two-way voice communication;

22 (b) Requires a broadband connection from the user's
23 location;

24 (c) Requires internet protocol-compatible customer premises
25 equipment; and

26 (d) Permits users generally to receive calls that originate
27 on the public switched telephone network and to terminate calls
28 to the public switched telephone network;

1 [(15)] (25) "Writing" includes printing, any other method
2 of recording information, money, coins, negotiable instruments,
3 tokens, stamps, seals, credit cards, badges, trademarks and any
4 other symbols of value, right, privilege or identification.

5 570.020. For the purposes of this chapter, the value of
6 property shall be ascertained as follows:

7 (1) Except as otherwise specified in this section, "value"
8 means the market value of the property at the time and place of
9 the crime, or if such cannot be satisfactorily ascertained, the
10 cost of replacement of the property within a reasonable time
11 after the crime. If the victim is a merchant, [as defined in
12 section 400.2-104,] and the property is a type that the merchant
13 sells in the ordinary course of business, then the property shall
14 be valued at the price that such merchant would normally sell
15 such property;

16 (2) Whether or not they have been issued or delivered,
17 certain written instruments, not including those having a readily
18 ascertainable market value such as some public and corporate
19 bonds and securities, shall be evaluated as follows:

20 (a) The value of an instrument constituting evidence of
21 debt, such as a check, draft or promissory note, shall be deemed
22 the amount due or collectible thereon or thereby, such figure
23 ordinarily being the face amount of the indebtedness less any
24 portion thereof which has been satisfied;

25 (b) The value of any other instrument which creates,
26 releases, discharges or otherwise affects any valuable legal
27 right, privilege or obligation shall be deemed the greatest
28 amount of economic loss which the owner of the instrument might

1 reasonably suffer by virtue of the loss of the instrument;

2 (3) When the value of property cannot be satisfactorily
3 ascertained pursuant to the standards set forth in subdivisions
4 (1) and (2) of this section, its value shall be deemed to be an
5 amount less than ~~[five]~~ seven hundred fifty dollars.

6 ~~[569.020.]~~ 570.023. 1. A person commits the ~~[crime]~~
7 offense of robbery in the first degree ~~[when]~~ if he or she
8 forcibly steals property and in the course thereof he or she, or
9 another participant in the ~~[crime,]~~ offense:

10 (1) Causes serious physical injury to any person; or

11 (2) Is armed with a deadly weapon; or

12 (3) Uses or threatens the immediate use of a dangerous
13 instrument against any person; or

14 (4) Displays or threatens the use of what appears to be a
15 deadly weapon or dangerous instrument; or

16 (5) Steals any controlled substance from a pharmacy.

17 2. The offense of robbery in the first degree is a class A
18 felony.

19 ~~[569.030.]~~ 570.025. 1. A person commits the ~~[crime]~~
20 offense of robbery in the second degree ~~[when]~~ if he or she
21 forcibly steals property and in the course thereof causes
22 physical injury to another person.

23 2. The offense of robbery in the second degree is a class B
24 felony.

25 570.030. 1. A person commits the ~~[crime]~~ offense of
26 stealing if he or she:

27 (1) Appropriates property or services of another with the
28 purpose to deprive him or her thereof, either without his or her

1 consent or by means of deceit or coercion;

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

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

10 2. [Evidence of the following is admissible in any criminal
11 prosecution pursuant to this section on the issue of the
12 requisite knowledge or belief of the alleged stealer:

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

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

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

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

23 (5) That he or she, with intent to cheat or defraud a
24 retailer, possesses, uses, utters, transfers, makes, alters,
25 counterfeits, or reproduces a retail sales receipt, price tag, or
26 universal price code label, or possesses with intent to cheat or
27 defraud, the device that manufactures fraudulent receipts or
28 universal price code labels.

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

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

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

9 (3) The property appropriated consists of:

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

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

12 (c) Any credit card or letter of credit; or

13 (d) Any firearms; or

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

15 (f) A United States national flag designed, intended and
16 used for display on buildings or stationary flagstaffs in the
17 open; or

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

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

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

26 (j) Any animal considered livestock as that term is defined
27 in section 144.010; or

28 (k) Live fish raised for commercial sale with a value of

1 seventy-five dollars; or

2 (l) Captive wildlife held under permit issued by the
3 conservation commission; or

4 (m) Any controlled substance as defined by section 195.010;
5 or

6 (n) Anhydrous ammonia;

7 (o) Ammonium nitrate; or

8 (p) Any document of historical significance which has fair
9 market value of five hundred dollars or more.

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

14 5. If an actor appropriates any material with a value less
15 than five hundred dollars in violation of this section with the
16 intent to use such material to manufacture, compound, produce,
17 prepare, test or analyze amphetamine or methamphetamine or any of
18 their analogues, then such violation is a class C felony. The
19 theft of any amount of anhydrous ammonia or liquid nitrogen, or
20 any attempt to steal any amount of anhydrous ammonia or liquid
21 nitrogen, is a class B felony. The theft of any amount of
22 anhydrous ammonia by appropriation of a tank truck, tank trailer,
23 rail tank car, bulk storage tank, field (nurse) tank or field
24 applicator is a class A felony.

25 6. The theft of any item of property or services pursuant
26 to subsection 3 of this section which exceeds five hundred
27 dollars may be considered a separate felony and may be charged in
28 separate counts.

1 7. Any person with a prior conviction of paragraph (j) or
2 (1) of subdivision (3) of subsection 3 of this section and who
3 violates the provisions of paragraph (j) or (1) of subdivision
4 (3) of subsection 3 of this section when the value of the animal
5 or animals stolen exceeds three thousand dollars is guilty of a
6 class B felony. Notwithstanding any provision of law to the
7 contrary, such person shall serve a minimum prison term of not
8 less than eighty percent of his or her sentence before he or she
9 is eligible for probation, parole, conditional release, or other
10 early release by the department of corrections.

11 8. Any offense in which the value of property or services
12 is an element is a class B felony if the value of the property or
13 services equals or exceeds twenty-five thousand dollars.

14 9. Any violation of this section for which no other penalty
15 is specified in this section is a class A misdemeanor.] The
16 offense of stealing is a class A felony if the property
17 appropriated consists of any of the following containing any
18 amount of anhydrous ammonia: a tank truck, tank trailer, rail
19 tank car, bulk storage tank, field nurse, field tank or field
20 applicator.

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

22 (1) The property appropriated or attempted to be
23 appropriated consists of any amount of anhydrous ammonia or
24 liquid nitrogen;

25 (2) The property consists of any animal considered
26 livestock as the term livestock is defined in section 144.010, or
27 any captive wildlife held under permit issued by the conservation
28 commission, and the value of the animal or animals appropriated

1 exceeds three thousand dollars and that person has previously
2 been found guilty of appropriating any animal considered
3 livestock or captive wildlife held under permit issued by the
4 conservation commission. Notwithstanding any provision of law to
5 the contrary, such person shall serve a minimum prison term of
6 not less than eighty percent of his or her sentence before he or
7 she is eligible for probation, parole, conditional release, or
8 other early release by the department of corrections;

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

14 (4) The property appropriated or attempted to be
15 appropriated consists of any animal considered livestock as the
16 term is defined in section 144.010 if the value of the livestock
17 exceeds ten thousand dollars.

18 4. If the value of the property or services appropriated is
19 twenty-five thousand dollars or more, the offense of stealing is
20 a class C felony and, notwithstanding section 558.011 to the
21 contrary, the authorized term of imprisonment is a term of not
22 less than three years and not to exceed ten years.

23 5. The offense of stealing is a class C felony with an
24 authorized term of imprisonment as provided under section 558.011
25 if:

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

28 (2) The offender physically takes the property appropriated

1 from the person of the victim; or

2 (3) The property appropriated consists of:

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

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

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

6 (d) Any firearms;

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

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

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

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

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

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

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

23 (l) Any captive wildlife held under permit issued by the
24 conservation commission;

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

26 (n) Ammonium nitrate;

27 (o) Any wire, electrical transformer, or metallic wire
28 associated with transmitting telecommunications, video, internet,

1 or voice over internet protocol service, or any other device or
2 pipe that is associated with conducting electricity or
3 transporting natural gas or other combustible fuels; or

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

7 6. The offense of stealing is a class D felony if:

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

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

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

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

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

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

28 11. The value of property or services appropriated pursuant

1 to one scheme or course of conduct, whether from the same or
2 several owners and whether at the same or different times,
3 constitute a single criminal episode and may be aggregated in
4 determining the grade of the offense, except as set forth in
5 subsection 10 of this section.

6 570.039. A person who appropriates cable television service
7 shall not be deemed to have stolen that service within the
8 meaning of section 570.030, if a cable television company either:

9 (1) Provides unsolicited cable television service; or

10 (2) Fails to change or disconnect cable television service
11 within ten days after receiving written notice to do so by the
12 customer. The customer may deem such service to be a gift
13 without any obligation to the cable television company from ten
14 days after such written notice is received until the service is
15 changed or disconnected.

16 [578.150.] 570.057. 1. A person commits the [crime]
17 offense of stealing leased or rented property if, with the intent
18 to deprive the owner thereof, such person:

19 (1) Purposefully fails to return leased or rented personal
20 property to the place and within the time specified in an
21 agreement in writing providing for the leasing or renting of such
22 personal property;

23 (2) Conceals or aids or abets the concealment of the
24 property from the owner;

25 (3) Sells, encumbers, conveys, pawns, loans, abandons or
26 gives away the leased or rented property or any part thereof,
27 without the written consent of the lessor, or without informing
28 the person to whom the property is transferred to that the

1 property is subject to a lease;

2 (4) Returns the property to the lessor at the end of the
3 lease term, plus any agreed upon extensions, but does not pay the
4 lease charges agreed upon in the written instrument, with the
5 intent to wrongfully deprive the lessor of the agreed upon
6 charges.

7 2. The provisions of this section shall apply to all forms
8 of leasing and rental agreements, including, but not limited to,
9 contracts which provide the consumer options to buy the leased or
10 rented personal property, lease-purchase agreements and
11 rent-to-own contracts. For the purpose of determining if a
12 violation of this section has occurred, leasing contracts which
13 provide options to buy the merchandise are owned by the owner of
14 the property until such time as the owner endorses the sale and
15 transfer of ownership of the leased property to the lessee.

16 3. Evidence that a lessee used a false, fictitious, or not
17 current name, address, or place of employment in obtaining the
18 property or that a lessee fails or refuses to return the property
19 or pay the lease charges to the lessor within seven days after
20 written demand for the return has been sent by certified mail,
21 return receipt requested, to the address the person set forth in
22 the lease agreement, or in the absence of the address, to the
23 person's last known place of residence, shall be evidence of
24 intent to violate the provisions of this section, except that if
25 a motor vehicle has not been returned within seventy-two hours
26 after the expiration of the lease or rental agreement, such
27 failure to return the motor vehicle shall be prima facie evidence
28 of the intent of the crime of stealing leased or rented property.

1 Where the leased or rented property is a motor vehicle, if the
2 motor vehicle has not been returned within seventy-two hours
3 after the expiration of the lease or rental agreement, the lessor
4 may notify the local law enforcement agency of the failure of the
5 lessee to return such motor vehicle, and the local law
6 enforcement agency shall cause such motor vehicle to be put into
7 any appropriate state and local computer system listing stolen
8 motor vehicles. Any law enforcement officer which stops such a
9 motor vehicle may seize the motor vehicle and notify the lessor
10 that he may recover such motor vehicle after it is photographed
11 and its vehicle identification number is recorded for evidentiary
12 purposes. Where the leased or rented property is not a motor
13 vehicle, if such property has not been returned within the
14 seven-day period prescribed in this subsection, the owner of the
15 property shall report the failure to return the property to the
16 local law enforcement agency, and such law enforcement agency may
17 within five days notify the person who leased or rented the
18 property that such person is in violation of this section, and
19 that failure to immediately return the property may subject such
20 person to arrest for the violation.

21 4. This section shall not apply if such personal property
22 is a vehicle and such return is made more difficult or expensive
23 by a defect in such vehicle which renders such vehicle
24 inoperable, if the lessee shall notify the lessor of the location
25 of such vehicle and such defect before the expiration of the
26 lease or rental agreement, or within ten days after proper
27 notice.

28 5. Any person who has leased or rented personal property of

1 another who destroys such property so as to avoid returning it to
2 the owner [~~shall be guilty~~] commits the offense of property
3 damage pursuant to section 569.100 or 569.120, in addition to
4 being in violation of this section.

5 6. Venue shall lie in the county where the personal
6 property was originally rented or leased.

7 7. The offense of stealing leased or rented property is a
8 class A misdemeanor unless the property involved has a value of
9 [~~one thousand~~] seven hundred fifty dollars or more, in which case
10 stealing leased or rented property is a class C felony.

11 570.085. 1. A person commits the [~~crime~~] offense of
12 alteration or removal of item numbers if he or she, with the
13 purpose of depriving the owner of a lawful interest therein:

14 (1) Destroys, removes, covers, conceals, alters, defaces,
15 or causes to be destroyed, removed, covered, concealed, altered,
16 or defaced, the manufacturer's original serial number or other
17 distinguishing owner-applied number or mark, on any item which
18 bears a serial number attached by the manufacturer or
19 distinguishing number or mark applied by the owner of the item,
20 for any reason whatsoever;

21 (2) Sells, offers for sale, pawns or uses as security for a
22 loan, any item on which the manufacturer's original serial number
23 or other distinguishing owner-applied number or mark has been
24 destroyed, removed, covered, concealed, altered, or defaced; or

25 (3) Buys, receives as security for a loan or in pawn, or in
26 any manner receives or has in his possession any item on which
27 the manufacturer's original serial number or other distinguishing
28 owner-applied number or mark has been destroyed, removed,

1 covered, concealed, altered, or defaced.

2 2. The offense of alteration or removal of item numbers is
3 a class D felony if the value of the item or items in the
4 aggregate is ~~[five]~~ seven hundred fifty dollars or more[. If the
5 value of the item or items in the aggregate is less than five
6 hundred dollars, then]; otherwise it is a class B misdemeanor.

7 570.103. 1. As used in this section and section 570.105,
8 the following words mean:

9 (1) "Counterfeit mark", any unauthorized reproduction or
10 copy of intellectual property or intellectual property affixed to
11 any item knowingly sold, offered for sale, manufactured, or
12 distributed, or identifying services offered or rendered, without
13 the authority of the owner of the intellectual property;

14 (2) "Intellectual property", any trademark, service mark,
15 trade name, label, term, device, design, or word adopted or used
16 by a person to identify such person's goods or services;

17 (3) "Retail value", the counterfeiter's regular selling
18 price for the item or service bearing or identified by the
19 counterfeit mark. In the case of items bearing a counterfeit
20 mark which are components of a finished product, the retail value
21 shall be the counterfeiter's regular selling price of the
22 finished product on or in which the component would be utilized.

23 2. ~~[Any]~~ A person [who] commits the offense of
24 counterfeiting if he or she willfully manufactures, uses,
25 displays, advertises, distributes, offers for sale, sells, or
26 possesses [with intent to sell or distribute] for the purpose of
27 selling or distributing any item, or services, bearing or
28 identified by a counterfeit mark[, shall be guilty of the crime

1 of counterfeiting]. A person having possession, custody or
2 control of more than twenty-five items bearing a counterfeit mark
3 shall be presumed to possess said items [with intent to sell or
4 distribute] for the purpose of selling or distributing.

5 3. The offense of counterfeiting [shall be] is a class A
6 misdemeanor, except as provided in subsections 4 and 5 of this
7 section.

8 4. The offense of counterfeiting [shall be] is a class D
9 felony if:

10 (1) The defendant has previously been convicted under this
11 section; or

12 (2) The violation involves more than one hundred but fewer
13 than one thousand items bearing a counterfeit mark or the total
14 retail value of all items bearing, or services identified by, a
15 counterfeit mark is seven hundred fifty dollars or more [than one
16 thousand dollars, but less than ten thousand dollars].

17 5. The offense of counterfeiting [shall be] is a class C
18 felony if:

19 (1) The defendant has been previously convicted of two or
20 more offenses under this section;

21 (2) The violation involves the manufacture or production of
22 items bearing counterfeit marks; or

23 (3) The violation involves one thousand or more items
24 bearing a counterfeit mark or the total retail value of all items
25 bearing, or services identified by, a counterfeit mark is twenty-
26 five thousand dollars or more [than ten thousand dollars].

27 6. For purposes of this section, the quantity or retail
28 value of items or services shall include the aggregate quantity

1 or retail value of all items bearing, or services identified by,
2 every counterfeit mark the defendant manufactures, uses,
3 displays, advertises, distributes, offers for sale, sells or
4 possesses.

5 7. [Any person convicted of counterfeiting shall be fined
6 an amount up to three times the retail value of the items
7 bearing, or services identified by, a counterfeit mark, unless
8 extenuating circumstances are shown by the defendant.

9 8.] The remedies provided for herein shall be cumulative to
10 the other civil remedies provided by law.

11 [9.] 8. Any state or federal certificate of registration of
12 any intellectual property shall be prima facie evidence of the
13 facts stated therein.

14 570.120. 1. A person commits the [crime] offense of
15 passing a bad check when he or she:

16 (1) With the purpose to defraud, [the person] makes, issues
17 or passes a check or other similar sight order or any other form
18 of presentment involving the transmission of account information
19 for the payment of money, knowing that it will not be paid by the
20 drawee, or that there is no such drawee; or

21 (2) [The person] Makes, issues, or passes a check or other
22 similar sight order or any other form of presentment involving
23 the transmission of account information for the payment of money,
24 knowing that there are insufficient funds in or on deposit with
25 that account for the payment of such check, sight order, or other
26 form of presentment involving the transmission of account
27 information in full and all other checks, sight orders, or other
28 forms of presentment involving the transmission of account

1 information upon such funds then outstanding, or that there is no
2 such account or no drawee and fails to pay the check or sight
3 order or other form of presentment involving the transmission of
4 account information within ten days after receiving actual notice
5 in writing that it has not been paid because of insufficient
6 funds or credit with the drawee or because there is no such
7 drawee.

8 2. As used in subdivision (2) of subsection 1 of this
9 section, "actual notice in writing" means notice of the
10 nonpayment which is actually received by the defendant. Such
11 notice may include the service of summons or warrant upon the
12 defendant for the initiation of the prosecution of the check or
13 checks which are the subject matter of the prosecution if the
14 summons or warrant contains information of the ten-day period
15 during which the instrument may be paid and that payment of the
16 instrument within such ten-day period will result in dismissal of
17 the charges. The requirement of notice shall also be satisfied
18 for written communications which are tendered to the defendant
19 and which the defendant refuses to accept.

20 3. The face amounts of any bad checks passed pursuant to
21 one course of conduct within any ten-day period may be aggregated
22 in determining the grade of the offense.

23 4. The offense of passing bad checks is a class A
24 misdemeanor, unless:

25 (1) The face amount of the check or sight order or the
26 aggregated amounts is [five] seven hundred fifty dollars or more;
27 or

28 (2) The issuer had no account with the drawee or if there

1 was no such drawee at the time the check or order was issued,
2
3 in which [cases] case passing a bad [checks] check is a class [C]
4 D felony.

5 5. In addition to all other costs and fees allowed by law,
6 each prosecuting attorney or circuit attorney who takes any
7 action pursuant to the provisions of this section shall collect
8 from the issuer in such action an administrative handling cost.
9 The cost shall be twenty-five dollars for checks of less than one
10 hundred dollars, and fifty dollars for checks of one hundred
11 dollars but less than two hundred fifty dollars. For checks of
12 two hundred fifty dollars or more an additional fee of ten
13 percent of the face amount shall be assessed, with a maximum fee
14 for administrative handling costs not to exceed seventy-five
15 dollars total. Notwithstanding the provisions of sections 50.525
16 to 50.745, the costs provided for in this subsection shall be
17 deposited by the county treasurer into the "Administrative
18 Handling Cost Fund", established under section 559.100.
19 Notwithstanding any law to the contrary, in addition to the
20 administrative handling cost, the prosecuting attorney or circuit
21 attorney shall collect an additional cost of five dollars per
22 check for deposit to the Missouri office of prosecution services
23 fund established in subsection 2 of section 56.765. All moneys
24 collected pursuant to this section which are payable to the
25 Missouri office of prosecution services fund shall be transmitted
26 at least monthly by the county treasurer to the director of
27 revenue who shall deposit the amount collected pursuant to the
28 credit of the Missouri office of prosecution services fund under

1 the procedure established pursuant to subsection 2 of section
2 56.765.

3 6. Notwithstanding any other provision of law to the
4 contrary:

5 (1) In addition to the administrative handling costs
6 provided for in subsection 5 of this section, the prosecuting
7 attorney or circuit attorney may collect from the issuer, in
8 addition to the face amount of the check, a reasonable service
9 charge, which along with the face amount of the check, shall be
10 turned over to the party to whom the bad check was issued;

11 (2) If a check that is dishonored or returned unpaid by a
12 financial institution is not referred to the prosecuting attorney
13 or circuit attorney for any action pursuant to the provisions of
14 this section, the party to whom the check was issued, or his or
15 her agent or assignee, or a holder, may collect from the issuer,
16 in addition to the face amount of the check, a reasonable service
17 charge, not to exceed twenty-five dollars, plus an amount equal
18 to the actual charge by the depository institution for the return
19 of each unpaid or dishonored instrument.

20 7. When any financial institution returns a dishonored
21 check to the person who deposited such check, it shall be in
22 substantially the same physical condition as when deposited, or
23 in such condition as to provide the person who deposited the
24 check the information required to identify the person who wrote
25 the check.

26 570.125. 1. A person commits the [crime] offense of
27 ["]fraudulently stopping payment of an instrument["] if he or
28 she, [knowingly,] with the purpose to defraud, stops payment on a

1 check [or], draft [given], or debit device used in payment for
2 the receipt of goods or services.

3 2. The offense of fraudulently stopping payment of an
4 instrument is a class A misdemeanor, unless the face amount of
5 the check or draft is [five] seven hundred fifty dollars or more
6 or, if the stopping of payment of more than one check or draft is
7 involved in the same course of conduct, the aggregate amount is
8 [five] seven hundred fifty dollars or more, in which case the
9 offense is a class D felony.

10 3. It shall be prima facie evidence of a violation of this
11 section if a person stops payment on a check [or], draft, or
12 debit device and fails to make good the check [or], draft, or
13 debit device transaction, or fails to return or make and comply
14 with reasonable arrangements to return the property for which the
15 check [or], draft, or debit device was [given] used in the same
16 or substantially the same condition as when received within ten
17 days after notice in writing from the payee that the check [or],
18 draft, or debit device transaction has not been paid because of a
19 stop payment order by the issuer to the drawee.

20 4. "Notice in writing" means notice deposited as certified
21 or registered mail in the United States mail and addressed to the
22 issuer at his address as it appears on the dishonored check [or],
23 draft, or debit device transaction or to his last known address.
24 The notice shall contain a statement that failure to make good
25 the check [or], draft, or debit device transaction within ten
26 days of receipt of the notice may subject the issuer to criminal
27 prosecution.

28 570.130. 1. A person commits the [crime] offense of

1 fraudulent use of a credit device or debit device if [the person]
2 he or she uses a credit device or debit device for the purpose of
3 obtaining services or property, knowing that:

4 (1) The device is stolen, fictitious or forged; or

5 (2) The device has been revoked or canceled; or

6 (3) For any other reason his or her use of the device is
7 unauthorized; or

8 (4) Uses a credit device or debit device for the purpose of
9 paying property taxes and knowingly cancels [said] such charges
10 or payment without just cause. It shall be prima facie evidence
11 of a violation of this section if a person cancels [said] such
12 charges or payment after obtaining a property tax receipt to
13 obtain license tags from the Missouri department of revenue.

14 2. The offense of fraudulent use of a credit device or
15 debit device is a class A misdemeanor unless the value of the
16 property tax or the value of the property or services obtained or
17 sought to be obtained within any thirty-day period is [five]
18 seven hundred fifty dollars or more, in which case fraudulent use
19 of a credit device or debit device is a class D felony.

20 570.135. 1. [No person shall] A person commits the offense
21 of fraudulent procurement of a credit or debit device if he or
22 she:

23 (1) Knowingly [make or cause] makes or causes to be made,
24 directly or indirectly, a false statement regarding another
25 person for the purpose of fraudulently procuring the issuance of
26 a credit [card] or debit [card].

27 2. No person shall willfully obtains personal identifying
28 information] device; or

1 (2) Knowingly obtains a means of identification of another
2 person without the authorization of that person and [use] uses
3 that [information] means of identification fraudulently to
4 obtain, or attempt to obtain, credit, goods or services in the
5 name of the other person without the consent of that person.

6 [3. Any person who violates the provisions of subsection 1
7 or 2 of this section is guilty of a]

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

10 [4. As used in this section, "personal identifying
11 information" means the name, address, telephone number, driver's
12 license number, Social Security number, place of employment,
13 employee identification number, mother's maiden name, demand
14 deposit account number, savings account number or credit card
15 number of a person.

16 5.] 3. Notwithstanding [subsections 1 to 4 of] any other
17 provision of this section, no corporation, proprietorship,
18 partnership, limited liability company, limited liability
19 partnership or other business entity shall be liable under this
20 section for accepting applications for credit [cards] or debit
21 [cards] devices or for the use of a credit [cards] or debit
22 [cards] device in any [credit or debit] transaction, absent clear
23 and convincing evidence that such business entity conspired with
24 or was a part of the fraudulent procuring of the issuance of a
25 credit [card] or debit [card] device.

26 570.140. 1. A person commits the [crime] offense of
27 deceptive business practice if in the course of engaging in a
28 business, occupation or profession, he or she recklessly:

1 (1) Uses or possesses for use a false weight or measure, or
2 any other device for falsely determining or recording any quality
3 or quantity; [or]

4 (2) Sells, offers [or exposes], displays for sale, or
5 delivers less than the represented quantity of any commodity or
6 service; [or]

7 (3) Takes or attempts to take more than the represented
8 quantity of any commodity or service when as buyer he or she
9 furnishes the weight or measure; [or]

10 (4) Sells, offers, or exposes for sale adulterated or
11 mislabeled commodities; [or]

12 (5) Makes a false or misleading written statement for the
13 purpose of obtaining property or credit;

14 (6) Promotes the sale of property or services by a false or
15 misleading statement in any advertisement; or

16 (7) Advertises in any manner the sale of property or
17 services with the purpose not to sell or provide the property or
18 services:

19 (a) At the price which he or she offered them;

20 (b) In a quantity sufficient to meet the reasonably
21 expected public demand, unless the quantity is specifically
22 stated in the advertisement; or

23 (c) At all.

24 2. The offense of deceptive business practice is a class A
25 misdemeanor.

26 570.145. 1. A person commits the [crime] offense of
27 financial exploitation of an elderly person or [disabled] a
28 person with a disability if such person knowingly [by deception,

1 intimidation, undue influence, or force] obtains control over the
2 [elderly or disabled person's] property of the elderly person or
3 person with a disability with the intent to permanently deprive
4 the [elderly or disabled] person of the use, benefit or
5 possession of his or her property thereby benefitting [such
6 person] the offender or detrimentally affecting the elderly
7 person or [disabled] person[. Financial exploitation of an
8 elderly or disabled person is a class A misdemeanor if the value
9 of the property is less than fifty dollars, a class D felony if
10 the value of the property is fifty dollars but less than five
11 hundred dollars, a class C felony if the value of the property is
12 five hundred dollars but less than one thousand dollars, a class
13 B felony if the value of the property is one thousand dollars but
14 less than fifty thousand dollars, and a class A felony if the
15 value of the property is fifty thousand dollars or more.

16 2. For purposes of this section, the following terms mean:

17 (1) "Deception", a misrepresentation or concealment of
18 material fact relating to the terms of a contract or agreement
19 entered into with the elderly or disabled person or to the
20 existing or preexisting condition of any of the property involved
21 in such contract or agreement, or the use or employment of any
22 misrepresentation, false pretense or false promise in order to
23 induce, encourage or solicit the elderly or disabled person to
24 enter into a contract or agreement. Deception includes:

25 (a) Creating or confirming another person's impression
26 which is false and which the offender does not believe to be
27 true; or

28 (b) Failure to correct a false impression which the

1 offender previously has created or confirmed; or

2 (c) Preventing another person from acquiring information
3 pertinent to the disposition of the property involved; or

4 (d) Selling or otherwise transferring or encumbering
5 property, failing to disclose a lien, adverse claim or other
6 legal impediment to the enjoyment of the property, whether such
7 impediment is or is not valid, or is or is not a matter of
8 official record; or

9 (e) Promising performance which the offender does not
10 intend to perform or knows will not be performed. Failure to
11 perform standing alone is not sufficient evidence to prove that
12 the offender did not intend to perform;

13 (2) "Disabled person", a person with a mental, physical, or
14 developmental disability that substantially impairs the person's
15 ability to provide adequately for the person's care or
16 protection;

17 (3) "Elderly person", a person sixty years of age or older;

18 (4) "Intimidation", a threat of physical or emotional harm
19 to an elderly or disabled person, or the communication to an
20 elderly or disabled person that he or she will be deprived of
21 food and nutrition, shelter, prescribed medication, or medical
22 care and treatment;

23 (5) "Undue influence", use of influence by someone who
24 exercises authority over an elderly person or disabled person in
25 order to take unfair advantage of that persons's vulnerable state
26 of mind, neediness, pain, or agony. Undue influence includes,
27 but is not limited to, the improper or fraudulent use of a power
28 of attorney, guardianship, conservatorship, or other fiduciary

1 authority] with a disability by:

2 (1) Deceit;

3 (2) Coercion;

4 (3) Creating or confirming another person's impression
5 which is false and which the offender does not believe to be
6 true;

7 (4) Failing to correct a false impression which the
8 offender previously has created or confirmed;

9 (5) Preventing another person from acquiring information
10 pertinent to the disposition of the property involved;

11 (6) Selling or otherwise transferring or encumbering
12 property, failing to disclose a lien, adverse claim or other
13 legal impediment to the enjoyment of the property, whether such
14 impediment is or is not valid, or is or is not a matter of
15 official record;

16 (7) Promising performance which the offender does not
17 intend to perform or knows will not be performed. Failure to
18 perform standing alone is not sufficient evidence to prove that
19 the offender did not intend to perform; or

20 (8) Undue influence, which means the use of influence by
21 someone who exercises authority over an elderly person or person
22 with a disability in order to take unfair advantage of that
23 person's vulnerable state of mind, neediness, pain, or agony.
24 Undue influence includes, but is not limited to, the improper or
25 fraudulent use of a power of attorney, guardianship,
26 conservatorship, or other fiduciary authority.

27 2. The offense of financial exploitation of an elderly
28 person or person with a disability is a class A misdemeanor

1 unless:

2 (1) The value of the property is fifty dollars or more, in
3 which case it is a class D felony;

4 (2) The value of the property is seven hundred fifty
5 dollars or more, in which case it is a class C felony;

6 (3) The value of the property is five thousand dollars or
7 more, in which case it is a class C felony and, notwithstanding
8 section 558.011 to the contrary, the authorized term of
9 imprisonment is not less than three years and not to exceed ten
10 years;

11 (4) The value of the property is twenty-five thousand
12 dollars or more, in which case it is a class B felony;

13 (5) The value of the property is seventy-five thousand
14 dollars or more, in which case it is a class A felony.

15 3. Nothing in this section shall be construed to limit the
16 remedies available to the victim pursuant to any state law
17 relating to domestic violence.

18 4. Nothing in this section shall be construed to impose
19 criminal liability on a person who has made a good faith effort
20 to assist the elderly person or **[disabled]** person with a
21 disability in the management of his or her property, but through
22 no fault of his or her own has been unable to provide such
23 assistance.

24 5. Nothing in this section shall limit the ability to
25 engage in bona fide estate planning, to transfer property and to
26 otherwise seek to reduce estate and inheritance taxes; provided
27 that such actions do not adversely impact the standard of living
28 to which the elderly person or **[disabled]** person with a

1 disability has become accustomed at the time of such actions.

2 6. It shall not be a defense to financial exploitation of
3 an elderly person or [disabled] person with a disability that the
4 accused reasonably believed that the victim was not an elderly
5 person or [disabled] person with a disability.

6 7. (1) It shall be unlawful in violation of this section
7 for any person receiving or in the possession of funds of a
8 Medicaid-eligible elderly person or [disabled] person with a
9 disability residing in a facility licensed under chapter 198 to
10 fail to remit to the facility in which the Medicaid-eligible
11 person resides all money owing the facility resident from any
12 source, including, but not limited to, Social Security, railroad
13 retirement, or payments from any other source disclosed as
14 resident income contained in the records of the department of
15 social services, family support division or its successor. The
16 department of social services, family support division or its
17 successor is authorized to release information from its records
18 containing the resident's income or assets to any prosecuting or
19 circuit attorney in the state of Missouri for purposes of
20 investigating or prosecuting any suspected violation of this
21 section.

22 (2) The prosecuting or circuit attorney of any county
23 containing a facility licensed under chapter 198, who
24 successfully prosecutes a violation of the provisions of this
25 subsection, may request the circuit court of the county in which
26 the offender admits to or is found guilty of a violation, as a
27 condition of sentence and/or probation, to order restitution of
28 all amounts unlawfully withheld from a facility in his or her

1 county. Any order of restitution entered by the court or by
2 agreement shall provide that ten percent of any restitution
3 installment or payment paid by or on behalf of the defendant or
4 defendants shall be paid to the prosecuting or circuit attorney
5 of the county successfully prosecuting the violation to
6 compensate for the cost of prosecution with the remaining amount
7 to be paid to the facility.

8 570.180. 1. A person commits the [crime] offense of
9 defrauding secured creditors if he or she destroys, removes,
10 conceals, encumbers, transfers or otherwise deals with property
11 subject to a security interest with purpose to defraud the holder
12 of the security interest.

13 2. The offense of defrauding secured creditors is a class A
14 misdemeanor unless the amount remaining to be paid on the secured
15 debt, including interest, is [five] seven hundred fifty dollars
16 or more, in which case defrauding secured creditors is a class D
17 felony.

18 570.217. 1. A person commits the [crime] offense of
19 misapplication of funds of a financial institution if, being an
20 officer, director, agent, or employee of, or connected in any
21 capacity with, any [bank, trust company, savings and loan
22 association, or credit union] financial institution, he or she
23 embezzles, [abstracts, purloins] appropriates, or [willfully]
24 purposely misapplies any of the money, funds, or credits of such
25 financial institution or any moneys, funds, assets, or securities
26 entrusted to the custody or care of such financial institution,
27 or to the custody or care of any such agent, officer, director,
28 employee, or receiver.

1 2. The offense of misapplication of funds of a financial
2 institution is a class [C] D felony, [but if] unless the amount
3 embezzled, [abstracted, purloined] appropriated, or misapplied
4 [does not exceed one thousand dollars,] is seven hundred fifty
5 dollars or more, in which case it is a class [D] C felony.

6 570.219. 1. A person commits the [crime] offense of making
7 false entries in the records of a financial institution if he or
8 she makes any false entry in any book, report, or statement of a
9 [bank, trust company, savings and loan association, or credit
10 union] financial institution with intent to injure or defraud
11 such [bank, trust company, savings and loan association, or
12 credit union] financial institution, or any other [company, body
13 politic or corporate, or any individual person] entity, or with
14 intent to deceive any officer or director of [such bank, trust
15 company, savings and loan association, or credit union,] a
16 financial institution or any agent or examiner appointed to
17 examine the affairs of such [bank, trust company, savings and
18 loan association, or credit union] financial institution.

19 2. The offense of making false entries in the records of a
20 financial institution is a class C felony.

21 570.220. 1. A person commits the [crime] offense of check
22 kiting if he[, pursuant to a scheme or artifice] or she, with
23 intent to defraud, obtains money from a financial institution by
24 drawing a check against an account in which there [are] is not
25 sufficient collected funds to pay the check and, [as part of the
26 scheme or artifice,] he or she purports to cover that check by
27 depositing in such account another check drawn against

1 insufficient collected funds.

2 2. For purposes of this section, the term ["financial
3 institution" shall mean a bank, trust company, savings and loan
4 association, or credit union; "check" shall include any check,
5 draft, negotiable order of withdrawal, or similar instrument used
6 to transfer or withdraw funds held in a deposit account at a
7 financial institution; and the term] "collected funds" [shall
8 mean] means that portion of a deposit account representing checks
9 and other credits as to which the depository has directly and
10 affirmatively verified that final payment has been made or, in
11 the alternative, with respect to checks as to which at least ten
12 business days have elapsed, without return of the checks, since
13 presentation for payment.

14 3. The offense of check kiting is a class [C] D felony.

15 570.223. 1. A person commits the [crime] offense of
16 identity theft if he or she knowingly and with the intent to
17 deceive or defraud obtains, possesses, transfers, uses, or
18 attempts to obtain, transfer or use, one or more means of
19 identification not lawfully issued for his or her use.

20 2. [The term "means of identification" as used in this
21 section includes, but is not limited to, the following:

- 22 (1) Social Security numbers;
- 23 (2) Drivers license numbers;
- 24 (3) Checking account numbers;
- 25 (4) Savings account numbers;
- 26 (5) Credit card numbers;
- 27 (6) Debit card numbers;
- 28 (7) Personal identification (PIN) code;

1 (8) Electronic identification numbers;
2 (9) Digital signatures;
3 (10) Any other numbers or information that can be used to
4 access a person's financial resources;
5 (11) Biometric data;
6 (12) Fingerprints;
7 (13) Passwords;
8 (14) Parent's legal surname prior to marriage;
9 (15) Passports; or
10 (16) Birth certificates.

11 3. A person found guilty of identity theft shall be
12 punished as follows:

13 (1) Identity theft or attempted identity theft which does
14 not result in the theft or appropriation of credit, money, goods,
15 services, or other property] The offense of identity theft is a
16 class B misdemeanor[;

17 (2) Identity theft which results in the theft or
18 appropriation of credit, money, goods, services, or other
19 property] unless the identity theft results in the theft or
20 appropriation of credit, money, goods, services, or other
21 property:

22 (1) Not exceeding [five] seven hundred fifty dollars in
23 value, in which case it is a class A misdemeanor;

24 [(3) Identity theft which results in the theft or
25 appropriation of credit, money, goods, services, or other
26 property]

27 (2) Exceeding [five] seven hundred fifty dollars and not
28 exceeding [five] twenty-five thousand dollars in value, in which

1 case it is a class C felony;

2 [(4) Identity theft which results in the theft or
3 appropriation of credit, money, goods, services, or other
4 property]

5 (3) Exceeding [five] twenty-five thousand dollars and not
6 exceeding [fifty] seventy-five thousand dollars in value, in
7 which case it is a class [B] C felony, and, notwithstanding
8 section 558.011 to the contrary, the authorized term of
9 imprisonment is a term of years of not less than three years and
10 not to exceed ten years;

11 [(5) Identity theft which results in the theft or
12 appropriation of credit, money, goods, services, or other
13 property]

14 (4) Exceeding [fifty] seventy-five thousand dollars in
15 value, in which case it is a class [A] B felony.

16 [4.] 3. In addition to the provisions of subsection [3] 2
17 of this section, the court may order that the defendant make
18 restitution to any victim of the offense. Restitution may
19 include payment for any costs, including attorney fees, incurred
20 by the victim:

21 (1) In clearing the credit history or credit rating of the
22 victim; and

23 (2) In connection with any civil or administrative
24 proceeding to satisfy any debt, lien, or other obligation of the
25 victim arising from the actions of the defendant.

26 [5.] 4. In addition to the criminal penalties in
27 subsections [3] 2 and [4] 3 of this section, any person who
28 commits an act made unlawful by subsection 1 of this section

1 shall be liable to the person to whom the identifying information
2 belonged for civil damages of up to five thousand dollars for
3 each incident, or three times the amount of actual damages,
4 whichever amount is greater. A person damaged as set forth in
5 subsection 1 of this section may also institute a civil action to
6 enjoin and restrain future acts that would constitute a violation
7 of subsection 1 of this section. The court, in an action brought
8 under this subsection, may award reasonable attorneys' fees to
9 the plaintiff.

10 [6.] 5. If the identifying information of a deceased person
11 is used in a manner made unlawful by subsection 1 of this
12 section, the deceased person's estate shall have the right to
13 recover damages pursuant to subsection [5] 4 of this section.

14 [7.] 6. Civil actions under this section must be brought
15 within five years from the date on which the identity of the
16 wrongdoer was discovered or reasonably should have been
17 discovered.

18 [8.] 7. Civil action pursuant to this section does not
19 depend on whether a criminal prosecution has been or will be
20 instituted for the acts that are the subject of the civil action.
21 The rights and remedies provided by this section are in addition
22 to any other rights and remedies provided by law.

23 [9.] 8. This section and section 570.224 shall not apply to
24 the following activities:

25 (1) A person obtains the identity of another person to
26 misrepresent his or her age for the sole purpose of obtaining
27 alcoholic beverages, tobacco, going to a gaming establishment, or
28 another privilege denied to minors[. Nothing in this subdivision

1 shall affect the provisions of subsection 10 of this section];

2 (2) A person obtains means of identification or information
3 in the course of a bona fide consumer or commercial transaction;

4 (3) A person exercises, in good faith, a security interest
5 or right of offset by a creditor or financial institution;

6 (4) A person complies, in good faith, with any warrant,
7 court order, levy, garnishment, attachment, or other judicial or
8 administrative order, decree, or directive, when any party is
9 required to do so;

10 (5) A person is otherwise authorized by law to engage in
11 the conduct that is the subject of the prosecution.

12 [10. Any person who obtains, transfers, or uses any means
13 of identification for the purpose of manufacturing and providing
14 or selling a false identification card to a person under the age
15 of twenty-one for the purpose of purchasing or obtaining alcohol
16 shall be guilty of a class A misdemeanor.

17 11.] 9. Notwithstanding the provisions of subdivision (1)
18 or (2) of subsection [3] 2 of this section, every person who has
19 previously [pled guilty to or] been found guilty of identity
20 theft or attempted identity theft, and who subsequently [pleads
21 guilty to or] is found guilty of identity theft or attempted
22 identity theft of credit, money, goods, services, or other
23 property not exceeding [five hundred] seven hundred fifty dollars
24 in value is guilty of a class D felony and shall be punished
25 accordingly.

26 [12. The value of property or services is its highest value
27 by any reasonable standard at the time the identity theft is
28 committed. Any reasonable standard includes, but is not limited

1 to, market value within the community, actual value, or
2 replacement value.

3 13.] 10. If credit, property, or services are obtained by
4 two or more acts from the same person or location, or from
5 different persons by two or more acts which occur in
6 approximately the same location or time period so that the
7 identity thefts are attributable to a single scheme, plan, or
8 conspiracy, the acts may be considered as a single identity theft
9 and the value may be the total value of all credit, property, and
10 services involved.

11 570.225. [No] 1. A person [shall] commits the offense of
12 misappropriation of intellectual property if he or she, without
13 the consent of the owner[, transfer or cause to be transferred]:

14 (1) Copies any sounds recorded on [a phonograph record,
15 disc, wire, tape, film, videocassette or other article or] any
16 medium now known or later developed on which sounds are recorded,
17 with the [intent] purpose to sell or cause to be sold for profit
18 or used to promote the sale of any article on which sounds are
19 [so] transferred, except that this section shall only apply to
20 sound recordings initially fixed prior to February 15, 1972;

21 (2) Records sounds or images of any performance whether
22 live before an audience or transmitted by wire or through the air
23 by radio or television, with the intent to sell the performance
24 or cause it to be sold for profit;

25 (3) Offers for sale, sells, or processes for such purposes
26 any article that has been produced in violation of subdivision
27 (1) or (2) of subsection 1 of this section, knowing, or having
28 reasonable grounds to know, that the sounds or images thereon

1 have been so copied or recorded without the consent of the owner;
2 or

3 (4) Advertises, rents, sells, offers for rental or sale, or
4 possesses for such purposes any medium now known or later
5 developed on which sounds or images are recorded if the article's
6 label, cover, box or jacket does not contain in clearly readable
7 print the name and address of the manufacturer.

8 2. This section shall not apply to:

9 (1) Any radio or television broadcaster who transfers any
10 such sounds as part of, or in connection with, a radio or
11 television broadcast transmission or for archival preservation;

12 (2) Any person transferring any such sounds at home for his
13 or her personal use without any compensation being derived by
14 such person or any other person from such transfer; or

15 (3) Any cable television company that transfers any such
16 sounds as part of its regular cable television service.

17 3. The offense of misappropriation of intellectual property
18 is a class A misdemeanor unless:

19 (1) One hundred or more articles were involved; or

20 (2) A person is found guilty of violating this section, and
21 that person has previously been found guilty of a violation of
22 this section;

23
24 in which case it is a class C felony.

25 4. As used in this section, the following terms mean:

26 (1) "Audiovisual works", works that consist of a series of
27 related images which are intrinsically intended to be shown by
28 the use of machines, electronic equipment or other devices, now

1 known or later developed, together with accompanying sounds, if
2 any;

3 (2) "Manufacturer", the person who transfers or causes to
4 be transferred any sounds or images to the particular article,
5 medium, recording or other physical embodiment of such sounds or
6 images then in issue;

7 (3) "Motion pictures", audiovisual works consisting of a
8 series of related images which, when shown in succession, impart
9 an impression of motion, together with accompanying sounds, if
10 any;

11 (4) "Owner", the person who owns the sounds of any
12 performance not yet fixed in a medium of expression, or the
13 original fixation of sounds embodied in the master device or
14 medium now known or later developed for the use of reproducing
15 sounds, or other articles or media upon which sound is or may be
16 recorded, and from which the copied recorded sounds are directly
17 or indirectly derived;

18 (5) "Person", any natural person, corporation or other
19 business entity.

20 570.300. 1. A person commits the [crime] offense of
21 facilitating the theft of cable television service if he[:

22 (1) Knowingly obtains or attempts to obtain cable
23 television service without paying all lawful compensation to the
24 operator of such service, by means of artifice, trick, deception
25 or device; or

26 (2) Knowingly assists another person in obtaining or
27 attempting to obtain cable television service without paying all
28 lawful compensation to the operator of such service; or

1 (3) Knowingly connects to, tampers with or otherwise
2 interferes with any cables, wires or other devices used for the
3 distribution of cable television if the effect of such action is
4 to obtain cable television without paying all lawful compensation
5 therefor; or

6 (4) Knowingly sells, uses, manufactures, rents or offers
7 for sale, rental or use any device, plan or kit designed and
8 intended to obtain cable television service in violation of this
9 section; or

10 (5) Knowingly attempts to connect to, tamper with, or
11 otherwise interfere with any cable television signal, cables,
12 wires, devices, or equipment, which is used for the distribution
13 of cable television and which results in the unauthorized use of
14 a cable television system or the disruption of the delivery of
15 the cable television service. Nothing in this section shall be
16 construed to prohibit, restrict, or otherwise limit the purchase,
17 sale, or use of any products, including without limitation
18 hardware, software, or other items, intended to provide services
19 and features to a customer who has lawfully obtained a connection
20 from a cable company] or she knowingly sells, uses, manufactures,
21 rents, or offers for sale, rental, or use any device, plan, or
22 kit designed and intended to obtain cable television without
23 paying all lawful compensation to the operator of such service.

24 2. The offense of facilitating theft of cable television
25 service is a class C felony[if the value of the service
26 appropriated is five hundred dollars or more or if the theft is a
27 violation of subdivision (5) of subsection 1 of this section,
28 otherwise theft of cable television services is a class A

1 misdemeanor.

2 3. Any cable television operator may bring an action to
3 enjoin and restrain any violation of the provisions of this
4 section or bring an action for conversion. In addition to any
5 actual damages, an operator may be entitled to punitive damages
6 and reasonable attorney fees in any case in which the court finds
7 that the violation was committed willfully and for purposes of
8 commercial advantage. In the event of a defendant's verdict the
9 defendant may be entitled to reasonable attorney fees.

10 4. The existence on the property and in the actual
11 possession of the accused of any connection wire, or conductor,
12 which is connected in such a manner as to permit the use of cable
13 television service without the same being reported for payment to
14 and specifically authorized by the operator of the cable
15 television service shall be sufficient to support an inference
16 which the trial court may submit to the trier of fact, from which
17 the trier of fact may conclude that the accused has committed the
18 crime of theft of cable television service.

19 5. If a cable television company either:

20 (1) Provides unsolicited cable television service; or

21 (2) Fails to change or disconnect cable television service
22 within ten days after receiving written notice to do so by the
23 customer, the customer may deem such service to be a gift without
24 any obligation to the cable television company from ten days
25 after such written notice is received until the service is
26 changed or disconnected].

27 [6.] 3. Nothing in this section shall be construed to
28 render unlawful or prohibit an individual or other legal entity

1 from owning or operating a video cassette recorder or devices
2 commonly known as a satellite receiving dish for the purpose of
3 receiving and utilizing satellite-relayed television signals for
4 his or her own use.

5 [7. As used in this section, the term "cable television
6 service" includes microwave television transmission from a
7 multipoint distribution service not capable of reception by
8 conventional television receivers without the use of special
9 equipment.]

10 [578.500.] 570.302. 1. [Any] A person commits the offense
11 of operating an audiovisual recording device in a motion picture
12 theater if he or she, while a motion picture is being exhibited,
13 [who] knowingly operates an audiovisual recording function of a
14 device in a motion picture theater without the consent of the
15 owner or lessee of the motion picture theater [shall be guilty of
16 criminal use of real property].

17 2. As used in this section, the term "audiovisual recording
18 function" means the capability of a device to record or transmit
19 a motion picture or any part thereof by means of any technology
20 now known or later developed.

21 3. As used in this section, the term "motion picture
22 theater" means a movie theater, screening room, or other venue
23 that is being utilized primarily for the exhibition of a motion
24 picture at the time of the offense, but excluding the lobby,
25 entrance, or other areas of the building where a motion picture
26 cannot be viewed.

27 4. The provisions of this section shall not prevent any
28 lawfully authorized investigative, law enforcement protective, or

1 intelligence-gathering employee or agent, of the state or federal
2 government, from operating any audiovisual recording device in
3 any facility where a motion picture is being exhibited, as part
4 of lawfully authorized investigative, protective, law
5 enforcement, or intelligence-gathering activities. The owner or
6 lessee of a facility where a motion picture is being exhibited,
7 or the authorized agent or employee of such owner or lessee, who
8 alerts law enforcement authorities of an alleged violation of
9 this section shall not be liable in any civil action arising out
10 of measures taken by such owner, lessee, agent, or employee in
11 the course of subsequently detaining a person that the owner,
12 lessee, agent, or employee in good faith believed to have
13 violated this section while awaiting the arrival of law
14 enforcement authorities, unless the plaintiff can show by clear
15 and convincing evidence that such measures were unreasonable or
16 the period of detention was unreasonably long.

17 5. [Any person who has pled guilty to or been found guilty
18 of violating the provisions of this section shall be guilty of]
19 The offense of operating an audiovisual recording device in a
20 motion picture theater is a class A misdemeanor, unless the
21 person has previously [pled guilty or] been found guilty of
22 violating the provisions of this section, in which case it is a
23 class D felony.

24 [578.510.] 570.350. 1. This section shall be known and may
25 be cited as the "Stolen Valor Act of 2007".

26 2. Any person who, with the intent to misrepresent himself
27 or herself as a veteran or medal recipient, knowingly wears,
28 purchases, attempts to purchase, solicits for purchase, mails,

1 ships, imports, exports, produces blank certificates of receipt
2 for, manufactures, sells, attempts to sell, advertises for sale,
3 trades, barter, or exchanges for anything of value any
4 decoration or medal authorized under chapter 41, or by the
5 Congress for the armed forces of the United States, or any of the
6 service medals or badges awarded to the members of such forces,
7 or the ribbon, button, or rosette of any such badge, decoration,
8 or medal, or any colorable imitation thereof, except when
9 authorized under regulations promulgated under law, is guilty of
10 a class A misdemeanor. Any second or subsequent violation of
11 this subsection is a class D felony.

12 3. Any person who misrepresents himself or herself,
13 verbally or in writing, to have been awarded any decoration or
14 medal authorized under chapter 41, or by Congress for the armed
15 forces of the United States, any of the service medals or badges
16 awarded to the members of such forces, the ribbon, button, or
17 rosette of any such badge, decoration, or medal, or any colorable
18 imitation of such item is guilty of a class A misdemeanor. Any
19 second or subsequent violation of this subsection is a class D
20 felony.

21 4. Any person who fraudulently uses the title of "veteran",
22 as defined by the United States Department of Veterans Affairs or
23 its successor agency, in order to obtain personal benefit,
24 monetary or otherwise, and such person does not have verifiable
25 proof of his or her status as a veteran is guilty of a class A
26 misdemeanor. Any second or subsequent violation of this
27 subsection is a class D felony.

28 5. If a decoration or medal involved in an offense

described in subsections 2 to 4 of this section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United States Code, a Navy Cross awarded under Section 6242 of Title 10 of the United States Code, an Air Force Cross awarded under Section 8742 of Section 10 of the United States Code, a Silver Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple Heart awarded under Section 1129 of Title 10 of the United States Code, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the penalty provided in subsection 2, 3, or 4 of this section, the offender is guilty of a class D felony.

6. If a decoration or medal involved in an offense described in subsections 2 to 4 of this section is the Medal of Honor awarded under Section 1560 of Title 38 of the United States Code, the offender is guilty of a class C felony.

[578.570.] 570.375. [Any] 1. A person [who] commits the offense of fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license if he or she:

(1) [Knowing] Knowingly or in reckless disregard of the truth, assists any person in committing fraud or deception during the examination process for an instruction permit, driver's license, or nondriver's license;

(2) [Knowing] Knowingly or in reckless disregard of the truth, assists any person in [making application] applying for an instruction permit, driver's license, or nondriver's license that contains or is substantiated with false or fraudulent information or documentation;

(3) [Knowing] Knowingly or in reckless disregard of the

1 truth, assists any person in concealing a material fact or
2 otherwise committing a fraud in an application for an instruction
3 permit, driver's license, or nondriver's license; or

4 (4) Engages in any conspiracy to commit any of the
5 preceding acts or aids or abets the commission of any of the
6 preceding acts[;]_.

7 2. The offense of fraud or deception in obtaining an
8 instruction permit, driver's license, or nondriver's license is
9 [guilty of] a class A misdemeanor.

10 570.380. [Any] 1. A person [who] commits the offense of
11 mass manufacture or possession of fake IDs if he or she
12 manufactures or possesses five or more fictitious or forged means
13 of identification, as defined in section [570.223] 570.010, with
14 the intent to distribute to others for the purpose of committing
15 [a crime shall be guilty of a class C felony] an offense.

16 2. The offense of mass manufacture or possession of fake
17 IDs is a class C felony.

18 [578.377.] 570.400. 1. A person commits the [crime]
19 offense of unlawfully receiving public assistance benefits or EBT
20 cards if he or she knowingly receives or uses the proceeds of
21 public assistance benefits or EBT cards to which he or she is not
22 lawfully entitled or for which he or she has not applied and been
23 approved by the department to receive.

24 2. The offense of unlawfully receiving public assistance
25 benefits or EBT cards is a class [D felony unless the face value
26 of the public assistance benefits or EBT cards is less than five
27 hundred dollars, in which case unlawful receiving of public
28 assistance benefits or EBT cards is a class] A misdemeanor_.

1 unless the face value of the public assistance benefits or EBT
2 cards is seven hundred fifty dollars or more or the person is
3 found guilty of a second offense of unlawfully receiving public
4 assistance benefits or EBT cards in an amount less than seven
5 hundred fifty dollars, in which case it is a class D felony. [A
6 person who is found guilty of a second offense of unlawfully
7 receiving public assistance benefits or EBT cards in an amount
8 less than five hundred dollars shall be guilty of a class D
9 felony.] Any person who is found guilty of a second or
10 subsequent offense of felony unlawfully receiving public
11 assistance benefits or EBT cards, or any person who is found
12 guilty of an offense under this section and has previously been
13 found guilty of two violations under sections 570.400 to 570.410,
14 shall be guilty of a class C felony. Any person who is found
15 guilty of felony unlawfully receiving of public assistance
16 benefits or EBT cards shall serve not less than one hundred
17 twenty days in the department of corrections unless such person
18 pays full restitution to the state of Missouri within thirty days
19 of the date of execution of sentence.

20 3. In addition to any criminal penalty, any person found
21 guilty of unlawfully receiving public assistance benefits or EBT
22 cards shall pay full restitution to the state of Missouri for the
23 total amount of moneys converted. No person placed on probation
24 for the offense shall be released from probation until full
25 restitution has been paid.

26 [578.379.] 570.402. 1. A person commits the [crime]
27 offense of conversion of public assistance benefits or EBT cards
28 if he or she knowingly engages in any transaction to convert

1 public assistance benefits or EBT cards to other property
2 contrary to statutes, rules and regulations, either state or
3 federal, governing the use of public assistance benefits.

4 2. The offense of unlawful conversion of public assistance
5 benefits or EBT cards is a class [D felony unless the face value
6 of said public assistance benefits or EBT cards is less than five
7 hundred dollars, in which case unlawful conversion of public
8 assistance benefits or EBT cards is a class] A misdemeanor,
9 unless the face value of the public assistance benefits or EBT
10 cards is seven hundred fifty dollars or more or the person is
11 found guilty of a second offense of unlawful conversion of public
12 assistance benefits or EBT cards in an amount less than seven
13 hundred fifty dollars, in which case it is a class D felony. [A
14 person who is found guilty of a second offense of unlawful
15 conversion of public assistance benefits or EBT cards in an
16 amount less than five hundred dollars shall be guilty of a class
17 D felony.] Any person who is found guilty of a second or
18 subsequent offense of felony unlawful conversion of public
19 assistance benefits or EBT cards, or any person who is found
20 guilty of an offense under this section and has previously been
21 found guilty of two or more violations under sections 570.400 to
22 570.410, shall be guilty of a class C felony. Any person who is
23 found guilty of felony unlawful conversion of public assistance
24 benefits or EBT cards shall serve not less than one hundred
25 twenty days in the department of corrections unless such person
26 pays full restitution to the state of Missouri within thirty days
27 of the date of execution of sentence.

28 3. In addition to any criminal penalty, any person found

1 guilty of unlawful conversion of public assistance benefits or
2 EBT cards shall pay full restitution to the state of Missouri for
3 the total amount of moneys converted. No person placed on
4 probation for the offense shall be released from probation until
5 full restitution has been paid.

6 [578.381.] 570.404. 1. A person commits the [crime]
7 offense of unlawful transfer of public assistance benefits or EBT
8 cards if he or she knowingly transfers public assistance benefits
9 or EBT cards to another not lawfully entitled or approved by the
10 department of social services to receive the public assistance
11 benefits or EBT cards.

12 2. The offense of unlawful transfer of public assistance
13 benefits or EBT cards is a class [D felony unless the face value
14 of said public assistance benefits or EBT cards is less than five
15 hundred dollars, in which case unlawful transfer of public
16 assistance benefits or EBT cards is a class] A misdemeanor,
17 unless the face value of the food stamp coupons or ATP cards is
18 seven hundred fifty dollars or more or the person is found guilty
19 of a second offense of unlawful transfer of public assistance
20 benefits or EBT cards in an amount less than seven hundred fifty
21 dollars, in which case it is a class D felony. [A person who is
22 found guilty of a second offense of unlawful transfer of public
23 assistance benefits or EBT cards in an amount less than five
24 hundred dollars shall be guilty of a class D felony.] Any person
25 who is found guilty of a second or subsequent offense of felony
26 unlawful transfer of public assistance benefits, or any person
27 who is found guilty of an offense under this section and has been
28 found guilty of two or more violations under sections 570.400 to

1 570.410, shall be guilty of a class C felony. Any person who is
2 found guilty of felony unlawful transfer of public assistance
3 benefits or EBT cards shall serve not less than one hundred
4 twenty days in the department of corrections unless such person
5 pays full restitution to the state of Missouri within thirty days
6 of the date of execution of sentence.

7 3. In addition to any criminal penalty, any person found
8 guilty of unlawful transfer of public assistance benefits or EBT
9 cards shall pay full restitution to the state of Missouri for the
10 total amount of moneys converted. No person placed on probation
11 for the offense shall be released from probation until full
12 restitution has been paid.

13 [578.383.] 570.406. The face value of public assistance
14 benefits or EBT cards stolen, possessed, transferred or converted
15 from one scheme or course of conduct, whether from one or several
16 rightful possessors, or at the same or different times shall
17 constitute a single criminal episode and their face values may be
18 aggregated in determining the grade of offense.

19 [578.385.] 570.408. 1. A person commits the [crime]
20 offense of perjury for the purpose of [this section] obtaining
21 public assistance if he or she knowingly makes a false or
22 misleading statement or misrepresents a fact material for the
23 purpose of obtaining public assistance if the false or misleading
24 statement is reduced to writing and verified by the signature of
25 the person making the statement and by the signature of any
26 employee of the Missouri department of social services. The same
27 person may not be charged with unlawfully receiving public
28 assistance benefits and perjury pursuant to this section when

1 both offenses arise from the same application for benefits.

2 2. A statement or fact is material, regardless of its
3 admissibility under rules of evidence, if it could substantially
4 affect or did substantially affect the granting of public
5 assistance.

6 3. Knowledge of the materiality of the statement or fact is
7 not an element of this [crime] offense, and it is no defense
8 that:

9 (1) The [defendant] person mistakenly believed the fact to
10 be immaterial; or

11 (2) The [defendant] person was not competent, for reasons
12 other than mental disability, to make the statement.

13 4. [Perjury committed as part of a transaction involving
14 the making of an application to obtain public assistance is a
15 class D felony unless the value of the public assistance
16 unlawfully obtained or unlawfully attempted to be obtained is
17 less than five hundred dollars in which case it is a class A
18 misdemeanor] The offense of perjury for the purpose of obtaining
19 public assistance is a class A misdemeanor, unless the value of
20 the public assistance unlawfully obtained or unlawfully attempted
21 to be obtained is seven hundred fifty dollars or more, in which
22 case it is a class D felony, or the person has previously been
23 found guilty of two violations under sections 570.400 to 570.410,
24 in which case it is a class C felony.

25 [578.387.] 570.410. 1. For the purpose of any
26 investigation or proceeding relating to public assistance
27 unlawfully received or an application for public assistance
28 unlawfully tendered, the director of the department of social

1 services or any officer designated by him [and/or] or her or the
2 attorney general for the state of Missouri or any officer
3 designated by him or her may administer oaths and affirmations,
4 subpoena witnesses, compel their attendance, take testimony,
5 require answers to written interrogatories and require production
6 of any books, papers, correspondence, memoranda, agreements or
7 other documents or records which the director of the department
8 [and/or] or the attorney general deem relevant and material to
9 the inquiry.

10 2. In the case of contumacy by, or refusal to obey a
11 subpoena issued to, any person, the circuit court of any county
12 of the state or the city of St. Louis, upon application by the
13 department director [and/or] or the attorney general may issue to
14 the person an order requiring him or her to appear before the
15 department director[,] or the officer designated by him or her,
16 [and/or] or the attorney general[,] or the officer designated by
17 him or her, there to produce documentary evidence if so ordered
18 or to give testimony or answer interrogatories touching the
19 matter under investigation or in question in accordance with the
20 forms and procedures otherwise authorized by the Rules of Civil
21 Procedure. Failure to obey the order of the court may be
22 punished by the court as a contempt of court.

23 3. Information or documents obtained under this section by
24 the director of the department [and/or] or the attorney general
25 shall not be disclosed except in the course of civil or criminal
26 litigation or to another prosecutorial or investigative agency,
27 or to the divisions of the department.

28 4. [Anyone improperly disclosing information obtained] The

1 offense of improper disclosure under this section is [guilty of]
2 a class A misdemeanor.

3 5. The provisions of this section do not repeal existing
4 provisions of law and shall be construed as supplementary
5 thereto.

6 572.015. Nothing in this chapter prohibits constitutionally
7 authorized activities under article III, sections 39(a) to 39(f)
8 of the Missouri Constitution.

9 572.020. 1. A person commits the [crime] offense of
10 gambling if he or she knowingly engages in gambling.

11 2. The offense of gambling is a class C misdemeanor unless:

12 (1) It is committed by a professional player, in which case
13 it is a class [D felony] A misdemeanor; or

14 (2) The person knowingly engages in gambling with a [minor]
15 child less than seventeen years of age, in which case it is a
16 class B misdemeanor.

17 573.010. As used in this chapter the following terms shall
18 mean:

19 (1) "Adult cabaret", a nightclub, bar, juice bar,
20 restaurant, bottle club, or other commercial establishment,
21 regardless of whether alcoholic beverages are served, which
22 regularly features persons who appear semi-nude;

23 (2) "Characterized by", describing the essential character
24 or dominant theme of an item;

25 (3) "Child", any person under the age of fourteen;

26 [(2)] (4) "Child pornography":

27 (a) Any obscene material or performance depicting sexual
28 conduct, sexual contact as defined in section 566.010, or a

1 sexual performance[, as these terms are defined in section
2 556.061,] and which has as one of its participants or portrays as
3 an observer of such conduct, contact, or performance a minor
4 [under the age of eighteen]; or

5 (b) Any visual depiction, including any photograph, film,
6 video, picture, or computer or computer-generated image or
7 picture, whether made or produced by electronic, mechanical, or
8 other means, of sexually explicit conduct where:

9 a. The production of such visual depiction involves the use
10 of a minor engaging in sexually explicit conduct;

11 b. Such visual depiction is a digital image, computer
12 image, or computer-generated image that is, or is
13 indistinguishable from, that of a minor engaging in sexually
14 explicit conduct, in that the depiction is such that an ordinary
15 person viewing the depiction would conclude that the depiction is
16 of an actual minor engaged in sexually explicit conduct; or

17 c. Such visual depiction has been created, adapted, or
18 modified to show that an identifiable minor is engaging in
19 sexually explicit conduct. "Identifiable minor" means a person
20 who was a minor at the time the visual depiction was created,
21 adapted, or modified; or whose image as a minor was used in
22 creating, adapting, or modifying the visual depiction; and who is
23 recognizable as an actual person by the person's face, likeness,
24 or other distinguishing characteristic, such as a unique
25 birthmark or other recognizable feature. The term "identifiable
26 minor" shall not be construed to require proof of the actual
27 identity of the identifiable minor;

28 [(3) "Displays publicly", exposing, placing, posting,

1 exhibiting, or in any fashion displaying in any location, whether
2 public or private, an item in such a manner that it may be
3 readily seen and its content or character distinguished by normal
4 unaided vision viewing it from a street, highway or public
5 sidewalk, or from the property of others or from any portion of
6 the person's store, or the exhibitor's store or property when
7 items and material other than this material are offered for sale
8 or rent to the public;

9 (4) (5) "Employ", "employee", or "employment", any person
10 who performs any service on the premises of a sexually oriented
11 business, on a full-time, part-time, or contract basis, whether
12 or not the person is denominated an employee, independent
13 contractor, agent, or otherwise. Employee does not include a
14 person exclusively on the premises for repair or maintenance of
15 the premises or for the delivery of goods to the premises;

16 (6) "Explicit sexual material", any pictorial or
17 three-dimensional material depicting human masturbation, deviate
18 sexual intercourse, sexual intercourse, direct physical
19 stimulation or unclothed genitals, sadomasochistic abuse, or
20 emphasizing the depiction of postpubertal human genitals;
21 provided, however, that works of art or of anthropological
22 significance shall not be deemed to be within the foregoing
23 definition;

24 [(5)] (7) "Furnish", to issue, sell, give, provide, lend,
25 mail, deliver, transfer, circulate, disseminate, present, exhibit
26 or otherwise provide;

27 [(6) "Graphic", when used with respect to a depiction of
28 sexually explicit conduct, that a viewer can observe any part of

1 the genitals or pubic area of any depicted person or animal
2 during any part of the time that the sexually explicit conduct is
3 being depicted;

4 (7) "Identifiable minor":

5 (a) A person:

6 a. (i) Who was a minor at the time the visual depiction
7 was created, adapted, or modified; or

8 (ii) Whose image as a minor was used in creating, adapting,
9 or modifying the visual depiction; and

10 b. Who is recognizable as an actual person by the person's
11 face, likeness, or other distinguishing characteristic, such as a
12 unique birthmark or other recognizable feature; and

13 (b) The term shall not be construed to require proof of the
14 actual identity of the identifiable minor;

15 (8) "Indistinguishable", when used with respect to a
16 depiction, virtually indistinguishable, in that the depiction is
17 such that an ordinary person viewing the depiction would conclude
18 that the depiction is of an actual minor engaged in sexually
19 explicit conduct. Indistinguishable does not apply to depictions
20 that are drawings, cartoons, sculptures, or paintings depicting
21 minors or adults;

22 (9) ~~(8)~~ "Material", anything printed or written, or any
23 picture, drawing, photograph, motion picture film, videotape or
24 videotape production, or pictorial representation, or any
25 recording or transcription, or any mechanical, chemical, or
26 electrical reproduction, or stored computer data, or anything
27 which is or may be used as a means of communication. Material
28 includes undeveloped photographs, molds, printing plates, stored

1 computer data and other latent representational objects;

2 [(10)] (9) "Minor", any person [under the age of] less than
3 eighteen years of age;

4 [(11)] (10) "Nudity" or "state of nudity", the showing of
5 [postpubertal] the human genitals [or], pubic area, vulva, anus,
6 anal cleft, or the female breast with less than a fully opaque
7 covering of any part of the nipple or areola;

8 [(12)] (11) "Obscene", any comment, request, suggestion,
9 material, or performance [is obscene] if, taken as a whole:

10 (a) Applying contemporary community standards, its
11 predominant appeal is to prurient interest in sex; and

12 (b) The average person, applying contemporary community
13 standards, would find the material depicts or describes sexual
14 conduct in a patently offensive way; and

15 (c) A reasonable person would find the material lacks
16 serious literary, artistic, political or scientific value;

17 (12) "Operator", any person on the premises of a sexually
18 oriented business who causes the business to function, puts or
19 keeps the business in operation, or is authorized to manage the
20 business or exercise overall operational control of the business
21 premises. A person may be found to be operating or causing to be
22 operated a sexually oriented business whether or not such person
23 is an owner, part owner, or licensee of the business;

24 (13) "Performance", any play, motion picture film,
25 videotape, dance or exhibition performed before an audience of
26 one or more;

27 (14) "Pornographic for minors", any material or performance
28 [is pornographic for minors] if the following apply:

1 (a) The average person, applying contemporary community
2 standards, would find that the material or performance, taken as
3 a whole, has a tendency to cater or appeal to a prurient interest
4 of minors; and

5 (b) The material or performance depicts or describes
6 nudity, sexual conduct, [sexual excitement] the condition of
7 human genitals when in a state of sexual stimulation or arousal,
8 or sadomasochistic abuse in a way which is patently offensive to
9 the average person applying contemporary adult community
10 standards with respect to what is suitable for minors; and

11 (c) The material or performance, taken as a whole, lacks
12 serious literary, artistic, political, or scientific value for
13 minors;

14 (15) "Premises", the real property upon which a sexually
15 oriented business is located, and all appurtenances thereto and
16 buildings thereon, including but not limited to the sexually
17 oriented business, the grounds, private walkways, and parking
18 lots or parking garages or both;

19 (16) "Promote", to manufacture, issue, sell, provide, mail,
20 deliver, transfer, transmute, publish, distribute, circulate,
21 disseminate, present, exhibit, or advertise, or to offer or agree
22 to do the same, by any means including a computer;

23 (17) "Regularly", the consistent and repeated doing of the
24 act so described;

25 [(16)] (18) "Sadomasochistic abuse", flagellation or
26 torture by or upon a person as an act of sexual stimulation or
27 gratification;

28 (19) "Semi-nude" or "state of semi-nudity", the showing of

1 the female breast below a horizontal line across the top of the
2 areola and extending across the width of the breast at such
3 point, or the showing of the male or female buttocks. Such
4 definition includes the lower portion of the human female breast,
5 but shall not include any portion of the cleavage of the female
6 breasts exhibited by a bikini, dress, blouse, shirt, leotard, or
7 similar wearing apparel provided the areola is not exposed in
8 whole or in part;

9 [(17)] (20) "Sexual conduct", actual or simulated, normal
10 or perverted acts of human masturbation; deviate sexual
11 intercourse; sexual intercourse; or physical contact with a
12 person's clothed or unclothed genitals, pubic area, buttocks, or
13 the breast of a female in an act of apparent sexual stimulation
14 or gratification or any sadomasochistic abuse or acts including
15 animals or any latent objects in an act of apparent sexual
16 stimulation or gratification;

17 [(18)] (21) "Sexually explicit conduct", actual or
18 simulated:

19 (a) Sexual intercourse, including genital-genital,
20 oral-genital, anal-genital, or oral-anal, whether between persons
21 of the same or opposite sex;

22 (b) Bestiality;

23 (c) Masturbation;

24 (d) Sadistic or masochistic abuse; or

25 (e) Lascivious exhibition of the genitals or pubic area of
26 any person;

27 [(19) "Sexual excitement", the condition of human male or
28 female genitals when in a state of sexual stimulation or arousal;

(20)] (22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at

1 any one time, and where the images so displayed are characterized
2 by their emphasis upon matter exhibiting specified sexual
3 activities or specified anatomical areas;

4 (b) An adult cabaret;

5 (c) An adult motion picture theater. "Adult motion picture
6 theater" means a commercial establishment where films, motion
7 pictures, video cassettes, slides, or similar photographic
8 reproductions, which are characterized by their emphasis upon the
9 display of specified sexual activities or specified anatomical
10 areas are regularly shown to more than five persons for any form
11 of consideration;

12 (d) A semi-nude model studio. "Semi-nude model studio"
13 means a place where persons regularly appear in a state of semi-
14 nudity for money or any form of consideration in order to be
15 observed, sketched, drawn, painted, sculptured, photographed, or
16 similarly depicted by other persons. Such definition shall not
17 apply to any place where persons appearing in a state of semi-
18 nudity do so in a modeling class operated:

19 a. By a college, junior college, or university supported
20 entirely or partly by taxation;

21 b. By a private college or university which maintains and
22 operates educational programs in which credits are transferable
23 to a college, junior college, or university supported entirely or
24 partly by taxation; or

25 c. In a structure:

26 (i) Which has no sign visible from the exterior of the
27 structure and no other advertising that indicates a semi-nude
28 person is available for viewing; and

1 (ii) Where, in order to participate in a class, a student
2 must enroll at least three days in advance of the class;

3 (e) A sexual encounter center. "Sexual encounter center"
4 means a business or commercial enterprise that, as one of its
5 principal purposes, purports to offer for any form of
6 consideration physical contact in the form of wrestling or
7 tumbling between two or more persons when one or more of the
8 persons is semi-nude;

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

12 (24) "Specified anatomical areas" include:

13 (a) Less than completely and opaquely covered: human
14 genitals, pubic region, buttock, and female breast below a point
15 immediately above the top of the areola; and

16 (b) Human male genitals in a discernibly turgid state, even
17 if completely and opaquely covered;

18 (25) "Specified sexual activity", includes any of the
19 following:

20 (a) Intercourse, oral copulation, masturbation, or sodomy;
21 or

22 (b) Excretory functions as a part of or in connection with
23 any of the activities described in paragraph (a) of this
24 subdivision;

25 (26) "Substantial", at least thirty percent of the item or
26 items so modified;

27 (27) "Visual depiction", includes undeveloped film and
28 videotape, and data stored on computer disk or by electronic

1 means which is capable of conversion into a visual image[;

2 (21) "Wholesale promote", to manufacture, issue, sell,
3 provide, mail, deliver, transfer, transmute, publish, distribute,
4 circulate, disseminate, or to offer or agree to do the same for
5 purposes of resale or redistribution].

6 573.020. 1. A person commits the [crime] offense of
7 promoting obscenity in the first degree if, knowing of its
8 content and character, such person:

9 (1) [He or she] Wholesale promotes or possesses with the
10 purpose to wholesale promote any obscene material; or

11 (2) [He or she] Wholesale promotes for minors or possesses
12 with the purpose to wholesale promote for minors any material
13 pornographic for minors; or

14 (3) [He or she] Promotes, wholesale promotes or possesses
15 with the purpose to wholesale promote for minors material that is
16 pornographic for minors via computer, internet or computer
17 network if the person made the matter available to a specific
18 individual known by the defendant to be a minor.

19 2. The offense of promoting obscenity in the first degree
20 is a class D felony.

21 3. As used in this section, "wholesale promote" means to
22 manufacture, issue, sell, provide, mail, deliver, transfer,
23 transmute, publish, distribute, circulate, disseminate, or to
24 offer or agree to do the same for purposes of resale or
25 redistribution.

26 573.025. 1. A person commits the [crime] offense of
27 promoting child pornography in the first degree if, knowing of
28 its content and character, such person possesses with the intent

1 to promote or promotes child pornography of a child less than
2 fourteen years of age or obscene material portraying what appears
3 to be a child less than fourteen years of age.

4 2. The offense of promoting child pornography in the first
5 degree is a class B felony unless the person knowingly promotes
6 such material to a minor, in which case it is a class A felony.
7 No person who [pleads guilty to or] is found guilty of[, or is
8 convicted of,] promoting child pornography in the first degree
9 shall be eligible for probation, parole, or conditional release
10 for a period of three calendar years.

11 3. Nothing in this section shall be construed to require a
12 provider of electronic communication services or remote computing
13 services to monitor any user, subscriber or customer of the
14 provider, or the content of any communication of any user,
15 subscriber or customer of the provider.

16 573.030. 1. A person commits the [crime] offense of
17 promoting pornography for minors or obscenity in the second
18 degree if, knowing of its content and character, he or she:

19 (1) Promotes or possesses with the purpose to promote any
20 obscene material for pecuniary gain; or

21 (2) Produces, presents, directs or participates in any
22 obscene performance for pecuniary gain; or

23 (3) Promotes or possesses with the purpose to promote any
24 material pornographic for minors for pecuniary gain; or

25 (4) Produces, presents, directs or participates in any
26 performance pornographic for minors for pecuniary gain; or

27 (5) Promotes, possesses with the purpose to promote,
28 produces, presents, directs or participates in any performance

1 that is pornographic for minors via computer, electronic
2 transfer, internet or computer network if the person made the
3 matter available to a specific individual known by the defendant
4 to be a minor.

5 2. The offense of promoting pornography for minors or
6 obscenity in the second degree is a class A misdemeanor unless
7 the person has [pleaded guilty to or has] been found guilty of an
8 offense pursuant to this section committed at a different time,
9 in which case it is a class D felony.

10 573.035. 1. A person commits the [crime] offense of
11 promoting child pornography in the second degree if, knowing of
12 its content and character, such person possesses with the intent
13 to promote or promotes child pornography of a minor under the age
14 of eighteen or obscene material portraying what appears to be a
15 minor under the age of eighteen.

16 2. The offense of promoting child pornography in the second
17 degree is a class C felony unless the person knowingly promotes
18 such material to a minor, in which case it is a class B felony.
19 No person who is found guilty of[, pleads guilty to, or is
20 convicted of] promoting child pornography in the second degree
21 shall be eligible for probation.

22 573.040. 1. A person commits the [crime] offense of
23 furnishing pornographic material to minors if, knowing of its
24 content and character, he or she:

25 (1) Furnishes any material pornographic for minors, knowing
26 that the person to whom it is furnished is a minor or acting in
27 reckless disregard of the likelihood that such person is a minor;
28 or

1 (2) Produces, presents, directs or participates in any
2 performance pornographic for minors that is furnished to a minor
3 knowing that any person viewing such performance is a minor or
4 acting in reckless disregard of the likelihood that a minor is
5 viewing the performance; or

6 (3) Furnishes, produces, presents, directs, participates in
7 any performance or otherwise makes available material that is
8 pornographic for minors via computer, electronic transfer,
9 internet or computer network if the person made the matter
10 available to a specific individual known by the defendant to be a
11 minor.

12 2. It is not [an affirmative] a defense to a prosecution
13 for a violation of this section that the person being furnished
14 the pornographic material is a peace officer masquerading as a
15 minor.

16 3. The offense of furnishing pornographic material to
17 minors or attempting to furnish pornographic material to minors
18 is a class A misdemeanor unless the person has [pleaded guilty to
19 or has] been found guilty of an offense committed at a different
20 time pursuant to this chapter, chapter 566 or chapter 568, in
21 which case it is a class D felony.

22 573.050. 1. In any prosecution under this chapter evidence
23 shall be admissible to show:

24 (1) What the predominant appeal of the material or
25 performance would be for ordinary adults or minors;

26 (2) The literary, artistic, political or scientific value
27 of the material or performance;

28 (3) The degree of public acceptance in this state and in

1 the local community;

2 (4) The appeal to prurient interest in advertising or other
3 promotion of the material or performance;

4 (5) The purpose of the author, creator, promoter, furnisher
5 or publisher of the material or performance.

6 2. Testimony of the author, creator, promoter, furnisher,
7 publisher, or expert testimony, relating to factors entering into
8 the determination of the issues of obscenity or child
9 pornography, shall be admissible.

10 3. In any prosecution [for possession of child pornography
11 or promoting child pornography in the first or second degree, the
12 determination that the person who participated in the child
13 pornography was younger than eighteen years of age may be made as
14 set forth in section 568.100, or reasonable inferences drawn by a
15 judge or jury after viewing the alleged pornographic material
16 shall constitute sufficient evidence of the child's age to
17 support a conviction] under this chapter, when it becomes
18 necessary to determine whether a person was less than seventeen
19 or eighteen years of age, the court or jury may make this
20 determination by any of the following methods:

21 (1) Personal inspection of the child;

22 (2) Inspection of the photograph or motion picture that
23 shows the child engaging in the sexual performance;

24 (3) Oral testimony by a witness to the sexual performance
25 as to the age of the child based on the child's appearance at the
26 time;

27 (4) Expert medical testimony based on the appearance of the
28 child engaging in the sexual performance; or

1 (5) Any other method authorized by law or by the rules of
2 evidence.

3 4. In any prosecution for promoting child pornography in
4 the first or second degree, no showing is required that the
5 performance or material involved appeals to prurient interest,
6 that it lacks serious literary, artistic, political or scientific
7 value, or that it is patently offensive to prevailing standards
8 in the community as a whole.

9 573.052. Upon receipt of any information that child
10 pornography as defined in section 573.010 is contained on a
11 website, the attorney general shall investigate such information.
12 If the attorney general has probable cause to believe the website
13 contains child pornography, the attorney general shall notify a
14 website operator of any child pornography site residing on that
15 website operator's server, in writing. If the website operator
16 promptly, but in no event longer than five days after receiving
17 notice, removes the alleged pornography from its server, and so
18 long as the website operator is not the purveyor of such child
19 pornography, it shall be immune from civil liability. If the
20 website operator does not promptly remove the alleged
21 pornography, the attorney general may seek an injunction pursuant
22 to section 573.070 to remove the child pornography site from the
23 website operator's server. This section shall not be construed
24 to create any defense to any criminal charges brought pursuant to
25 this chapter [or chapter 568].

26 573.060. 1. A person commits the [crime] offense of public
27 display of explicit sexual material if he [knowingly] or she
28 recklessly:

1 (1) [Displays publicly] Exposes, places, exhibits, or in
2 any fashion, displays explicit sexual material in any location,
3 whether public or private, and in such a manner that it may be
4 readily seen and its content or character distinguished by normal
5 unaided vision as viewed from a street, highway, public sidewalk,
6 or the property of others, or from any portion of the person's
7 store, the exhibitor's store or property when items and material
8 other than this material are offered for sale or rent to the
9 public; or

10 (2) Fails to take prompt action to remove such a display
11 from property in his or her possession after learning of its
12 existence.

13 2. The offense of public display of explicit sexual
14 material is a class A misdemeanor unless the person has [pleaded
15 guilty to or has] been found guilty of an offense under this
16 section committed at a different time, in which case it is a
17 class D felony.

18 3. For purposes of this section, each day there is a
19 violation of this section shall constitute a separate offense.

20 573.065. 1. A person commits the [crime] offense of
21 coercing acceptance of obscene material if such person knowingly:

22 (1) [He] Requires acceptance of obscene material as a
23 condition to any sale, allocation, consignment or delivery of any
24 other material; or

25 (2) [He] Denies any franchise or imposes any penalty,
26 financial or otherwise, by reason of the failure or refusal of
27 any person to accept any material obscene or pornographic for
28 minors.

1 2. The offense of coercing acceptance of obscene material
2 is a class D felony.

3 573.100. 1. As used in this section, the [following terms
4 mean:

5 (1)] term "indecent"[,] means language or material that
6 depicts or describes, in terms patently offensive as measured by
7 contemporary community standards, sexual or excretory activities
8 or organs[;

9 (2) "Obscene", any comment, request, suggestion or proposal
10 is obscene if:

11 (a) Applying contemporary community standards, its
12 predominant appeal is to prurient interest in sex; and

13 (b) Taken as a whole with respect to the average person,
14 applying contemporary community standards, it depicts or
15 describes sexual conduct in a patently offensive way; and

16 (c) Taken as a whole, it lacks serious literary, artistic,
17 political or scientific value. Obscenity shall be judged with
18 reference to its impact upon ordinary adults].

19 2. [It shall be unlawful for any] A person commits the
20 offense of obscene or indecent commercial messaging if he or she,
21 by means of a telephone communication for commercial purposes,
22 [to make] makes directly or by means of an electronic recording
23 device, any comment, request, suggestion, or proposal which is
24 obscene or indecent; or knowingly permits any telephone or
25 telephone facility connected to a local exchange telephone under
26 such person's control to be used for obscene or indecent
27 commercial messaging. Any person who makes any such comment,
28 request, suggestion, or proposal shall be in violation of the

1 provisions of this section regardless of whether such person
2 placed or initiated the telephone call.

3 3. [It shall be unlawful for any person to permit knowingly
4 any telephone or telephone facility connected to a local exchange
5 telephone under such person's control to be used for any purpose
6 prohibited by subsection 2 of this section.

7 4. Any person who violates any provision of this section is
8 guilty of] The offense of obscene or indecent commercial
9 messaging is a class A misdemeanor unless such person has
10 [pleaded guilty to or has] been found guilty of the same offense
11 committed at a different time, in which case the violation is a
12 class D felony. For purposes of this subsection, each violation
13 constitutes a separate offense.

14 [5.] 4. The prohibitions and penalties contained herein are
15 not applicable to a telecommunications company as defined in
16 section 386.020 over whose facilities prohibited communications
17 may be transmitted.

18 [568.080.] 573.200. 1. A person commits the [crime]
19 offense of use of a child in a sexual performance if, knowing the
20 character and content thereof, the person employs, authorizes, or
21 induces a child less than [seventeen] eighteen years of age to
22 engage in a [sexual] performance which includes sexual conduct
23 or, being a parent, legal guardian, or custodian of such child,
24 consents to the participation by such child in such sexual
25 performance.

26 2. The offense of use of a child in a sexual performance is
27 a class C felony, and, notwithstanding section 558.011 to the
28 contrary, the authorized term of imprisonment is a term of years

1 of not less than three years and not to exceed ten years, unless
2 in the course thereof the person inflicts serious emotional
3 injury on the child, in which case the [crime] offense is a class
4 B felony.

5 3. The court shall not grant a suspended imposition of
6 sentence or a suspended execution of sentence to a person who has
7 previously been found guilty of an offense under this section.

8 [568.090.] 573.205. 1. A person commits the [crime]
9 offense of promoting a sexual performance by a child if, knowing
10 the character and content thereof, the person promotes a [sexual]
11 performance which includes sexual conduct by a child less than
12 [seventeen] eighteen years of age or produces[,] or directs[, or
13 promotes] any performance which includes sexual conduct by a
14 child less than [seventeen] eighteen years of age.

15 2. The offense of promoting a sexual performance by a child
16 is a class C felony and, notwithstanding section 558.011 to the
17 contrary, the authorized term of imprisonment is a term of years
18 of not less than three years and not to exceed ten years.

19 3. The court shall not grant a suspended imposition of
20 sentence or a suspended execution of sentence to a person who has
21 previously been found guilty of an offense under this section.

22 573.509. 1. No person less than nineteen years of age
23 shall dance in an adult cabaret [as defined in section 573.500],
24 nor shall any proprietor of such establishment permit any person
25 less than nineteen years of age to dance in an adult cabaret.

26 2. [Any person who violates the provisions of subsection 1]
27 Violation of this section is [guilty of] a class A misdemeanor.

28 573.531. 1. No person shall establish a sexually oriented

1 business within one thousand feet of any preexisting primary or
2 secondary school, house of worship, state-licensed day care
3 facility, public library, public park, residence, or other
4 sexually oriented business. This subsection shall not apply to
5 any sexually oriented business lawfully established prior to
6 August 28, 2010. For purposes of this subsection, measurements
7 shall be made in a straight line, without regard to intervening
8 structures or objects, from the closest portion of the parcel
9 containing the sexually oriented business to the closest portion
10 of the parcel containing the preexisting primary or secondary
11 school, house of worship, state-licensed day care facility,
12 public library, public park, residence, or other sexually
13 oriented business.

14 2. No person shall establish a sexually oriented business
15 if a person with an influential interest in the sexually oriented
16 business has been [convicted of or pled guilty or nolo contendere
17 to a specified criminal act] found guilty of any of the following
18 specified offenses for which less than eight years has elapsed
19 since the date of conviction or the date of release from
20 confinement for the conviction, whichever is later:

- 21 (1) Rape and sexual assault offenses;
- 22 (2) Sexual offenses involving minors;
- 23 (3) Offenses involving prostitution;
- 24 (4) Obscenity offenses;
- 25 (5) Offenses involving money laundering;
- 26 (6) Offenses involving tax evasion;
- 27 (7) Any attempt, solicitation, or conspiracy to commit one
28 of the offenses listed in subdivisions (1) to (6) of this

1 subsection; or

2 (8) Any offense committed in another jurisdiction which if
3 committed in this state would have constituted an offense listed
4 in subdivisions (1) to (7) of this subsection.

5 3. No person shall knowingly or intentionally, in a
6 sexually oriented business, appear in a state of nudity.

7 4. No employee shall knowingly or intentionally, in a
8 sexually oriented business, appear in a semi-nude condition
9 unless the employee, while semi-nude, shall be and remain on a
10 fixed stage at least six feet from all patrons and at least
11 eighteen inches from the floor in a room of at least six hundred
12 square feet.

13 5. No employee, who appears in a semi-nude condition in a
14 sexually oriented business, shall knowingly or intentionally
15 touch a patron or the clothing of a patron in a sexually oriented
16 business.

17 6. A sexually oriented business, which exhibits on the
18 premises, through any mechanical or electronic image-producing
19 device, a film, video cassette, digital video disc, or other
20 video reproduction, characterized by an emphasis on the display
21 of specified sexual activities or specified anatomical areas
22 shall comply with the following requirements:

23 (1) The interior of the premises shall be configured in
24 such a manner that there is an unobstructed view from an
25 operator's station of every area of the premises, including the
26 interior of each viewing room but excluding restrooms, to which
27 any patron is permitted access for any purpose;

28 (2) An operator's station shall not exceed thirty-two

1 square feet of floor area;

2 (3) If the premises has two or more operator's stations
3 designated, the interior of the premises shall be configured in
4 such a manner that there is an unobstructed view of each area of
5 the premises to which any patron is permitted access for any
6 purpose from at least one of the operator's stations;

7 (4) The view required under this subsection shall be by
8 direct line of sight from the operator's station;

9 (5) It is the duty of the operator to ensure that at least
10 one employee is on duty and situated in an operator's station at
11 all times that any patron is on the portion of the premises
12 monitored by such operator station; and

13 (6) It shall be the duty of the operator and of any
14 employees present on the premises to ensure that the view area
15 specified in this subsection remains unobstructed by any doors,
16 curtains, walls, merchandise, display racks, or other materials
17 or enclosures at all times that any patron is present on the
18 premises.

19 7. Sexually oriented businesses that do not have stages or
20 interior configurations which meet at least the minimum
21 requirements of sections 573.525 to 573.537 shall be given one
22 hundred eighty days after August 28, 2010, to comply with the
23 stage and building requirements of sections 573.525 to 573.537.
24 During such one hundred eighty-day period, any employee who
25 appears within view of any patron in a semi-nude condition shall
26 remain, while semi-nude, at least six feet from all patrons.

27 8. No operator shall allow or permit a sexually oriented
28 business to be or remain open between the hours of 12:00 midnight

1 and 6:00 a.m. on any day.

2 9. No person shall knowingly or intentionally sell, use, or
3 consume alcoholic beverages on the premises of a sexually
4 oriented business.

5 10. No person shall knowingly allow a person under the age
6 of eighteen years on the premises of a sexually oriented
7 business.

8 11. As used in this section, the following terms mean:

9 (1) "Establish" or "establishment", includes any of the
10 following:

11 (a) The opening or commencement of any sexually oriented
12 business as a new business;

13 (b) The conversion of an existing business, whether or not
14 a sexually oriented business, to any sexually oriented business;
15 or

16 (c) The addition of any sexually oriented business to any
17 other existing sexually oriented business;

18 (2) "Influential interest", includes any of the following:

19 (a) The actual power to operate a sexually oriented
20 business or control the operation, management, or policies of a
21 sexually oriented business or legal entity which operates a
22 sexually oriented business;

23 (b) Ownership of a financial interest of thirty percent or
24 more of a business or of any class of voting securities of a
25 business; or

26 (c) Holding an office, such as president, vice president,
27 secretary, treasurer, managing member, or managing director, in a
28 legal entity which operates a sexually oriented business;

1 (3) "Viewing room", the room, booth, or area where a patron
2 of a sexually oriented business would ordinarily be positioned
3 while watching a film, video cassette, digital video disc, or
4 other video reproduction.

5 574.005. 1. As used in this chapter the following terms
6 mean:

7 (1) "Property of another", any property in which the person
8 does not have a possessory interest;

9 (2) "Private property", any place which at the time of the
10 offense is not open to the public. It includes property which is
11 owned publicly or privately;

12 (3) "Public place", any place which at the time of the
13 offense is open to the public. It includes property which is
14 owned publicly or privately.

15 574.020. 1. A person commits the [crime] offense of
16 private peace disturbance if he or she is on private property and
17 unreasonably and purposely causes alarm to another person or
18 persons on the same premises by:

19 (1) Threatening to commit [a crime] an offense against any
20 person; or

21 (2) Fighting.

22 2. The offense of private peace disturbance is a class C
23 misdemeanor.

24 3. For purposes of this section, if a building or structure
25 is divided into separately occupied units, such units are
26 separate premises.

27 574.075. [It shall be unlawful for any] 1. A person [in
28 this state to enter] commits the offense of drunkenness or

1 drinking in a prohibited place if he or she enters any
2 schoolhouse or church house in which there is an assemblage of
3 people, met for a lawful purpose, or any courthouse, in [a
4 drunken or] an intoxicated and disorderly condition, or [to drink
5 or offer] drinks or offers to drink any intoxicating liquors in
6 the presence of such assembly of people, or in any courthouse
7 [within this state and any person or persons so doing shall be
8 guilty of a misdemeanor; unless, however, the circuit court has
9 by local rule authorized law library associations to conduct
10 social events after business hours in any courthouse].

11 2. The offense of drunkenness or drinking in a prohibited
12 place is a class B misdemeanor.

13 [569.070.] 574.080. 1. A person commits the [crime]
14 offense of causing catastrophe if he or she knowingly causes a
15 catastrophe by explosion, fire, flood, collapse of a building,
16 release of poison, radioactive material, bacteria, virus or other
17 dangerous and difficult to confine force or substance.

18 2. As used in this section, the following terms mean:

19 (1) "Catastrophe" [means], death or serious physical injury
20 to ten or more people or substantial damage to five or more
21 buildings or inhabitable structures or substantial damage to a
22 vital public facility which seriously impairs its usefulness or
23 operation;

24 (2) "Vital public facility", includes a facility maintained
25 for use as a bridge, whether over land or water, dam, reservoir,
26 tunnel, communication installation or power station.

27 3. The offense of causing catastrophe is a class A felony.

28 574.085. 1. A person commits the [crime] offense of

1 institutional vandalism [by knowingly vandalizing, defacing or
2 otherwise damaging] if he or she knowingly vandalizes, defaces,
3 or otherwise damages:

4 (1) Any church, synagogue or other building, structure or
5 place used for religious worship or other religious purpose;

6 (2) Any cemetery, mortuary, military monument or other
7 facility used for the purpose of burial or memorializing the
8 dead;

9 (3) Any school, educational facility, community center,
10 hospital or medical clinic owned and operated by a religious or
11 sectarian group;

12 (4) The grounds adjacent to, and owned or rented by, any
13 institution, facility, building, structure or place described in
14 subdivision (1), (2), or (3) of this subsection;

15 (5) Any personal property contained in any institution,
16 facility, building, structure or place described in subdivision
17 (1), (2), or (3) of this subsection; or

18 (6) Any motor vehicle which is owned, operated, leased or
19 under contract by a school district or a private school for the
20 transportation of school children.

21 2. The offense of institutional vandalism [is punishable as
22 follows:

23 (1) institutional vandalism] is a class A misdemeanor,
24 [except as provided in subdivisions (2) and (3) of this
25 subsection;

26 (2) Institutional vandalism is a class D felony if the
27 offender commits any act described in subsection 1 of this
28 section which causes damage to, or loss of, the property of

1 another in an amount in excess of one thousand dollars;

2 (3) Institutional vandalism is a class C felony if the
3 offender commits any act described in subsection 1 of this
4 section which causes damage to, or loss of, the property of
5 another in an amount in excess of five thousand dollars] unless
6 the value of the property damage is seven hundred fifty dollars
7 or more, in which case the offense is a class D felony; or the
8 value of the property damage is more than five thousand dollars,
9 in which case the offense is a class C felony.

10 3. In determining the amount of damage to property [or loss
11 of property], for purposes of this section, damage includes the
12 cost of repair or, where necessary, replacement of the property
13 that was damaged [or lost].

14 574.115. 1. A person commits the [crime] offense of making
15 a terrorist threat in the first degree if such person
16 [communicates a threat to cause an incident or condition
17 involving danger to life, communicates a knowingly false report
18 of an incident or condition involving danger to life, or
19 knowingly causes a false belief or fear that an incident has
20 occurred or that a condition exists involving danger to life:

21 (1) With the purpose of frightening ten or more people;

22 (2) With the purpose of causing the evacuation, quarantine
23 or closure of any portion of a building, inhabitable structure,
24 place of assembly or facility of transportation; or

25 (3) With reckless disregard of the risk of causing the
26 evacuation, quarantine or closure of any portion of a building,
27 inhabitable structure, place of assembly or facility of
28 transportation; or

1 (4) With criminal negligence with regard to the risk of
2 causing the evacuation, quarantine or closure of any portion of a
3 building, inhabitable structure, place of assembly or facility of
4 transportation.

5 2. Making a terrorist threat is a class C felony unless
6 committed under subdivision (3) of subsection 1 of this section
7 in which case it is a class D felony or unless committed under
8 subdivision (4) of subsection 1 of this section in which case it
9 is a class A misdemeanor.

10 3. For the purpose of this section, "threat" includes an
11 express or implied threat.

12 4. A person who acts in good faith with the purpose to
13 prevent harm does not commit a crime pursuant to this section.],
14 with the purpose of frightening ten or more people or causing the
15 evacuation, quarantine or closure of any portion of a building,
16 inhabitable structure, place of assembly or facility of
17 transportation, knowingly:

18 (1) Communicates an express or implied threat to cause an
19 incident or condition involving danger to life; or

20 (2) Communicates a false report of an incident or condition
21 involving danger to life; or

22 (3) Causes a false belief or fear that an incident has
23 occurred or that a condition exists involving danger to life.

24 2. The offense of making a terrorist threat in the first
25 degree is a class C felony.

26 3. No offense is committed under this section by a person
27 acting in good faith with the purpose to prevent harm.

28 574.120. 1. A person commits the offense of making a

1 terrorist threat in the second degree if he or she recklessly
2 disregards the risk of causing the evacuation, quarantine or
3 closure of any portion of a building, inhabitable structure,
4 place of assembly or facility of transportation and knowingly:

5 (1) Communicates an express or implied threat to cause an
6 incident or condition involving danger to life; or

7 (2) Communicates a false report of an incident or condition
8 involving danger to life; or

9 (3) Causes a false belief or fear that an incident has
10 occurred or that a condition exists involving danger to life.

11 2. The offense of making a terrorist threat in the second
12 degree is a class D felony.

13 3. No offense is committed under this section by a person
14 acting in good faith with the purpose to prevent harm.

15 574.125. 1. A person commits the offense of making a
16 terrorist threat in the third degree if he or she, with criminal
17 negligence with regard to the risk of causing the evacuation,
18 quarantine or closure of any portion of a building, inhabitable
19 structure, place of assembly or facility of transportation,
20 knowingly:

21 (1) Communicates an express or implied threat to cause an
22 incident or condition involving danger to life; or

23 (2) Communicates a knowingly false report of an incident or
24 condition involving danger to life; or

25 (3) Causes a false belief or fear that an incident has
26 occurred or that a condition exists involving danger to life.

27 2. The offense of making a terrorist threat in the third
28 degree is a class A misdemeanor.

1 3. No offense is committed under this section by a person
2 acting in good faith with the purpose to prevent harm.

3 [578.008.] 574.130. 1. A person commits the [crime]
4 offense of agroterrorism if such person purposely spreads any
5 type of contagious, communicable or infectious disease among
6 crops, poultry, livestock as defined in section 267.565, or other
7 animals.

8 2. Agroterrorism is a class D felony unless the damage to
9 crops, poultry, livestock or animals is ten million dollars or
10 more in which case it is a class B felony.

11 3. It shall be a defense to the crime of agroterrorism if
12 such spreading is consistent with medically recognized
13 therapeutic procedures or done in the course of legitimate,
14 professional scientific research.

15 [565.095.] 574.140. 1. [It shall be unlawful for any
16 person or persons with the intent to intimidate any person or
17 group of persons to burn, or cause to be burned, a cross. Any
18 person who shall violate any provision of this section shall be
19 guilty of a class A misdemeanor for a first offense and a class D
20 felony for a second or subsequent offense] A person commits the
21 offense of cross burning if he or she burns, or causes to be
22 burned, a cross with the purpose to frighten, intimidate, or
23 cause emotional distress to any person or group of persons.

24 2. [For purposes of this section, a person acts with the
25 intent to intimidate when he or she intentionally places or
26 attempts to place another person in fear of physical injury or
27 fear of damage to property] The offense of cross burning is a
28 class A misdemeanor, unless the person has previously been found

1 guilty of an offense under this section, in which case it is a
2 class D felony.

3 [578.502.] 574.151. 1. This section shall be known as
4 "Spc. Edward Lee Myers' Law".

5 2. [It shall be unlawful for any] A person [to engage]
6 commits the offense of unlawful funeral protest if he or she
7 engages in picketing or other protest activities within three
8 hundred feet of or about any location at which a funeral is held,
9 within one hour prior to the commencement of any funeral, and
10 until one hour following the cessation of any funeral. Each day
11 on which a violation occurs shall constitute a separate offense.
12 [Violation of this section is a class B misdemeanor, unless
13 committed by a person who has previously pled guilty to or been
14 found guilty of a violation of this section, in which case the
15 violation is a class A misdemeanor.]

16 3. For purposes of this section, "funeral" means the
17 ceremonies[, processions,] and memorial services held in
18 connection with the burial or cremation of the dead.

19 4. The offense of unlawful funeral protest is a class B
20 misdemeanor, unless committed by a person who has previously been
21 found guilty of a violation of this section, in which case it is
22 a class A misdemeanor.

23 [565.084.] 575.095. 1. A person commits the [crime]
24 offense of tampering with a judicial officer if, with the purpose
25 to harass, intimidate or influence a judicial officer in the
26 performance of such officer's official duties, such person:

27 (1) Threatens or causes harm to such judicial officer or
28 members of such judicial officer's family;

1 (2) Uses force, threats, or deception against or toward
2 such judicial officer or members of such judicial officer's
3 family;

4 (3) Offers, conveys or agrees to convey any benefit direct
5 or indirect upon such judicial officer or such judicial officer's
6 family;

7 (4) Engages in conduct reasonably calculated to harass or
8 alarm such judicial officer or such judicial officer's family,
9 including stalking pursuant to section 565.225 or 565.227.

10 2. A judicial officer for purposes of this section shall be
11 a judge, arbitrator, special master, juvenile officer, deputy
12 juvenile officer, state prosecuting or circuit attorney, state
13 assistant prosecuting or circuit attorney, juvenile court
14 commissioner, state probation or parole officer, or referee.

15 3. A judicial officer's family for purposes of this section
16 shall be:

17 (1) Such officer's spouse; or

18 (2) Such officer or such officer's spouse's ancestor or
19 descendant by blood or adoption; or

20 (3) Such officer's stepchild, while the marriage creating
21 that relationship exists.

22 4. The offense of tampering with a judicial officer is a
23 class C felony.

24 575.145. 1. It shall be the duty of the operator or driver
25 of any vehicle or any other conveyance regardless of means of
26 propulsion, or the rider of any animal traveling on the highways
27 of this state to stop on signal of any [sheriff or deputy
28 sheriff] law enforcement officer and to obey any other reasonable

1 signal or direction of such [sheriff or deputy sheriff] law
2 enforcement officer given in directing the movement of traffic on
3 the highways[. Any person who] or enforcing any offense or
4 infraction.

5 2. The offense of willfully [fails or refuses] failing or
6 refusing to obey such signals or directions or [who] willfully
7 [resists or opposes a sheriff or deputy sheriff] resisting or
8 opposing a law enforcement officer in the proper discharge of his
9 or her duties [shall be guilty of] is a class A misdemeanor [and
10 on conviction thereof shall be punished as provided by law for
11 such offenses].

12 575.153. 1. A person commits the [crime] offense of
13 disarming a peace officer, as defined in section [590.100]
14 590.010, or a correctional officer if [such person] he or she
15 intentionally:

16 (1) Removes a firearm or other deadly weapon from the
17 person of a peace officer or correctional officer while such
18 officer is acting within the scope of his or her official duties;
19 or

20 (2) Deprives a peace officer or correctional officer of
21 such officer's use of a firearm or deadly weapon while the
22 officer is acting within the scope of his or her official duties.

23 2. The provisions of this section shall not apply when:

24 (1) The [defendant] person does not know or could not
25 reasonably have known that the person he or she disarmed was a
26 peace officer or correctional officer; or

27 (2) The peace officer or correctional officer was engaged
28 in an incident involving felonious conduct by the peace officer

1 or correctional officer at the time the [defendant] person
2 disarmed such officer.

3 3. The offense of disarming a peace officer or correctional
4 officer is a class C felony.

5 [565.085.] 575.155. 1. An offender or prisoner commits the
6 [crime] offense of endangering a corrections employee, a visitor
7 to a correctional [facility] center, county or city jail, or
8 another offender or prisoner if he or she attempts to cause or
9 knowingly causes such person to come into contact with blood,
10 seminal fluid, urine, feces, or saliva.

11 2. For the purposes of this section, the following terms
12 mean:

13 (1) "Corrections employee", a person who is an employee, or
14 contracted employee of a subcontractor, of a department or agency
15 responsible for operating a jail, prison, correctional facility,
16 or sexual offender treatment center or a person who is assigned
17 to work in a jail, prison, correctional facility, or sexual
18 offender treatment center;

19 (2) "Offender", a person in the custody of the department
20 of corrections;

21 (3) "Prisoner", a person confined in a county or city jail.

22 3. The offense of endangering a corrections employee, a
23 visitor to a correctional [facility] center, county or city jail,
24 or another offender or prisoner is a class D felony unless the
25 substance is unidentified in which case it is a class A
26 misdemeanor. If an offender or prisoner is knowingly infected
27 with the human immunodeficiency virus (HIV), hepatitis B or
28 hepatitis C and exposes another person to HIV or hepatitis B or

1 hepatitis C by committing the [crime] offense of endangering a
2 corrections employee, a visitor to a correctional facility, or
3 another offender or prisoner, it is a class C felony.

4 [565.086.] 575.157. 1. An offender commits the [crime]
5 offense of endangering a department of mental health employee, a
6 visitor or other person at a secure facility, or another offender
7 if he or she attempts to cause or knowingly causes such
8 individual to come into contact with blood, seminal fluid, urine,
9 feces, or saliva.

10 2. For purposes of this section, the following terms mean:

11 (1) "Department of mental health employee", a person who is
12 an employee of the department of mental health, an employee or
13 contracted employee of a subcontractor of the department of
14 mental health, or an employee or contracted employee of a
15 subcontractor of an entity responsible for confining offenders as
16 authorized by section 632.495;

17 (2) "Offender", persons ordered to the department of mental
18 health after a determination by the court that such persons may
19 meet the definition of a sexually violent predator, persons
20 ordered to the department of mental health after a finding of
21 probable cause under section 632.489, and persons committed for
22 control, care, and treatment by the department of mental health
23 under sections 632.480 to 632.513;

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

27 3. The offense of endangering a department of mental health
28 employee, a visitor or other person at a secure facility, or

1 another offender is a class D felony [unless the substance is
2 unidentified, in which case it is a class A misdemeanor]. If an
3 offender is knowingly infected with the human immunodeficiency
4 virus (HIV), hepatitis B, or hepatitis C and exposes another
5 individual to HIV or hepatitis B or hepatitis C by committing the
6 [crime] offense of endangering a department of mental health
7 employee, a visitor or other person at a mental health facility,
8 or another offender, [it] the offense is a class C felony.

9 575.280. 1. A person commits the [crime] offense of
10 acceding to corruption if he or she:

11 (1) [He] Is a judge, juror, special master, referee or
12 arbitrator and knowingly solicits, accepts, or agrees to accept
13 any benefit, direct or indirect, on the representation or
14 understanding that it will influence his or her official action
15 in a judicial proceeding pending in any court or before such
16 official or juror;

17 (2) [He] Is a witness or prospective witness in any
18 official proceeding and knowingly solicits, accepts, or agrees to
19 accept any benefit, direct or indirect, on the representation or
20 understanding that he or she will disobey a subpoena or other
21 legal process, [or] absent himself or herself, avoid subpoena or
22 other legal process, [or] withhold evidence, information or
23 documents, or testify falsely.

24 2. The offense of acceding to corruption under subdivision
25 [(1)] (2) of subsection 1 of this section [is a class C felony.

26 3. Acceding to corruption under subdivision (2) of
27 subsection 1 of this section in a felony prosecution, or on the
28 representation or understanding of testifying falsely is a class

1 D felony. Otherwise, acceding to corruption] is a class A
2 misdemeanor. The offense, when committed under subdivision (1)
3 of subsection 1 of this section, is a class C felony and,
4 notwithstanding section 558.011 to the contrary, the authorized
5 term of imprisonment is a term of years of not less than three
6 years and not to exceed ten years; unless the offense is
7 committed in a felony prosecution, or on the representation or
8 understanding of testifying falsely, in which case it is a class
9 D felony.

10 575.353. 1. A person commits the [crime] offense of
11 assault on a police animal [when such person] if he or she
12 knowingly attempts to kill or disable or knowingly causes or
13 attempts to cause serious physical injury to a police animal when
14 that animal is involved in law enforcement investigation,
15 apprehension, tracking, or search, or the animal is in the
16 custody of or under the control of a law enforcement officer,
17 department of corrections officer, municipal police department,
18 fire department or a rescue unit or agency.

19 2. The offense of assault on a police animal is a class C
20 misdemeanor, unless the assault results in the death of such
21 animal or disables such animal to the extent it is unable to be
22 utilized as a police animal, in which case it is a class D
23 felony.

24 576.050. 1. A public servant commits the [crime] offense
25 of misuse of official information if, in contemplation of
26 official action by himself or herself or by a governmental unit
27 with which he or she is associated, or in reliance on information
28 to which he or she has access in his or her official capacity and

1 which has not been made public, he or she knowingly:

2 (1) Acquires a pecuniary interest in any property,
3 transaction, or enterprise which may be affected by such
4 information or official action; or

5 (2) Speculates or wagers on the basis of such information
6 or official action; or

7 (3) Aids, advises or encourages another to do any of the
8 foregoing with purpose of conferring a pecuniary benefit on any
9 person.

10 2. A person commits the [crime] offense of misuse of
11 official information if he or she [knowingly or] recklessly
12 obtains or discloses information from the Missouri uniform law
13 enforcement system (MULES) or the National Crime Information
14 Center System (NCIC), or any other criminal justice information
15 sharing system that contains individually identifiable
16 information for private or personal use, or for a purpose other
17 than in connection with their official duties and performance of
18 their job.

19 3. The offense of misuse of official information is a class
20 A misdemeanor.

21 577.001. 1. As used in this chapter, [the term "court"
22 means any circuit, associate circuit, or municipal court,
23 including traffic court, but not any juvenile court or drug
24 court.

25 2. As used in this chapter, the term "drive", "driving",
26 "operates" or "operating" means physically driving or operating a
27 motor vehicle.

28 3. As used in this chapter, a person is in an "intoxicated

condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041] the following terms mean:

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

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

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in

1 violation of any state law, county or municipal ordinance, any
2 federal offense, or any military offense in which the defendant
3 was operating a vehicle while intoxicated and another person was
4 injured or killed;

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

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

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

15 (3) "All-terrain vehicle", any motorized vehicle
16 manufactured and used exclusively for off-highway use which is
17 fifty inches or less in width, with an unladen dry weight of one
18 thousand pounds or less, traveling on three, four or more low
19 pressure tires, with a seat designed to be straddled by the
20 operator, or with a seat designed to carry more than one person,
21 and handlebars for steering control;

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

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

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

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

8 (c) Two or more intoxication-related traffic offenses
9 committed on separate occasions where both intoxication-related
10 traffic offenses were offenses committed in violation of any
11 state law, county or municipal ordinance, any federal offense, or
12 any military offense in which the defendant was operating a
13 vehicle while intoxicated and another person was injured or
14 killed;

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

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

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

25 (c) Two or more intoxication-related boating offenses
26 committed on separate occasions where both intoxication-related
27 boating offenses were offenses committed in violation of any
28 state law, county or municipal ordinance, any federal offense, or

1 any military offense in which the defendant was operating a
2 vessel while intoxicated and another person was injured or
3 killed;

4 (7) "Controlled substance", a drug, substance, or immediate
5 precursor in schedules I to V listed in section 195.017;

6 (8) "Drive", "driving", "operates" or "operating", means
7 physically driving or operating a vehicle or vessel;

8 (9) "Flight crew member", the pilot in command, copilots,
9 flight engineers, and flight navigators;

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

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

14 (b) Four or more intoxication-related traffic offenses
15 committed on separate occasions where at least one of the
16 intoxication-related traffic offenses is an offense committed in
17 violation of any state law, county or municipal ordinance, any
18 federal offense, or any military offense in which the defendant
19 was operating a vehicle while intoxicated and another person was
20 injured or killed; or

21 (c) Three or more intoxication-related traffic offenses
22 committed on separate occasions where at least two of the
23 intoxication-related traffic offenses were offenses committed in
24 violation of any state law, county or municipal ordinance, any
25 federal offense, or any military offense in which the defendant
26 was operating a vehicle while intoxicated and another person was
27 injured or killed;

28 (11) "Habitual boating offender", a person who has been

1 found guilty of:

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

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

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

17 (12) "Intoxicated" or "intoxicated condition", when a
18 person is under the influence of alcohol, a controlled substance,
19 or drug, or any combination thereof;

20 (13) "Intoxication-related boating offense", operating a
21 vessel while intoxicated; boating while intoxicated; operating a
22 vessel with excessive blood alcohol content or an offense in
23 which the defendant was operating a vessel while intoxicated and
24 another person was injured or killed in violation of any state
25 law, county or municipal ordinance, any federal offense, or any
26 military offense;

27 (14) "Intoxication-related traffic offense", driving while
28 intoxicated, driving with excessive blood alcohol content or an

1 offense in which the defendant was operating a vehicle while
2 intoxicated and another person was injured or killed in violation
3 of any state law, county or municipal ordinance, any federal
4 offense, or any military offense;

5 (15) "Law enforcement officer" or "arresting officer",
6 includes the definition of law enforcement officer in section
7 556.061 and military policemen conducting traffic enforcement
8 operations on a federal military installation under military
9 jurisdiction in the state of Missouri;

10 (16) "Operate a vessel", to physically control the movement
11 of a vessel in motion under mechanical or sail power in water;

12 (17) "Persistent offender", a person who has been found
13 guilty of two or more intoxication-related traffic offenses
14 committed on separate occasions;

15 (18) "Persistent boating offender", a person who has been
16 found guilty of two or more intoxication-related boating offenses
17 committed on separate occasions;

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

23 (20) "Prior boating offender", a person who has been found
24 guilty of one intoxication-related boating offense, where such
25 prior offense occurred within five years of the occurrence of the
26 intoxication-related boating offense for which the person is
27 charged.

28 577.010. 1. A person commits the [crime] offense of

1 ["]driving while intoxicated["] if he or she operates a [motor]
2 vehicle while in an intoxicated [or drugged] condition.

3 2. The offense of driving while intoxicated is [for the
4 first offense, a class B misdemeanor. No person convicted of or
5 pleading guilty to the offense of driving while intoxicated shall
6 be granted a suspended imposition of sentence for such offense,
7 unless such person shall be placed on probation for a minimum of
8 two years]:

9 (1) A class B misdemeanor;

10 (2) A class A misdemeanor if:

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

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

14 (3) A class D felony if:

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

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

19 (4) A class C felony if:

20 (a) The defendant is an aggravated offender;

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

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

27 (5) A class C felony and, notwithstanding section 558.011
28 to the contrary, the authorized term of imprisonment is a term of

1 years of not less than three years and not to exceed ten years
2 if:

3 (a) The defendant is a chronic offender;

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

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

9 (6) A class B felony if:

10 (a) The defendant is a habitual offender;

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

14 (c) While driving while intoxicated, the defendant acts
15 with criminal negligence to cause the death of two or more
16 persons unless it is a second or subsequent violation of this
17 subsection, in which case it is a class A felony.

18 3. Notwithstanding the provisions of subsection 2 of this
19 section, [in a circuit where a DWI court or docket created under
20 section 478.007 or other court-ordered treatment program is
21 available, no person who operated a motor vehicle with
22 fifteen-hundredths of one percent or more by weight of alcohol in
23 such person's blood shall be granted a suspended imposition of
24 sentence unless the individual participates and successfully
25 completes a program under such DWI court or docket or other
26 court-ordered treatment program] a person found guilty of the
27 offense of driving while intoxicated as a first offense shall not
28 be granted a suspended imposition of sentence:

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

3 (2) In a circuit where a DWI court or docket created under
4 section 478.007 or other court-ordered treatment program is
5 available, and where the offense was committed with fifteen-
6 hundredths of one percent or more by weight of alcohol in such
7 person's blood, unless the individual participates and
8 successfully completes a program under such DWI court or docket
9 or other court-ordered treatment program.

10 4. If a person is not granted a suspended imposition of
11 sentence for the reasons described in subsection 3 of this
12 section [for such first offense]:

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

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

21 5. A person found guilty of the offense of driving while
22 intoxicated:

23 (1) As a prior offender, persistent offender, aggravated
24 offender, chronic offender, or habitual offender shall not be
25 granted a suspended imposition of sentence or be sentenced to pay
26 a fine in lieu of a term of imprisonment, section 557.011 to the
27 contrary notwithstanding;

28 (2) As a prior offender shall not be granted parole or

1 probation until he or she has served a minimum of ten days'
2 imprisonment:

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

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

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

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

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

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

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

1 imprisonment.

2 577.012. 1. A person commits the [crime] offense of
3 ["]driving with excessive blood alcohol content["] if such person
4 operates:

5 (1) A [motor] vehicle [in this state with] while having
6 eight-hundredths of one percent or more by weight of alcohol in
7 [such person's] his or her blood; or

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

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

19 3. [For the first offense,] The offense of driving with
20 excessive blood alcohol content is [a class B misdemeanor]:

21 (1) A class B misdemeanor;

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

24 (3) A class D felony if the defendant is alleged and proved
25 to be a persistent offender;

26 (4) A class C felony if the defendant is alleged and proved
27 to be an aggravated offender;

28 (5) A class C felony and, notwithstanding section 558.011

1 to the contrary, the authorized term of imprisonment is a term of
2 years of not less than three years and not to exceed ten years if
3 the defendant is alleged and proved to be a chronic offender;

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

6 4. [In a circuit where a DWI court or docket created under
7 section 478.007 or other court-ordered treatment program is
8 available, no person who operated a motor vehicle with
9 fifteen-hundredths of one percent or more by weight of alcohol in
10 such person's blood shall be granted a suspended imposition of
11 sentence unless the individual participates and successfully
12 completes a program under such DWI court or docket or other
13 court-ordered treatment program] A person found guilty of the
14 offense of driving with an excessive blood alcohol content as a
15 first offense shall not be granted a suspended imposition of
16 sentence:

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

19 (2) In a circuit where a DWI court or docket created under
20 section 478.007 or other court-ordered treatment program is
21 available, and where the offense was committed with fifteen-
22 hundredths of one percent or more by weight of alcohol in such
23 person's blood, unless the individual participates in and
24 successfully completes a program under such DWI court or docket
25 or other court-ordered treatment program.

26 5. If a person is not granted a suspended imposition of
27 sentence for the reasons described in subsection 4 of this
28 section[, for such first offense]:

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

5 (2) If the individual operated the [motor] vehicle with
6 greater than twenty-hundredths of one percent by weight of
7 alcohol in such person's blood, the required term of imprisonment
8 shall be not less than five days.

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

11 (1) As a prior offender, persistent offender, aggravated
12 offender, chronic offender or habitual offender shall not be
13 granted a suspended imposition of sentence or be sentenced to pay
14 a fine in lieu of a term of imprisonment, section 557.011 to the
15 contrary notwithstanding;

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

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

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

28 (3) As a persistent offender shall not be granted parole or

1 probation until he or she has served a minimum of thirty days
2 imprisonment:

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

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

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

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

18 577.013. 1. A person commits the offense of boating while
19 intoxicated if he or she operates a vessel while in an
20 intoxicated condition.

21 2. The offense of boating while intoxicated is:

22 (1) A class B misdemeanor;

23 (2) A class A misdemeanor if:

24 (a) The defendant is a prior boating offender; or

25 (b) A person less than seventeen years of age is present in
26 the vessel;

27 (3) A class D felony if:

28 (a) The defendant is a persistent boating offender; or

1 (b) While boating while intoxicated, the defendant acts
2 with criminal negligence to cause physical injury to another
3 person;

4 (4) A class C felony if:

5 (a) The defendant is an aggravated boating offender;

6 (b) While boating while intoxicated, the defendant acts
7 with criminal negligence to cause physical injury to a law
8 enforcement officer or emergency personnel; or

9 (c) While boating while intoxicated, the defendant acts
10 with criminal negligence to cause serious physical injury to
11 another person;

12 (5) A class C felony and, notwithstanding section 558.011
13 to the contrary, the authorized term of imprisonment is a term of
14 years of not less than three years and not to exceed ten years
15 if:

16 (a) The defendant is a chronic boating offender;

17 (b) While boating while intoxicated, the defendant acts
18 with criminal negligence to cause serious physical injury to a
19 law enforcement officer or emergency personnel; or

20 (c) While boating while intoxicated, the defendant acts
21 with criminal negligence to cause the death of another person;

22 (6) A class B felony if:

23 (a) The defendant is a habitual boating offender;

24 (b) While boating while intoxicated, the defendant acts
25 with criminal negligence to cause the death of a law enforcement
26 officer or emergency personnel; or

27 (c) While boating while intoxicated, the defendant acts
28 with criminal negligence to cause the death of two or more

1 persons unless it is a second or subsequent violation of this
2 subsection, in which case it is a class A felony.

3 3. Notwithstanding the provisions of subsection 2 of this
4 section, a person found guilty of the offense of boating while
5 intoxicated as a first offense shall not be granted a suspended
6 imposition of sentence:

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

9 (2) In a circuit where a DWI court or docket created under
10 section 478.007 or other court-ordered treatment program is
11 available, and where the offense was committed with fifteen-
12 hundredths of one percent or more by weight of alcohol in such
13 person's blood, unless the individual participates in and
14 successfully completes a program under such DWI court or docket
15 or other court-ordered treatment program.

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

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

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

27 5. A person found guilty of the offense of boating while
28 intoxicated:

1 (1) As a prior boating offender, persistent boating
2 offender, aggravated boating offender, chronic boating offender
3 or habitual boating offender shall not be granted a suspended
4 imposition of sentence or be sentenced to pay a fine in lieu of a
5 term of imprisonment, section 557.011 to the contrary
6 notwithstanding;

7 (2) As a prior boating offender shall not be granted parole
8 or probation until he or she has served a minimum of ten days
9 imprisonment;

10 (a) Unless as a condition of such parole or probation such
11 person performs at least two hundred forty hours of community
12 service under the supervision of the court in those jurisdictions
13 which have a recognized program for community service; or

14 (b) The offender participates in and successfully completes
15 a program established under section 478.007 or other court-
16 ordered treatment program, if available;

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

20 (a) Unless as a condition of such parole or probation such
21 person performs at least four hundred eighty hours of community
22 service under the supervision of the court in those jurisdictions
23 which have a recognized program for community service; or

24 (b) The offender participates in and successfully completes
25 a program established under section 478.007 or other court-
26 ordered treatment program, if available;

27 (4) As an aggravated boating offender shall not be eligible
28 for parole or probation until he or she has served a minimum of

1 sixty days imprisonment;

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

5 577.014. 1. A person commits the offense of boating with
6 excessive blood alcohol content if he or she operates a vessel
7 while having eight-hundredths of one percent or more by weight of
8 alcohol in his or her blood.

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

17 3. The offense of boating with excessive blood alcohol
18 content is:

19 (1) A class B misdemeanor;

20 (2) A class A misdemeanor if the defendant is alleged and
21 proved to be a prior boating offender;

22 (3) A class D felony if the defendant is alleged and proved
23 to be a persistent boating offender;

24 (4) A class C felony if the defendant is alleged and proved
25 to be an aggravated boating offender;

26 (5) A class C felony and, notwithstanding section 558.011
27 to the contrary, the authorized term of imprisonment is a term of
28 years of not less than three years and not to exceed ten years if

1 the defendant is alleged and proved to be a chronic boating
2 offender;

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

5 4. A person found guilty of the offense of boating with
6 excessive blood alcohol content as a first offense shall not be
7 granted a suspended imposition of sentence:

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

10 (2) In a circuit where a DWI court or docket created under
11 section 478.007 or other court-ordered treatment program is
12 available, and where the offense was committed with fifteen-
13 hundredths of one percent or more by weight of alcohol in such
14 person's blood unless the individual participates in and
15 successfully completes a program under such DWI court or docket
16 or other court-ordered treatment program.

17 5. When a person is not granted a suspended imposition of
18 sentence for the reasons described in subsection 4 of this
19 section:

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

24 (2) If the individual operated the vessel with greater than
25 twenty hundredths of one percent by weight of alcohol in such
26 person's blood, the required term of imprisonment shall be not
27 less than five days.

28 6. A person found guilty of the offense of boating with

excessive blood alcohol content:

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

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

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

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

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

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

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

(4) As an aggravated boating offender shall not be eligible

1 for parole or probation until he or she has served a minimum of
2 sixty days imprisonment;

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

6 [577.203.] 577.015. 1. [It is unlawful for any] A person
7 [to operate, or act as a flight crew member of, any aircraft in
8 this state:

9 (1) While under the influence of alcohol or a controlled
10 substance, or any combination thereof;

11 (2) With four one-hundredths of one percent or more by
12 weight of alcohol in his blood; or

13 (3) Within eight hours after the consumption of any
14 alcoholic beverage.

15 2. Any person found guilty of violating this section and
16 section 577.201 shall have committed a class C misdemeanor.

17 3. Any person found guilty a second or subsequent time of
18 violating this section and section 577.201 shall have committed a
19 class A misdemeanor] commits the offense of operating an aircraft
20 while intoxicated if he or she, while in an intoxicated
21 condition, knowingly operates any aircraft or knowingly acts as a
22 copilot, flight engineer or flight navigator for an aircraft
23 while in operation.

24 2. The offense of operating an aircraft while intoxicated
25 is:

26 (1) A class C misdemeanor;

27 (2) A class A misdemeanor if the person has previously been
28 found guilty of the offense of operating an aircraft while

1 intoxicated or with an excessive blood alcohol content, or any
2 offense committed in another jurisdiction which, if committed in
3 this state, would be the offense of operating an aircraft with
4 excessive blood alcohol content or while intoxicated.

5 577.016. 1. A person commits the offense of operating an
6 aircraft with excessive blood alcohol content if he or she
7 knowingly operates any aircraft or knowingly acts as a copilot,
8 flight engineer or flight navigator for an aircraft while in
9 operation:

10 (1) With four one-hundredths of one percent or more by
11 weight of alcohol in his or her blood; or

12 (2) Within eight hours after the consumption of any
13 alcoholic beverage.

14 2. As used in this section, percent by weight of alcohol in
15 the blood shall be based upon grams of alcohol per one hundred
16 milliliters of blood or two hundred ten liters of breath and may
17 be shown by chemical analysis of the person's blood, breath,
18 saliva or urine. For the purposes of determining the alcoholic
19 content of a person's blood under this section, the test shall be
20 conducted in accordance with the provisions of sections 577.020
21 to 577.041.

22 3. The offense of operating an aircraft with excessive
23 blood alcohol content is:

24 (1) A class C misdemeanor;

25 (2) A class A misdemeanor if the defendant has been found
26 guilty of operating an aircraft with excessive blood alcohol
27 content or operating an aircraft while intoxicated or any offense
28 committed in any jurisdiction which, if committed in this state,

1 would be the offense of operating an aircraft with excessive
2 blood alcohol content or operating an aircraft while intoxicated.

3 577.017. 1. [No] A person [shall consume any] commits the
4 offense of consumption of an alcoholic beverage while [operating]
5 driving if he or she operates a moving motor vehicle upon [the
6 highways, as defined in section 301.010] any public thoroughfare
7 for vehicles, including state roads, county roads and public
8 streets, avenues, boulevards, parkways or alleys in any
9 municipality while consuming any alcoholic beverage.

10 2. [Any person found guilty of violating the provisions of
11 this section is guilty of an infraction.

12 3. Any infraction under this section shall not reflect on
13 any records with the department of revenue] The offense of
14 consumption of an alcoholic beverage while driving is an
15 infraction and shall not be reflected on any records maintained
16 by the department of revenue.

17 577.020. 1. Any person who operates a [motor] vehicle upon
18 the public highways of this state, a vessel, or any aircraft, or
19 acts as a flight crew member of an aircraft shall be deemed to
20 have given consent [to], subject to the provisions of sections
21 577.019 to 577.041, to a chemical test or tests of the person's
22 breath, blood, saliva, or urine for the purpose of determining
23 the alcohol or drug content of the person's blood pursuant to the
24 following circumstances:

25 (1) If the person is arrested for any offense arising out
26 of acts which the arresting officer had reasonable grounds to
27 believe were committed while the person was [driving a motor]
28 operating a vehicle or a vessel while in an intoxicated [or

1 drugged] condition; [or]

2 (2) Detained for any offense of operating an aircraft while
3 intoxicated under section 577.015 or operating an aircraft with
4 excessive blood alcohol content under section 577.016;

5 (3) If the person is under the age of twenty-one, has been
6 stopped by a law enforcement officer, and the law enforcement
7 officer has reasonable grounds to believe that such person was
8 [driving a motor] operating a vehicle or a vessel with a blood
9 alcohol content of two-hundredths of one percent or more by
10 weight; [or]

11 [(3)] (4) If the person is under the age of twenty-one, has
12 been stopped by a law enforcement officer, and the law
13 enforcement officer has reasonable grounds to believe that such
14 person has committed a violation of the traffic laws of the
15 state, or any political subdivision of the state, and such
16 officer has reasonable grounds to believe, after making such
17 stop, that such person has a blood alcohol content of
18 two-hundredths of one percent or greater;

19 [(4)] (5) If the person is under the age of twenty-one, has
20 been stopped at a sobriety checkpoint or roadblock and the law
21 enforcement officer has reasonable grounds to believe that such
22 person has a blood alcohol content of two-hundredths of one
23 percent or greater;

24 [(5)] (6) If the person, while operating a [motor] vehicle,
25 has been involved in a [motor vehicle] collision or accident
26 which resulted in a fatality or a readily apparent serious
27 physical injury as defined in section 565.002, or has been
28 arrested as evidenced by the issuance of a uniform traffic ticket

1 for the violation of any state law or county or municipal
2 ordinance with the exception of equipment violations contained in
3 ~~[chapter]~~ chapters 306 and 307, or similar provisions contained
4 in county or municipal ordinances; or

5 [(6) If the person, while operating a motor vehicle, has
6 been involved in a motor vehicle collision which resulted in a
7 fatality or serious physical injury as defined in section
8 565.002.]

9 (7) The test shall be administered at the direction of the
10 law enforcement officer whenever the person has been ~~[arrested~~
11 ~~or]~~ stopped, detained, or arrested for any reason.

12 2. The implied consent to submit to the chemical tests
13 listed in subsection 1 of this section shall be limited to not
14 more than two such tests arising from the same stop, detention,
15 arrest, incident or charge.

16 3. To be considered valid, chemical analysis of the
17 person's breath, blood, saliva, or urine ~~[to be considered valid~~
18 ~~pursuant to the provisions of sections 577.019 to 577.041]~~ shall
19 be performed, according to methods approved by the state
20 department of health and senior services, by licensed medical
21 personnel or by a person possessing a valid permit issued by the
22 state department of health and senior services for this purpose.

23 4. The state department of health and senior services shall
24 approve satisfactory techniques, devices, equipment, or methods
25 to be ~~[considered valid]~~ used in the chemical test pursuant to
26 the provisions of sections 577.019 to 577.041 ~~[and]~~. The
27 department shall also establish standards to ascertain the
28 qualifications and competence of individuals to conduct such

1 analyses and [to] issue permits which shall be subject to
2 termination or revocation by the state department of health and
3 senior services.

4 5. The person tested may have a physician, or a qualified
5 technician, chemist, registered nurse, or other qualified person
6 at the choosing and expense of the person to be tested,
7 administer a test in addition to any administered at the
8 direction of a law enforcement officer. The failure or inability
9 to obtain an additional test by a person shall not preclude the
10 admission of evidence relating to the test taken at the direction
11 of a law enforcement officer.

12 6. Upon the request of the person who is tested, full
13 information concerning the test shall be made available to such
14 person. Full information is limited to the following:

15 (1) The type of test administered and the procedures
16 followed;

17 (2) The time of the collection of the blood [or], breath
18 [sample], or urine sample analyzed;

19 (3) The numerical results of the test indicating the
20 alcohol content of the blood and breath and urine;

21 (4) The type and status of any permit which was held by the
22 person who performed the test;

23 (5) If the test was administered by means of a
24 breath-testing instrument, the date [of performance] of the most
25 recent [required] maintenance of such instrument. Full
26 information does not include manuals, schematics, or software of
27 the instrument used to test the person or any other material that
28 is not in the actual possession of the state. Additionally, full

1 information does not include information in the possession of the
2 manufacturer of the test instrument.

3 7. Any person given a chemical test of the person's breath
4 pursuant to subsection 1 of this section or a field sobriety test
5 may be videotaped during any such test at the direction of the
6 law enforcement officer. Any such video recording made during
7 the chemical test pursuant to this subsection or a field sobriety
8 test shall be admissible as evidence at [either] any trial of
9 such person for [either] a violation of any state law or county
10 or municipal ordinance, [or] and at any license revocation or
11 suspension proceeding held pursuant to the provisions of chapter
12 302.

13 577.021. 1. Any state, county or municipal law enforcement
14 officer [who has the power of arrest for violations of section
15 577.010 or 577.012 and] who is certified pursuant to chapter 590
16 may, prior to arrest, administer a chemical test to any person
17 suspected of operating a [motor] vehicle [in violation of section
18 577.010 or 577.012], vessel, or aircraft or acting as a flight
19 crew member of an aircraft while in an intoxicated condition or
20 with an excessive blood alcohol content.

21 2. Any state, county, or municipal law enforcement officer
22 [who has the power of arrest for violations of section 577.010 or
23 577.012 and] who is certified under chapter 590 shall make all
24 reasonable efforts to administer a chemical test to any person
25 suspected of [driving a motor] operating a vehicle or vessel
26 involved in a collision or accident which resulted in a fatality
27 or serious physical injury as defined in section [565.002]
28 556.061.

1 3. A test administered pursuant to this section shall be
2 admissible as evidence of probable cause to arrest and as
3 exculpatory evidence, but shall not be admissible as evidence of
4 blood alcohol content. The provisions of sections 577.019 and
5 577.020 shall not apply to a test administered prior to arrest
6 pursuant to this section. [The provisions changing chapter 577
7 are severable from this legislation. The general assembly would
8 have enacted the remainder of this legislation without the
9 changes made to chapter 577, and the remainder of the legislation
10 is not essentially and inseparably connected with or dependent
11 upon the changes to chapter 577.]

12 577.023. 1. [For purposes of this section, unless the
13 context clearly indicates otherwise:

14 (1) An "aggravated offender" is a person who:

15 (a) Has pleaded guilty to or has been found guilty of three
16 or more intoxication-related traffic offenses; or

17 (b) Has pleaded guilty to or has been found guilty of one
18 or more intoxication-related traffic offense and, in addition,
19 any of the following: involuntary manslaughter under subdivision
20 (2) or (3) of subsection 1 of section 565.024; murder in the
21 second degree under section 565.021, where the underlying felony
22 is an intoxication-related traffic offense; or assault in the
23 second degree under subdivision (4) of subsection 1 of section
24 565.060; or assault of a law enforcement officer in the second
25 degree under subdivision (4) of subsection 1 of section 565.082;

26 (2) A "chronic offender" is:

27 (a) A person who has pleaded guilty to or has been found
28 guilty of four or more intoxication-related traffic offenses; or

1 (b) A person who has pleaded guilty to or has been found
2 guilty of, on two or more separate occasions, any combination of
3 the following: involuntary manslaughter under subdivision (2) or
4 (3) of subsection 1 of section 565.024; murder in the second
5 degree under section 565.021, where the underlying felony is an
6 intoxication-related traffic offense; assault in the second
7 degree under subdivision (4) of subsection 1 of section 565.060;
8 or assault of a law enforcement officer in the second degree
9 under subdivision (4) of subsection 1 of section 565.082; or

10 (c) A person who has pleaded guilty to or has been found
11 guilty of two or more intoxication-related traffic offenses and,
12 in addition, any of the following: involuntary manslaughter
13 under subdivision (2) or (3) of subsection 1 of section 565.024;
14 murder in the second degree under section 565.021, where the
15 underlying felony is an intoxication-related traffic offense;
16 assault in the second degree under subdivision (4) of subsection
17 1 of section 565.060; or assault of a law enforcement officer in
18 the second degree under subdivision (4) of subsection 1 of
19 section 565.082;

20 (3) "Continuous alcohol monitoring", automatically testing
21 breath, blood, or transdermal alcohol concentration levels and
22 tampering attempts at least once every hour, regardless of the
23 location of the person who is being monitored, and regularly
24 transmitting the data. Continuous alcohol monitoring shall be
25 considered an electronic monitoring service under subsection 3 of
26 section 217.690;

27 (4) An "intoxication-related traffic offense" is driving
28 while intoxicated, driving with excessive blood alcohol content,

1 involuntary manslaughter pursuant to subdivision (2) or (3) of
2 subsection 1 of section 565.024, murder in the second degree
3 under section 565.021, where the underlying felony is an
4 intoxication-related traffic offense, assault in the second
5 degree pursuant to subdivision (4) of subsection 1 of section
6 565.060, assault of a law enforcement officer in the second
7 degree pursuant to subdivision (4) of subsection 1 of section
8 565.082, or driving under the influence of alcohol or drugs in
9 violation of state law or a county or municipal ordinance;

10 (5) A "persistent offender" is one of the following:

11 (a) A person who has pleaded guilty to or has been found
12 guilty of two or more intoxication-related traffic offenses;

13 (b) A person who has pleaded guilty to or has been found
14 guilty of involuntary manslaughter pursuant to subdivision (2) or
15 (3) of subsection 1 of section 565.024, assault in the second
16 degree pursuant to subdivision (4) of subsection 1 of section
17 565.060, assault of a law enforcement officer in the second
18 degree pursuant to subdivision (4) of subsection 1 of section
19 565.082; and

20 (6) A "prior offender" is a person who has pleaded guilty
21 to or has been found guilty of one intoxication-related traffic
22 offense, where such prior offense occurred within five years of
23 the occurrence of the intoxication-related traffic offense for
24 which the person is charged.

25 2. Any person who pleads guilty to or is found guilty of a
26 violation of section 577.010 or 577.012 who is alleged and proved
27 to be a prior offender shall be guilty of a class A misdemeanor.

28 3. Any person who pleads guilty to or is found guilty of a

1 violation of section 577.010 or 577.012 who is alleged and proved
2 to be a persistent offender shall be guilty of a class D felony.

3 4. Any person who pleads guilty to or is found guilty of a
4 violation of section 577.010 or section 577.012 who is alleged
5 and proved to be an aggravated offender shall be guilty of a
6 class C felony.

7 5. Any person who pleads guilty to or is found guilty of a
8 violation of section 577.010 or section 577.012 who is alleged
9 and proved to be a chronic offender shall be guilty of a class B
10 felony.

11 6. No state, county, or municipal court shall suspend the
12 imposition of sentence as to a prior offender, persistent
13 offender, aggravated offender, or chronic offender under this
14 section nor sentence such person to pay a fine in lieu of a term
15 of imprisonment, section 557.011 to the contrary notwithstanding.

16 (1) No prior offender shall be eligible for parole or
17 probation until he or she has served a minimum of ten days
18 imprisonment:

19 (a) Unless as a condition of such parole or probation such
20 person performs at least thirty days involving at least two
21 hundred forty hours of community service under the supervision of
22 the court in those jurisdictions which have a recognized program
23 for community service; or

24 (b) The offender participates in and successfully completes
25 a program established pursuant to section 478.007 or other
26 court-ordered treatment program, if available, and as part of
27 either program, the offender performs at least thirty days of
28 community service under the supervision of the court.

1 (2) No persistent offender shall be eligible for parole or
2 probation until he or she has served a minimum of thirty days
3 imprisonment:

4 (a) Unless as a condition of such parole or probation such
5 person performs at least sixty days involving at least four
6 hundred eighty hours of community service under the supervision
7 of the court; or

8 (b) The offender participates in and successfully completes
9 a program established pursuant to section 478.007 or other
10 court-ordered treatment program, if available, and as part of
11 either program, the offender performs at least sixty days of
12 community service under the supervision of the court.

13 (3) No aggravated offender shall be eligible for parole or
14 probation until he or she has served a minimum of sixty days
15 imprisonment.

16 (4) No chronic offender shall be eligible for parole or
17 probation until he or she has served a minimum of two years
18 imprisonment. In addition to any other terms or conditions of
19 probation, the court shall consider, as a condition of probation
20 for any person who pleads guilty to or is found guilty of an
21 intoxication-related traffic offense, requiring the offender to
22 abstain from consuming or using alcohol or any products
23 containing alcohol as demonstrated by continuous alcohol
24 monitoring or by verifiable breath alcohol testing performed a
25 minimum of four times per day as scheduled by the court for such
26 duration as determined by the court, but not less than ninety
27 days. The court may, in addition to imposing any other fine,
28 costs, or assessments provided by law, require the offender to

1 bear any costs associated with continuous alcohol monitoring or
2 verifiable breath alcohol testing.

3 7. The state, county, or municipal] A court shall find the
4 defendant to be a prior offender, prior boating offender,
5 persistent offender, persistent boating offender, aggravated
6 offender, [or] aggravated boating offender, chronic offender,
7 chronic boating offender, habitual offender, or habitual boating
8 offender if:

9 (1) The indictment or information, original or amended, or
10 the information in lieu of an indictment pleads all essential
11 facts warranting a finding that the defendant is a prior
12 offender, prior boating offender, persistent offender, persistent
13 boating offender, aggravated offender, aggravated boating
14 offender, chronic offender, chronic boating offender, habitual
15 offender, or habitual boating offender; and

16 (2) Evidence is introduced that establishes sufficient
17 facts pleaded to warrant a finding beyond a reasonable doubt the
18 defendant is a prior offender, prior boating offender, persistent
19 offender, persistent boating offender, aggravated offender, [or]
20 aggravated boating offender, chronic offender, chronic boating
21 offender, habitual offender, or habitual boating offender; and

22 (3) The court makes findings of fact that warrant a finding
23 beyond a reasonable doubt by the court that the defendant is a
24 prior offender, prior boating offender, persistent offender,
25 persistent boating offender, aggravated offender, [or] aggravated
26 boating offender, chronic offender, chronic boating offender,
27 habitual offender, or habitual boating offender.

28 [8.] 2. In a jury trial, the [facts] defendant's status as

1 a prior offender, prior boating offender, persistent offender,
2 persistent boating offender, aggravated offender, aggravated
3 boating offender, chronic offender, chronic boating offender,
4 habitual offender, or habitual boating offender shall be
5 [pleaded, established and] found prior to submission to the jury
6 outside of its hearing.

7 [9.] 3. In a trial without a jury or upon a plea of guilty,
8 [the court may defer the proof in findings of such facts to a
9 later time, but] a determination of the defendant's status as a
10 prior offender, prior boating offender, persistent offender,
11 persistent boating offender, aggravated offender, aggravated
12 boating offender, chronic offender, chronic boating offender,
13 habitual offender, or habitual boating offender may be made by
14 the court at any time prior to sentencing.

15 4. Evidence offered as proof of the defendant's status as a
16 prior offender, prior boating offender, persistent offender,
17 persistent boating offender, aggravated offender, aggravated
18 boating offender, chronic offender, chronic boating offender,
19 habitual offender or habitual boating offender shall include but
20 not be limited to evidence of findings of guilt received by a
21 search of the records of the Missouri uniform law enforcement
22 system, including criminal history records from the central
23 repository, records from the driving while intoxicated tracking
24 system (DWITS) maintained by the Missouri state highway patrol,
25 or the certified driving record maintained by the Missouri
26 department of revenue. Any findings of guilt used to establish
27 the defendant's status as a prior offender, prior boating
28 offender, persistent offender, persistent boating offender,

1 aggravated offender, aggravated boating offender, chronic
2 offender, chronic boating offender, habitual offender or habitual
3 boating offender shall be prior to the date of commission of the
4 present offense.

5 [10.] 5. The defendant shall be accorded full rights of
6 confrontation and cross-examination, with the opportunity to
7 present evidence, at such hearings.

8 [11.] 6. The defendant may waive proof of the facts
9 [alleged] used to prove his or her status as a prior offender,
10 prior boating offender, persistent offender, persistent boating
11 offender, aggravated offender, aggravated boating offender,
12 chronic offender, chronic boating offender, habitual offender, or
13 habitual boating offender.

14 [12. Nothing in this section shall prevent the use of
15 presentence investigations or commitments.

16 13. At the sentencing hearing both the state, county, or
17 municipality and the defendant shall be permitted to present
18 additional information bearing on the issue of sentence.

19 14. The pleas or findings of guilt shall be prior to the
20 date of commission of the present offense.

21 15.] 7. If a court finds the defendant to be a prior
22 offender, prior boating offender, persistent offender, persistent
23 boating offender, aggravated offender, aggravated boating
24 offender, chronic offender, chronic boating offender, habitual
25 offender, or habitual boating offender, the court shall not
26 instruct the jury as to the range of punishment or allow the
27 jury, upon a finding of guilt, to assess and declare the
28 punishment as part of its verdict [in cases of prior offenders,

1 persistent offenders, aggravated offenders, or chronic
2 offenders].

3 [16. Evidence of a prior conviction, plea of guilty, or
4 finding of guilt in an intoxication-related traffic offense shall
5 be heard and determined by the trial court out of the hearing of
6 the jury prior to the submission of the case to the jury, and
7 shall include but not be limited to evidence received by a search
8 of the records of the Missouri uniform law enforcement system,
9 including criminal history records from the central repository or
10 records from the driving while intoxicated tracking system
11 (DWITS) maintained by the Missouri state highway patrol, or the
12 certified driving record maintained by the Missouri department of
13 revenue. After hearing the evidence, the court shall enter its
14 findings thereon. A plea of guilty or a finding of guilt
15 followed by incarceration, a fine, a suspended imposition of
16 sentence, suspended execution of sentence, probation or parole or
17 any combination thereof in any intoxication-related traffic
18 offense in a state, county or municipal court or any combination
19 thereof, shall be treated as a prior plea of guilty or finding of
20 guilt for purposes of this section.]

21 8. At sentencing, all parties shall be permitted to present
22 additional information bearing on the issue of the sentence.
23 Nothing in this section shall prevent the use of presentence
24 investigations, sentencing advisory reports, or commitments.

25 [306.110.] 577.024. 1. [No person shall operate any
26 motorboat or watercraft, or manipulate] A person commits the
27 offense of unlawful use of water skis and surfboards, if such
28 person:

1 (1) Manipulates any water skis[,] or surfboard [or other
2 waterborne device] in a reckless or negligent manner so as to
3 endanger the life or property of any person[.

4 2. No person shall operate any motorboat or watercraft, or
5 manipulate]; or

6 (2) Manipulates any water skis[,] or surfboard [or other
7 waterborne device] while intoxicated or under the influence of
8 any narcotic drug, barbiturate, or marijuana.

9 [306.111.] 577.025. [1.] A person commits the [crime]
10 offense of negligent operation of a vessel if when operating a
11 vessel he or she acts with criminal negligence, as defined in
12 subsection 5 of section 562.016, to cause physical injury to any
13 other person or damage to the property of any other person. A
14 person convicted of negligent operation of a vessel is guilty of
15 a class B misdemeanor upon conviction for the first violation,
16 guilty of a class A misdemeanor upon conviction for the second
17 violation, and guilty of a class D felony for conviction for the
18 third and subsequent violations.

19 [2. A person commits the crime of operating a vessel while
20 intoxicated if he or she operates a vessel on the Mississippi
21 River, Missouri River or the lakes of this state while in an
22 intoxicated condition. Operating a vessel while intoxicated is a
23 class B misdemeanor.

24 3. A person commits the crime of involuntary manslaughter
25 with a vessel if, while in an intoxicated condition, he or she
26 operates any vessel and, when so operating, acts with criminal
27 negligence to cause the death of any person. Involuntary
28 manslaughter with a vessel is a class C felony.

1 4. A person commits the crime of assault with a vessel in
2 the second degree if, while in an intoxicated condition, he or
3 she operates any vessel and, when so operating, acts with
4 criminal negligence to cause physical injury to any other person.
5 Assault with a vessel in the second degree is a class D felony.

6 5. For purposes of this section, a person is in an
7 intoxicated condition when he or she is under the influence of
8 alcohol, a controlled substance or drug, or any combination
9 thereof.]

10 577.029. A licensed physician, registered nurse,
11 phlebotomist, or trained medical technician, acting at the
12 request and direction of the law enforcement officer, shall
13 withdraw blood for the purpose of determining the alcohol content
14 of the blood, unless such medical personnel, in his or her good
15 faith medical judgment, believes such procedure would endanger
16 the life or health of the person in custody. Blood may be
17 withdrawn only by such medical personnel, but such restriction
18 shall not apply to the taking of a breath test, a saliva
19 specimen, or a urine specimen. In withdrawing blood for the
20 purpose of determining the alcohol content thereof, only a
21 previously unused and sterile needle and sterile vessel shall be
22 utilized and the withdrawal shall otherwise be in strict accord
23 with accepted medical practices. Upon the request of the person
24 who is tested, full information concerning the test taken at the
25 direction of the law enforcement officer shall be made available
26 to him or her.

27 577.031. No person who administers any test pursuant to the
28 provisions of sections 577.020 to 577.041 upon the request of a

1 law enforcement officer, no hospital in or with which such person
2 is employed or is otherwise associated or in which such test is
3 administered, and no other person, firm, or corporation by whom
4 or with which such person is employed or is in any way
5 associated, shall be civilly liable in damages to the person
6 tested unless for gross negligence [or by] willful or wanton
7 act or omission.

8 577.037. 1. Upon the trial of any person for [violation of
9 any of the provisions of section 565.024, or section 565.060, or
10 section 577.010 or 577.012, or upon the trial of any criminal
11 action] any criminal offense or violations of county or municipal
12 ordinances or in any license suspension or revocation proceeding
13 pursuant to the provisions of chapter 302 arising out of acts
14 alleged to have been committed by any person while [driving]
15 operating a motor vehicle, vessel, or aircraft, or acting as a
16 flight crew member of any aircraft, while in an intoxicated
17 condition or with an excessive blood alcohol content, the amount
18 of alcohol in the person's blood at the time of the act
19 [alleged] as shown by any chemical analysis of the person's
20 blood, breath, saliva or urine is admissible in evidence and
21 the provisions of subdivision (5) of section 491.060 shall not
22 prevent the admissibility or introduction of such evidence if
23 otherwise admissible. [If there was eight-hundredths of one
24 percent or more by weight of alcohol in the person's blood, this
25 shall be prima facie evidence that the person was intoxicated at
26 the time the specimen was taken.]

27 2. If a chemical analysis of the defendant's breath, blood,
28 saliva, or urine demonstrates there was eight-hundredths of one

1 percent or more by weight of alcohol in the person's blood, this
2 shall be prima facie evidence that the person was intoxicated at
3 the time the specimen was taken. If a chemical analysis of the
4 defendant's breath, blood, saliva, or urine demonstrates that
5 there was less than eight-hundredths of one percent of alcohol in
6 the defendant's blood, any charge alleging a criminal offense
7 related to the operation of a vehicle, vessel, or aircraft while
8 in an intoxicated condition or with an excessive blood alcohol
9 content shall be dismissed with prejudice unless one or more of
10 the following considerations cause the court to find a dismissal
11 unwarranted:

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

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

19 (3) There is substantial evidence of intoxication from
20 physical observations of witnesses or admissions of the
21 defendant.

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

25 **[3.] 4.** The foregoing provisions of this section shall not
26 be construed as limiting the introduction of any other competent
27 evidence bearing upon the question of whether the person was
28 intoxicated.

1 [4.] 5. A chemical analysis of a person's breath, blood,
2 saliva or urine, in order to give rise to the presumption or to
3 have the effect provided for in subsection [1] 2 of this section,
4 shall have been performed as provided in sections 577.020 to
5 577.041 and in accordance with methods and standards approved by
6 the state department of health and senior services.

7 [5. Any charge alleging a violation of section 577.010 or
8 577.012 or any county or municipal ordinance prohibiting driving
9 while intoxicated or driving under the influence of alcohol shall
10 be dismissed with prejudice if a chemical analysis of the
11 defendant's breath, blood, saliva, or urine performed in
12 accordance with sections 577.020 to 577.041 and rules promulgated
13 thereunder by the state department of health and senior services
14 demonstrate that there was less than eight-hundredths of one
15 percent of alcohol in the defendant's blood unless one or more of
16 the following considerations cause the court to find a dismissal
17 unwarranted:

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

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

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

28 577.041. 1. If a person [under arrest, or who has been

1 stopped pursuant to] detained, stopped, or arrested under
2 subdivision [(2) or] (3) or (4) of subsection 1 of section
3 577.020, refuses upon the request of the officer to submit to any
4 test allowed pursuant to section 577.020, then evidence of the
5 refusal shall be admissible in [a] any proceeding [pursuant to
6 section 565.024, 565.060, or 565.082, or section 577.010 or
7 577.012] related to the acts resulting in such detention, stop,
8 or arrest.

9 2. The request of the officer to submit to any chemical
10 test shall include the reasons of the officer for requesting the
11 person to submit to a test and also shall inform the person that
12 evidence of refusal to take the test may be used against such
13 person [and that the person's]. If such person was operating a
14 vehicle prior to such detention, stop, or arrest, he or she shall
15 further be informed that his or her license shall be immediately
16 revoked upon refusal to take the test.

17 3. If a person when requested to submit to any test allowed
18 pursuant to section 577.020 requests to speak to an attorney, the
19 person shall be granted twenty minutes in which to attempt to
20 contact an attorney. If, upon the completion of the
21 twenty-minute period the person continues to refuse to submit to
22 any test, it shall be deemed a refusal. [In this event, the
23 officer shall, on behalf of the director of revenue, serve the
24 notice of license revocation personally upon the person and shall
25 take possession of any license to operate a motor vehicle issued
26 by this state which is held by that person. The officer shall
27 issue a temporary permit, on behalf of the director of revenue,
28 which is valid for fifteen days and shall also give the person a

1 notice of such person's right to file a petition for review to
2 contest the license revocation.

3 2. The officer shall make a certified report under
4 penalties of perjury for making a false statement to a public
5 official. The report shall be forwarded to the director of
6 revenue and shall include the following:

7 (1) That the officer has:

8 (a) Reasonable grounds to believe that the arrested person
9 was driving a motor vehicle while in an intoxicated or drugged
10 condition; or

11 (b) Reasonable grounds to believe that the person stopped,
12 being under the age of twenty-one years, was driving a motor
13 vehicle with a blood alcohol content of two-hundredths of one
14 percent or more by weight; or

15 (c) Reasonable grounds to believe that the person stopped,
16 being under the age of twenty-one years, was committing a
17 violation of the traffic laws of the state, or political
18 subdivision of the state, and such officer has reasonable grounds
19 to believe, after making such stop, that the person had a blood
20 alcohol content of two-hundredths of one percent or greater;

21 (2) That the person refused to submit to a chemical test;

22 (3) Whether the officer secured the license to operate a
23 motor vehicle of the person;

24 (4) Whether the officer issued a fifteen-day temporary
25 permit;

26 (5) Copies of the notice of revocation, the fifteen-day
27 temporary permit and the notice of the right to file a petition
28 for review, which notices and permit may be combined in one

1 document; and

2 (6) Any license to operate a motor vehicle which the
3 officer has taken into possession.

4 3. Upon receipt of the officer's report, the director shall
5 revoke the license of the person refusing to take the test for a
6 period of one year; or if the person is a nonresident, such
7 person's operating permit or privilege shall be revoked for one
8 year; or if the person is a resident without a license or permit
9 to operate a motor vehicle in this state, an order shall be
10 issued denying the person the issuance of a license or permit for
11 a period of one year.

12 4. If a person's license has been revoked because of the
13 person's refusal to submit to a chemical test, such person may
14 petition for a hearing before a circuit division or associate
15 division of the court in the county in which the arrest or stop
16 occurred. The person may request such court to issue an order
17 staying the revocation until such time as the petition for review
18 can be heard. If the court, in its discretion, grants such stay,
19 it shall enter the order upon a form prescribed by the director
20 of revenue and shall send a copy of such order to the director.
21 Such order shall serve as proof of the privilege to operate a
22 motor vehicle in this state and the director shall maintain
23 possession of the person's license to operate a motor vehicle
24 until termination of any revocation pursuant to this section.
25 Upon the person's request the clerk of the court shall notify the
26 prosecuting attorney of the county and the prosecutor shall
27 appear at the hearing on behalf of the director of revenue. At
28 the hearing the court shall determine only:

1 (1) Whether or not the person was arrested or stopped;

2 (2) Whether or not the officer had:

3 (a) Reasonable grounds to believe that the person was
4 driving a motor vehicle while in an intoxicated or drugged
5 condition; or

6 (b) Reasonable grounds to believe that the person stopped,
7 being under the age of twenty-one years, was driving a motor
8 vehicle with a blood alcohol content of two-hundredths of one
9 percent or more by weight; or

10 (c) Reasonable grounds to believe that the person stopped,
11 being under the age of twenty-one years, was committing a
12 violation of the traffic laws of the state, or political
13 subdivision of the state, and such officer had reasonable grounds
14 to believe, after making such stop, that the person had a blood
15 alcohol content of two-hundredths of one percent or greater; and

16 (3) Whether or not the person refused to submit to the
17 test.

18 5. If the court determines any issue not to be in the
19 affirmative, the court shall order the director to reinstate the
20 license or permit to drive.

21 6. Requests for review as provided in this section shall go
22 to the head of the docket of the court wherein filed.

23 7. No person who has had a license to operate a motor
24 vehicle suspended or revoked pursuant to the provisions of this
25 section shall have that license reinstated until such person has
26 participated in and successfully completed a substance abuse
27 traffic offender program defined in section 577.001, or a program
28 determined to be comparable by the department of mental health or

1 the court. Assignment recommendations, based upon the needs
2 assessment as described in subdivision (24) of section 302.010,
3 shall be delivered in writing to the person with written notice
4 that the person is entitled to have such assignment
5 recommendations reviewed by the court if the person objects to
6 the recommendations. The person may file a motion in the
7 associate division of the circuit court of the county in which
8 such assignment was given, on a printed form provided by the
9 state courts administrator, to have the court hear and determine
10 such motion pursuant to the provisions of chapter 517. The
11 motion shall name the person or entity making the needs
12 assessment as the respondent and a copy of the motion shall be
13 served upon the respondent in any manner allowed by law. Upon
14 hearing the motion, the court may modify or waive any assignment
15 recommendation that the court determines to be unwarranted based
16 upon a review of the needs assessment, the person's driving
17 record, the circumstances surrounding the offense, and the
18 likelihood of the person committing a like offense in the future,
19 except that the court may modify but may not waive the assignment
20 to an education or rehabilitation program of a person determined
21 to be a prior or persistent offender as defined in section
22 577.023, or of a person determined to have operated a motor
23 vehicle with fifteen-hundredths of one percent or more by weight
24 in such person's blood. Compliance with the court determination
25 of the motion shall satisfy the provisions of this section for
26 the purpose of reinstating such person's license to operate a
27 motor vehicle. The respondent's personal appearance at any
28 hearing conducted pursuant to this subsection shall not be

1 necessary unless directed by the court.

2 8. The fees for the substance abuse traffic offender
3 program, or a portion thereof to be determined by the division of
4 alcohol and drug abuse of the department of mental health, shall
5 be paid by the person enrolled in the program. Any person who is
6 enrolled in the program shall pay, in addition to any fee charged
7 for the program, a supplemental fee to be determined by the
8 department of mental health for the purposes of funding the
9 substance abuse traffic offender program defined in section
10 302.010 and section 577.001. The administrator of the program
11 shall remit to the division of alcohol and drug abuse of the
12 department of mental health on or before the fifteenth day of
13 each month the supplemental fee for all persons enrolled in the
14 program, less two percent for administrative costs. Interest
15 shall be charged on any unpaid balance of the supplemental fees
16 due the division of alcohol and drug abuse pursuant to this
17 section and shall accrue at a rate not to exceed the annual rates
18 established pursuant to the provisions of section 32.065, plus
19 three percentage points. The supplemental fees and any interest
20 received by the department of mental health pursuant to this
21 section shall be deposited in the mental health earnings fund
22 which is created in section 630.053.

23 9. Any administrator who fails to remit to the division of
24 alcohol and drug abuse of the department of mental health the
25 supplemental fees and interest for all persons enrolled in the
26 program pursuant to this section shall be subject to a penalty
27 equal to the amount of interest accrued on the supplemental fees
28 due the division pursuant to this section. If the supplemental

1 fees, interest, and penalties are not remitted to the division of
2 alcohol and drug abuse of the department of mental health within
3 six months of the due date, the attorney general of the state of
4 Missouri shall initiate appropriate action of the collection of
5 said fees and interest accrued. The court shall assess attorney
6 fees and court costs against any delinquent program.

7 10. Any person who has had a license to operate a motor
8 vehicle revoked under this section and who has a prior
9 alcohol-related enforcement contact, as defined in section
10 302.525, shall be required to file proof with the director of
11 revenue that any motor vehicle operated by the person is equipped
12 with a functioning, certified ignition interlock device as a
13 required condition of license reinstatement. Such ignition
14 interlock device shall further be required to be maintained on
15 all motor vehicles operated by the person for a period of not
16 less than six months immediately following the date of
17 reinstatement. If the monthly monitoring reports show that the
18 ignition interlock device has registered any confirmed blood
19 alcohol concentration readings above the alcohol setpoint
20 established by the department of transportation or that the
21 person has tampered with or circumvented the ignition interlock
22 device, then the period for which the person must maintain the
23 ignition interlock device following the date of reinstatement
24 shall be extended for an additional six months. If the person
25 fails to maintain such proof with the director as required by
26 this section, the license shall be rerevoked and the person shall
27 be guilty of a class A misdemeanor.

28 11. The revocation period of any person whose license and

1 driving privilege has been revoked under this section and who has
2 filed proof of financial responsibility with the department of
3 revenue in accordance with chapter 303 and is otherwise eligible,
4 shall be terminated by a notice from the director of revenue
5 after one year from the effective date of the revocation. Unless
6 proof of financial responsibility is filed with the department of
7 revenue, the revocation shall remain in effect for a period of
8 two years from its effective date. If the person fails to
9 maintain proof of financial responsibility in accordance with
10 chapter 303, the person's license and driving privilege shall be
11 rerevoked and the person shall be guilty of a class A
12 misdemeanor.]

13 [577.041. 1. If a person under arrest, or who
14 has been stopped pursuant to subdivision (2) or (3) of
15 subsection 1 of section 577.020, refuses upon the
16 request of the officer to submit to any test allowed
17 pursuant to section 577.020, then evidence of the
18 refusal shall be admissible in a proceeding pursuant to
19 section 565.024, 565.060, or 565.082, or section
20 577.010 or 577.012. The request of the officer shall
21 include the reasons of the officer for requesting the
22 person to submit to a test and also shall inform the
23 person that evidence of refusal to take the test may be
24 used against such person and that the person's license
25 shall be immediately revoked upon refusal to take the
26 test. If a person when requested to submit to any test
27 allowed pursuant to section 577.020 requests to speak
28 to an attorney, the person shall be granted twenty
29 minutes in which to attempt to contact an attorney. If
30 upon the completion of the twenty-minute period the
31 person continues to refuse to submit to any test, it
32 shall be deemed a refusal. In this event, the officer
33 shall, on behalf of the director of revenue, serve the
34 notice of license revocation personally upon the person
35 and shall take possession of any license to operate a
36 motor vehicle issued by this state which is held by
37 that person. The officer shall issue a temporary
38 permit, on behalf of the director of revenue, which is
39 valid for fifteen days and shall also give the person a
40 notice of such person's right to file a petition for
41 review to contest the license revocation.

1 2. The officer shall make a certified report
2 under penalties of perjury for making a false statement
3 to a public official. The report shall be forwarded to
4 the director of revenue and shall include the
5 following:

6 (1) That the officer has:

7 (a) Reasonable grounds to believe that the
8 arrested person was driving a motor vehicle while in an
9 intoxicated or drugged condition; or

10 (b) Reasonable grounds to believe that the person
11 stopped, being under the age of twenty-one years, was
12 driving a motor vehicle with a blood alcohol content of
13 two-hundredths of one percent or more by weight; or

14 (c) Reasonable grounds to believe that the person
15 stopped, being under the age of twenty-one years, was
16 committing a violation of the traffic laws of the
17 state, or political subdivision of the state, and such
18 officer has reasonable grounds to believe, after making
19 such stop, that the person had a blood alcohol content
20 of two-hundredths of one percent or greater;

21 (2) That the person refused to submit to a
22 chemical test;

23 (3) Whether the officer secured the license to
24 operate a motor vehicle of the person;

25 (4) Whether the officer issued a fifteen-day
26 temporary permit;

27 (5) Copies of the notice of revocation, the
28 fifteen-day temporary permit and the notice of the
29 right to file a petition for review, which notices and
30 permit may be combined in one document; and

31 (6) Any license to operate a motor vehicle which
32 the officer has taken into possession.

33 3. Upon receipt of the officer's report, the
34 director shall revoke the license of the person
35 refusing to take the test for a period of one year; or
36 if the person is a nonresident, such person's operating
37 permit or privileges shall be revoked for one year; or
38 if the person is a resident without a license or permit
39 to operate a motor vehicle in this state, an order
40 shall be issued denying the person the issuance of a
41 license or permit for a period of one year.

42 4. If a person's license has been revoked because
43 of the person's refusal to submit to a chemical test,
44 such person may petition for a hearing before a circuit
45 division or associate division of the court in the
46 county in which the arrest or stop occurred. The
47 person may request such court to issue an order staying
48 the revocation until such time as the petition for
49 review can be heard. If the court, in its discretion,
50 grants such stay, it shall enter the order upon a form
51 prescribed by the director of revenue and shall send a

1 copy of such order to the director. Such order shall
2 serve as proof of the privilege to operate a motor
3 vehicle in this state and the director shall maintain
4 possession of the person's license to operate a motor
5 vehicle until termination of any revocation pursuant to
6 this section. Upon the person's request the clerk of
7 the court shall notify the prosecuting attorney of the
8 county and the prosecutor shall appear at the hearing
9 on behalf of the director of revenue. At the hearing
10 the court shall determine only:

11 (1) Whether or not the person was arrested or
12 stopped;

13 (2) Whether or not the officer had:

14 (a) Reasonable grounds to believe that the person
15 was driving a motor vehicle while in an intoxicated or
16 drugged condition; or

17 (b) Reasonable grounds to believe that the person
18 stopped, being under the age of twenty-one years, was
19 driving a motor vehicle with a blood alcohol content of
20 two-hundredths of one percent or more by weight; or

21 (c) Reasonable grounds to believe that the person
22 stopped, being under the age of twenty-one years, was
23 committing a violation of the traffic laws of the
24 state, or political subdivision of the state, and such
25 officer had reasonable grounds to believe, after making
26 such stop, that the person had a blood alcohol content
27 of two-hundredths of one percent or greater; and

28 (3) Whether or not the person refused to submit
29 to the test.

30 5. If the court determines any issue not to be in
31 the affirmative, the court shall order the director to
32 reinstate the license or permit to drive.

33 6. Requests for review as provided in this
34 section shall go to the head of the docket of the court
35 wherein filed.

36 7. No person who has had a license to operate a
37 motor vehicle suspended or revoked pursuant to the
38 provisions of this section shall have that license
39 reinstated until such person has participated in and
40 successfully completed a substance abuse traffic
41 offender program defined in section 577.001, or a
42 program determined to be comparable by the department
43 of mental health or the court. Assignment
44 recommendations, based upon the needs assessment as
45 described in subdivision (23) of section 302.010, shall
46 be delivered in writing to the person with written
47 notice that the person is entitled to have such
48 assignment recommendations reviewed by the court if the
49 person objects to the recommendations. The person may
50 file a motion in the associate division of the circuit
51 court of the county in which such assignment was given,

1 on a printed form provided by the state courts
2 administrator, to have the court hear and determine
3 such motion pursuant to the provisions of chapter 517.
4 The motion shall name the person or entity making the
5 needs assessment as the respondent and a copy of the
6 motion shall be served upon the respondent in any
7 manner allowed by law. Upon hearing the motion, the
8 court may modify or waive any assignment recommendation
9 that the court determines to be unwarranted based upon
10 a review of the needs assessment, the person's driving
11 record, the circumstances surrounding the offense, and
12 the likelihood of the person committing a like offense
13 in the future, except that the court may modify but may
14 not waive the assignment to an education or
15 rehabilitation program of a person determined to be a
16 prior or persistent offender as defined in section
17 577.023, or of a person determined to have operated a
18 motor vehicle with fifteen-hundredths of one percent or
19 more by weight in such person's blood. Compliance with
20 the court determination of the motion shall satisfy the
21 provisions of this section for the purpose of
22 reinstating such person's license to operate a motor
23 vehicle. The respondent's personal appearance at any
24 hearing conducted pursuant to this subsection shall not
25 be necessary unless directed by the court.

26 8. The fees for the substance abuse traffic
27 offender program, or a portion thereof to be determined
28 by the division of alcohol and drug abuse of the
29 department of mental health, shall be paid by the
30 person enrolled in the program. Any person who is
31 enrolled in the program shall pay, in addition to any
32 fee charged for the program, a supplemental fee to be
33 determined by the department of mental health for the
34 purposes of funding the substance abuse traffic
35 offender program defined in section 302.010 and section
36 577.001. The administrator of the program shall remit
37 to the division of alcohol and drug abuse of the
38 department of mental health on or before the fifteenth
39 day of each month the supplemental fee for all persons
40 enrolled in the program, less two percent for
41 administrative costs. Interest shall be charged on any
42 unpaid balance of the supplemental fees due the
43 division of alcohol and drug abuse pursuant to this
44 section and shall accrue at a rate not to exceed the
45 annual rates established pursuant to the provisions of
46 section 32.065, plus three percentage points. The
47 supplemental fees and any interest received by the
48 department of mental health pursuant to this section
49 shall be deposited in the mental health earnings fund
50 which is created in section 630.053.

51 9. Any administrator who fails to remit to the

1 division of alcohol and drug abuse of the department of
2 mental health the supplemental fees and interest for
3 all persons enrolled in the program pursuant to this
4 section shall be subject to a penalty equal to the
5 amount of interest accrued on the supplemental fees due
6 the division pursuant to this section. If the
7 supplemental fees, interest, and penalties are not
8 remitted to the division of alcohol and drug abuse of
9 the department of mental health within six months of
10 the due date, the attorney general of the state of
11 Missouri shall initiate appropriate action of the
12 collection of said fees and interest accrued. The
13 court shall assess attorney fees and court costs
14 against any delinquent program.

15 10. Any person who has had a license to operate a
16 motor vehicle revoked more than once for violation of
17 the provisions of this section shall be required to
18 file proof with the director of revenue that any motor
19 vehicle operated by the person is equipped with a
20 functioning, certified ignition interlock device as a
21 required condition of license reinstatement. Such
22 ignition interlock device shall further be required to
23 be maintained on all motor vehicles operated by the
24 person for a period of not less than six months
25 immediately following the date of reinstatement. If
26 the person fails to maintain such proof with the
27 director as required by this section, the license shall
28 be rerevoked and the person shall be guilty of a class
29 A misdemeanor.

30 11. The revocation period of any person whose
31 license and driving privilege has been revoked under
32 this section and who has filed proof of financial
33 responsibility with the department of revenue in
34 accordance with chapter 303 and is otherwise eligible,
35 shall be terminated by a notice from the director of
36 revenue after one year from the effective date of the
37 revocation. Unless proof of financial responsibility
38 is filed with the department of revenue, the revocation
39 shall remain in effect for a period of two years from
40 its effective date. If the person fails to maintain
41 proof of financial responsibility in accordance with
42 chapter 303, the person's license and driving privilege
43 shall be rerevoked and the person shall be guilty of a
44 class A misdemeanor.]

45
46 577.060. 1. A person commits the [crime] offense of
47 leaving the scene of [a motor vehicle] an accident when:

48 (1) Being the operator [or driver] of a vehicle [on the

1 highway or on any publicly or privately owned parking lot or
2 parking facility generally open for use by the public and knowing
3 that an injury has been caused to a person or damage has been
4 caused to property, due to his culpability or to accident,] or a
5 vessel involved in an accident resulting in injury or death or
6 damage to property of another person; and

7 (2) Having knowledge of such accident he or she leaves the
8 place of the injury, damage or accident without stopping and
9 giving [his name, residence, including city and street number,
10 motor vehicle number and driver's license number, if any,] the
11 following information to the [injured] other party or to a
12 [police] law enforcement officer, or if no [police] law
13 enforcement officer is in the vicinity, then to the nearest
14 [police station or judicial officer] law enforcement agency:

15 (a) His or her name;

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

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

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

20 2. For the purposes of this section, all [peace] law
21 enforcement officers shall have jurisdiction, when invited by an
22 injured person, to enter the premises of any privately owned
23 [parking lot or parking facility] property for the purpose of
24 investigating an accident and performing all necessary duties
25 regarding such accident.

26 3. The offense of leaving the scene of [a motor vehicle] an
27 accident is [a class A misdemeanor, except that it shall be a
28 class D felony if the accident resulted in:

1 (1) Physical injury to another party; or
2 (2) Property damage in excess of one thousand dollars; or
3 (3) If the defendant has previously pled guilty to or been
4 found guilty of a violation of this section]:

5 (1) A class A misdemeanor; or

6 (2) A class D felony if:

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

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

10 (c) The defendant has previously been found guilty of any
11 offense committed in another jurisdiction which, if committed in
12 this state, would be a violation of an offense in this section.

13 4. A law enforcement officer who investigates or receives
14 information of an accident involving an all-terrain vehicle and
15 also involving the loss of life or serious physical injury shall
16 make a written report of the investigation or information
17 received and such additional facts relating to the accident as
18 may come to his or her knowledge, mail the information to the
19 department of public safety, and keep a record thereof in his or
20 her office.

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

25 577.068. 1. A person commits the [crime] offense of
26 [leaving the scene of] failure to report a shooting when[,]:

27 (1) Being in possession of a firearm or projectile weapon
28 as defined in section 571.010, [such person] he or she discharges

1 such firearm or projectile weapon and causes injury or death to
2 another person [and such person,]; and

3 (2) Knowing that he or she has caused such injury or death,
4 [leaves the place of the shooting without giving his name,
5 address, and driver's license number, if applicable,] fails to
6 report such shooting to a law enforcement officer. If no such
7 officer is in the vicinity where the shooting occurs, the person
8 must provide such information to the nearest [police station or]
9 law enforcement [officer. A person is not in violation of this
10 section if he leaves the scene of a shooting in order to obtain
11 medical assistance or contact law enforcement authorities to
12 notify them of the shooting, so long as such person returns to
13 the scene of the shooting or otherwise provides the information
14 required by this section to a law enforcement officer within a
15 reasonable time after the shooting] agency.

16 2. Failure to report a shooting is:

17 (1) A class A misdemeanor; or

18 (2) A class D felony if the person has previously been
19 found guilty of a violation of this section or any offense
20 committed in another jurisdiction which, if committed in this
21 state, would be a violation of an offense described in this
22 section.

23 3. A person is not in violation of this section if he or
24 she fails to report a shooting in order to obtain medical
25 assistance or contact law enforcement authorities to notify them
26 of the shooting, so long as such person returns to the scene of
27 the shooting or otherwise reports the shooting as provided herein
28 within a reasonable time after the shooting.

1 [2.] 4. All [peace] law enforcement officers and reserve
2 [peace] law enforcement officers [certified under the provisions
3 of chapter 590] shall have authority to investigate shootings and
4 arrest a person who violates subsection 1 of this section, except
5 that conservation agents may enforce such provisions as to
6 hunting related shootings. For the purpose of this section, a
7 "hunting-related shooting" shall be defined as any shooting in
8 which a person is injured as a result of hunting activity that
9 involves the discharge of a hunting weapon.

10 [3. Leaving the scene of a shooting is a class A
11 misdemeanor, except that it is a class D felony if the person has
12 previously pled guilty to or been found guilty of a violation of
13 this section.]

14 577.070. 1. A person commits the [crime] offense of
15 littering if he [throws or] or she places, deposits, or causes to
16 be [thrown or] placed or deposited, any glass, glass bottles,
17 wire, nails, tacks, hedge, cans, garbage, trash, refuse, or
18 rubbish of any kind, nature or description on the right-of-way of
19 any public road or state highway or on or in any of the waters in
20 this state or on the banks of any stream, or on any land or water
21 owned, operated or leased by the state, any board, department,
22 agency or commission thereof or on any land or water owned,
23 operated or leased by the federal government or on any private
24 real property owned by another without [his] the owner's consent.

25 2. The offense of littering is a class [A] C misdemeanor
26 unless:

27 (1) Such littering creates a substantial risk of physical
28 injury or property damage to another; or

1 (2) The person has been found guilty of a violation of this
2 section or an offense committed in another jurisdiction which, if
3 committed in this state, would be a violation under this section,
4 in which case it is a class A misdemeanor.

5 577.076. 1. [If any] A person [or persons shall put any
6 dead animal, carcass or part thereof, the offal or any other
7 filth] commits the offense of unlawful disposition of a dead
8 animal if he or she knowingly places or causes to be placed the
9 carcass or offal of any dead animal:

10 (1) Into any well, spring, brook, branch, creek, pond, or
11 lake[, every person so offending shall, on conviction thereof, be
12 fined not less than twenty-five nor more than five hundred
13 dollars.

14 2. If any person shall remove, or cause to be removed and
15 placed in or near any]; or

16 (2) On any public road or highway, river, stream, or
17 watercourse or upon premises not his or her own[, or in any
18 river, stream or watercourse any dead animal, carcass or part
19 thereof, or other nuisance, to the annoyance of the citizens of
20 this state, or any of them, every person so offending shall, upon
21 conviction thereof, be fined for every offense not less than
22 twenty-five dollars nor more than five hundred dollars, and if
23 such nuisance be not removed within three days thereafter, it
24 shall be deemed a second offense against the provisions of this
25 section] for the purpose of annoying another or others.

26 2. The offense of unlawful disposition of a dead animal is
27 a class C misdemeanor.

28 [569.072.] 577.078. 1. A person commits the [crime]

1 offense of criminal water contamination if such person knowingly
2 introduces any dangerous radiological, chemical or biological
3 agent or substance into any public or private waters of the state
4 or any water supply with the purpose of causing death or serious
5 physical injury to another person.

6 2. The offense of criminal water contamination is a class B
7 felony.

8 577.100. 1. A person commits the [crime] offense of
9 abandonment of an airtight [icebox] or semiairtight container if
10 he or she knowingly abandons, discards, or [knowingly] permits to
11 remain on premises under his or her control, in a place
12 accessible to children, any abandoned or discarded icebox,
13 refrigerator, or other airtight or semiairtight container which
14 has a capacity of one and one-half cubic feet or more and an
15 opening of fifty square inches or more and which has a door or
16 lid equipped with hinge, latch or other fastening device capable
17 of securing such door or lid, without rendering such equipment
18 harmless to human life by removing such hinges, latches or other
19 hardware which may cause a person to be confined therein.

20 2. Subsection 1 of this section does not apply to an
21 icebox, refrigerator or other airtight or semiairtight container
22 located in that part of a building occupied by a dealer,
23 [warehouseman or repairman] warehouse operator, or repair person.

24 3. The defendant shall have the burden of injecting the
25 issue under subsection 2 of this section.

26 4. The offense of abandonment of an airtight [icebox] or
27 semiairtight container is a class B misdemeanor.

28 577.150. [Whoever willfully or maliciously] 1. A person

1 commits the offense of tampering with a water supply if he or she
2 purposely:

3 (1) Poisons, defiles or in any way corrupts the water of a
4 well, spring, brook or reservoir used for domestic or municipal
5 purposes[, or whoever willfully or maliciously]; or

6 (2) Diverts, dams up and holds back from its natural course
7 and flow any spring, brook or other water supply for domestic or
8 municipal purposes, after said water supply shall have once been
9 taken for use by any person or persons, corporation, town or city
10 for their use[, shall be adjudged guilty of a misdemeanor, and
11 punished by a fine not less than fifty nor more than five hundred
12 dollars, or by imprisonment in the county jail not exceeding one
13 year, or by both such fine and imprisonment, and shall be liable
14 to the party injured for three times the actual damage sustained,
15 to be recovered by suit at law].

16 2. The offense of tampering with a water supply is a class
17 A misdemeanor.

18 577.155. 1. [No] A person, firm, corporation or political
19 subdivision [shall construct or use any waste disposal well
20 located in this state] commits the offense of construction or use
21 of a waste disposal well if such person, firm, corporation, or
22 political subdivision knowingly constructs or uses a waste
23 disposal well.

24 2. As used in this section, "waste disposal well" [shall
25 mean] means any subsurface void porous formation or cavity,
26 natural or artificial, used for the disposal of liquid or
27 semi-aqueous waste except as excluded in subsection 3 of this
28 section.

1 3. "Waste disposal well" shall not include:

2 (1) Sanitary landfills or surface mining pits used for the
3 disposal of nonputrescible solid wastes as defined in section
4 64.460;

5 (2) Cesspools used solely for disposal of waste from
6 private residences; or

7 (3) Septic tanks used solely for disposal of waste.

8 4. It shall not be a violation of this section to:

9 (1) Inject or return fluids into subsurface formations in
10 connection with oil or gas operations regulated by the state oil
11 and gas council pursuant to chapter 259;

12 (2) Inject or return water into subsurface formations
13 pursuant to chapter 644 and section 192.020 in connection with
14 the following instances:

15 (a) Any groundwater heat pump injection/withdrawal well
16 that is limited to a single family residence;

17 (b) Any groundwater heat pump injection/withdrawal well
18 that is limited to eight or less single family residences as long
19 as the combined injection/withdrawal rate is less than six
20 hundred thousand British Thermal Units per hour;

21 (c) All other uses of groundwater heat pump
22 injection/withdrawal wells shall be subject to a permitting
23 procedure as established and regulated by the clean water
24 commission; or

25 (3) Backfill cavities as an integral part of the mining
26 operation with aggregate or other material obtained from that
27 operation to either reduce accumulation of waste on the surface
28 or to provide additional ground support in the mined-out areas or

1 to inundate such cavities with water devoid of toxic liquid
2 wastes, but the person, firm, or corporation who so backfills may
3 not do so without the consent of the owner of the property to be
4 backfilled.

5 5. [Any person, firm, or corporation who violates any
6 provision of this section is guilty of a misdemeanor and, upon
7 conviction, shall be punished as provided by law] The offense of
8 construction or use of a waste disposal well is a class A
9 misdemeanor. Each day of violation constitutes a separate
10 offense.

11 577.161. 1. [No] A person [shall prohibit] commits the
12 offense of prohibiting the use of a life jacket if he or she
13 knowingly disallows the use of a life jacket in a swimming pool
14 by any individual who, as evidenced by a statement signed by a
15 licensed physician, suffers from a physical disability or
16 condition which necessitates the use of such life jacket.

17 2. [Any person violating subsection 1 of this section shall
18 be guilty of] As used in this section the following terms mean:

19 (1) "Swimming pool", any artificial basin of water which is
20 modified, improved, constructed or installed for the purpose of
21 public swimming, and includes: pools for community use, pools at
22 apartments, condominiums, and other groups of associations having
23 five or more living units, clubs, churches, camps, schools,
24 institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas,
25 motels, hotels, and other commercial establishments. It does not
26 include pools at private residences intended only for the use of
27 the owner or guests;

28 (2) "Person", any individual, group of individuals,

1 association, trust, partnership, corporation, person doing
2 business under an assumed name, county, municipality, the state
3 of Missouri or any political subdivision or department thereof,
4 or any other entity;

5 (3) "Life jacket", a life jacket, life vest, or any other
6 flotation device designed to be worn about the body to assist in
7 maintaining buoyancy in water.

8 3. The offense of prohibiting the use of a life jacket is a
9 class C misdemeanor.

10 [568.052.] 577.300. 1. As used in this section, the
11 following terms mean:

12 (1) "Collision", the act of a motor vehicle coming into
13 contact with an object or a person;

14 (2) ["Injury",] "Injures", to cause physical harm to the
15 body of a person;

16 (3) "Motor vehicle", any automobile, truck, truck-tractor,
17 or any motor bus or motor-propelled vehicle not exclusively
18 operated or driven on fixed rails or tracks;

19 (4) "Unattended", not accompanied by an individual fourteen
20 years of age or older.

21 2. A person commits the [crime] offense of leaving a child
22 unattended in a motor vehicle in the first degree if such person
23 knowingly leaves a child [ten years of age or] less than eleven
24 years of age unattended in a motor vehicle and such child fatally
25 injures another person by causing a motor vehicle collision or by
26 causing the motor vehicle to fatally injure a pedestrian. [Such
27 person shall be guilty of]

28 3. Leaving a child unattended in a motor vehicle in the

1 first degree is a class C felony and, notwithstanding section
2 558.011 to the contrary, the authorized term of imprisonment is a
3 term of years of not less than three years and not to exceed ten
4 years.

5 [3.] 4. A person commits the [crime] offense of leaving a
6 child unattended in a motor vehicle in the second degree if such
7 person knowingly leaves a child [ten years of age or] less than
8 eleven years of age unattended in a motor vehicle and such child
9 injures another person by causing a motor vehicle collision or by
10 causing the motor vehicle to injure a pedestrian. [Such person
11 shall be guilty of]

12 5. The offense of leaving a child unattended in a motor
13 vehicle in the second degree is a class A misdemeanor.

14 577.599. 1. A person commits the offense of failure to
15 comply with ignition interlock device requirements if he or she
16 knowingly operates a motor vehicle that is not equipped with a
17 functioning certified ignition interlock device in violation of a
18 court, or department of revenue, order to use such a device.

19 2. The offense of failure to comply with ignition interlock
20 device requirements is a class A misdemeanor.

21 577.600. 1. [In addition to any other provisions of law, a
22 court may require that any person who is found guilty of or
23 pleads guilty to a first intoxication-related traffic offense, as
24 defined in section 577.023, and a court shall require that any
25 person who is found guilty of or pleads guilty to a second or
26 subsequent intoxication-related traffic offense, as defined in
27 section 577.023, shall not operate any motor vehicle unless that
28 vehicle is equipped with a functioning, certified ignition

1 interlock device for a period of not less than six months from
2 the date of reinstatement of the person's driver's license. In
3 addition, any court authorized to grant a limited driving
4 privilege under section 302.309 to any person who is found guilty
5 of or pleads guilty to a second or subsequent
6 intoxication-related traffic offense shall require the use of an
7 ignition interlock device on all vehicles operated by the person
8 as a required condition of the limited driving privilege. These
9 requirements shall be in addition to any other provisions of this
10 chapter or chapter 302 requiring installation and maintenance of
11 an ignition interlock device. Any person required to use an
12 ignition interlock device, either under the provisions of this
13 chapter or chapter 302, shall comply with such requirement
14 subject to the penalties provided by this section.

15 2. No] A person [shall knowingly rent, lease or lend a
16 motor] commits the offense of renting, leasing, or lending a
17 vehicle to a person [known to have had that person's driving
18 privilege restricted as provided in subsection 1 of this
19 section,] required to comply with ignition interlock requirements
20 if he or she knowingly rents, leases, or lends a vehicle to a
21 person required to use an ignition interlock device on all
22 vehicles operated by the person unless the vehicle [is equipped
23 with a functioning, certified ignition interlock device. Any
24 person whose driving privilege is restricted as provided in
25 subsection 1 of this section shall notify any other person who
26 rents, leases or loans a motor vehicle to that person of the
27 driving restriction imposed pursuant to this section.

28 3. Any person convicted of a violation of this section

1 shall be guilty of] being rented, leased, or loaned is equipped
2 with a functioning, certified ignition interlock device.

3 2. The offense of renting, leasing, or lending a vehicle to
4 a person required to comply with ignition interlock requirements
5 is a class A misdemeanor.

6 577.605. 1. A person commits the offense of failure to
7 notify another of ignition interlock requirements if he or she is
8 required to use an ignition interlock device on all vehicles he
9 or she operates and he or she knowingly fails to notify any other
10 person who rents, leases or loans a vehicle to that person of
11 such requirement.

12 2. The offense of failing to notify another of ignition
13 interlock requirements is a class A misdemeanor.

14 577.612. 1. [It is unlawful for any] A person [whose
15 driving privilege is restricted pursuant to the provisions of
16 this chapter or chapter 302 to request or solicit any other
17 person to blow into an ignition interlock device or to start a
18 motor vehicle equipped with the device for the purpose of
19 providing the person so restricted with an operable motor
20 vehicle.

21 2. It is unlawful to blow] commits the offense of tampering
22 with or circumventing the operation of an ignition interlock
23 device if:

24 (1) His or her driving privilege is restricted by a
25 prohibition on the operation of any vehicle unless that vehicle
26 is equipped with a functioning, certified ignition interlock
27 device, and he or she knowingly requests or solicits any other
28 person to blow into an ignition interlock device or to start a

1 vehicle equipped with the device for the purpose of providing the
2 person so restricted with an operable vehicle;

3 (2) He or she blows into an ignition interlock device or
4 [to start a motor] starts a vehicle equipped with the device for
5 the purpose of providing an operable [motor] vehicle to a person
6 whose driving privilege is restricted pursuant to the provisions
7 of this chapter or chapter 302[.

8 3. It is unlawful to tamper] by a prohibition on the
9 operation of any vehicle unless that vehicle is equipped with a
10 functioning, certified ignition interlock device; or

11 (3) He or she tampers with, or [circumvent] circumvents the
12 operation of, an ignition interlock device.

13 [4. Any person who violates any provision of this section
14 is guilty of]

15 2. The offense of tampering with or circumventing the
16 operation of an ignition interlock device is a class A
17 misdemeanor.

18 577.675. 1. [It shall be unlawful for any person to
19 knowingly transport, move, or attempt to transport in the state
20 of Missouri] A person commits the offense of transportation of an
21 illegal alien if he or she knowingly transports, moves, or
22 attempts to transport or move any illegal alien who is not
23 lawfully present in the United States, according to the terms of
24 8 U.S.C. Section 1101, et seq., for the purposes of trafficking
25 in violation of sections 566.200 to 566.215, drug trafficking in
26 violation of sections [195.222 and 195.223] 579.065 and 579.068,
27 prostitution in violation of chapter 567, or employment.

28 2. [Any person violating the provisions of subsection 1 of

1 this section shall be guilty of a felony for which the authorized
2 term of imprisonment is a term of years not less than one year,
3 or by a fine in an amount not less than one thousand dollars, or
4 by both such fine and imprisonment] The offense of transportation
5 of an illegal alien is a class C felony.

6 3. Nothing in this section shall be construed to deny any
7 victim of an offense under sections 566.200 to 566.215 of rights
8 afforded by the federal Trafficking Victims Protection Act of
9 2000, Public Law 106-386, as amended.

10 [578.300.] 577.700. As used in sections [578.300 to
11 578.330] 577.700 to 577.718 and section 307.176 unless the
12 context clearly requires otherwise, the following terms shall
13 mean:

14 (1) "Bus", any passenger bus or coach or other motor
15 vehicle having a seating capacity of not less than fifteen
16 passengers operated by a bus transportation company for the
17 purpose of carrying passengers or cargo for hire, but not to
18 include a bus or coach utilized exclusively to transport children
19 to and from schools;

20 (2) "Bus transportation company" or "company", any person,
21 groups of persons or corporation providing for-hire transport to
22 passengers or cargo by bus upon the highways of this state,
23 whether in interstate or intrastate travel, but not to include a
24 company utilizing buses transporting children to and from school.
25 This term shall also include bus transportation facilities owned
26 or operated by local public bodies, municipalities, public
27 corporations, boards and commissions except school districts
28 established under the laws of this state;

1 (3) "Charter", a group of persons who, pursuant to a common
2 purpose and under a single contract, and at a fixed charge for
3 the vehicle in accordance with a bus transportation company's
4 tariff, have acquired the exclusive use of a bus to travel
5 together as a group to a specified destination;

6 (4) "Passenger", any person served by the transportation
7 company and, in addition to the ordinary meaning of passenger,
8 this term shall also include persons accompanying or meeting
9 another who is transported by a company, any person shipping or
10 receiving cargo;

11 (5) "Terminal", a bus station or depot or any facility
12 operated or leased by or operated on behalf of a bus
13 transportation company, including a reasonable area immediately
14 adjacent to any designated stop along the route traveled by any
15 coach operated by a bus transportation company, and parking lots
16 or parking areas adjacent to a terminal.

17 [578.305.] 577.703. 1. A person commits the offense of
18 ["]bus hijacking[" is defined as the seizure or exercise of] if
19 he or she seizes or exercises control, by force or violence or
20 threat of force or violence, of any bus [within the jurisdiction
21 of this state]. The offense of bus hijacking [shall be] is a
22 class B felony.

23 2. The offense of "assault with the intent to commit bus
24 hijacking" is defined as an intimidation, threat, assault or
25 battery toward any driver, attendant or guard of a bus so as to
26 interfere with the performance of duties by such person. Assault
27 to commit bus hijacking [shall be] is a class C felony.

28 3. Any person, who, in the commission of such intimidation,

1 threat, assault or battery with the intent to commit bus
2 hijacking, employs a dangerous or deadly weapon or other means
3 capable of inflicting serious bodily injury shall, upon
4 conviction, be guilty of a class A felony.

5 4. Any passenger who boards a bus with a dangerous or
6 deadly weapon or other means capable of inflicting serious bodily
7 injury concealed upon his or her person or effects is guilty of
8 the felony of "possession and concealment of a dangerous or
9 deadly weapon" upon a bus. Possession and concealment of a
10 dangerous and deadly weapon by a passenger upon a bus [shall be]
11 is a class C felony. The provisions of this subsection shall not
12 apply to duly elected or appointed law enforcement officers or
13 commercial security personnel who are in possession of weapons
14 used within the course and scope of their employment; nor shall
15 the provisions of this subsection apply to persons who are in
16 possession of weapons or other means of inflicting serious bodily
17 injury with the consent of the owner of such bus, [or] his or her
18 agent, or the lessee or bailee of such bus.

19 [578.310.] 577.706. 1. [It is unlawful for any person at
20 any time to bomb or to plant or place] A person commits the
21 offense of planting a bomb or explosive in or near a bus or
22 terminal if he or she bombs, plants, or places any bomb or other
23 explosive matter or thing in, upon, or near any terminal or bus,
24 wherein a person or persons are located or being transported, or
25 where there is being stored, [or] shipped or prepared for
26 shipment, any goods, wares, merchandise or anything of value.
27 [Any person who violates the provisions of this subsection shall
28 be guilty of] The offense of planting a bomb or explosive in or

1 near a bus or terminal is a class A felony.

2 2. [It is unlawful for any person to threaten to commit the
3 offense defined in subsection 1 of this section.] Any person
4 [convicted of threatening] who threatens to commit the offense
5 [defined in subsection 1] of planting a bomb or explosive in or
6 near a bus or terminal shall be guilty of a class C felony.

7 3. [It is unlawful to discharge] Any person who discharges
8 any firearm or [hurl] hurls any missile at, [or] into [and/or],
9 or upon any bus, terminal, or other transportation facility[.
10 Any person who violates the provisions of this subsection] shall
11 be guilty of a class B felony.

12 [578.315.] 577.709. 1. It is unlawful, while on a bus, in
13 the terminal, or on property contiguous thereto for any person:

14 (1) To threaten a breach of the peace or use any obscene,
15 profane, or vulgar language;

16 (2) To be under the influence of alcohol [or], or unlawfully
17 under the influence of a controlled substance [or], or to ingest or
18 have in his possession any controlled substance unless properly
19 prescribed by a physician or medical facility, or to drink
20 intoxicating liquor of any kind in or upon any passenger bus
21 except a chartered bus;

22 (3) To fail to obey a reasonable request or order of a bus
23 driver or any duly authorized company representative.

24 2. If any person shall violate any provision of [subsection
25 1] this section, the driver of the bus, or person in charge
26 thereof, may stop it at the place where the offense is committed,
27 or at the next regular or convenient stopping place of the bus
28 and require the person to leave the bus.

1 3. [Any person violating any provision of subsection 1 is
2 deemed guilty of] Violation of this section is a class C
3 misdemeanor.

4 [578.320.] 577.712. 1. In order to provide for the safety,
5 comfort, and well-being of passengers and others having a bona
6 fide business interest in any terminal, a bus transportation
7 company may refuse admission to terminals to any person not
8 having bona fide business within the terminal. Any such refusal
9 shall not be inconsistent or contrary to state or federal laws,
10 regulations pursuant thereto, or to any ordinance of the
11 political subdivision in which such terminal is located. A duly
12 authorized company representative may ask any person in a
13 terminal or on the premises of a terminal to identify himself or
14 herself and state his or her business. Failure to comply with
15 such request or failure to state an acceptable business purpose
16 shall be grounds for the company representative to request that
17 such person leave the terminal. Refusal to comply with such
18 request shall constitute disorderly conduct. Disorderly conduct
19 shall be a class C misdemeanor.

20 2. It is unlawful for any person to carry a deadly or
21 dangerous weapon or any explosives or hazardous material into a
22 terminal or aboard a bus. Possession of a deadly or dangerous
23 weapon, explosive or hazardous material shall be a class C
24 felony. Upon the discovery of any such item or material, the
25 company may obtain possession and retain custody of such item or
26 material until it is transferred to the custody of law
27 enforcement officers.

28 [578.325.] 577.715. A duly authorized security guard may

1 detain within the terminal any person committing an act declared
2 unlawful by any provision of sections [578.300 to 578.330]
3 577.700 to 577.718 and section 307.176 until law enforcement
4 authorities arrive. Such detention shall not constitute unlawful
5 imprisonment and neither the company nor such company
6 representative personally shall be civilly or criminally liable
7 upon grounds of unlawful imprisonment or assault providing that
8 only reasonable force is exercised against any person so
9 detained.

10 [578.330.] 577.718. [1. It is unlawful to remove] A person
11 commits the offense of removal of baggage or cargo without the
12 owner's permission if he or she removes any baggage, cargo or
13 other item transported upon a bus or stored in a terminal without
14 the consent of the owner of such property or the company, or its
15 duly authorized representative. [Any person violating the
16 provisions of this subsection shall be guilty of a class D
17 felony.

18 2. The actual value of an item removed in violation of
19 subsection 1 shall not be material to the crime herein defined.]
20 The actual value of an item removed is not material to the
21 offense. The offense of removal of baggage or cargo without the
22 owner's permission is a class D felony.

23 578.009. 1. A person [is guilty] commits the offense of
24 animal neglect if he or she:

25 (1) Has custody or ownership [or both] of an animal and
26 fails to provide adequate care; or

27 (2) Knowingly abandons an animal in any place without
28 making provisions for its adequate care.

1 2. [A person is guilty of abandonment if he has knowingly
2 abandoned an animal in any place without making provisions for
3 its adequate care.

4 3.] The offense of animal neglect [and abandonment] is a
5 class C misdemeanor [upon first conviction and for each offense,
6 punishable by imprisonment or a fine not to exceed five hundred
7 dollars, or both, and a class B misdemeanor punishable by
8 imprisonment or a fine not to exceed one thousand dollars, or
9 both upon the second and all subsequent convictions] unless the
10 person has previously been found guilty of an offense under this
11 section, or an offense in another jurisdiction which would
12 constitute an offense under this section, in which case it is a
13 class B misdemeanor.

14 3. All fines and penalties for a first [conviction of
15 animal neglect or abandonment] finding of guilt under this
16 section may be waived by the court [provided that] if the person
17 found guilty of animal neglect [or abandonment] shows that
18 adequate, permanent remedies for the neglect [or abandonment]
19 have been made. Reasonable costs incurred for the care and
20 maintenance of neglected [or abandoned] animals may not be
21 waived. This section shall not apply to the provisions of
22 section 578.007 or sections 272.010 to 272.370.

23 4. In addition to any other penalty imposed by this
24 section, the court may order a person found guilty of animal
25 neglect [or abandonment] to pay all reasonable costs and expenses
26 necessary for:

27 (1) The care and maintenance of neglected [or abandoned]
28 animals within the person's custody or ownership;

1 (2) The disposal of any dead or diseased animals within the
2 person's custody or ownership;

3 (3) The reduction of resulting organic debris affecting the
4 immediate area of the neglect [or abandonment]; and

5 (4) The avoidance or minimization of any public health
6 risks created by the neglect [or abandonment] of the animals.

7 578.350. 1. [Any] A person licensed under chapter 334 or
8 335 who treats a person for a wound inflicted by gunshot [shall]
9 commits the infraction of medical deception if he or she
10 knowingly fails to immediately report to a local law enforcement
11 official the name and address of the person, if known, and if
12 unknown, a description of the person, together with an
13 explanation of the nature of the wound and the circumstances
14 under which the treatment was rendered.

15 2. [Any person licensed under chapter 334 or 335 who
16 knowingly fails to report the injuries described in this section
17 is guilty of the offense of medical deception.

18 3. Medical deception is an infraction.] A person licensed
19 under chapter 334 or 335 who, in good faith, makes a report under
20 this section shall have immunity from civil liability that
21 otherwise might result from such report and shall have the same
22 immunity with respect to any good faith participation in any
23 judicial proceeding in which the reported gunshot wound is an
24 issue. Notwithstanding the provisions of subdivision (5) of
25 section 491.060, the existence of a physician-patient
26 relationship shall not prevent a physician from submitting the
27 report required in this section, or testifying regarding
28 information acquired from a patient treated for a gunshot wound

1 if such testimony is otherwise admissible.

2 578.365. 1. A person commits the [crime] offense of hazing
3 if he or she knowingly participates in or causes [hazing, as it
4 is defined in section 578.360.

5 2. Hazing is a class A misdemeanor, unless the act creates
6 a substantial risk to the life of the student or prospective
7 member, in which case it is a class C felony] a willful act,
8 occurring on or off the campus of a public or private college or
9 university, directed against a student or a prospective member of
10 an organization operating under the sanction of a public or
11 private college or university, that recklessly endangers the
12 mental or physical health or safety of a student or prospective
13 member for the purpose of initiation or admission into or
14 continued membership in any such organization to the extent that
15 such person is knowingly placed at probable risk of the loss of
16 life or probable bodily or psychological harm. Acts of hazing
17 include:

18 (1) Any activity which recklessly endangers the physical
19 health or safety of the student or prospective member, including
20 but not limited to physical brutality, whipping, beating,
21 branding, exposure to the elements, forced consumption of any
22 food, liquor, drug or other substance, or forced smoking or
23 chewing of tobacco products;

24 (2) Any activity which recklessly endangers the mental
25 health of the student or prospective member, including but not
26 limited to sleep deprivation, physical confinement, or other
27 extreme stress-inducing activity; or

28 (3) Any activity that requires the student or prospective

1 member to perform a duty or task which involves a violation of
2 the criminal laws of this state or any political subdivision in
3 this state.

4 2. Public or private colleges or universities in this state
5 shall adopt a written policy prohibiting hazing by any
6 organization operating under the sanction of the institution.

7 3. Nothing in [sections 578.360 to 578.365] this section
8 shall be interpreted as creating a new private cause of action
9 against any educational institution.

10 4. Consent is not a defense to hazing. Section [565.080]
11 565.010 does not apply to hazing cases or to homicide cases
12 arising out of hazing activity.

13 5. The offense of hazing is a class A misdemeanor, unless
14 the act creates a substantial risk to the life of the student or
15 prospective member, in which case it is a class C felony.

16 578.398. 1. A person commits the offense of sports bribery
17 in the first degree if he or she gives, promises or offers any
18 benefit to any participant or prospective participant in any
19 sport or game with the purpose to influence him or her to lose or
20 try to lose or cause to be lost or to limit the margin of victory
21 in any sport or game in which the participant is taking part, or
22 expects to take part, or has any duty or connection therewith.

23 2. The offense of sports bribery in the first degree is a
24 class D felony.

25 578.399. 1. A person commits the offense of sports bribery
26 in the second degree if he or she, being a participant or
27 prospective participant in any sport or game, accepts, attempts
28 to obtain, or solicits any benefit in exchange for losing or

1 trying to lose or causing to be lost or limiting the margin of
2 victory in any sport or game in which the participant is taking
3 part, or expects to take part, or has any duty or connection
4 therewith.

5 2. The offense of sports bribery in the second degree is a
6 class A misdemeanor.

7 578.405. 1. [Sections 578.405 to 578.412] This section
8 shall be known and may be cited as "The Animal Research and
9 Production Facilities Protection Act".

10 2. As used in [sections 578.405 to 578.412] this section,
11 the following terms mean:

12 (1) "Animal", every living creature, domestic or wild, but
13 not including Homo sapiens;

14 (2) "Animal facility", any facility engaging in legal
15 scientific research or agricultural production or involving the
16 use of animals, including any organization with a primary purpose
17 of representing livestock production or processing, any
18 organization with a primary purpose of promoting or marketing
19 livestock or livestock products, any person licensed to practice
20 veterinary medicine, any organization involved in the production
21 of pet food or pet food research, and any organization with a
22 primary purpose of representing any such person, organization, or
23 institution. The term shall include the owner, operator, and
24 employees of any animal facility and the offices and vehicles of
25 any such persons while engaged in duties related to the animal
26 facility, and any premises where animals are located[;

27 (3) "Director", the director of the department of
28 agriculture].

1 [578.407. No person shall] 3. A person commits the offense
2 of prohibited acts against animal research and production
3 facilities if he or she:

4 (1) [Release, steal] Releases, steals, or otherwise
5 intentionally [cause] causes the death, injury, or loss of any
6 animal at or from an animal facility and not authorized by that
7 facility;

8 (2) [Damage, vandalize, or steal] Damages, vandalizes, or
9 steals any property in or on an animal facility;

10 (3) [Obtain] Obtains access to an animal facility by false
11 pretenses for the purpose of performing acts not authorized by
12 the facility;

13 (4) [Enter] Enters or otherwise [interfere] interferes with
14 an animal facility with the intent to destroy, alter, duplicate
15 or obtain unauthorized possession of records, data, material,
16 equipment, or animals;

17 (5) Knowingly [obtain] obtains, by theft or deception,
18 control over records, data, material, equipment, or animals of
19 any animal facility for the purpose of depriving the rightful
20 owner or animal facility of the records, material, data,
21 equipment, or animals, or for the purpose of concealing,
22 abandoning, or destroying such records, material, data,
23 equipment, or animals; or

24 (6) [Enter or remain] Enters or remains on an animal
25 facility with the intent to commit an act prohibited by this
26 section.

27 4. The offense of prohibited acts against animal research
28 and production facilities is a class A misdemeanor unless:

1 (1) The loss or damage to the animal facility is seven
2 hundred fifty dollars or more, in which case it is a class D
3 felony;

4 (2) The loss or damage to the animal facility is one
5 thousand dollars or more, in which case it is a class C felony;

6 (3) The loss or damage to the animal facility is twenty-
7 five thousand dollars or more, in which case it is a class B
8 felony; or

9 (4) The loss or damage to the animal facility is seventy-
10 five thousand dollars or more, in which case it is a class A
11 felony.

12 5. Any person who intentionally agrees with another person
13 to violate this section and commits an act in furtherance of such
14 violation shall be guilty of the same class of violation as
15 provided in subsection 4 of this section.

16 6. In the determination of the value of the loss, theft, or
17 damage to an animal facility, the court shall conduct a hearing
18 to determine the reasonable cost of replacement of materials,
19 data, equipment, animals, and records that were damaged,
20 destroyed, lost, or cannot be returned, as well as the reasonable
21 cost of lost production funds and repeating experimentation that
22 may have been disrupted or invalidated as a result of the
23 violation of this section.

24 7. Any persons found guilty of a violation of this section
25 shall be ordered by the court to make restitution, jointly and
26 severally, to the owner, operator, or both, of the animal
27 facility, in the full amount of the reasonable cost as determined
28 under subsection 6 of this section.

1 8. Any person who has been damaged by a violation of this
2 section may recover all actual and consequential damages,
3 punitive damages, and court costs, including reasonable
4 attorneys' fees, from the person causing such damage.

5 9. Nothing in this section shall preclude any animal
6 facility injured in its business or property by a violation of
7 this section from seeking appropriate relief under any other
8 provision of law or remedy including the issuance of an
9 injunction against any person who violates this section. The
10 owner or operator of the animal facility may petition the court
11 to permanently enjoin such persons from violating this section
12 and the court shall provide such relief.

13 10. The director of the department of agriculture may
14 promulgate rules and regulations necessary for the enforcement of
15 this section. The director shall have the authority to
16 investigate any alleged violation of this section, along with any
17 other law enforcement agency, and may take any action within the
18 director's authority necessary for the enforcement of this
19 section. The attorney general, the highway patrol, and other law
20 enforcement officials shall provide assistance required in the
21 conduct of an investigation. Any rule or portion of a rule, as
22 that term is defined in section 536.010, that is created under
23 the authority delegated in this section shall become effective
24 only if it complies with and is subject to all of the provisions
25 of chapter 536 and if applicable, section 536.028. This section
26 and chapter 536 are nonseverable and if any of the powers vested
27 with the general assembly pursuant to chapter 536 to review, to
28 delay the effective date, or to disapprove and annul a rule are

1 subsequently held unconstitutional, then the grant of rulemaking
2 authority and any rule proposed or adopted after January 1, 2017,
3 shall be invalid and void.

4 578.421. As used in sections 578.421 to 578.437, the
5 following terms mean:

6 (1) "Criminal street gang", any ongoing organization,
7 association, or group of three or more persons, whether formal or
8 informal, having as one of its primary activities the commission
9 of one or more of the criminal acts enumerated in subdivision (2)
10 of this section, which has a common name or common identifying
11 sign or symbol, whose members individually or collectively engage
12 in or have engaged in a pattern of criminal gang activity;

13 (2) "Pattern of criminal street gang activity", the
14 commission, attempted commission, or solicitation of two or more
15 of the following offenses, provided at least one of those
16 offenses occurred after August 28, 1993, and the last of those
17 offenses occurred within three years after a prior offense, and
18 the offenses are committed on separate occasions, or by two or
19 more persons:

20 (a) Assault with a deadly weapon or by means of force
21 likely to cause serious physical injury, as provided in sections
22 565.050 and ~~[565.060]~~ 565.052;

23 (b) Robbery, arson and those offenses under chapter 569
24 which are related to robbery and arson;

25 (c) Murder or manslaughter, as provided in sections 565.020
26 to 565.024;

27 (d) Any violation of the provisions of chapter ~~[195]~~ 579
28 which involves the distribution, delivery or manufacture of a

1 substance prohibited by chapter [195] 579;

2 (e) Unlawful use of a weapon which is a felony pursuant to
3 section 571.030; or

4 (f) Tampering with witnesses and victims, as provided in
5 section 575.270.

6 578.430. 1. Any room, building, structure or inhabitable
7 structure as defined in section [569.010] 556.061 which is used
8 by a criminal street gang in a pattern of criminal street gang
9 activity shall be deemed a public nuisance. No person shall keep
10 or maintain such a public nuisance.

11 2. The attorney general, circuit attorney or prosecuting
12 attorney may, in addition to any criminal prosecutions, prosecute
13 a suit in equity to enjoin the public nuisance. If the court
14 finds that the owner of the room, building, structure or
15 inhabitable structure knew that the premises were being used for
16 criminal street gangs in a pattern of criminal street gang
17 activity, the court may order that the premises shall not be
18 occupied or used for such period as the court may determine, not
19 to exceed one year.

20 3. All persons, including owners, lessees, officers,
21 agents, offenders or employees, aiding or facilitating such a
22 nuisance may be made defendants in any suit to enjoin the
23 nuisance.

24 4. It is unlawful for a person to keep or maintain such a
25 public nuisance. In addition to any other criminal prosecutions,
26 the prosecuting attorney or circuit attorney may by information
27 or indictment charge the owner or the occupant, or both the owner
28 and the occupant, of the room, building, structure, or

1 inhabitable structure with the crime of keeping or maintaining a
2 public nuisance. Keeping or maintaining a public nuisance is a
3 class C felony.

4 [566.221.] 578.475. 1. An international marriage broker
5 shall provide notice to each recruit that the criminal history
6 record information and marital history information of clients and
7 basic rights information are available from the organization.
8 The notice of the availability of such information must be in a
9 conspicuous location, in the recruit's native language, in
10 lettering that is at least one-quarter of an inch in height, and
11 presented in a manner that separates the different types of
12 information available.

13 2. An international marriage broker shall disseminate to a
14 recruit the criminal history record information and marital
15 history information of a client and basic rights information no
16 later than thirty days after the date the international marriage
17 broker receives the criminal history record information and the
18 marital history information on the client. Such information must
19 be provided in the recruit's native language and the organization
20 shall pay the costs incurred to translate the information.

21 3. A client of an international marriage broker shall:

22 (1) Obtain a copy of his or her own criminal history record
23 information;

24 (2) Provide the criminal history record information to the
25 international marriage broker; and

26 (3) Provide to the international marriage broker his or her
27 own marital history information.

28 4. An international marriage broker shall require the

1 client to affirm that the marital history information is complete
2 and accurate and includes information regarding marriages,
3 annulments, and dissolutions that occurred in another state or
4 foreign country.

5 5. An international marriage broker shall not provide any
6 further services to the client or the recruit until the
7 organization has obtained the required criminal history record
8 information and marital history information and provided the
9 information to the recruit.

10 6. An international marriage broker shall be deemed to be
11 doing business in Missouri if it contracts for matchmaking
12 services with a Missouri resident or is considered to be doing
13 business pursuant to other laws of the state.

14 7. A person who [pleads guilty to or] is found guilty of
15 violating the provisions of this section shall not be required to
16 register as a sexual offender pursuant to the provisions of
17 section 589.400, unless such person is otherwise required to
18 register pursuant to the provisions of such section.

19 8. It shall be a class D felony to willfully provide
20 incomplete or false information pursuant to this section.

21 9. Failure to provide the information and notice required
22 pursuant to this section shall be a class D felony.

23 10. No provision of this section shall preempt any other
24 right or remedy available under law to any party utilizing the
25 services of an international marriage broker or other
26 international marriage organization.

27 [195.202.] 579.015. 1. [Except as authorized by sections
28 195.005 to 195.425, it is unlawful for any person to possess or

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

5 2. [Any person who violates this section with respect to]
6 The offense of possession of any controlled substance except
7 thirty-five grams or less of marijuana or any synthetic
8 cannabinoid is [guilty of a class C] a class D felony.

9 3. [Any person who violates this section with respect to]
10 The offense of possession of not more than thirty-five grams of
11 marijuana or any synthetic cannabinoid is [guilty of a class A] a
12 class D misdemeanor, and notwithstanding section 558.002 to the
13 contrary, a person found guilty of the offense shall be sentenced
14 to pay a fine of not less than two hundred fifty dollars and not
15 to exceed one thousand dollars. If the defendant has previously
16 been found guilty of any offense of the laws related to
17 controlled substances of this state, or of the United States, or
18 any state, territory, or district, the offense is a class A
19 misdemeanor. Prior findings of guilt shall be pleaded and proven
20 in the same manner as required by section 558.021.

21 4. In any complaint, information, or indictment, and in any
22 action or proceeding brought for the enforcement of any provision
23 of this chapter, it shall not be necessary to include any
24 exception, excuse, proviso, or exemption contained in this
25 chapter, and the burden of proof of any such exception, excuse,
26 proviso or exemption shall be upon the defendant.

27 [195.212.] 579.020. 1. A person commits the offense of
28 [unlawful distribution of a controlled substance to a minor if he

1 violates section 195.211 by distributing or delivering any
2 controlled substance to a person under seventeen years of age who
3 is at least two years that person's junior.

4 2. Unlawful distribution of a controlled substance to a
5 minor is a class B felony.

6 3. It is not a defense to a violation of this section that
7 the defendant did not know the age of the person to whom he was
8 distributing or delivering.] delivery of a controlled substance
9 if, except as authorized in this chapter or chapter 195, he or
10 she:

11 (1) Knowingly distributes or delivers a controlled
12 substance;

13 (2) Attempts to distribute or deliver a controlled
14 substance;

15 (3) Knowingly possesses a controlled substance with the
16 intent to distribute or deliver any amount of a controlled
17 substance; or

18 (4) Knowingly permits a minor child to purchase or
19 transport illegally obtained controlled substances.

20 2. Except when the controlled substance is thirty-five
21 grams or less of marijuana or synthetic cannabinoid or as
22 otherwise provided under subsection 5 of this section, the
23 offense of delivery of a controlled substance is a class C felony
24 and, notwithstanding section 558.011 to the contrary, the
25 authorized term of imprisonment is a term of years of not less
26 than three years and not to exceed ten years.

27 3. Except as otherwise provided under subsection 4 of this
28 section, the offense of delivery of thirty-five grams or less of

1 marijuana or synthetic cannabinoid is a class D felony.

2 4. The offense of delivery of thirty-five grams or less of
3 marijuana or synthetic cannabinoid to a person less than
4 seventeen years of age who is at least two years younger than the
5 defendant is a class C felony, and, notwithstanding section
6 558.011 to the contrary, the authorized term of imprisonment is a
7 term of years of not less than three and not to exceed ten years.

8 5. The offense of delivery of a controlled substance is a
9 class B felony if:

10 (1) The delivery or distribution is any amount of a
11 controlled substance except thirty-five grams or less of
12 marijuana or synthetic cannabinoid, to a person less than
13 seventeen years of age who is at least two years younger than the
14 defendant; or

15 (2) The person knowingly permits a minor child to purchase
16 or transport illegally obtained controlled substances.

17 [195.218.] 579.030. 1. A person commits the offense of
18 distribution of a controlled substance [near public housing or
19 other governmental assisted housing if he violates section
20 195.211 by unlawfully distributing or delivering any controlled
21 substance to a person in or on, or within one thousand feet of
22 the real property comprising public housing or other governmental
23 assisted housing.

24 2. Distribution of a controlled substance near public
25 housing or other governmental assisted housing is a class A
26 felony which term shall be served without probation or parole if
27 the court finds the defendant is a persistent drug offender] in a
28 protected location if he or she knowingly distributes, sells, or

1 delivers any controlled substance, except thirty-five grams or
2 less of marijuana or synthetic cannabinoid, to a person with
3 knowledge that that distribution, delivery or sale is:

4 (1) In, on, or within two thousand feet of, the real
5 property comprising a public or private elementary, vocational,
6 or secondary school, or on any school bus; or

7 (2) In, on, or within one thousand feet of, the real
8 property comprising a public park, state park, county park,
9 municipal park, or private park designed for public recreational
10 purposes, as park is defined in section 253.010; or

11 (3) In or on the real property comprising public housing or
12 other governmental assisted housing.

13 2. The offense of unlawful distribution of a controlled
14 substance in a protected location is a class A felony.

15 579.040. 1. A person commits the offense of unlawful
16 distribution, delivery, or sale of drug paraphernalia if he or
17 she unlawfully distributes, delivers, or sells, or possesses with
18 intent to distribute, deliver, or sell drug paraphernalia
19 knowing, or under circumstances in which one reasonably should
20 know, that it will be used to plant, propagate, cultivate, grow,
21 harvest, manufacture, compound, convert, produce, process,
22 prepare, test, analyze, pack, repack, store, contain, conceal,
23 inject, ingest, inhale, or otherwise introduce into the human
24 body a controlled substance or an imitation controlled substance
25 in violation of this chapter.

26 2. The offense of unlawful delivery of drug paraphernalia
27 is a class A misdemeanor, unless done for commercial purposes in
28 which case it is a class D felony.

1 [195.204.] 579.045. 1. A person commits the offense of
2 fraudulently attempting to obtain a controlled substance if he or
3 she knowingly obtains or attempts to obtain a controlled
4 substance, or knowingly procures or attempts to procure [the] an
5 administration of the controlled substance by fraud[, deceit,
6 misrepresentation, or subterfuge; or by the forgery or alteration
7 of a prescription or of any written order; or by the concealment
8 of a material fact; or by the use of a false name or the giving
9 of a false address]. The [crime] offense of fraudulently
10 attempting to obtain a controlled substance shall include, but
11 shall not be limited to nor be limited by, the following:

12 (1) Knowingly making a false statement in any prescription,
13 order, report, or record, required by [sections 195.005 to
14 195.425] this chapter or chapter 195;

15 (2) For the purpose of obtaining a controlled substance,
16 falsely assuming the title of, or representing oneself to be, a
17 manufacturer, wholesaler, pharmacist, physician, dentist,
18 podiatrist, veterinarian, nurse, or other authorized person;

19 (3) Making or uttering any false or forged prescription or
20 false or forged written order;

21 (4) Affixing any false or forged label to a package or
22 receptacle containing controlled substances;

23 (5) Possess a false or forged prescription with intent to
24 obtain a controlled substance.

25 2. The offense of fraudulently attempting to obtain a
26 controlled substance is a class D felony.

27 3. Information communicated to a physician in an effort
28 unlawfully to procure a controlled substance or unlawfully to

1 procure the administration of any such drug [~~shall not be~~] is not
2 deemed a privileged communication; provided, however, that no
3 physician or surgeon shall be competent to testify concerning any
4 information which he or she may have acquired from any patient
5 while attending him or her in a professional character and which
6 information was necessary to enable him or her to prescribe for
7 such patient as a physician, or to perform any act for him or her
8 as a surgeon.

9 [4. The provisions of this section shall apply to all
10 transactions relating to narcotic drugs under the provisions of
11 section 195.080, in the same way as they apply to transactions
12 under all other sections.]

13 579.050. 1. A person commits the offense of manufacture of
14 an imitation controlled substance if he or she knowingly
15 manufactures with intent to deliver any imitation controlled
16 substances.

17 2. The offense of manufacture of an imitation controlled
18 substance is a class D felony.

19 [195.211.] 579.055. 1. [Except as authorized by sections
20 195.005 to 195.425 and except as provided in section 195.222, it
21 is unlawful for any person to distribute, deliver, manufacture,
22 produce or attempt to distribute, deliver, manufacture or produce
23 a controlled substance or to possess with intent to distribute,
24 deliver, manufacture, or produce a controlled substance] A person
25 commits the offense of manufacture of a controlled substance if,
26 except as authorized in this chapter or chapter 195, he or she:

27 (1) Knowingly manufactures, produces, or grows a controlled
28 substance;

1 (2) Attempts to manufacture, produce, or grow a controlled
2 substance; or

3 (3) Knowingly possesses a controlled substance with the
4 intent to manufacture, produce, or grow any amount of controlled
5 substance.

6 2. [Any person who violates or attempts to violate this
7 section with respect to manufacturing or production of a
8 controlled substance of any amount except for five grams or less
9 of marijuana in a residence where a child resides or] The offense
10 of manufacturing or attempting to manufacture any amount of
11 controlled substance is a class B felony when committed within
12 two thousand feet of the real property comprising a [public or
13 private elementary or] public or private elementary, vocational,
14 or secondary school, [public vocational school or a public or
15 private] community college, college, or university[, or any
16 school bus is guilty of]. It is a class A felony if a person has
17 suffered serious physical injury or has died as a result of a
18 fire or explosion started in an attempt by the defendant to
19 produce methamphetamine.

20 3. [Any person who violates or attempts to violate this
21 section with respect to any] The offense of manufacturing or
22 attempting to manufacture any amount of a controlled substance,
23 except [five] thirty-five grams or less of marijuana or synthetic
24 cannabinoid is [guilty of] a class [B] C felony and,
25 notwithstanding section 558.011 to the contrary, the authorized
26 term of imprisonment is a term of years of not less than three
27 years and not to exceed ten years.

28 4. [Any person who violates this section with respect to

1 distributing or delivering not more than five grams of marijuana
2 is guilty of a class C felony] The offense of manufacturing
3 thirty-five grams or less of marijuana or synthetic cannabinoid
4 is a class D felony.

5 579.060. 1. A person commits the offense of unlawful sale
6 or distribution of over-the-counter methamphetamine precursor
7 drugs if he or she:

8 (1) Knowingly sells, distributes, dispenses, or otherwise
9 provides any number of packages of any drug product containing
10 detectable amounts of ephedrine, phenylpropanolamine, or
11 pseudoephedrine, or any of their salts, optical isomers, or salts
12 of optical isomers, in a total amount greater than nine grams to
13 the same individual within a thirty-day period, unless the amount
14 is dispensed, sold, or distributed pursuant to a valid
15 prescription; or

16 (2) Knowingly dispenses or offers drug products that are
17 not excluded from Schedule V in subsection 17 or 18 of section
18 195.017 and that contain detectable amounts of ephedrine,
19 phenylpropanolamine, or pseudoephedrine, or any of their salts,
20 optical isomers, or salts of optical isomers, without ensuring
21 that such products are located behind a pharmacy counter where
22 the public is not permitted and that such products are dispensed
23 by a registered pharmacist or pharmacy technician under
24 subsection 11 of section 195.017; or

25 (3) Holds a retail sales license issued under chapter 144
26 and knowingly sells or dispenses packages that do not conform to
27 the packaging requirements of section 195.418.

28 2. A pharmacist, intern pharmacist, or registered pharmacy

1 technician commits the offense of unlawful sale or distribution
2 of over-the-counter methamphetamine precursor drugs if he or she
3 knowingly:

4 (1) Sells, distributes, dispenses, or otherwise provides
5 any number of packages of any drug product containing detectable
6 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or
7 any of their salts or optical isomers, or salts of optical
8 isomers, in a total amount greater than three and six-tenth grams
9 to the same individual within a twenty-four hour period, unless
10 the amount is dispensed, sold, or distributed pursuant to a valid
11 prescription;

12 (2) Fails to submit information under subsection 13 of
13 section 195.017 and subsection 5 of section 195.417 about the
14 sales of any compound, mixture, or preparation of products
15 containing detectable amounts of ephedrine, phenylpropanolamine,
16 or pseudoephedrine, or any of their salts, optical isomers, or
17 salts of optical isomers, in accordance with transmission methods
18 and frequency established by the department of health and senior
19 services;

20 (3) Fails to implement and maintain an electronic log, as
21 required by subsection 12 of section 195.017, of each transaction
22 involving any detectable quantity of pseudoephedrine, its salts,
23 isomers, or salts of optical isomers or ephedrine, its salts,
24 optical isomers, or salts of optical isomers; or

25 (4) Sells, distributes, dispenses or otherwise provides to
26 an individual under eighteen years of age without a valid
27 prescription any number of packages of any drug product
28 containing any detectable quantity of pseudoephedrine, its salts,

1 isomers, or salts of optical isomers, or ephedrine, its salts or
2 optical isomers, or salts of optical isomers.

3 3. Any person who violates the packaging requirements of
4 section 195.418 and is considered the general owner or operator
5 of the outlet where ephedrine, pseudoephedrine, or
6 phenylpropanolamine products are available for sale shall not be
7 penalized if he or she documents that an employee training
8 program was in place to provide the employee who made the
9 unlawful retail sale with information on the state and federal
10 regulations regarding ephedrine, pseudoephedrine, or
11 phenylpropanolamine.

12 4. The offense of unlawful sale or distribution of over-
13 the-counter methamphetamine precursor drugs is a class A
14 misdemeanor.

15 [195.222.] 579.065. 1. A person commits the [crime]
16 offense of trafficking drugs in the first degree if, except as
17 authorized by [sections 195.005 to 195.425, he] this chapter or
18 chapter 195, such person knowingly distributes, delivers,
19 manufactures, produces or attempts to distribute, deliver,
20 manufacture or produce [more than thirty grams of a mixture or
21 substance containing a detectable amount of heroin. Violations
22 of this subsection shall be punished as follows:

23 (1) If the quantity involved is more than thirty grams but
24 less than ninety grams the person shall be sentenced to the
25 authorized term of imprisonment for a class A felony;

26 (2) If the quantity involved is ninety grams or more the
27 person shall be sentenced to the authorized term of imprisonment
28 for a class A felony which term shall be served without probation

1 or parole.

2 2. A person commits the crime of trafficking drugs in the
3 first degree if, except as authorized by sections 195.005 to
4 195.425, he distributes, delivers, manufactures, produces or
5 attempts to distribute, deliver, manufacture or produce more than
6 one hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts
8 of coca leaves from which cocaine, ecgonine, and derivatives of
9 ecgonine or their salts have been removed; cocaine salts and
10 their optical and geometric isomers, and salts of isomers;
11 ecgonine, its derivatives, their salts, isomers, and salts of
12 isomers; or any compound, mixture, or preparation which contains
13 any quantity of any of the foregoing substances. Violations of
14 this subsection shall be punished as follows:

15 (1) If the quantity involved is more than one hundred fifty
16 grams but less than four hundred fifty grams the person shall be
17 sentenced to the authorized term of imprisonment for a class A
18 felony;

19 (2) If the quantity involved is four hundred fifty grams or
20 more the person shall be sentenced to the authorized term of
21 imprisonment for a class A felony which term shall be served
22 without probation or parole.

23 3. A person commits the crime of trafficking drugs in the
24 first degree if, except as authorized by sections 195.005 to
25 195.425, he distributes, delivers, manufactures, produces or
26 attempts to distribute, deliver, manufacture or produce more than
27 eight grams of a mixture or substance described in subsection 2
28 of this section which contains cocaine base. Violations of this

subsection shall be punished as follows:

(1) If the quantity involved is more than eight grams but less than twenty-four grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twenty-four grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection

1 shall be punished as follows:

2 (1) If the quantity involved is more than thirty grams but
3 less than ninety grams the person shall be sentenced to the
4 authorized term of imprisonment for a class A felony;

5 (2) If the quantity involved is ninety grams or more the
6 person shall be sentenced to the authorized term of imprisonment
7 for a class A felony which term shall be served without probation
8 or parole.

9 6. A person commits the crime of trafficking drugs in the
10 first degree if, except as authorized by sections 195.005 to
11 195.425, he distributes, delivers, manufactures, produces or
12 attempts to distribute, deliver, manufacture or produce more than
13 four grams of phencyclidine. Violations of this subsection shall
14 be punished as follows:

15 (1) If the quantity involved is more than four grams but
16 less than twelve grams the person shall be sentenced to the
17 authorized term of imprisonment for a class A felony;

18 (2) If the quantity involved is twelve grams or more the
19 person shall be sentenced to the authorized term of imprisonment
20 for a class A felony which term shall be served without probation
21 or parole.

22 7. A person commits the crime of trafficking drugs in the
23 first degree if, except as authorized by sections 195.005 to
24 195.425, he distributes, delivers, manufactures, produces or
25 attempts to distribute, deliver, manufacture or produce more than
26 thirty kilograms of a mixture or substance containing marijuana.
27 Violations of this subsection shall be punished as follows:

28 (1) If the quantity involved is more than thirty kilograms

1 but less than one hundred kilograms the person shall be sentenced
2 to the authorized term of imprisonment for a class A felony;

3 (2) If the quantity involved is one hundred kilograms or
4 more the person shall be sentenced to the authorized term of
5 imprisonment for a class A felony which term shall be served
6 without probation or parole.

7 8. A person commits the crime of trafficking drugs in the
8 first degree if, except as authorized by sections 195.005 to
9 195.425, he distributes, delivers, manufactures, produces or
10 attempts to distribute, deliver, manufacture or produce more than
11 thirty grams of any material, compound, mixture or preparation
12 which contains any quantity of the following substances having a
13 stimulant effect on the central nervous system: amphetamine, its
14 salts, optical isomers and salts of its optical isomers;
15 methamphetamine, its salts, optical isomers and salts of its
16 optical isomers; phenmetrazine and its salts; or methylphenidate.
17 Violations of this subsection or attempts to violate this
18 subsection shall be punished as follows:

19 (1) If the quantity involved is more than thirty grams but
20 less than ninety grams the person shall be sentenced to the
21 authorized term of imprisonment for a class A felony;

22 (2) If the quantity involved is ninety grams or more, or if
23 the quantity involved was thirty grams or more and the location
24 of the offense was within two thousand feet of a school or public
25 housing as defined in section 195.214 or section 195.218 or
26 within a motor vehicle, or any structure or building which
27 contains rooms furnished for the accommodation or lodging of
28 guests, and kept, used, maintained, advertised, or held out to

1 the public as a place where sleeping accommodations are sought
2 for pay or compensation to transient guests or permanent guests,
3 the person shall be sentenced to the authorized term of
4 imprisonment for a class A felony which term shall be served
5 without probation or parole.

6 9. A person commits the crime of trafficking drugs in the
7 first degree if, except as authorized by sections 195.005 to
8 195.425, he or she distributes, delivers, manufactures, produces
9 or attempts to distribute, deliver, manufacture or produce more
10 than thirty grams of any material, compound, mixture or
11 preparation which contains any quantity of
12 3,4-methylenedioxymethamphetamine. Violations of this subsection
13 or attempts to violate this subsection shall be punished as
14 follows:

15 (1) If the quantity involved is more than thirty grams but
16 less than ninety grams the person shall be sentenced to the
17 authorized term of imprisonment for a class A felony;

18 (2) If the quantity involved is ninety grams or more, or if
19 the quantity involved was thirty grams or more and the location
20 of the offense was within two thousand feet of a school or public
21 housing as defined in section 195.214 or section 195.218 or
22 within a motor vehicle, or any structure or building which
23 contains rooms furnished for the accommodation or lodging of
24 guests, and kept, used, maintained, advertised, or held out to
25 the public as a place where sleeping accommodations are sought
26 for pay or compensation to transient guests or permanent guests,
27 the person shall be sentenced to the authorized term of
28 imprisonment for a class A felony which term shall be served

without probation or parole.]:

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams but less than twelve grams of phencyclidine;

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on

the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance

1 containing a detectable amount of phencyclidine (PCP); or
2 (6) Twelve grams or more of phencyclidine; or
3 (7) One hundred kilograms or more of a mixture or substance
4 containing marijuana; or
5 (8) Ninety grams or more of any material, compound,
6 mixture, or preparation containing any quantity of the following
7 substances having a stimulant effect on the central nervous
8 system: amphetamine, its salts, optical isomers and salts of its
9 optical isomers; methamphetamine, its salts, optical isomers and
10 salts of its optical isomers; phenmetrazine and its salts; or
11 methylphenidate; or
12 (9) More than thirty grams of any material, compound,
13 mixture, or preparation containing any quantity of the following
14 substances having a stimulant effect on the central nervous
15 system: amphetamine, its salts, optical isomers, and salts of
16 its optical isomers; methamphetamine, its salts, optical isomers,
17 and salts of its optical isomers; phenmetrazine and its salts; or
18 methylphenidate, and the location of the offense was within two
19 thousand feet of real property comprising a public or private
20 elementary, vocational, or secondary school, college, community
21 college, university, or any school bus, in or on the real
22 property comprising public housing or any other governmental
23 assisted housing, or within a motor vehicle, or in any structure
24 or building which contains rooms furnished for the accommodation
25 or lodging of guests, and kept, used, maintained, advertised, or
26 held out to the public as a place where sleeping accommodations
27 are sought for pay or compensation to transient guests or
28 permanent guests; or

1 (10) Ninety grams or more of any material, compound,
2 mixture or preparation which contains any quantity of 3,4-
3 methylenedioxymethamphetamine; or

4 (11) More than thirty grams of any material, compound,
5 mixture, or preparation which contains any quantity of 3,4-
6 methylenedioxymethamphetamine and the location of the offense was
7 within two thousand feet of real property comprising a public or
8 private elementary, vocational, or secondary school, college,
9 community college, university, or any school bus, in or on the
10 real property comprising public housing or any other governmental
11 assisted housing, within a motor vehicle, or in any structure or
12 building which contains rooms furnished for the accommodation or
13 lodging of guests, and kept, used, maintained, advertised, or
14 held out to the public as a place where sleeping accommodations
15 are sought for pay or compensation to transient guests or
16 permanent guests.

17 [195.223.] 579.068. 1. A person commits the [crime]
18 offense of trafficking drugs in the second degree if, except as
19 authorized by [sections 195.005 to 195.425, he] this chapter or
20 chapter 195, such person knowingly possesses or has under his or
21 her control, purchases or attempts to purchase, or brings into
22 this state [more than thirty grams of a mixture or substance
23 containing a detectable amount of heroin. Violations of this
24 subsection shall be punished as follows:

25 (1) If the quantity involved is more than thirty grams but
26 less than ninety grams the person shall be guilty of a class B
27 felony;

28 (2) If the quantity involved is ninety grams or more the

1 person shall be guilty of a class A felony.

2 2. A person commits the crime of trafficking drugs in the
3 second degree if, except as authorized by sections 195.005 to
4 195.425, he possesses or has under his control, purchases or
5 attempts to purchase, or brings into this state more than one
6 hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts
8 of coca leaves from which cocaine, ecgonine, and derivatives of
9 ecgonine or their salts have been removed; cocaine salts and
10 their optical and geometric isomers, and salts of isomers;
11 ecgonine, its derivatives, their salts, isomers, and salts of
12 isomers; or any compound, mixture, or preparation which contains
13 any quantity of any of the foregoing substances. Violations of
14 this subsection shall be punished as follows:

15 (1) If the quantity involved is more than one hundred fifty
16 grams but less than four hundred fifty grams the person shall be
17 guilty of a class B felony;

18 (2) If the quantity involved is four hundred fifty grams or
19 more the person shall be guilty of a class A felony.

20 3. A person commits the crime of trafficking drugs in the
21 second degree if, except as authorized by sections 195.005 to
22 195.425, he possesses or has under his control, purchases or
23 attempts to purchase, or brings into this state more than eight
24 grams of a mixture or substance described in subsection 2 of this
25 section which contains cocaine base. Violations of this
26 subsection shall be punished as follows:

27 (1) If the quantity involved is more than eight grams but
28 less than twenty-four grams the person shall be guilty of a class

1 B felony;

2 (2) If the quantity involved is twenty-four grams or more
3 the person shall be guilty of a class A felony.

4 4. A person commits the crime of trafficking drugs in the
5 second degree if, except as authorized by sections 195.005 to
6 195.425, he possesses or has under his control, purchases or
7 attempts to purchase, or brings into this state more than five
8 hundred milligrams of a mixture or substance containing a
9 detectable amount of lysergic acid diethylamide (LSD).

10 Violations of this subsection shall be punished as follows:

11 (1) If the quantity involved is more than five hundred
12 milligrams but less than one gram the person shall be guilty of a
13 class B felony;

14 (2) If the quantity involved is one gram or more the person
15 shall be guilty of a class A felony.

16 5. A person commits the crime of trafficking drugs in the
17 second degree if, except as authorized by sections 195.005 to
18 195.425, he possesses or has under his control, purchases or
19 attempts to purchase, or brings into this state more than thirty
20 grams of a mixture or substance containing a detectable amount of
21 phencyclidine (PCP). Violations of this subsection shall be
22 punished as follows:

23 (1) If the quantity involved is more than thirty grams but
24 less than ninety grams the person shall be guilty of a class B
25 felony;

26 (2) If the quantity involved is ninety grams or more the
27 person shall be guilty of a class A felony.

28 6. A person commits the crime of trafficking drugs in the

1 second degree if, except as authorized by sections 195.005 to
2 195.425, he possesses or has under his control, purchases or
3 attempts to purchase, or brings into this state more than four
4 grams of phencyclidine. Violations of this subsection shall be
5 punished as follows:

6 (1) If the quantity involved is more than four grams but
7 less than twelve grams the person shall be guilty of a class B
8 felony;

9 (2) If the quantity involved is twelve grams or more the
10 person shall be guilty of a class A felony.

11 7. A person commits the crime of trafficking drugs in the
12 second degree if, except as authorized by sections 195.005 to
13 195.425, he possesses or has under his control, purchases or
14 attempts to purchase, or brings into this state more than thirty
15 kilograms or more of a mixture or substance containing marijuana.
16 Violations of this subsection shall be punished as follows:

17 (1) If the quantity involved is more than thirty kilograms
18 but less than one hundred kilograms the person shall be guilty of
19 a class B felony;

20 (2) If the quantity involved is one hundred kilograms or
21 more the person shall be guilty of a class A felony.

22 8. A person commits the class A felony of trafficking drugs
23 in the second degree if, except as authorized by sections 195.005
24 to 195.425, he possesses or has under his control, purchases or
25 attempts to purchase, or brings into this state more than five
26 hundred marijuana plants.

27 9. A person commits the crime of trafficking drugs in the
28 second degree if, except as authorized by sections 195.005 to

1 195.425, he possesses or has under his control, purchases or
2 attempts to purchase, or brings into this state more than thirty
3 grams of any material, compound, mixture or preparation which
4 contains any quantity of the following substances having a
5 stimulant effect on the central nervous system: amphetamine, its
6 salts, optical isomers and salts of its optical isomers;
7 methamphetamine, its salts, isomers and salts of its isomers;
8 phenmetrazine and its salts; or methylphenidate. Violations of
9 this subsection or attempts to violate this subsection shall be
10 punished as follows:

11 (1) If the quantity involved is more than thirty grams but
12 less than ninety grams the person shall be guilty of a class B
13 felony;

14 (2) If the quantity involved is ninety grams or more but
15 less than four hundred fifty grams, the person shall be guilty of
16 a class A felony;

17 (3) If the quantity involved is four hundred fifty grams or
18 more, the person shall be guilty of a class A felony and the term
19 of imprisonment shall be served without probation or parole.

20 10. A person commits the crime of trafficking drugs in the
21 second degree if, except as authorized by sections 195.005 to
22 195.425, he or she possesses or has under his or her control,
23 purchases or attempts to purchase, or brings into this state more
24 than thirty grams of any material, compound, mixture or
25 preparation which contains any quantity of
26 3,4-methylenedioxymethamphetamine. Violations of this subsection
27 or attempts to violate this subsection shall be punished as
28 follows:

1 (1) If the quantity involved is more than thirty grams but
2 less than ninety grams the person shall be guilty of a class B
3 felony;

4 (2) If the quantity involved is ninety grams or more but
5 less than four hundred fifty grams, the person shall be guilty of
6 a class A felony;

7 (3) If the quantity involved is four hundred fifty grams or
8 more, the person shall be guilty of a class A felony and the term
9 of imprisonment shall be served without probation or parole.]:

10 (1) More than thirty grams but less than ninety grams of a
11 mixture or substance containing a detectable amount of heroin;

12 (2) More than one hundred fifty grams but less than four
13 hundred fifty grams of a mixture or substance containing a
14 detectable amount of coca leaves, except coca leaves and extracts
15 of coca leaves from which cocaine, ecgonine, and derivatives of
16 ecgonine or their salts have been removed; cocaine salts and
17 their optical and geometric isomers, and salts of isomers;
18 ecgonine, its derivatives, their salts, isomers, and salts of
19 isomers; or any compound, mixture, or preparation which contains
20 any quantity of any of the foregoing substances;

21 (3) More than eight grams but less than twenty-four grams
22 of a mixture or substance described in subdivision (2) of this
23 subsection which contains cocaine base;

24 (4) More than five hundred milligrams but less than one
25 gram of a mixture or substance containing a detectable amount of
26 lysergic acid diethylamide (LSD);

27 (5) More than thirty grams but less than ninety grams of a
28 mixture or substance containing a detectable amount of

1 phencyclidine (PCP);

2 (6) More than four grams but less than twelve grams of
3 phencyclidine;

4 (7) More than thirty kilograms but less than one hundred
5 kilograms of a mixture or substance containing marijuana;

6 (8) More than thirty grams but less than ninety grams of
7 any material, compound, mixture, or preparation containing any
8 quantity of the following substances having a stimulant effect on
9 the central nervous system: amphetamine, its salts, optical
10 isomers and salts of its optical isomers; methamphetamine, its
11 salts, optical isomers and salts of its optical isomers;
12 phenmetrazine and its salts; or methylphenidate; or

13 (9) More than thirty grams but less than ninety grams of
14 any material, compound, mixture, or preparation which contains
15 any quantity of 3,4-methylenedioxymethamphetamine.

16 2. The offense of trafficking drugs in the second degree is
17 a class C felony and, notwithstanding section 558.011 to the
18 contrary, the authorized term of imprisonment is a term of years
19 of not less than three years and not to exceed ten years.

20 3. The offense of trafficking drugs in the second degree is
21 a class B felony if the quantity involved is:

22 (1) Ninety grams or more of a mixture or substance
23 containing a detectable amount of heroin; or

24 (2) Four hundred fifty grams or more of a mixture or
25 substance containing a detectable amount of coca leaves, except
26 coca leaves and extracts of coca leaves from which cocaine,
27 ecgonine, and derivatives of ecgonine or their salts have been
28 removed; cocaine salts and their optical and geometric isomers,

and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) More than five hundred marijuana plants; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty

grams or more of any material, compound, mixture or preparation
which contains:

(1) Any quantity of the following substances having a
stimulant effect on the central nervous system: amphetamine, its
salts, optical isomers and salts of its optical isomers;
methamphetamine, its salts, isomers and salts of its isomers;
phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

[565.065.] 579.070. 1. A person commits the [crime]
offense of [unlawful endangerment of another] creating a danger
if, while [engaged in or as a part of the enterprise for the
production of] producing, or attempting to produce, a controlled
substance, he or she purposely protects or attempts to protect
the production of the controlled substance by creating, setting
up, building, erecting, or using any device or weapon which
causes or is intended to cause physical injury to another person.

2. [Unlawful endangerment of another] The offense of
creating a danger is a class C felony and, notwithstanding
section 558.011 to the contrary, the authorized term of
imprisonment is a term of years of not less than three years and
not to exceed ten years.

[195.226.] 579.072. 1. [No] A person [shall provide]
commits the offense of furnishing materials for the production of
a controlled substance if he or she provides any reagents,
solvents or precursor materials used in the production of a
controlled substance as defined in section 195.010 to any other
person knowing that the person to whom such materials are
provided intends to use such materials for the illegal production

1 of a controlled substance.

2 2. [Any person who violates the provisions of subsection 1
3 of this section is guilty of a class D felony] The offense of
4 furnishing materials for the production of a controlled substance
5 is a class D felony.

6 [195.233.] 579.074. 1. [It is unlawful for any person to
7 use, or to possess] A person commits the offense of unlawful
8 possession of drug paraphernalia if he or she knowingly uses, or
9 possesses with intent to use, drug paraphernalia to plant,
10 propagate, cultivate, grow, harvest, manufacture, compound,
11 convert, produce, process, prepare, test, analyze, pack, repack,
12 store, contain, conceal, inject, ingest, inhale, or otherwise
13 introduce into the human body, a controlled substance or an
14 imitation controlled substance in violation of [sections 195.005
15 to 195.425] this chapter.

16 2. [A person who violates this section is guilty of a class
17 A misdemeanor, unless the person uses, or possesses with intent
18 to use, the paraphernalia in combination with each other to
19 manufacture, compound, produce, prepare, test or analyze
20 amphetamine or methamphetamine or any of their analogues] The
21 offense of unlawful possession of drug paraphernalia is a class D
22 misdemeanor, unless the person has previously been found guilty
23 of any offense of the laws of this state related to controlled
24 substances or of the laws of another jurisdiction related to
25 controlled substances, in which case the violation of this
26 section is a class [D felony.] A misdemeanor. Prior findings of
27 guilt shall be pleaded and proven in the same manner as required
28 by section 558.021.

1 3. The offense of unlawful possession of drug paraphernalia
2 is a class D felony if the person uses, or possesses with intent
3 to use, the paraphernalia in combination with each other to
4 manufacture, compound, produce, prepare, test, or analyze
5 amphetamine or methamphetamine or any of their analogues.

6 [195.235.] 579.076. 1. [It is unlawful for any person to
7 deliver, possess with intent to deliver, or manufacture, with
8 intent to deliver,] A person commits the offense of unlawful
9 manufacture of drug paraphernalia if he or she unlawfully
10 manufactures with intent to deliver drug paraphernalia, knowing,
11 or under circumstances where one reasonably should know, that it
12 will be used to plant, propagate, cultivate, grow, harvest,
13 manufacture, compound, convert, produce, process, prepare, test,
14 analyze, pack, repack, store, contain, conceal, inject, ingest,
15 inhale, or otherwise introduce into the human body a controlled
16 substance or an imitation controlled substance in violation of
17 [sections 195.005 to 195.425] this chapter.

18 2. [Possession of more than twenty-four grams of any
19 methamphetamine precursor drug or combination of methamphetamine
20 precursor drugs shall be prima facie evidence of intent to
21 violate this section. This subsection shall not apply to any
22 practitioner or to any product possessed in the course of a
23 legitimate business.

24 3. A person who violates this section is guilty of a class
25 D felony.] The offense of unlawful manufacture of drug
26 paraphernalia is a class A misdemeanor, unless done for
27 commercial purposes, in which case it is a class D felony.

28 [195.241.] 579.078. 1. [It is unlawful for any person to

1 possess an imitation controlled substance in violation of this
2 chapter.] A person commits the offense of possession of an
3 imitation controlled substance if he or she knowingly possesses
4 an imitation controlled substance.

5 2. [A person who violates this section is guilty of] The
6 offense of possession of an imitation controlled substance is a
7 class A misdemeanor.

8 [195.242.] 579.080. 1. [It is unlawful for any person to
9 deliver, possess with intent to deliver, manufacture with intent
10 to deliver, or cause] A person commits the offense of delivery of
11 an imitation controlled substance if he or she knowingly
12 delivers, possesses with intent to deliver, or causes to be
13 delivered any imitation controlled substance.

14 2. [A person who violates this section is guilty of a class
15 D felony.] The offense of delivery of an imitation controlled
16 substance is a class D felony.

17 [195.248.] 579.082. 1. [It is unlawful for any person to
18 market, sell, distribute, advertise or label] A person commits
19 the offense of unlawful marketing of ephedrine or pseudoephedrine
20 if he or she knowingly markets, sells, distributes, advertises,
21 or labels any drug product containing ephedrine, its salts,
22 optical isomers and salts of optical isomers, or pseudoephedrine,
23 its salts, optical isomers and salts of optical isomers, for
24 indication of stimulation, mental alertness, weight loss,
25 appetite control, energy or other indications not approved
26 [pursuant to] under the pertinent federal over-the-counter drug
27 Final Monograph or Tentative Final Monograph or approved new drug
28 application.

1 2. [A person who violates this section is guilty of a class
2 D] The offense of unlawful marketing of ephedrine or
3 pseudoephedrine is a class D felony.

4 [195.252.] 579.084. 1. [It is unlawful for any] A person
5 commits the offense of distribution of a controlled substance in
6 violation of registration requirements if he or she:

7 (1) [Who] Is subject to the provisions of sections 195.005
8 to 195.198 [to distribute or dispense], and knowingly distributes
9 or dispenses a controlled substance in violation of section
10 195.030;

11 (2) [Who] Is a registrant, [to manufacture a controlled
12 substance not authorized by that person's registration, or to
13 distribute or dispense] and knowingly distributes or dispenses a
14 controlled substance not authorized by that person's registration
15 to another registrant or other authorized person; or

16 (3) [To refuse or fail] Knowingly refuses or fails to make,
17 keep or furnish any record, notification, order form, statement,
18 invoice or information required under section 195.050.

19 2. [Any person who violates subdivision (1) of subsection 1
20 of this section or subdivision (2) of subsection 1 of this
21 section is guilty of a class D felony.] The offense of
22 distribution of a controlled substance in violation of
23 registration requirements is a class D felony when the offense is
24 a violation of subdivision (1) or (2) of subsection 1 of this
25 section.

26 3. [Any person who violates subdivision (3) of subsection 1
27 of this section is guilty of a class A misdemeanor.] The offense
28 of distribution of a controlled substance in violation of

1 registration requirements is a class A misdemeanor when the
2 offense is a violation of subdivision (3) of subsection 1 of this
3 section.

4 [195.254.] 579.086. 1. [It is unlawful for any] A
5 manufacturer or distributor [or agent], or an employee of a
6 manufacturer or distributor, [having reasonable cause to believe
7 that] commits the offense of unlawful delivery of a controlled
8 substance when he or she knowingly delivers a controlled
9 substance while acting recklessly as to whether the controlled
10 substance will be used in violation of [sections 195.005 to
11 195.425 to deliver the controlled substance] this chapter.

12 2. [Any person who violates this section is guilty of a
13 class D] The offense of unlawful delivery of a controlled
14 substance by a manufacturer or distributor is a class D felony.

15 [565.350.] 579.090. 1. Any pharmacist licensed [pursuant
16 to] under chapter 338 commits the [crime] offense of tampering
17 with a prescription or a prescription drug order as defined in
18 section 338.095 if such person knowingly:

19 (1) Causes the intentional adulteration of the
20 concentration or chemical structure of a prescribed drug or drug
21 therapy without the knowledge and consent of the prescribing
22 practitioner;

23 (2) Misrepresents a misbranded, altered, or diluted
24 prescription drug or drug therapy with the purpose of misleading
25 the recipient or the administering person of the prescription
26 drug or drug therapy; or

27 (3) Sells a misbranded, altered, or diluted prescription
28 drug therapy with the intention of misleading the purchaser.

1 2. The offense of tampering with a prescription drug order
2 is a class A felony.

3 [578.154.] 579.095. 1. A person commits the [crime]
4 offense of possession of anhydrous ammonia in a nonapproved
5 container if he or she possesses any quantity of anhydrous
6 ammonia in a cylinder or other portable container that was not
7 designed, fabricated, tested, constructed, marked and placarded
8 in accordance with the United States Department of Transportation
9 Hazardous Materials regulations contained in CFR 49 Parts 100 to
10 185, revised as of October 1, 2002, [which are herein
11 incorporated by reference,] and approved for the storage and
12 transportation of anhydrous ammonia, or any container that is not
13 a tank truck, tank trailer, rail tank car, bulk storage tank,
14 field (nurse) tank or field applicator.

15 2. Cylinder and other portable container valves and other
16 fittings, or hoses attached thereto, used in anhydrous ammonia
17 service shall be constructed of material resistant to anhydrous
18 ammonia and shall not be constructed of brass, copper, silver,
19 zinc, or other material subject to attack by ammonia. Each
20 cylinder utilized for the storage and transportation of anhydrous
21 ammonia shall be labeled, in a conspicuous location, with the
22 words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and
23 the UN number 1005 (UN 1005).

24 3. [A violation of this section is a class D] The offense
25 of possession of anhydrous ammonia in a nonapproved container is
26 a class D felony.

27 [578.250.] 579.097. No person shall intentionally smell or
28 inhale the fumes of any solvent, particularly toluol, amyl

1 nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl
2 nitrite, and propyl nitrite and their iso-analogues or induce any
3 other person to do so, for the purpose of causing a condition of,
4 or inducing symptoms of, intoxication, elation, euphoria,
5 dizziness, excitement, irrational behavior, exhilaration,
6 paralysis, stupefaction, or dulling of senses or nervous system,
7 or for the purpose of, in any manner, changing, distorting, or
8 disturbing the audio, visual, or mental processes; except that
9 this section shall not apply to the inhalation of any anesthesia
10 for medical or dental purposes.

11 [578.255.] 579.099. 1. As used in this section, "alcohol
12 beverage vaporizer" means any device which, by means of heat, a
13 vibrating element, or any other method, is capable of producing a
14 breathable mixture containing one or more alcoholic beverages to
15 be dispensed for inhalation into the lungs via the nose or mouth
16 or both.

17 2. No person shall intentionally or willfully induce the
18 symptoms of intoxication, elation, euphoria, dizziness,
19 excitement, irrational behavior, exhilaration, paralysis,
20 stupefaction, or dulling of the senses or nervous system,
21 distortion of audio, visual or mental processes by the use or
22 abuse of any of the following substances:

- 23 (1) Solvents, particularly toluol;
- 24 (2) Ethyl alcohol;
- 25 (3) Amyl nitrite and its iso-analogues;
- 26 (4) Butyl nitrite and its iso-analogues;
- 27 (5) Cyclohexyl nitrite and its iso-analogues;
- 28 (6) Ethyl nitrite and its iso-analogues;

1 (7) Pentyl nitrite and its iso-analogues; and

2 (8) Propyl nitrite and its iso-analogues.

3 3. This section shall not apply to substances that have
4 been approved by the United States Food and Drug Administration
5 as therapeutic drug products or are contained in approved
6 over-the-counter drug products or administered lawfully pursuant
7 to the order of an authorized medical practitioner.

8 4. No person shall intentionally possess any solvent,
9 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
10 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
11 their iso-analogues for the purpose of using it in the manner
12 prohibited by section [578.250] 579.097 and this section.

13 5. No person shall possess or use an alcoholic beverage
14 vaporizer.

15 6. Nothing in this section shall be construed to prohibit
16 the legal consumption of intoxicating liquor, as defined by
17 section 311.020, or nonintoxicating beer[, as defined by section
18 312.010].

19 [578.260.] 579.101. 1. No person shall intentionally
20 possess or buy any solvent, particularly toluol, amyl nitrite,
21 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,
22 and propyl nitrite and their iso-analogues for the purpose of
23 inducing or aiding any other person to violate the provisions of
24 sections [578.250 and 578.255] 579.097 and 579.099.

25 2. Any person who violates any provision of sections
26 [578.250 to 578.260] 579.097 to 579.101 is guilty of a class B
27 misdemeanor for the first violation and a class D felony for any
28 subsequent violations.

1 [578.265.] 579.103. 1. [No person shall] A person commits
2 the offense of selling or transferring solvents to cause certain
3 symptoms if he or she knowingly and intentionally [sell] sells or
4 otherwise [transfer] transfers possession of any solvent,
5 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
6 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
7 their iso-analogues to any person for the purpose of causing a
8 condition of, or inducing symptoms of, intoxication, elation,
9 euphoria, dizziness, excitement, irrational behavior,
10 exhilaration, paralysis, stupefaction, or dulling of senses or
11 nervous system, or for the purpose of, in any manner, changing,
12 distorting, or disturbing the audio, visual, or mental processes.

13 2. No person who owns or operates any business which
14 receives over fifty percent of its gross annual income from the
15 sale of alcoholic beverages or beer, or which operates as a venue
16 for live entertainment performance or receives fifty percent of
17 its gross annual income from the sale of recorded video
18 entertainment, shall sell or offer for sale toluol, amyl nitrite,
19 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,
20 and propyl nitrite and their iso-analogues, or any toxic glue.

21 3. [No person who owns or operates any business which
22 operates as a venue for live entertainment performance or
23 receives over fifty percent of its gross annual income from the
24 sale of recorded video entertainment shall sell or offer for sale
25 toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl
26 nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

27 4. Any person who violates the provisions] Violation of
28 [subsection 1 or 2 of] this section is [guilty of] a class C

1 felony.

2 [195.130.] 579.105. 1. [Any room, building, structure or
3 inhabitable structure as defined in section 569.010 which is used
4 for the illegal use, keeping or selling of controlled substances
5 is a "public nuisance". No person shall keep or maintain such a
6 public nuisance.

7 2. The attorney general, circuit attorney or prosecuting
8 attorney may, in addition to any criminal prosecutions, prosecute
9 a suit in equity to enjoin the public nuisance. If the court
10 finds that the owner of the room, building, structure or
11 inhabitable structure knew that the premises were being used for
12 the illegal use, keeping or selling of controlled substances, the
13 court may order that the premises shall not be occupied or used
14 for such period as the court may determine, not to exceed one
15 year.

16 3. All persons, including owners, lessees, officers,
17 agents, inmates or employees, aiding or facilitating such a
18 nuisance may be made defendants in any suit to enjoin the
19 nuisance.

20 4. It is unlawful for a person to keep or maintain such a
21 public nuisance.] A person commits the offense of keeping or
22 maintaining a public nuisance if he or she knowingly keeps or
23 maintains:

24 (1) Any room, building, structure or inhabitable structure,
25 as defined in section 556.061, which is used for the illegal
26 manufacture, distribution, storage, or sale of any amount of a
27 controlled substance, except thirty-five grams or less of
28 marijuana or thirty-five grams or less of any synthetic

1 cannabinoid; or

2 (2) Any room, building, structure or inhabitable structure,
3 as defined in section 556.061, where on three or more separate
4 occasions within the period of a year, two or more persons, who
5 were not residents of the room, building, structure, or
6 inhabitable structure, gathered for the principal purpose of
7 unlawfully ingesting, injecting, inhaling or using any amount of
8 a controlled substance, except thirty-five grams or less of
9 marijuana or thirty-five grams or less of any synthetic
10 cannabinoid.

11 2. In addition to any other criminal prosecutions, the
12 prosecuting attorney or circuit attorney may by information or
13 indictment charge the owner or the occupant, or both the owner
14 and the occupant of the room, building, structure, or inhabitable
15 structure with the [crime] offense of keeping or maintaining a
16 public nuisance. [Keeping or maintaining a public nuisance is a
17 class C felony.]

18 3. The offense of keeping or maintaining a public nuisance
19 is a class D felony.

20 [5.] 4. Upon the conviction of the owner pursuant to
21 subsection [4] 2 of this section, the room, building, structure,
22 or inhabitable structure is subject to the provisions of sections
23 513.600 to 513.645.

24 [195.180.] 579.107. 1. A person may lawfully possess or
25 have under his or her control a controlled substance if [such
26 person] he or she obtained the controlled substance directly
27 from, or pursuant to, a valid prescription or [order of a
28 practitioner while acting] practitioner's order issued in the

1 course of a practitioner's professional practice or except as
2 otherwise authorized by [sections 195.005 to 195.425] this
3 chapter or chapter 195.

4 2. In any complaint, information, or indictment, and in any
5 action or proceeding brought for the enforcement of any provision
6 of [sections 195.005 to 195.425] this chapter or chapter 195, it
7 shall not be necessary to negative any exception, excuse,
8 proviso, or exemption, contained in [sections 195.005 to 195.425]
9 this chapter or chapter 195, and the burden of proof of any such
10 exception, excuse, proviso or exemption, shall be upon the
11 defendant.

12 [195.420.] 579.110. 1. [It is unlawful for any person to
13 possess] A person commits the offense of possession of
14 methamphetamine precursors if he or she knowingly possesses one
15 or more chemicals listed in subsection 2 of section 195.400, [or]
16 reagents, [or] solvents, or any other chemicals proven to be
17 precursor ingredients of methamphetamine or amphetamine, as
18 established by expert testimony [pursuant to subsection 3 of this
19 section], with the intent to manufacture, compound, convert,
20 produce, process, prepare, test, or otherwise alter that chemical
21 to create a controlled substance or a controlled substance
22 analogue in violation of [sections 195.005 to 195.425] this
23 chapter.

24 2. [A person who violates this section is guilty of a class
25 C felony.] Possession of more than twenty-four grams of ephedrine
26 or pseudoephedrine shall be prima facie evidence of intent to
27 violate this section. This subsection shall not apply to any
28 practitioner or to any product possessed in the course of a

1 legitimate business.

2 3. [The state may present expert testimony to provide a
3 prima facie case that any chemical, whether or not listed in
4 subsection 2 of section 195.400, is an immediate precursor
5 ingredient for producing methamphetamine or amphetamine.] The
6 offense of possession of methamphetamine precursors is a class D
7 felony.

8 [195.515.] 579.115. 1. Any manufacturer or wholesaler who
9 sells, transfers, or otherwise furnishes ephedrine,
10 pseudoephedrine or phenylpropanolamine, or any of their salts,
11 optical isomers and salts of optical isomers, alone or in a
12 mixture, and is required by federal law to report any suspicious
13 transaction to the United States attorney general, shall submit a
14 copy of the report to the chief law enforcement official with
15 jurisdiction before completion of the sale or as soon as
16 practicable thereafter.

17 2. As used in this section, "suspicious transaction" means
18 any sale or transfer required to be reported pursuant to 21
19 U.S.C. 830(b)(1).

20 3. [Any violation of this section shall be a class D
21 felony.] The offense of failure to report suspicious transactions
22 is a class D felony.

23 [577.625.] 579.150. 1. [No person less than twenty-one
24 years of age shall distribute] A person commits the offense of
25 distribution of prescription medication on school property if he
26 or she is less than twenty-one years of age and knowingly
27 distributes upon the real property comprising a public or private
28 elementary or secondary school or school bus a prescription

1 medication to any individual who does not have a valid
2 prescription for such medication. For purposes of this section,
3 prescription medication shall not include medication containing a
4 controlled substance, as defined in section 195.010.

5 2. The provisions of this section shall not apply to any
6 person authorized to distribute a prescription medication by any
7 school personnel who are responsible for storing, maintaining, or
8 dispensing any prescription medication under chapter 338. This
9 section shall not limit the use of any prescription medication by
10 emergency personnel[, as defined in section 565.081,] during an
11 emergency situation.

12 3. [Any person less than twenty-one years of age who
13 violates this section is guilty of] The offense of distribution
14 of prescription medication on school property is a class B
15 misdemeanor for a first offense and a class A misdemeanor for any
16 second or subsequent offense.

17 [577.628.] 579.155. 1. [No person less than twenty-one
18 years of age shall possess] A person commits the offense of
19 possession of prescription medication on school property if he or
20 she is less than twenty-one years of age and knowingly possesses
21 upon the real property comprising a public or private elementary
22 or secondary school or school bus prescription medication without
23 a valid prescription for such medication. For purposes of this
24 section, prescription medication shall not include medication
25 containing a controlled substance, as defined in section 195.010.

26 2. The provisions of this section shall not apply to any
27 person authorized to possess a prescription medication by any
28 school personnel who are responsible for storing, maintaining, or

1 dispensing any prescription medication under chapter 338. This
2 section shall not limit the use of any prescription medication by
3 emergency personnel[, as defined in section 565.081,] during an
4 emergency situation.

5 3. [Any person less than twenty-one years of age who
6 violates the provisions of this section is guilty of] The offense
7 of possession of prescription medication on school property is a
8 class C misdemeanor for a first offense and a class B misdemeanor
9 for any second or subsequent offense.

10 [195.275.] 579.170. 1. The following words or phrases as
11 used in [sections 195.005 to 195.425] this chapter have the
12 following meanings, unless the context otherwise requires:

13 (1) "Prior drug offender", one who [has previously pleaded
14 guilty to or] has been found guilty of any felony offense of the
15 laws of this state, or of the United States, or any other state,
16 territory or district relating to controlled substances;

17 (2) "Persistent drug offender", one who [has previously
18 pleaded guilty to or] has been found guilty of two or more felony
19 offenses of the laws of this state or of the United States, or
20 any other state, territory or district relating to controlled
21 substances.

22 2. Prior [pleas of guilty and prior] findings of [guilty]
23 guilt shall be pleaded and proven in the same manner as required
24 by section 558.021.

25 3. The court shall not instruct the jury as to the range of
26 punishment or allow the jury, upon a finding of guilty, to assess
27 and declare the punishment as part of its verdict in cases of
28 prior drug offenders or persistent drug offenders.

1 4. [The provisions of sections 195.285 to 195.296 shall not
2 be construed to affect and may be used in addition to the
3 sentencing provisions of sections 558.016 and 558.019.] The court
4 shall sentence a person who has been found to be a prior drug
5 offender and is found guilty of a class C or D felony under this
6 chapter to the authorized term of imprisonment for one class
7 higher offense than the offense for which the person was found
8 guilty.

9 5. The court shall sentence a person who has been found to
10 be a persistent drug offender and is found guilty of a class B,
11 C, or D, felony under this chapter to the authorized term of
12 imprisonment for two classes higher offense than the offense for
13 which the person was found guilty. The court shall sentence a
14 persistent drug offender who is found guilty of a class B felony
15 under this chapter to the authorized term of imprisonment for a
16 class A felony offense.

17 [195.280.] 579.175. Any peace officer of the state of
18 Missouri, or of any political subdivision thereof, may, within
19 the boundaries of the political entity from which he or she
20 derives his or her authority, arrest without a warrant any person
21 he or she sees violating or whom he or she has probable cause to
22 believe has violated any provision of this chapter.

23 [195.367.] 579.180. 1. It is not necessary for the state
24 to negate any exemption or exception in [sections 195.005 to
25 195.425] this chapter or chapter 195 in any complaint,
26 information, indictment, or other pleading or in any trial,
27 hearing, or other proceeding under [sections 195.005 to 195.425]
28 this chapter or chapter 195. The burden of producing evidence of

1 any exemption or exception is upon the person claiming it.

2 2. In the absence of proof that a person is the duly
3 authorized holder of an appropriate registration or order form
4 issued under chapter 195, the person is presumed not to be the
5 holder of the registration or form. The burden of producing
6 evidence with respect to the registration or order form is upon
7 such person claiming to be the authorized holder of the
8 registration or form.

9 [195.371.] 579.185. No criminal liability is imposed by
10 [sections 195.005 to 195.425] this chapter upon any authorized
11 state, county, or municipal officer, lawfully engaged in the
12 enforcement of [sections 195.005 to 195.425] this chapter in good
13 faith.

14 589.015. As used in sections 589.010 to 589.040:

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

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

19 (a) The acts of rape in the first or second degree,
20 forcible rape, rape, statutory rape in the first degree,
21 statutory rape in the second degree, sexual assault, sodomy in
22 the first or second degree, forcible sodomy, sodomy, statutory
23 sodomy in the first degree, statutory sodomy in the second
24 degree, child molestation in the first, second, or third degree,
25 [child molestation in the second degree,] deviate sexual assault,
26 sexual misconduct [and], sexual misconduct in the first, second,
27 or third degree, sexual abuse, and sexual abuse in the first or
28 second degree, 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] under section 568.060, which involves
6 sexual contact[, and as defined in subdivision (2) of subsection
7 1 of 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.

12 589.400. 1. Sections 589.400 to 589.425 shall apply to:

13 (1) Any person who, since July 1, 1979, has been or is
14 hereafter convicted of, been found guilty of, or pled guilty or
15 nolo contendere to committing, attempting to commit, or
16 conspiring to commit a felony offense of chapter 566, including
17 sexual trafficking of a child and sexual trafficking of a child
18 under the age of twelve, or any offense of chapter 566 where the
19 victim is a minor, unless such person is exempted from
20 registering under subsection 8 of this section; or

21 (2) Any person who, since July 1, 1979, has been or is
22 hereafter convicted of, been found guilty of, or pled guilty or
23 nolo contendere to committing, attempting to commit, or
24 conspiring to commit one or more of the following offenses:
25 kidnapping or kidnapping in the first degree when the victim was
26 a child and the defendant was not a parent or guardian of the
27 child; abuse of a child under section 568.060 when such abuse is
28 sexual in nature; felonious restraint or kidnapping in the second

1 degree when the victim was a child and the defendant is not a
2 parent or guardian of the child; sexual contact or sexual
3 intercourse with a resident of a nursing home[, under section
4 565.200] or sexual conduct with a nursing facility resident or
5 vulnerable person in the first or second degree; endangering the
6 welfare of a child under section 568.045 when the endangerment is
7 sexual in nature; genital mutilation of a female child, under
8 section 568.065; promoting prostitution in the first degree;
9 promoting prostitution in the second degree; promoting
10 prostitution in the third degree; sexual exploitation of a minor;
11 promoting child pornography in the first degree; promoting child
12 pornography in the second degree; possession of child
13 pornography; furnishing pornographic material to minors; public
14 display of explicit sexual material; coercing acceptance of
15 obscene material; promoting obscenity in the first degree;
16 promoting pornography for minors or obscenity in the second
17 degree; incest; use of a child in a sexual performance; or
18 promoting sexual performance by a child; or

19 (3) Any person who, since July 1, 1979, has been committed
20 to the department of mental health as a criminal sexual
21 psychopath; or

22 (4) Any person who, since July 1, 1979, has been found not
23 guilty as a result of mental disease or defect of any offense
24 listed in subdivision (1) or (2) of this subsection; or

25 (5) Any juvenile certified as an adult and transferred to a
26 court of general jurisdiction who has been convicted of, found
27 guilty of, or has pleaded guilty or nolo contendere to
28 committing, attempting to commit, or conspiring to commit a

1 felony under chapter 566 which is equal to or more severe than
2 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall
3 include any attempt or conspiracy to commit such offense;

4 (6) Any juvenile fourteen years of age or older at the time
5 of the offense who has been adjudicated for an offense which is
6 equal to or more severe than aggravated sexual abuse under 18
7 U.S.C. Section 2241, which shall include any attempt or
8 conspiracy to commit such offense;

9 (7) Any person who is a resident of this state who has,
10 since July 1, 1979, or is hereafter convicted of, been found
11 guilty of, or pled guilty to or nolo contendere in any other
12 state, or foreign country, or under federal, tribal, or military
13 jurisdiction to committing, attempting to commit, or conspiring
14 to commit an offense which, if committed in this state, would be
15 a violation of chapter 566, or a felony violation of any offense
16 listed in subdivision (2) of this subsection or has been or is
17 required to register in another state or has been or is required
18 to register under tribal, federal, or military law; or

19 (8) Any person who has been or is required to register in
20 another state or has been or is required to register under
21 tribal, federal, or military law and who works or attends an
22 educational institution, whether public or private in nature,
23 including any secondary school, trade school, professional
24 school, or institution of higher education on a full-time or on a
25 part-time basis or has a temporary residence in Missouri.
26 "Part-time" in this subdivision means for more than seven days in
27 any twelve-month period.

28 2. Any person to whom sections 589.400 to 589.425 apply

1 shall, within three days of conviction, release from
2 incarceration, or placement upon probation, register with the
3 chief law enforcement official of the county or city not within a
4 county in which such person resides unless such person has
5 already registered in that county for the same offense. Any
6 person to whom sections 589.400 to 589.425 apply if not currently
7 registered in their county of residence shall register with the
8 chief law enforcement official of such county or city not within
9 a county within three days. The chief law enforcement official
10 shall forward a copy of the registration form required by section
11 589.407 to a city, town, village, or campus law enforcement
12 agency located within the county of the chief law enforcement
13 official, if so requested. Such request may ask the chief law
14 enforcement official to forward copies of all registration forms
15 filed with such official. The chief law enforcement official may
16 forward a copy of such registration form to any city, town,
17 village, or campus law enforcement agency, if so requested.

18 3. The registration requirements of sections 589.400
19 through 589.425 are lifetime registration requirements unless:

20 (1) All offenses requiring registration are reversed,
21 vacated or set aside;

22 (2) The registrant is pardoned of the offenses requiring
23 registration;

24 (3) The registrant is no longer required to register and
25 his or her name shall be removed from the registry under the
26 provisions of subsection 6 of this section; or

27 (4) The registrant may petition the court for removal or
28 exemption from the registry under subsection 7 or 8 of this

1 section and the court orders the removal or exemption of such
2 person from the registry.

3 4. For processing an initial sex offender registration the
4 chief law enforcement officer of the county or city not within a
5 county may charge the offender registering a fee of up to ten
6 dollars.

7 5. For processing any change in registration required
8 pursuant to section 589.414 the chief law enforcement official of
9 the county or city not within a county may charge the person
10 changing their registration a fee of five dollars for each change
11 made after the initial registration.

12 6. Any person currently on the sexual offender registry for
13 being convicted of, found guilty of, or pleading guilty or nolo
14 contendere to committing, attempting to commit, or conspiring to
15 commit, felonious restraint when the victim was a child and he or
16 she was the parent or guardian of the child, nonsexual child
17 abuse that was committed under section 568.060, or kidnapping
18 when the victim was a child and he or she was the parent or
19 guardian of the child shall be removed from the registry.
20 However, such person shall remain on the sexual offender registry
21 for any other offense for which he or she is required to register
22 under sections 589.400 to 589.425.

23 7. Any person currently on the sexual offender registry for
24 having been convicted of, found guilty of, or having pleaded
25 guilty or nolo contendere to committing, attempting to commit, or
26 conspiring to commit promoting prostitution in the second degree,
27 promoting prostitution in the third degree, public display of
28 explicit sexual material, statutory rape in the second degree,

1 and no physical force or threat of physical force was used in the
2 commission of the crime may file a petition in the civil division
3 of the circuit court in the county in which the offender was
4 convicted or found guilty of or pled guilty or nolo contendere to
5 committing, attempting to commit, or conspiring to commit the
6 offense or offenses for the removal of his or her name from the
7 sexual offender registry after ten years have passed from the
8 date he or she was required to register.

9 8. Effective August 28, 2009, any person on the sexual
10 offender registry for having been convicted of, found guilty of,
11 or having pled guilty or nolo contendere to an offense included
12 under subsection 1 of this section may file a petition after two
13 years have passed from the date the offender was convicted or
14 found guilty of or pled guilty or nolo contendere to the offense
15 or offenses in the civil division of the circuit court in the
16 county in which the offender was convicted or found guilty of or
17 pled guilty or nolo contendere to the offense or offenses for
18 removal of his or her name from the registry if such person was
19 nineteen years of age or younger and the victim was thirteen
20 years of age or older at the time of the offense and no physical
21 force or threat of physical force was used in the commission of
22 the offense, unless such person meets the qualifications of this
23 subsection, and such person was eighteen years of age or younger
24 at the time of the offense, and is convicted or found guilty of
25 or pleads guilty or nolo contendere to a violation of section
26 566.068, 566.090, 566.093, or 566.095 when such offense is a
27 misdemeanor, in which case, such person may immediately file a
28 petition to remove or exempt his or her name from the registry

1 upon his or her conviction or finding or pleading of guilty or
2 nolo contendere to such offense.

3 9. (1) The court may grant such relief under subsection 7
4 or 8 of this section if such person demonstrates to the court
5 that he or she has complied with the provisions of this section
6 and is not a current or potential threat to public safety. The
7 prosecuting attorney in the circuit court in which the petition
8 is filed must be given notice, by the person seeking removal or
9 exemption from the registry, of the petition to present evidence
10 in opposition to the requested relief or may otherwise
11 demonstrate the reasons why the petition should be denied.
12 Failure of the person seeking removal or exemption from the
13 registry to notify the prosecuting attorney of the petition shall
14 result in an automatic denial of such person's petition. If the
15 prosecuting attorney is notified of the petition he or she shall
16 make reasonable efforts to notify the victim of the crime for
17 which the person was required to register of the petition and the
18 dates and times of any hearings or other proceedings in
19 connection with that petition.

20 (2) If the petition is denied, such person shall wait at
21 least twelve months before petitioning the court again. If the
22 court finds that the petitioner is entitled to relief, which
23 removes or exempts such person's name from the registry, a
24 certified copy of the written findings or order shall be
25 forwarded by the court to the chief law enforcement official
26 having jurisdiction over the offender and to the Missouri state
27 highway patrol in order to have such person's name removed or
28 exempted from the registry.

1 10. Any nonresident worker or nonresident student shall
2 register for the duration of such person's employment or
3 attendance at any school of higher education and is not entitled
4 to relief under the provisions of subsection 9 of this section.
5 Any registered offender from another state who has a temporary
6 residence in this state and resides more than seven days in a
7 twelve-month period shall register for the duration of such
8 person's temporary residency and is not entitled to the
9 provisions of subsection 9 of this section.

10 11. Any person whose name is removed or exempted from the
11 sexual offender registry under subsection 7 or 8 of this section
12 shall no longer be required to fulfill the registration
13 requirements of sections 589.400 to 589.425, unless such person
14 is required to register for committing another offense after
15 being removed from the registry.

16 [566.224.] 595.223. No prosecuting or circuit attorney,
17 peace officer, governmental official, or employee of a law
18 enforcement agency shall request or require a victim of [rape in
19 the second degree under section 566.031, sexual assault under
20 section 566.040 as it existed prior to August 28, 2013, rape in
21 the first degree under section 566.030, or forcible rape under
22 section 566.030 as it existed prior to August 28, 2013] an
23 offense under chapter 566, or a victim of an offense of domestic
24 assault or stalking to submit to any polygraph test or
25 psychological stress evaluator exam as a condition for proceeding
26 with a criminal investigation of such [crime] offense.

27 [566.226.] 595.226. 1. After August 28, 2007, any
28 information contained in any court record, whether written or

1 published on the internet, that could be used to identify or
2 locate any victim of [sexual assault,] an offense under chapter
3 566 or a victim of domestic assault[,] or stalking[, rape in the
4 first or second degree, or forcible rape] shall be closed and
5 redacted from such record prior to disclosure to the public.
6 Identifying information shall include the name, home or temporary
7 address, telephone number, Social Security number, place of
8 employment, or physical characteristics.

9 2. If the court determines that a person or entity who is
10 requesting identifying information of a victim has a legitimate
11 interest in obtaining such information, the court may allow
12 access to the information, but only if the court determines that
13 disclosure to the person or entity would not compromise the
14 welfare or safety of such victim, and only after providing
15 reasonable notice to the victim and after allowing the victim the
16 right to respond to such request.

17 3. Notwithstanding the provisions of subsection 1 of this
18 section, the judge presiding over a [sexual assault,] case under
19 chapter 566, or a case of domestic assault[,] or stalking[,
20 forcible rape, or rape in the first or second degree case] shall
21 have the discretion to publicly disclose identifying information
22 regarding the defendant which could be used to identify or locate
23 the victim of the crime. The victim may provide a statement to
24 the court regarding whether he or she desires such information to
25 remain closed. When making the decision to disclose such
26 information, the judge shall consider the welfare and safety of
27 the victim and any statement to the court received from the
28 victim regarding the disclosure.

1 [557.041.] 595.229. 1. Prior to the acceptance of a plea
2 bargain by the court with respect to any person who has pled
3 guilty to an offense after initially being charged with a felony,
4 the court shall allow the victim of such offense to submit a
5 written statement or appear before the court personally or by
6 counsel for the purpose of making a statement. The statement
7 shall relate solely to the facts of the case and any personal
8 injuries or financial loss incurred by the victim. A member of
9 the immediate family of the victim may appear personally or by
10 counsel to make a statement if the victim has died or is
11 otherwise unable to appear as a result of the offense committed
12 by the defendant.

13 2. At the time of sentencing of any person who has pled
14 guilty or been found guilty of a felony offense, the victim of
15 such offense may appear before the court personally or by counsel
16 for the purpose of making a statement or may submit a written
17 statement. The statement shall relate solely to the facts of the
18 case and any personal injuries or financial loss incurred by the
19 victim. A member of the immediate family of the victim may
20 appear personally or by counsel to make a statement if the victim
21 has died or is otherwise unable to appear as a result of the
22 offense committed by the defendant.

23 3. The prosecuting attorney shall inform the victim or
24 shall inform a member of the immediate family of the victim if
25 the victim is dead or otherwise is unable to make a statement as
26 a result of the offense committed by the defendant of the right
27 to make a statement pursuant to subsections 1 and 2 of this
28 section. If the victim or member of the immediate family

1 supplies a stamped, self-addressed envelope, the prosecutor shall
2 send notice of the time and location that the court will hear the
3 guilty plea or render sentence.

4 [570.222.] 595.232. 1. Notwithstanding that jurisdiction
5 may lie elsewhere for investigation and prosecution of [a crime]
6 an offense of identity theft, victims of identity theft have the
7 right to contact the local law enforcement agency where the
8 victim is domiciled and request that an incident report about the
9 identity theft be prepared and filed. The victim may also
10 request from the local law enforcement agency to receive a copy
11 of the incident report. The law enforcement agency may share the
12 incident report with law enforcement agencies located in other
13 jurisdictions.

14 2. As used in this section, "incident report" means a loss
15 or other similar report prepared and filed by a local law
16 enforcement agency.

17 3. Nothing in this section shall interfere with the
18 discretion of a local law enforcement agency to allocate
19 resources for investigations of crimes or to provide an incident
20 report as permitted in this section. An incident report prepared
21 and filed under this section shall not be an open case for
22 purposes of compiling open case statistics.

23 [577.054.] 610.130. 1. After a period of not less than ten
24 years, an individual who has pleaded guilty or has been convicted
25 for a first [alcohol-related driving] intoxication-related
26 traffic offense or intoxication-related boating offense which is
27 a misdemeanor or a county or city ordinance violation and which
28 is not a conviction for driving a commercial motor vehicle while

1 under the influence of alcohol and who since such date has not
2 been convicted of any [other alcohol-related driving]
3 intoxication-related traffic offense or intoxication-related
4 boating offense may apply to the court in which he or she pled
5 guilty or was sentenced for an order to expunge from all official
6 records all recordations of his or her arrest, plea, trial or
7 conviction.

8 2. If the court determines, after hearing, that such person
9 has not been convicted of any subsequent [alcohol-related
10 driving] intoxication-related traffic offense or intoxication-
11 related boating offense, has no other subsequent alcohol-related
12 enforcement contacts as defined in section 302.525, and has no
13 other [alcohol-related driving charges] intoxication-related
14 traffic offense or intoxication-related boating offenses or
15 alcohol-related enforcement actions pending at the time of the
16 hearing on the application, the court shall enter an order of
17 expungement.

18 3. Upon granting of the order of expungement, the records
19 and files maintained in any administrative or court proceeding in
20 an associate or circuit division of the circuit court under this
21 section shall be confidential and only available to the parties
22 or by order of the court for good cause shown. The effect of
23 such order shall be to restore such person to the status he or
24 she occupied prior to such arrest, plea or conviction and as if
25 such event had never taken place. No person as to whom such
26 order has been entered shall be held thereafter under any
27 provision of any law to be guilty of perjury or otherwise giving
28 a false statement by reason of his or her failure to recite or

1 acknowledge such arrest, plea, trial, conviction or expungement
2 in response to any inquiry made of him or her for any purpose
3 whatsoever and no such inquiry shall be made for information
4 relating to an expungement under this section. A person shall
5 only be entitled to one expungement pursuant to this section.
6 Nothing contained in this section shall prevent the director from
7 maintaining such records as to ensure that an individual receives
8 only one expungement pursuant to this section for the purpose of
9 informing the proper authorities of the contents of any record
10 maintained pursuant to this section.

11 [2.] 4. The provisions of this section shall not apply to
12 any individual who has been issued a commercial driver's license
13 or is required to possess a commercial driver's license issued by
14 this state or any other state.

15 [565.216.] 630.161. The department of mental health shall
16 investigate incidents and reports of vulnerable person abuse
17 using the procedures established in sections 630.163 to 630.167
18 and, upon substantiation of the report of vulnerable person
19 abuse, shall promptly report the incident to the appropriate law
20 enforcement agency and prosecutor. If the department is unable
21 to substantiate whether abuse occurred due to the failure of the
22 operator or any of the operator's agents or employees to
23 cooperate with the investigation, the incident shall be promptly
24 reported to appropriate law enforcement agencies.

25 630.162. 1. When any physician, physician assistant,
26 dentist, chiropractor, optometrist, podiatrist, intern, resident,
27 nurse, nurse practitioner, medical examiner, social worker,
28 licensed professional counselor, certified substance abuse

counselor, psychologist, physical therapist, pharmacist, other health practitioner, minister, Christian Science practitioner, facility administrator, nurse's aide or orderly in a residential facility, day program or specialized service operated, funded or licensed by the department or in a mental health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained under chapter 632; or employee of the departments of social services, mental health, or health and senior services; or home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; mental health professional; peace officer; probation or parole officer; or other nonfamilial person with responsibility for the care of a vulnerable person, as defined by section 630.005, has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to conditions or circumstances that would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department in accordance with section 630.163. Any other person who becomes aware of circumstances which may reasonably be expected to be the result of or result in abuse or neglect may report to the department. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to

1 him or her in his or her professional capacity.

2 2. Any residential facility, day program or specialized
3 service operated, funded or licensed by the department that
4 prevents or discourages a patient, resident or client, employee
5 or other person from reporting that a patient, resident or client
6 of a facility, program or service has been abused or neglected
7 shall be subject to loss of their license issued under sections
8 630.705 to 630.760, and civil fines of up to five thousand
9 dollars for each attempt to prevent or discourage reporting.

10 3. Nothing in this section shall be construed to mean that a
11 vulnerable person is abused or neglected solely because such
12 person chooses to rely on spiritual means through prayer, in lieu
13 of medical care, for his or her health care, as evidenced by such
14 person's explicit consent, advance directive for health care, or
15 practice.

16 [565.220.] 630.164. Any person, official or institution
17 complying with the provisions of section [565.218] 630.162, in
18 the making of a report, or in cooperating with the department in
19 any of its activities pursuant to sections [565.216 and 565.218]
20 630.161 to 630.167, except [any] the person, official, or
21 institution [violating section 565.210, 565.212, or 565.214]
22 accused of abusing or neglecting the vulnerable person shall be
23 immune from any civil or criminal liability for making such a
24 report, or in cooperating with the department, unless such person
25 acted negligently, recklessly, in bad faith, or with malicious
26 purpose.

27 632.480. As used in sections 632.480 to 632.513, the
28 following terms mean:

1 (1) "Agency with jurisdiction", the department of
2 corrections or the department of mental health;

3 (2) "Mental abnormality", a congenital or acquired
4 condition affecting the emotional or volitional capacity which
5 predisposes the person to commit sexually violent offenses in a
6 degree constituting such person a menace to the health and safety
7 of others;

8 (3) "Predatory", acts directed towards individuals,
9 including family members, for the primary purpose of
10 victimization;

11 (4) "Sexually violent offense", the felonies of rape in the
12 first degree, forcible rape, rape, statutory rape in the first
13 degree, sodomy in the first degree, forcible sodomy, sodomy,
14 statutory sodomy in the first degree, or an attempt to commit any
15 of the preceding crimes, or child molestation in the first [or],
16 second, third, or fourth degree, sexual abuse, sexual abuse in
17 the first or second degree, rape in the second degree, sexual
18 assault, sexual assault in the first degree, sodomy in the second
19 degree, deviate sexual assault, deviate sexual assault in the
20 first degree, or the act of abuse of a child involving either
21 sexual contact, a prohibited sexual act, sexual abuse, or sexual
22 exploitation of a minor, or any felony offense that contains
23 elements substantially similar to the offenses listed above;

24 (5) "Sexually violent predator", any person who suffers
25 from a mental abnormality which makes the person more likely than
26 not to engage in predatory acts of sexual violence if not
27 confined in a secure facility and who:

28 (a) Has pled guilty or been found guilty, or been found not

1 guilty by reason of mental disease or defect pursuant to section
2 552.030 of a sexually violent offense; or

3 (b) Has been committed as a criminal sexual psychopath
4 pursuant to section 632.475 and statutes in effect before August
5 13, 1980.

6 [195.501.] 650.150. Sections [195.501 to 195.511] 650.150
7 to 650.165 shall be known and may be cited as the
8 "Intergovernmental Drug Laws Enforcement Act".

9 [195.503.] 650.153. As used in sections [195.501 to
10 195.511] 650.150 to 650.165, the following terms mean:

11 (1) "Department", the department of public safety;

12 (2) "Director", the director of the department of public
13 safety;

14 (3) "Drug laws", all laws regulating the production, sale,
15 prescribing, manufacturing, administering, transporting, having
16 in possession, dispensing, distributing, or use of controlled
17 substances, as defined in section 195.010;

18 (4) "Multijurisdictional enforcement group", or "MEG", a
19 combination of political subdivisions established under sections
20 573.500 and 573.503, section 178.653, and section 311.329 to
21 investigate and enforce computer, internet-based, narcotics, and
22 drug violations.

23 [195.505.] 650.156. 1. Any two or more political
24 subdivisions or the state highway patrol and any one or more
25 political subdivisions may by order or ordinance agree to
26 cooperate with one another in the formation of a
27 multijurisdictional enforcement group for the purpose of
28 intensive professional investigation of computer, internet-based,

1 narcotics and drug law violations.

2 2. The power of arrest of any peace officer who is duly
3 authorized as a member of a MEG unit shall only be exercised
4 during the time such peace officer is an active member of a MEG
5 unit and only within the scope of the investigation on which the
6 MEG unit is working. Notwithstanding other provisions of law to
7 the contrary, such MEG officer shall have the power of arrest, as
8 limited in this subsection, anywhere in the state and shall
9 provide prior notification to the chief of police of the
10 municipality in which the arrest is to take place or the sheriff
11 of the county if the arrest is to be made in his venue. If
12 exigent circumstances exist, such arrest may be made; however,
13 notification shall be made to the chief of police or sheriff, as
14 appropriate, as soon as practical. The chief of police or
15 sheriff may elect to work with the MEG unit at his or her option
16 when such MEG is operating within the jurisdiction of such chief
17 of police or sheriff.

18 [195.507.] 650.159. 1. A county bordering another state
19 may enter into agreement with the political subdivisions in such
20 other state's contiguous county pursuant to section 70.220 to
21 form a multijurisdictional enforcement group for the enforcement
22 of drug and controlled substance laws and work in cooperation
23 pursuant to sections [195.501 to 195.511] 650.150 to 650.165.

24 2. Such other state's law enforcement officers may be
25 deputized as officers of the counties of this state participating
26 in an agreement pursuant to subsection 1 of this section, and
27 shall be deemed to have met all requirements of peace officer
28 training and certification pursuant to chapter 590 for the

1 purposes of conducting investigations and making arrests in this
2 state pursuant to the provisions of section [195.505] 650.156,
3 provided such officers have satisfied the applicable peace
4 officer training and certification standards in force in such
5 other state.

6 3. Such other state's law enforcement officers shall have
7 the same powers and immunities when working under an agreement
8 pursuant to subsection 1 of this section as if working under an
9 agreement with another political subdivision in Missouri pursuant
10 to section 70.815.

11 4. A multijurisdictional enforcement group formed pursuant
12 to this section is eligible to receive state grants to help
13 defray the costs of its operation pursuant to the terms of
14 section [195.509] 650.161.

15 5. The provisions of subsections 2, 3, and 4 of this
16 section shall not be in force unless such other state has
17 provided or shall provide legal authority for its political
18 subdivisions to enter into such agreements and to extend
19 reciprocal powers and privileges to the law enforcement officers
20 of this state working pursuant to such agreements.

21 [195.509.] 650.161. 1. A multijurisdictional enforcement
22 group which meets the minimum criteria established in this
23 section is eligible to receive state grants to help defray the
24 costs of operation.

25 2. To be eligible for state grants, a MEG shall:

26 (1) Be established and operating pursuant to
27 intergovernmental contracts written and executed in conformity by
28 law, and involve two or more units of local government;

1 (2) Establish a MEG policy board composed of an elected
2 official, or his designee, and the chief law enforcement officer
3 from each participating unit of local government and a
4 representative of a hazardous materials response team or, if such
5 team is not formed, then a representative of the local fire
6 response agency, to oversee the operations of the MEG and make
7 such reports to the department of public safety as the department
8 may require;

9 (3) Designate a single appropriate official of a
10 participating unit of local government to act as the financial
11 officer of the MEG for all participating units of the local
12 government and to receive funds for the operation of the MEG;

13 (4) Limit its target operation to enforcement of drug laws;

14 (5) Cooperate with the department of public safety in order
15 to assure compliance with sections [195.501 to 195.511] 650.150
16 to 650.165 and to enable the department to fulfill its duties
17 under sections [195.501 to 195.511] 650.150 to 650.165 and supply
18 the department with all information the department deems
19 necessary therefor;

20 (6) Cooperate with the local hazardous material response
21 team to establish a local emergency response strategy.

22 3. The department of public safety shall monitor the
23 operations of all MEG units which receive state grants. From the
24 moneys appropriated annually, if funds are made available by the
25 general assembly for this purpose, the director shall determine
26 and certify to the auditor the amount of the grant to be made to
27 each designated MEG financial officer. No provision of this
28 section shall prohibit funding of multijurisdictional enforcement

1 groups by sources other than those provided by the general
2 assembly, if such funding is in accordance with and in such a
3 manner as provided by law.

4 [195.511.] 650.165. The director shall report annually, no
5 later than January first of each year, to the governor and the
6 general assembly on the operations of the multijurisdictional
7 enforcement groups, including a breakdown of the appropriation
8 for the current fiscal year indicating the amount of the state
9 grant each MEG received or will receive.

10 [578.390.] 660.360. The department of social services shall
11 establish and maintain a statewide toll-free telephone service
12 which shall be operated eight hours per day during the work week
13 to receive complaints of [a] suspected public assistance fraud.
14 This service shall receive reports over a single statewide
15 toll-free number.

16 [195.025. 1. No person shall:

17 (1) Transport, carry, and convey any controlled
18 substance by means of any vessel, vehicle, or aircraft,
19 except as authorized in sections 195.010 to 195.320;

20 (2) Conceal or possess any controlled substance
21 in or upon any vessel, vehicle or aircraft; or

22 (3) Use any vessel, vehicle, or aircraft to
23 facilitate the transportation, carriage, conveyance,
24 concealment, receive possession, purchase, sell,
25 barter, exchange or giving away of any controlled
26 substance.

27 2. When used in this section the term:

28 (1) "Aircraft" includes every description of
29 craft or carriage or other contrivance used or capable
30 of being used as a means of transportation through air;

31 (2) "Vehicle" includes every description of
32 carriage or other contrivance used or capable of being
33 used as a means of transportation, on, below, or above
34 the land, and shall include but not be limited to
35 automobiles, trucks, station wagons, trailers and
36 motorcycles, but does not include aircraft;

37 (3) "Vessel" includes every description of water
38 craft or other contrivance used or capable of being

1 used as a means of transportation in water, but does
2 not include aircraft.]

3
4 [195.110. A person to whom or for whose use any
5 controlled substance in Schedule II has been
6 prescribed, sold, or dispensed by a physician, dentist,
7 podiatrist, or pharmacist, or other person authorized
8 under the provisions of section 195.050 and the owner
9 of any animal for which any such drug has been
10 prescribed, sold, or dispensed, by a veterinarian, may
11 lawfully possess it only in the container in which it
12 was delivered to him by the person selling or
13 dispensing the same.]

14
15 [195.135. 1. A search warrant may issue, and
16 execution and seizure may be had, as provided in the
17 rules of criminal procedure for the courts of Missouri,
18 for any controlled substance or imitation controlled
19 substance unlawfully in the possession or under the
20 control of any person, or for any drug paraphernalia
21 for the unauthorized administration or use of
22 controlled substances or imitation controlled
23 substances in the possession or under the control of
24 any person.

25 2. Any peace officer of the state, upon making an
26 arrest for a violation of this chapter, shall seize
27 without warrant any controlled substance or imitation
28 controlled substance or drug paraphernalia kept for the
29 unauthorized administration or use of a controlled
30 substance or imitation controlled substance in the
31 possession or under the control of the person or
32 persons arrested, providing such seizure shall be made
33 incident to the arrest.]

34
35 [195.213. 1. A person commits the crime of
36 unlawful purchase or transport of a controlled
37 substance with a minor if he knowingly permits a minor
38 child to purchase or transport illegally obtained
39 controlled substances.

40 2. Unlawful purchase or transport of a controlled
41 substance with a minor is a class B felony.]

42
43 [195.214. 1. A person commits the offense of
44 distribution of a controlled substance near schools if
45 such person violates section 195.211 by unlawfully
46 distributing or delivering any controlled substance to
47 a person in or on, or within two thousand feet of, the
48 real property comprising a public or private elementary
49 or secondary school, public vocational school, or a
50 public or private community college, college or

1 university or on any school bus.

2 2. Distribution of a controlled substance near
3 schools is a class A felony which term shall be served
4 without probation or parole if the court finds the
5 defendant is a persistent drug offender.]
6

7 [195.217. 1. A person commits the offense of
8 distribution of a controlled substance near a park if
9 such person violates section 195.211 by unlawfully
10 distributing or delivering heroin, cocaine, cocaine
11 base, LSD, amphetamine, or methamphetamine to a person
12 in or on, or within one thousand feet of, the real
13 property comprising a public park, state park, county
14 park, or municipal park or a public or private park
15 designed for public recreational purposes, as park is
16 defined in section 253.010.

17 2. Distribution of a controlled substance near a
18 park is a class A felony.]
19

20 [195.219. 1. A person commits the crime of
21 unlawful endangerment of property if, while engaged in
22 or as a part of the enterprise for the production of a
23 controlled substance, he protects or attempts to
24 protect the production of the controlled substance by
25 creating, setting up, building, erecting or using any
26 device or weapon which causes or is intended to cause
27 damage to the property of, or injury to, another
28 person.

29 2. Unlawful endangerment of property is a class C
30 felony, unless there is physical injury to a person
31 whereby the offense is a class B felony, or there is
32 serious physical injury to a person whereby the offense
33 is a class A felony.]
34

35 [195.246. 1. It is unlawful for any person to
36 possess any methamphetamine precursor drug with the
37 intent to manufacture amphetamine, methamphetamine or
38 any of their analogs.

39 2. Possession of more than twenty-four grams of
40 any methamphetamine precursor drug or combination of
41 methamphetamine precursor drugs shall be prima facie
42 evidence of intent to violate this section. This
43 subsection shall not apply to any practitioner or to
44 any product possessed in the course of a legitimate
45 business.

46 3. A person who violates this section is guilty
47 of a class D felony.]
48

49 [195.256. 1. It is unlawful for any person to
50 manufacture, deliver or possess with intent to

1 manufacture or deliver, a controlled substance which,
2 or the container or labeling of which, without
3 authorization and with knowledge of the nature of his
4 actions, bears the trademark, trade name, or other
5 identifying mark, imprint, number or device or any
6 likeness thereof, of a manufacturer, distributor, or
7 dispenser, other than the person who in fact
8 manufactured, distributed, or dispensed the substance.

9 2. A person who violates this section is guilty
10 of a class D felony.】
11

12 [195.285. 1. Any person who has pleaded guilty
13 to or been found guilty of a violation of subsection 2
14 of section 195.202 shall be sentenced to the authorized
15 term of imprisonment for a class B felony if the court
16 finds the defendant is a prior drug offender.

17 2. Any person who has pleaded guilty to or been
18 found guilty of a violation of subsection 2 of section
19 195.202 shall be sentenced to the authorized term of
20 imprisonment for a class A felony if it finds the
21 defendant is a persistent drug offender.】
22

23 [195.291. 1. Any person who has pleaded guilty
24 to or been found guilty of a violation of section
25 195.211, when punishable as a class B felony, shall be
26 sentenced to the authorized term of imprisonment for a
27 class A felony if the court finds the defendant is a
28 prior drug offender.

29 2. Any person who has pleaded guilty to or been
30 found guilty of a violation of section 195.211, when
31 punishable as a class B felony, shall be sentenced to
32 the authorized term of imprisonment for a class A
33 felony which term shall be served without probation or
34 parole if the court finds the defendant is a persistent
35 drug offender.】
36

37 [195.292. Any person who has pleaded guilty to or
38 been found guilty of a violation of section 195.212 or
39 195.213 shall be sentenced to the authorized term of
40 imprisonment for a class A felony which term shall be
41 served without probation or parole if the court finds
42 the defendant is a prior drug offender.】
43

44 [195.295. 1. Any person who has pleaded guilty
45 to or been found guilty of violation of subdivision (1)
46 of subsection 1 of section 195.223, subdivision (1) of
47 subsection 2 of section 195.223, subdivision (1) of
48 subsection 3 of section 195.223, subdivision (1) of
49 subsection 4 of section 195.223, subdivision (1) of
50 subsection 5 of section 195.223, subdivision (1) of

1 subsection 6 of section 195.223, or subdivision (1) of
2 subsection 7 of section 195.223 shall be sentenced to
3 the authorized term of imprisonment for a class A
4 felony if the court finds the defendant is a prior drug
5 offender.

6 2. Any person who has pleaded guilty to or been
7 found guilty of a violation of subdivision (1) of
8 subsection 1 of section 195.223, subdivision (1) of
9 subsection 2 of section 195.223, subdivision (1) of
10 subsection 3 of section 195.223, subdivision (1) of
11 subsection 4 of section 195.223, subdivision (1) of
12 subsection 5 of section 195.223, subdivision (1) of
13 subsection 6 of section 195.223, or subdivision (1) of
14 subsection 7 of section 195.223, or subdivision (1) of
15 subsection 9 of section 195.223 shall be sentenced to
16 the authorized term of imprisonment for a class A
17 felony, which term shall be without probation or
18 parole, if the court finds the defendant is a
19 persistent drug offender.

20 3. Any person who has pleaded guilty to or been
21 found guilty of a violation of subdivision (2) of
22 subsection 1 of section 195.223, subdivision (2) of
23 subsection 2 of section 195.223, subdivision (2) of
24 subsection 3 of section 195.223, subdivision (2) of
25 subsection 4 of section 195.223, subdivision (2) of
26 subsection 5 of section 195.223, subdivision (2) of
27 subsection 6 of section 195.223, or subdivision (2) of
28 subsection 7 of section 195.223 or subsection 8 of
29 section 195.223, or subdivision (2) of subsection 9 of
30 section 195.223 shall be sentenced to the authorized
31 term of imprisonment for a class A felony, which term
32 shall be served without probation or parole, if the
33 court finds the defendant is a prior drug offender.】
34

35 [195.296. Any person who has pleaded guilty to or
36 been found guilty of violation of subdivision (1) of
37 subsection 1 of section 195.222, subdivision (1) of
38 subsection 2 of section 195.222, subdivision (1) of
39 subsection 3 of section 195.222, subdivision (1) of
40 subsection 4 of section 195.222, subdivision (1) of
41 subsection 5 of section 195.222, subdivision (1) of
42 subsection 6 of section 195.222, or subdivision (1) of
43 subsection 7 of section 195.222, or subdivision (1) of
44 subsection 8 of section 195.222 shall be sentenced to
45 the authorized term of imprisonment for a class A
46 felony which term shall be served without probation or
47 parole if the court finds the defendant is a prior drug
48 offender.】
49

50 [195.369. In the absence of proof that a person
51 is the duly authorized holder of an appropriate

1 registration or order form issued under sections
2 195.005 to 195.425, the person is presumed not to be
3 the holder of the registration or form. The burden of
4 producing evidence with respect to the registration or
5 order form is upon that person.】
6

7 [217.360. 1. It shall be an offense for any
8 person to knowingly deliver, attempt to deliver, have
9 in his possession, deposit or conceal in or about the
10 premises of any correctional center, or city or county
11 jail, or private prison or jail:

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

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

18 (3) Any article or item of personal property
19 which an offender is prohibited by law or by rule and
20 regulation of the division from receiving or
21 possessing;

22 (4) Any gun, knife, weapon, or other article or
23 item of personal property that may be used in such
24 manner as to endanger the safety or security of the
25 correctional center, or city or county jail, or private
26 prison or jail or as to endanger the life or limb of
27 any offender or employee of such a center.

28 2. The violation of subdivision (1) of subsection
29 1 of this section shall be a class C felony; the
30 violation of subdivision (2) of subsection 1 of this
31 section shall be a class D felony; the violation of
32 subdivision (3) of subsection 1 of this section shall
33 be a class A misdemeanor; and the violation of
34 subdivision (4) of subsection 1 of this section shall
35 be a class B felony.

36 3. Any person who has been found guilty of or has
37 pled guilty to a violation of subdivision (2) of
38 subsection 1 of this section involving any alkaloid
39 shall be entitled to expungement of the record of the
40 violation. The procedure to expunge the record shall
41 be pursuant to section 610.123. The record of any
42 person shall not be expunged if such person has been
43 found guilty of or has pled guilty to knowingly
44 delivering, attempting to deliver, having in his
45 possession, or depositing or concealing any alkaloid of
46 any controlled substance in or about the premises of
47 any correctional center, or city or county jail, or
48 private prison or jail.】
49

50 [306.112. 1. A person commits the crime of
51 operating a vessel with excessive blood alcohol content

1 if such person operates a vessel on the Mississippi
2 River, Missouri River or the lakes of this state with
3 eight-hundredths of one percent or more by weight of
4 alcohol in such person's blood.

5 2. As used in this section, percent by weight of
6 alcohol in the blood shall be based upon grams of
7 alcohol per one hundred milliliters of blood and may be
8 shown by chemical analysis of the person's blood,
9 breath, urine, or saliva.

10 3. Operating a vessel with excessive blood
11 alcohol content is a class B misdemeanor.]
12

13 [306.114. 1. No person convicted of or pleading
14 guilty to a violation of section 306.111 or 306.112
15 shall be granted a suspended imposition of sentence,
16 unless such person is placed on probation for a minimum
17 of two years and a record of the conviction or plea of
18 guilty is entered into the records of the Missouri
19 uniform law enforcement system maintained by the
20 Missouri state highway patrol.

21 2. Chemical tests of a person's blood, breath,
22 urine, or saliva to be considered valid under the
23 provisions of sections 306.111 to 306.119 shall be
24 performed according to methods and devices approved by
25 the department of health and senior services by
26 licensed medical personnel or by a person possessing a
27 valid permit issued by the department of health and
28 senior services for this purpose. In addition, any
29 state, county, or municipal law enforcement officer who
30 is certified pursuant to chapter 590 may, prior to
31 arrest, administer a portable chemical test to any
32 person suspected of operating any vessel in violation
33 of section 306.111 or 306.112. A portable chemical
34 test shall be admissible as evidence of probable cause
35 to arrest and as exculpatory evidence, but shall not be
36 admissible as evidence of blood alcohol content. The
37 provisions of section 306.116 shall not apply to a test
38 administered prior to arrest pursuant to this section.

39 3. The department of health and senior services
40 shall approve satisfactory techniques, devices,
41 equipment, or methods to conduct tests required by
42 sections 306.111 to 306.119, and shall establish
43 standards as to the qualifications and competence of
44 individuals to conduct analyses and to issue permits
45 which shall be subject to termination, suspension or
46 revocation by the department of health and senior
47 services.

48 4. A licensed physician, registered nurse, or
49 trained medical technician, acting at the request and
50 direction of a law enforcement officer, shall withdraw
51 blood for the purpose of determining the alcohol

1 content of the blood, unless the medical personnel, in
2 the exercise of good faith medical judgment, believes
3 such procedure would endanger the life or health of the
4 person in custody. Blood may be withdrawn only by such
5 medical personnel, but such restriction shall not apply
6 to the taking of a breath test or a urine or saliva
7 specimen. In withdrawing blood for the purpose of
8 determining the alcohol content in the blood, only a
9 previously unused and sterile needle and sterile vessel
10 shall be used and the withdrawal shall otherwise be in
11 strict accord with accepted medical practices. Upon
12 the request of the person who is tested, full
13 information concerning the test taken at the direction
14 of the law enforcement officer shall be made available
15 to such person.

16 5. No person who administers any test pursuant to
17 the provisions of sections 306.111 to 306.119 upon the
18 request of a law enforcement officer, no hospital in or
19 with which such person is employed or is otherwise
20 associated or in which such test is administered, and
21 no other person, firm, or corporation by whom or with
22 which such person is employed or is in any way
23 associated shall be civilly liable for damages to the
24 person tested, except for negligence in administering
25 of the test or for willful and wanton acts or
26 omissions.

27 6. Any person who is dead, unconscious or who is
28 otherwise in a condition rendering such person
29 incapable of refusing to take a test as provided in
30 sections 306.111 to 306.119 shall be deemed not to have
31 withdrawn the consent provided by section 306.116 and
32 the test or tests may be administered.】

33
34 [306.116. 1. Any person who operates a vessel
35 upon the Mississippi River, Missouri River or the lakes
36 of this state shall be deemed to have given consent to,
37 subject to the provisions of sections 306.111 to
38 306.119, a chemical test or tests of such person's
39 breath, blood, urine, or saliva for the purpose of
40 determining the alcohol or drug content of such
41 person's blood if arrested for any offense arising out
42 of acts which the arresting law enforcement officer had
43 reasonable grounds to believe were committed while the
44 person was operating a vessel upon the Mississippi
45 River, Missouri River or lakes of this state in
46 violation of section 306.111 or 306.112. The test
47 shall be administered at the direction of the arresting
48 law enforcement officer whenever the person has been
49 arrested for the offense.

50 2. The implied consent to submit to the chemical
51 tests listed in subsection 1 of this section shall be

1 limited to not more than two such tests arising from
2 the same arrest, incident, or charge.

3 3. The person tested may have a physician, or a
4 qualified technician, chemist, registered nurse, or
5 other qualified person of such person's choosing and at
6 such person's expense administer a test in addition to
7 any administered at the direction of a law enforcement
8 officer. The failure or inability to obtain an
9 additional test by a person shall not preclude the
10 admission of evidence relating to the test taken at the
11 direction of a law enforcement officer.

12 4. Upon the request of the person who is tested,
13 full information concerning the test shall be made
14 available to such person.]
15

16 [306.117. 1. Upon the trial of any person for
17 violation of any of the provisions of section 306.111
18 or 306.112 the amount of alcohol or drugs in the
19 person's blood at the time of the act alleged as shown
20 by any chemical analysis of the person's blood, breath,
21 urine, or saliva is admissible in evidence and the
22 provisions of subdivision (5) of section 491.060 shall
23 not prevent the admissibility or introduction of such
24 evidence if otherwise admissible. Evidence of alcohol
25 in a person's blood shall be given the following
26 effect:

27 (1) If there was five-hundredths of one percent
28 or less by weight of alcohol in such person's blood, it
29 shall be presumed that the person was not intoxicated
30 at the time the specimen was obtained;

31 (2) If there was in excess of five-hundredths of
32 one percent but less than eight-hundredths of one
33 percent by weight of alcohol in such person's blood,
34 the fact shall not give rise to any presumption that
35 the person was or was not intoxicated, but the fact may
36 be considered with other competent evidence in
37 determining whether the person was intoxicated;

38 (3) If there was eight-hundredths of one percent
39 or more by weight of alcohol in the person's blood,
40 this shall be prima facie evidence that the person was
41 intoxicated at the time the specimen was taken.

42 2. Percent by weight of alcohol in the blood
43 shall be based upon grams of alcohol per one hundred
44 milliliters of blood.

45 3. A chemical analysis of a person's breath,
46 blood, urine, or saliva, in order to give rise to the
47 presumption or to have the effect provided for in
48 subsection 1 of this section, shall have been performed
49 as provided in sections 306.111 to 306.119 and in
50 accordance with methods and standards approved by the
51 department of health and senior services.

1 4. The provisions of this section shall not be
2 construed as limiting the introduction of any other
3 competent evidence bearing upon the question whether
4 the person was intoxicated or under the influence of a
5 controlled substance, or drug, or a combination of
6 either or both with or without alcohol.]
7

8 [306.118. 1. For purposes of this section,
9 unless the context clearly indicates otherwise, the
10 following terms mean:

11 (1) "Aggravated offender", a person who:

12 (a) Has pleaded guilty to or has been found
13 guilty of three or more intoxication-related boating
14 offenses; or

15 (b) Has pleaded guilty to or has been found
16 guilty of one or more intoxication-related boating
17 offenses and any of the following: involuntary
18 manslaughter under subsection 3 of section 306.111;
19 assault with a vessel in the second degree under
20 subsection 4 of section 306.111, or assault of a law
21 enforcement officer in the second degree under
22 subdivision (4) of subsection 1 of section 565.082;

23 (2) "Chronic offender":

24 (a) A person who has pleaded guilty to or has
25 been found guilty of four or more intoxication-related
26 boating offenses; or

27 (b) A person who has pleaded guilty to or has
28 been found guilty of, on two or more separate
29 occasions, any combination of the following:
30 involuntary manslaughter under subsection 3 of section
31 306.111; assault with a vessel in the second degree
32 under subsection 4 of section 306.111; or assault of a
33 law enforcement officer in the second degree under
34 subdivision (4) of subsection 1 of section 565.082; or

35 (c) A person who has pleaded guilty to or has
36 been found guilty of two or more intoxication-related
37 boating offenses and any of the following: involuntary
38 manslaughter under subsection 3 of section 306.111;
39 assault with a vessel in the second degree under
40 subsection 4 of section 306.111; or assault of a law
41 enforcement officer in the second degree under
42 subdivision (4) of subsection 1 of section 565.082;

43 (3) "Intoxication-related boating offense",
44 operating a vessel while intoxicated under subsection 2
45 of section 306.111; operating a vessel with excessive
46 blood alcohol content under section 306.112;
47 involuntary manslaughter under subsection 3 of section
48 306.111; assault with a vessel in the second degree
49 under subsection 4 of section 306.111; any violation of
50 subsection 2 of section 306.110; or assault of a law
51 enforcement officer in the second degree under

1 subdivision (4) of subsection 1 of section 565.082;

2 (4) "Persistent offender", one of the following:

3 (a) A person who has pleaded guilty to or has
4 been found guilty of two or more intoxication-related
5 boating offenses;

6 (b) A person who has pleaded guilty to or has
7 been found guilty of involuntary manslaughter under
8 subsection 3 of section 306.111, assault in the second
9 degree under subsection 4 of section 306.111, assault
10 of a law enforcement officer in the second degree under
11 subdivision (4) of subsection 1 of section 565.082;

12 (5) "Prior offender", a person who has pleaded
13 guilty to or has been found guilty of one
14 intoxication-related boating offense, where such prior
15 offense occurred within five years of the occurrence of
16 the intoxication-related boating offense for which the
17 person is charged.

18 2. Any person who pleads guilty to or is found
19 guilty of a violation of subsection 2 of section
20 306.110, section 306.111, or section 306.112, who is
21 alleged and proved to be a prior offender shall be
22 guilty of a class A misdemeanor.

23 3. Any person who pleads guilty to or is found
24 guilty of a violation of subsection 2 of section
25 306.110, section 306.111, or section 306.112, who is
26 alleged and proved to be a persistent offender shall be
27 guilty of a class D felony.

28 4. Any person who pleads guilty to or is found
29 guilty of a violation of subsection 2 of section
30 306.110, section 306.111, or section 306.112, who is
31 alleged and proved to be an aggravated offender shall
32 be guilty of a class C felony.

33 5. Any person who pleads guilty to or is found
34 guilty of a violation of subsection 2 of section
35 306.110, section 306.111, or section 306.112 who is
36 alleged and proved to be a chronic offender shall be
37 guilty of a class B felony.

38 6. No state, county, or municipal court shall
39 suspend the imposition of sentence as to a prior
40 offender, persistent offender, aggravated offender, or
41 chronic offender under this section, nor sentence such
42 person to pay a fine in lieu of a term of imprisonment,
43 notwithstanding the provisions of section 557.011 to
44 the contrary notwithstanding. No prior offender shall
45 be eligible for parole or probation until he or she has
46 served a minimum of five days imprisonment, unless as a
47 condition of such parole or probation such person
48 performs at least thirty days of community service
49 under the supervision of the court in those
50 jurisdictions which have a recognized program for
51 community service. No persistent offender shall be

1 eligible for parole or probation until he or she has
2 served a minimum of ten days imprisonment, unless as a
3 condition of such parole or probation such person
4 performs at least sixty days of community service under
5 the supervision of the court. No aggravated offender
6 shall be eligible for parole or probation until he or
7 she has served a minimum of sixty days imprisonment.
8 No chronic offender shall be eligible for parole or
9 probation until he or she has served a minimum of two
10 years imprisonment.

11 7. The state, county, or municipal court shall
12 find the defendant to be a prior offender, persistent
13 offender, aggravated offender, or chronic offender if:

14 (1) The indictment or information, original or
15 amended, or the information in lieu of an indictment
16 pleads all essential facts warranting a finding that
17 the defendant is a prior offender, persistent offender,
18 aggravated offender, or chronic offender; and

19 (2) Evidence is introduced that establishes
20 sufficient facts pleaded to warrant a finding beyond a
21 reasonable doubt the defendant is a prior offender,
22 persistent offender, aggravated offender, or chronic
23 offender; and

24 (3) The court makes findings of fact that warrant
25 a finding beyond a reasonable doubt by the court that
26 the defendant is a prior offender, persistent offender,
27 aggravated offender, or chronic offender.

28 8. In a jury trial, the facts shall be pleaded,
29 established and found prior to submission to the jury
30 outside of its hearing.

31 9. In a trial without a jury or upon a plea of
32 guilty, the court may defer the proof in findings of
33 such facts to a later time, but prior to sentencing.

34 10. The defendant shall be accorded full rights
35 of confrontation and cross-examination, with the
36 opportunity to present evidence, at such hearings.

37 11. The defendant may waive proof of the facts
38 alleged.

39 12. Nothing in this section shall prevent the use
40 of presentence investigations or commitments.

41 13. At the sentencing hearing both the state,
42 county, or municipality and the defendant shall be
43 permitted to present additional information bearing on
44 the issue of sentence.

45 14. The pleas or findings of guilt shall be prior
46 to the date of commission of the present offense.

47 15. The court shall not instruct the jury as to
48 the range of punishment or allow the jury, upon a
49 finding of guilt, to assess and declare the punishment
50 as part of its verdict in cases of prior offenders,
51 persistent offenders, aggravated offenders, or chronic

1 offenders.]

2
3 [306.119. 1. If an arresting officer requests a
4 person under arrest to submit to a chemical test, such
5 request shall include the reasons of the officer for
6 requesting the person to submit to a test and shall
7 inform the person that he or she may refuse such
8 request but that such person's refusal may be used as
9 evidence against him or her. If a person refuses a
10 test as provided in this subsection, no test shall be
11 given.

12 2. If a person refuses to submit to a chemical
13 test of such person's breath, blood, urine, or saliva
14 and that person stands trial for the crimes provided in
15 section 306.111 or 306.112, such refusal may be
16 admissible into evidence at the trial.]

17
18 [306.141. 1. A person commits the crime of
19 leaving the scene of a vessel accident if:

20 (1) The person is an operator of a vessel on a
21 waterway;

22 (2) The person knows that an injury was caused to
23 another person or to the property of another person,
24 due to the person's action, whether purposefully,
25 negligently or accidentally; and

26 (3) The person leaves the place of the injury,
27 damage, or accident without stopping and giving the
28 following information to the other party or to a water
29 patrol officer or other law enforcement officer or, if
30 no officer is in the vicinity, then without delay to
31 the nearest police station or judicial officer:

32 (a) The operator's name;

33 (b) The operator's residence, including city and
34 street number;

35 (c) The vessel registration number; and

36 (d) The operator's license number for any license
37 issued under chapter 302.

38 2. Leaving the scene of a vessel accident is a
39 class A misdemeanor, unless:

40 (1) The defendant has previously pled guilty to,
41 or been found guilty of, a violation of this section;
42 or

43 (2) The accident resulted in physical injury to
44 another person. In which cases, leaving the scene of a
45 vessel accident is a class D felony.]]

46
47 [556.016. 1. An offense defined by this code or
48 by any other statute of this state, for which a
49 sentence of death or imprisonment is authorized,
50 constitutes a "crime". Crimes are classified as

1 felonies and misdemeanors.

2 2. A crime is a "felony" if it is so designated
3 or if persons convicted thereof may be sentenced to
4 death or imprisonment for a term which is in excess of
5 one year.

6 3. A crime is a "misdemeanor" if it is so
7 designated or if persons convicted thereof may be
8 sentenced to imprisonment for a term of which the
9 maximum is one year or less.】

10
11 【556.022. It shall be the duty of the operator or
12 driver of any vehicle or the rider of any animal
13 traveling on the roads of this state to stop on signal
14 of any law enforcement officer and to obey any other
15 reasonable signal or direction of such law enforcement
16 officer given in the course of enforcing any
17 infraction. Any person who willfully fails or refuses
18 to obey any signal or direction of a law enforcement
19 officer given in the course of enforcing any
20 infraction, or who willfully resists or opposes a law
21 enforcement officer in the proper discharge of his or
22 her duties in the course of enforcing any infraction,
23 is guilty of a class A misdemeanor and on plea or
24 finding of guilt thereof shall be punished as provided
25 by law for such offenses.】

26
27 【556.051. When the phrase "The defendant shall
28 have the burden of injecting the issue" is used in the
29 code, it means

30 (1) The issue referred to is not submitted to the
31 trier of fact unless supported by evidence; and

32 (2) If the issue is submitted to the trier of
33 fact any reasonable doubt on the issue requires a
34 finding for the defendant on that issue.】

35
36 【556.056. When the phrase "affirmative defense"
37 is used in the code, it means

38 (1) The defense referred to is not submitted to
39 the trier of fact unless supported by evidence; and

40 (2) If the defense is submitted to the trier of
41 fact the defendant has the burden of persuasion that
42 the defense is more probably true than not.】

43
44 【556.063. In all criminal statutes, unless the
45 context requires a different definition, the following
46 terms mean:

47 (1) "Access", to instruct, communicate with,
48 store data in, retrieve or extract data from, or
49 otherwise make any use of any resources of, a computer,
50 computer system, or computer network;

1 (2) "Computer", the box that houses the central
2 processing unit (cpu), along with any internal storage
3 devices, such as internal hard drives, and internal
4 communication devices, such as internal modems capable
5 of sending or receiving electronic mail or fax cards,
6 along with any other hardware stored or housed
7 internally. Thus, computer refers to hardware,
8 software and data contained in the main unit.
9 Printers, external modems attached by cable to the main
10 unit, monitors, and other external attachments will be
11 referred to collectively as peripherals and discussed
12 individually when appropriate. When the computer and
13 all peripherals are referred to as a package, the term
14 "computer system" is used. Information refers to all
15 the information on a computer system including both
16 software applications and data;

17 (3) "Computer equipment", computers, terminals,
18 data storage devices, and all other computer hardware
19 associated with a computer system or network;

20 (4) "Computer hardware", all equipment which can
21 collect, analyze, create, display, convert, store,
22 conceal or transmit electronic, magnetic, optical or
23 similar computer impulses or data. Hardware includes,
24 but is not limited to, any data processing devices,
25 such as central processing units, memory typewriters
26 and self-contained laptop or notebook computers;
27 internal and peripheral storage devices,
28 transistor-like binary devices and other memory storage
29 devices, such as floppy disks, removable disks, compact
30 disks, digital video disks, magnetic tape, hard drive,
31 optical disks and digital memory; local area networks,
32 such as two or more computers connected together to a
33 central computer server via cable or modem; peripheral
34 input or output devices, such as keyboards, printers,
35 scanners, plotters, video display monitors and optical
36 readers; and related communication devices, such as
37 modems, cables and connections, recording equipment,
38 RAM or ROM units, acoustic couplers, automatic dialers,
39 speed dialers, programmable telephone dialing or
40 signaling devices and electronic tone-generating
41 devices; as well as any devices, mechanisms or parts
42 that can be used to restrict access to computer
43 hardware, such as physical keys and locks;

44 (5) "Computer network", a complex consisting of
45 two or more interconnected computers or computer
46 systems;

47 (6) "Computer program", a set of instructions,
48 statements, or related data that directs or is intended
49 to direct a computer to perform certain functions;

50 (7) "Computer software", digital information
51 which can be interpreted by a computer and any of its

1 related components to direct the way they work.
2 Software is stored in electronic, magnetic, optical or
3 other digital form. It commonly includes programs to
4 run operating systems and applications, such as word
5 processing, graphic, or spreadsheet programs,
6 utilities, compilers, interpreters and communications
7 programs;

8 (8) "Computer-related documentation", written,
9 recorded, printed or electronically stored material
10 which explains or illustrates how to configure or use
11 computer hardware, software or other related items;

12 (9) "Computer system", a set of related,
13 connected or unconnected, computer equipment, data, or
14 software;

15 (10) "Damage", any alteration, deletion, or
16 destruction of any part of a computer system or
17 network;

18 (11) "Data", a representation of information,
19 facts, knowledge, concepts, or instructions prepared in
20 a formalized or other manner and intended for use in a
21 computer or computer network. Data may be in any form
22 including, but not limited to, printouts, microfiche,
23 magnetic storage media, punched cards and as may be
24 stored in the memory of a computer;

25 (12) "Digital camera", a camera that records
26 images in a format which enables the images to be
27 downloaded into a computer;

28 (13) "Property", anything of value as defined in
29 subdivision (10) of section 570.010 and includes, but
30 is not limited to, financial instruments, information,
31 including electronically produced data and computer
32 software and programs in either machine or human
33 readable form, and any other tangible or intangible
34 item of value;

35 (14) "Services", the use of a computer, computer
36 system, or computer network and includes, but is not
37 limited to, computer time, data processing, and storage
38 or retrieval functions.]

39
40 [557.046. In all felony cases, the court shall
41 give notice of the time and place of sentencing to the
42 prosecuting attorney and the law enforcement agency
43 within whose jurisdiction the prosecution was
44 initiated. The prosecuting attorney and a
45 representative of the law enforcement agency may appear
46 at sentencing and provide relevant information to the
47 court prior to the court's decision.]

48
49 [560.016. 1. Except as otherwise provided for an
50 offense outside this code, a person who has been
51 convicted of a misdemeanor or infraction may be

1 sentenced to pay a fine which does not exceed:

2 (1) For a class A misdemeanor, one thousand
3 dollars;

4 (2) For a class B misdemeanor, five hundred
5 dollars;

6 (3) For a class C misdemeanor, three hundred
7 dollars;

8 (4) For an infraction, two hundred dollars.

9 2. In lieu of a fine imposed under subsection 1,
10 a person who has been convicted of a misdemeanor or
11 infraction through which he derived "gain" as defined
12 in section 560.011, may be sentenced to a fine which
13 does not exceed double the amount of gain from the
14 commission of the offense. An individual offender may
15 be fined not more than twenty thousand dollars under
16 this provision.]
17

18 [560.021. 1. A sentence to pay a fine, when
19 imposed on a corporation for an offense defined in this
20 code or for any offense defined outside this code for
21 which no special corporate fine is specified, shall be
22 a sentence to pay an amount, fixed by the court, not
23 exceeding:

24 (1) Ten thousand dollars, when the conviction is
25 of a felony;

26 (2) Five thousand dollars, when the conviction is
27 of a class A misdemeanor;

28 (3) Two thousand dollars, when the conviction is
29 of a class B misdemeanor;

30 (4) One thousand dollars, when the conviction is
31 of a class C misdemeanor;

32 (5) Five hundred dollars, when the conviction is
33 of an infraction;

34 (6) Any higher amount not exceeding double the
35 amount of the corporation's gain from the commission of
36 the offense, as determined under section 560.011.

37 2. In the case of an offense defined outside the
38 code, if a special fine for a corporation is expressly
39 specified in the statute that defines the offense, the
40 fine fixed by the court shall be

41 (1) An amount within the limits specified in the
42 statute that defines the offense; or

43 (2) Any higher amount not exceeding double the
44 amount of the corporation's gain from the commission of
45 the offense, as determined under section 560.011.]
46

47 [565.075. 1. A person commits the crime of
48 assault while on school property if the person:

49 (1) Knowingly causes physical injury to another
50 person; or

51 (2) With criminal negligence, causes physical

1 injury to another person by means of a deadly weapon;
2 or

3 (3) Recklessly engages in conduct which creates a
4 grave risk of death or serious physical injury to
5 another person; and the act described under subdivision
6 (1), (2) or (3) of this subsection occurred on school
7 or school district property, or in a vehicle that at
8 the time of the act was in the service of a school or
9 school district, or arose as a result of a school or
10 school district-sponsored activity.

11 2. Assault while on school property is a class D
12 felony.]

13
14 [565.081. 1. A person commits the crime of
15 assault of a law enforcement officer, corrections
16 officer, emergency personnel, highway worker in a
17 construction zone or work zone, utility worker, cable
18 worker, or probation and parole officer in the first
19 degree if such person attempts to kill or knowingly
20 causes or attempts to cause serious physical injury to
21 a law enforcement officer, corrections officer,
22 emergency personnel, highway worker in a construction
23 zone or work zone, utility worker, cable worker, or
24 probation and parole officer.

25 2. As used in this section, "emergency personnel"
26 means any paid or volunteer firefighter, emergency room
27 or trauma center personnel, or emergency medical
28 technician as defined in subdivisions (15), (16), (17),
29 and (18) of section 190.100.

30 3. As used in this section the term "corrections
31 officer" includes any jailer or corrections officer of
32 the state or any political subdivision of the state.

33 4. When used in this section, the terms "highway
34 worker", "construction zone", or "work zone" shall have
35 the same meaning as such terms are defined in section
36 304.580.

37 5. As used in this section, the term "utility
38 worker" means any employee while in performance of
39 their job duties, including any person employed under
40 contract of a utility that provides gas, heat,
41 electricity, water, steam, telecommunications services,
42 or sewer services, whether privately, municipally, or
43 cooperatively owned.

44 6. As used in this section, the term "cable
45 worker" means any employee including any person
46 employed under contract of a cable operator, as such
47 term is defined in section 67.2677.

48 7. Assault of a law enforcement officer,
49 corrections officer, emergency personnel, highway
50 worker in a construction zone or work zone, utility
51 worker, cable worker, or probation and parole officer

1 in the first degree is a class A felony.]

2
3 [565.082. 1. A person commits the crime of
4 assault of a law enforcement officer, corrections
5 officer, emergency personnel, highway worker in a
6 construction zone or work zone, utility worker, cable
7 worker, or probation and parole officer in the second
8 degree if such person:

9 (1) Knowingly causes or attempts to cause
10 physical injury to a law enforcement officer,
11 corrections officer, emergency personnel, highway
12 worker in a construction zone or work zone, utility
13 worker, cable worker, or probation and parole officer
14 by means of a deadly weapon or dangerous instrument;

15 (2) Knowingly causes or attempts to cause
16 physical injury to a law enforcement officer,
17 corrections officer, emergency personnel, highway
18 worker in a construction zone or work zone, utility
19 worker, cable worker, or probation and parole officer
20 by means other than a deadly weapon or dangerous
21 instrument;

22 (3) Recklessly causes serious physical injury to
23 a law enforcement officer, corrections officer,
24 emergency personnel, highway worker in a construction
25 zone or work zone, utility worker, cable worker, or
26 probation and parole officer; or

27 (4) While in an intoxicated condition or under
28 the influence of controlled substances or drugs,
29 operates a motor vehicle or vessel in this state and
30 when so operating, acts with criminal negligence to
31 cause physical injury to a law enforcement officer,
32 corrections officer, emergency personnel, highway
33 worker in a construction zone or work zone, utility
34 worker, cable worker, or probation and parole officer;

35 (5) Acts with criminal negligence to cause
36 physical injury to a law enforcement officer,
37 corrections officer, emergency personnel, highway
38 worker in a construction zone or work zone, utility
39 worker, cable worker, or probation and parole officer
40 by means of a deadly weapon or dangerous instrument;

41 (6) Purposely or recklessly places a law
42 enforcement officer, corrections officer, emergency
43 personnel, highway worker in a construction zone or
44 work zone, utility worker, cable worker, or probation
45 and parole officer in apprehension of immediate serious
46 physical injury; or

47 (7) Acts with criminal negligence to create a
48 substantial risk of death or serious physical injury to
49 a law enforcement officer, corrections officer,
50 emergency personnel, highway worker in a construction
51 zone or work zone, utility worker, cable worker, or

1 probation and parole officer.

2 2. As used in this section, "emergency personnel"
3 means any paid or volunteer firefighter, emergency room
4 or trauma center personnel, or emergency medical
5 technician as defined in subdivisions (15), (16), (17),
6 and (18) of section 190.100.

7 3. As used in this section the term "corrections
8 officer" includes any jailer or corrections officer of
9 the state or any political subdivision of the state.

10 4. When used in this section, the terms "highway
11 worker", "construction zone", or "work zone" shall have
12 the same meaning as such terms are defined in section
13 304.580.

14 5. As used in this section, the term "utility
15 worker" means any employee while in performance of
16 their job duties, including any person employed under
17 contract of a utility that provides gas, heat,
18 electricity, water, steam, telecommunications services,
19 or sewer services, whether privately, municipally, or
20 cooperatively owned.

21 6. As used in this section, the term "cable
22 worker" means any employee, including any person
23 employed under contract of a cable operator, as such
24 term is defined in section 67.2677.

25 7. Assault of a law enforcement officer,
26 corrections officer, emergency personnel, highway
27 worker in a construction zone or work zone, utility
28 worker, cable worker, or probation and parole officer
29 in the second degree is a class B felony unless
30 committed pursuant to subdivision (2), (5), (6), or (7)
31 of subsection 1 of this section in which case it is a
32 class C felony. For any violation of subdivision (1),
33 (3), or (4) of subsection 1 of this section, the
34 defendant must serve mandatory jail time as part of his
35 or her sentence.】

36
37 【565.083. 1. A person commits the crime of
38 assault of a law enforcement officer, corrections
39 officer, emergency personnel, highway worker in a
40 construction zone or work zone, utility worker, cable
41 worker, or probation and parole officer in the third
42 degree if:

43 (1) Such person recklessly causes physical injury
44 to a law enforcement officer, corrections officer,
45 emergency personnel, highway worker in a construction
46 zone or work zone, utility worker, cable worker, or
47 probation and parole officer;

48 (2) Such person purposely places a law
49 enforcement officer, corrections officer, emergency
50 personnel, highway worker in a construction zone or
51 work zone, utility worker, cable worker, or probation

1 and parole officer in apprehension of immediate
2 physical injury;

3 (3) Such person knowingly causes or attempts to
4 cause physical contact with a law enforcement officer,
5 corrections officer, emergency personnel, highway
6 worker in a construction zone or work zone, utility
7 worker, cable worker, or probation and parole officer
8 without the consent of the law enforcement officer,
9 corrections officer, emergency personnel, highway
10 worker in a construction zone or work zone, utility
11 worker, cable worker, or probation and parole officer.

12 2. As used in this section, "emergency personnel"
13 means any paid or volunteer firefighter, emergency room
14 or trauma center personnel, or emergency medical
15 technician as defined in subdivisions (15), (16), (17),
16 and (18) of section 190.100.

17 3. As used in this section the term "corrections
18 officer" includes any jailer or corrections officer of
19 the state or any political subdivision of the state.

20 4. When used in this section, the terms "highway
21 worker", "construction zone", or "work zone" shall have
22 the same meaning as such terms are defined in section
23 304.580.

24 5. As used in this section, the term "utility
25 worker" means any employee while in performance of
26 their job duties, including any person employed under
27 contract of a utility that provides gas, heat,
28 electricity, water, steam, telecommunications services,
29 or sewer services, whether privately, municipally, or
30 cooperatively owned.

31 6. As used in this section, the term "cable
32 worker" means any employee, including any person
33 employed under contract of a cable operator, as such
34 term is defined in section 67.2677.

35 7. Assault of a law enforcement officer,
36 corrections officer, emergency personnel, highway
37 worker in a construction zone or work zone, utility
38 worker, cable worker, or probation and parole officer
39 in the third degree is a class A misdemeanor.】
40

41 [565.092. 1. A patient or respondent is guilty
42 of aggravated harassment of an employee when, with
43 intent to harass, annoy, threaten or alarm a person in
44 a facility whom the person knows or reasonably should
45 know to be an employee of such facility or the
46 department of mental health or to be an employee of any
47 law enforcement agency, the person causes or attempts
48 to cause such employee to come into contact with blood,
49 seminal fluid, urine or feces, by throwing, tossing or
50 expelling such fluid or material.

51 2. For the purposes of this section, "patient"

1 means any person who is a patient in a facility
2 operated by the department of mental health. For
3 purposes of this section, "respondent" means a juvenile
4 in a secure facility operated and maintained by the
5 division of youth services. For purposes of this
6 section, "facility" means a hospital operated by the
7 department of mental health or a secure facility
8 operated by the division of youth services.

9 3. Any person who violates the provisions of this
10 section is guilty of a class A misdemeanor.】

11
12 【565.149. As used in sections 565.149 to 565.169,
13 the following words and phrases mean:

14 (1) "Child", a person under seventeen years of
15 age;

16 (2) "Legal custody", the right to the care,
17 custody and control of a child;

18 (3) "Parent", either a biological parent or a
19 parent by adoption;

20 (4) "Person having a right of custody", a parent
21 or legal guardian of the child.】

22
23 【565.165. 1. A person commits the crime of
24 assisting in child abduction or parental kidnapping if
25 he:

26 (1) Before or during the commission of a child
27 abduction or parental kidnapping as defined in section
28 565.153 or 565.156 and with the intent to promote or
29 facilitate such offense, intentionally assists another
30 in the planning or commission of child abduction or
31 parental kidnapping, unless before the commission of
32 the offense he makes proper efforts to prevent the
33 commission of the offense; or

34 (2) With the intent to prevent the apprehension
35 of a person known to have committed the offense of
36 child abduction or parental kidnapping, or with the
37 intent to obstruct or prevent efforts to locate the
38 child victim of a child abduction, knowingly destroys,
39 alters, conceals or disguises physical evidence or
40 furnishes false information.

41 2. Assisting in child abduction or parental
42 kidnapping is a class A misdemeanor.】

43
44 【565.169. Upon conviction or guilty plea of a
45 person under section 565.150, or section 565.153 or
46 565.156, the court may, in addition to or in lieu of
47 any sentence or fine imposed, assess as restitution
48 against the defendant and in favor of the legal
49 custodian or parent any reasonable expenses incurred by
50 the legal custodian or parent in searching for or

1 returning the child.]

2
3 [565.180. 1. A person commits the crime of elder
4 abuse in the first degree if he attempts to kill,
5 knowingly causes or attempts to cause serious physical
6 injury, as defined in section 565.002, to any person
7 sixty years of age or older or an eligible adult as
8 defined in section 660.250.

9 2. Elder abuse in the first degree is a class A
10 felony.]

11
12 [565.182. 1. A person commits the crime of elder
13 abuse in the second degree if he:

14 (1) Knowingly causes, attempts to cause physical
15 injury to any person sixty years of age or older or an
16 eligible adult, as defined in section 660.250, by means
17 of a deadly weapon or dangerous instrument; or

18 (2) Recklessly or purposely causes serious
19 physical injury, as defined in section 565.002, to a
20 person sixty years of age or older or an eligible adult
21 as defined in section 660.250.

22 2. Elder abuse in the second degree is a class B
23 felony.]

24
25 [565.210. 1. A person commits the crime of
26 vulnerable person abuse in the first degree if he or
27 she attempts to kill or knowingly causes or attempts to
28 cause serious physical injury to a vulnerable person,
29 as defined in section 630.005.

30 2. Vulnerable person abuse in the first degree is
31 a class A felony.]

32
33 [565.212. 1. A person commits the crime of
34 vulnerable person abuse in the second degree if he or
35 she:

36 (1) Knowingly causes or attempts to cause
37 physical injury to a vulnerable person, as defined in
38 section 630.005, by means of a deadly weapon or
39 dangerous instrument; or

40 (2) Recklessly causes serious physical injury to
41 any vulnerable person, as defined in section 630.005.

42 2. Vulnerable person abuse in the second degree
43 is a class B felony.]

44
45 [565.214. 1. A person commits the crime of
46 vulnerable person abuse in the third degree if he or
47 she:

48 (1) Knowingly causes or attempts to cause
49 physical contact with any vulnerable person as defined
50 in section 630.005, knowing the other person will

1 regard the contact as harmful or offensive; or

2 (2) Purposely engages in conduct involving more
3 than one incident that causes grave emotional distress
4 to a vulnerable person, as defined in section 630.005.
5 The result of the conduct shall be such as would cause
6 a vulnerable person, as defined in section 630.005, to
7 suffer substantial emotional distress; or

8 (3) Purposely or knowingly places a vulnerable
9 person, as defined in section 630.005, in apprehension
10 of immediate physical injury; or

11 (4) Intentionally fails to provide care, goods or
12 services to a vulnerable person, as defined in section
13 630.005. The result of the conduct shall be such as
14 would cause a vulnerable person, as defined in section
15 630.005, to suffer physical or emotional distress; or

16 (5) Knowingly acts or knowingly fails to act with
17 malice in a manner that results in a grave risk to the
18 life, body or health of a vulnerable person, as defined
19 in section 630.005; or

20 (6) Is a person who is a vendor, provider, agent,
21 or employee of a department operated, funded, licensed,
22 or certified program and engages in sexual contact, as
23 defined by subdivision (3) of section 566.010, or
24 sexual intercourse, as defined by subdivision (4) of
25 section 566.010, with a vulnerable person.

26 2. Vulnerable person abuse in the third degree is
27 a class A misdemeanor.

28 3. Actions done in good faith and without gross
29 negligence that are designed to protect the safety of
30 the individual and the safety of others, or are
31 provided within accepted standards of care and
32 treatment, shall not be considered as abuse of a
33 vulnerable person as defined in this section.

34 4. Nothing in this section shall be construed to
35 mean that a vulnerable person is abused solely because
36 such person chooses to rely on spiritual means through
37 prayer, in lieu of medical care, for his or her health
38 care, as evidenced by the vulnerable person's explicit
39 consent, advance directive for health care, or
40 practice.]

41
42 [565.250. As used in sections 565.250 to 565.257,
43 the following terms mean:

44 (1) "Full or partial nudity", the showing of all
45 or any part of the human genitals or pubic area or
46 buttock, or any part of the nipple of the breast of any
47 female person, with less than a fully opaque covering;

48 (2) "Photographs" or "films", the making of any
49 photograph, motion picture film, videotape, or any
50 other recording or transmission of the image of a
51 person;

1 (3) "Place where a person would have a reasonable
2 expectation of privacy", any place where a reasonable
3 person would believe that a person could disrobe in
4 privacy, without being concerned that the person's
5 undressing was being viewed, photographed or filmed by
6 another;

7 (4) "Prior invasion of privacy offender", a
8 person who previously has pleaded or been found guilty
9 of the crime of invasion of privacy;

10 (5) "Same course of conduct", more than one
11 person has been filmed in full or partial nudity under
12 the same or similar circumstances pursuant to one
13 scheme or course of conduct, whether at the same or
14 different times;

15 (6) "Views", the looking upon of another person,
16 with the unaided eye or with any device designed or
17 intended to improve visual acuity, for the purpose of
18 arousing or gratifying the sexual desire of any
19 person.]
20

21 [565.253. 1. A person commits the crime of
22 invasion of privacy in the second degree if:

23 (1) Such person knowingly views, photographs or
24 films another person, without that person's knowledge
25 and consent, while the person being viewed,
26 photographed or filmed is in a state of full or partial
27 nudity and is in a place where one would have a
28 reasonable expectation of privacy; or

29 (2) Such person knowingly uses a concealed
30 camcorder or photographic camera of any type to
31 secretly videotape, photograph, or record by electronic
32 means another person under or through the clothing worn
33 by that other person for the purpose of viewing the
34 body of or the undergarments worn by that other person
35 without that person's consent.

36 2. Invasion of privacy in the second degree
37 pursuant to subdivision (1) of subsection 1 of this
38 section is a class A misdemeanor; unless more than one
39 person is viewed, photographed or filmed in full or
40 partial nudity in violation of sections 565.250 to
41 565.257 during the same course of conduct, in which
42 case invasion of privacy is a class D felony; and
43 unless committed by a person who has previously pled
44 guilty to or been found guilty of invasion of privacy,
45 in which case invasion of privacy is a class D felony.
46 Invasion of privacy in the second degree pursuant to
47 subdivision (2) of subsection 1 of this section is a
48 class A misdemeanor; unless more than one person is
49 secretly videotaped, photographed or recorded in
50 violation of sections 565.250 to 565.257 during the
51 same course of conduct, in which case invasion of

1 privacy is a class D felony; and unless committed by a
2 person who has previously pled guilty to or been found
3 guilty of invasion of privacy, in which case invasion
4 of privacy is a class C felony. Prior pleas or
5 findings of guilt shall be pled and proven in the same
6 manner required by the provisions of section 558.021.]
7

8 [566.140. 1. Any person who has pleaded guilty
9 to or been found guilty of violating the provisions of
10 this chapter and is granted a suspended imposition or
11 execution of sentence or placed under the supervision
12 of the board of probation and parole shall be required
13 to participate in and successfully complete a program
14 of treatment, education and rehabilitation designed for
15 perpetrators of sexual offenses. Persons required to
16 attend a program pursuant to this section may be
17 charged a reasonable fee to cover the costs of such
18 program.

19 2. No person who provides assessment services or
20 who makes a report, finding, or recommendation for any
21 probationer to attend any counseling or program of
22 treatment, education or rehabilitation as a condition
23 or requirement of probation, following the
24 probationer's plea of guilty to or a finding of guilt
25 of violating any provision of this chapter or chapter
26 565, may be related within the third degree of
27 consanguinity or affinity to any person who has a
28 financial interest, whether direct or indirect, in the
29 counseling or program of treatment, education or
30 rehabilitation or any financial interest, whether
31 direct or indirect, in any private entity which
32 provides the counseling or program of treatment,
33 education or rehabilitation. Any person who violates
34 this subsection shall thereafter:

35 (1) Immediately remit to the state of Missouri
36 any financial income gained as a direct or indirect
37 result of the action constituting the violation;

38 (2) Be prohibited from providing assessment or
39 counseling services or any program of treatment,
40 education or rehabilitation to, for, on behalf of, at
41 the direction of, or in contract with the state board
42 of probation and parole or any office thereof; and

43 (3) Be prohibited from having any financial
44 interest, whether direct or indirect, in any private
45 entity which provides assessment or counseling services
46 or any program of treatment, education or
47 rehabilitation to, for, on behalf of, at the direction
48 of, or in contract with the state board of probation
49 and parole or any office thereof.

50 3. The provisions of subsection 2 of this section
51 shall not apply when the department of corrections has

1 identified only one qualified service provider within
2 reasonably accessible distance from the offender or
3 when the only providers available within a reasonable
4 distance are related within the third degree of
5 consanguinity or affinity to any person who has a
6 financial interest in the service provider.】
7

8 【566.141. Any person who is convicted of or
9 pleads guilty or nolo contendere to any sexual offense
10 involving a child shall be required as a condition of
11 probation or parole to be involved in and successfully
12 complete an appropriate treatment program. Any person
13 involved in such a program shall be required to follow
14 all directives of the treatment program provider.】
15

16 【567.040. In any prosecution for prostitution or
17 patronizing a prostitute, the sex of the two parties or
18 prospective parties to the sexual conduct engaged in,
19 contemplated or solicited is immaterial, and it is no
20 defense that

- 21 (1) Both persons were of the same sex; or
22 (2) The person who received, agreed to receive or
23 solicited something of value was a male and the person
24 who gave or agreed or offered to give something of
25 value was a female.】
26

27 【568.100. 1. When it becomes necessary for the
28 purposes of section 568.060, 568.080 or 568.090 to
29 determine whether a child who participated in a sexual
30 performance was younger than seventeen years of age,
31 the court or jury may make this determination by any of
32 the following methods:

- 33 (1) Personal inspection of the child;
34 (2) Inspection of the photograph or motion
35 picture that shows the child engaging in the sexual
36 performance;

37 (3) Oral testimony by a witness to the sexual
38 performance as to the age of the child based on the
39 child's appearance at the time;

40 (4) Expert medical testimony based on the
41 appearance of the child engaging in the sexual
42 performance; or

43 (5) Any other method authorized by law or by the
44 rules of evidence.

45 2. When it becomes necessary for the purposes of
46 section 568.060, 568.080 or 568.090 to determine
47 whether a child who participated in the sexual conduct
48 consented to the conduct, the term "consent" shall have
49 the meaning given it in section 556.061.

50 3. Upon request of the prosecuting attorney, the

1 court may order that the child's testimony be
2 videotaped pursuant to section 492.303 or as otherwise
3 provided by law.]
4

5 [568.120. 1. Any person who has pleaded guilty
6 to or been found guilty of violating the provisions of
7 section 568.020, 568.060, 568.080 or 568.090, and who
8 is granted a suspended imposition or execution of
9 sentence, or placed under the supervision of the board
10 of probation and parole, shall be required to
11 participate in an appropriate program of treatment,
12 education and rehabilitation. Persons required to
13 attend a program pursuant to this section may be
14 charged a reasonable fee to cover the costs of such
15 program.

16 2. Notwithstanding other provisions of law to the
17 contrary, any person who has previously pleaded guilty
18 to or been found guilty of violating the provisions of
19 sections 568.020, 568.060, 568.080 and 568.090, and who
20 subsequently pleads guilty or is found guilty of
21 violating any one of the foregoing sections, shall not
22 be granted a suspended imposition of sentence, a
23 suspended execution of sentence, nor probation by the
24 circuit court for the subsequent offense.]
25

26 [569.025. 1. A person commits the crime of
27 pharmacy robbery in the first degree when he forcibly
28 steals any controlled substance from a pharmacy and in
29 the course thereof he, or another participant in the
30 crime:

- 31 (1) Causes serious physical injury to any person;
32 (2) Is armed with a deadly weapon;
33 (3) Uses or threatens the immediate use of a
34 dangerous instrument against any person; or
35 (4) Displays or threatens the use of what appears
36 to be a deadly weapon or dangerous instrument.

37 2. For purposes of this section the following
38 terms mean:

39 (1) "Controlled substance", a drug, substance or
40 immediate precursor in schedules I through V as defined
41 in sections 195.005 to 195.425;

42 (2) "Pharmacy", any building, warehouse,
43 physician's office, hospital, pharmaceutical house or
44 other structure used in whole or in part for the sale,
45 storage or dispensing of any controlled substance as
46 defined by sections 195.005 to 195.425.

47 3. Pharmacy robbery in the first degree is a
48 class A felony, but, notwithstanding any other
49 provision of law, a person convicted pursuant to this
50 section shall not be eligible for suspended execution
51 of sentence, parole or conditional release until having

1 served a minimum of ten years of imprisonment.]

2
3 [569.035. 1. A person commits the crime of
4 pharmacy robbery in the second degree when he forcibly
5 steals any controlled substance from a pharmacy. 2.
6 For purposes of this section the following terms mean:

7 (1) "Controlled substance", a drug, substance or
8 immediate precursor in schedules I through V as defined
9 in sections 195.005 to 195.425;

10 (2) "Pharmacy", any building, warehouse,
11 physician's office, hospital, pharmaceutical house or
12 other structure used in whole or in part for the sale,
13 storage or dispensing of any controlled substance as
14 defined by sections 195.005 to 195.425.

15 3. Pharmacy robbery in the second degree is a
16 class B felony, but, notwithstanding any other
17 provision of law, a person convicted pursuant to this
18 section shall not be eligible for suspended execution
19 of sentence, parole or conditional release until having
20 served a minimum of five years of imprisonment.]

21
22 [569.067. 1. A person commits the crime of
23 negligently setting fire to a woodland, cropland,
24 grassland, prairie or marsh when he with criminal
25 negligence causes damage to a woodland, cropland,
26 grassland, prairie or marsh of another by starting a
27 fire.

28 2. A person commits the crime of negligently
29 allowing a fire to escape when he with criminal
30 negligence allows a fire burning on lands in his
31 possession or control to escape onto property of
32 another.

33 3. Negligently setting fire to a woodland,
34 cropland, grassland, prairie or marsh or negligently
35 allowing a fire to escape is a class B misdemeanor.]

36
37 [569.094. In a prosecution under sections 569.095
38 to 569.099, computer printouts shall be competent
39 evidence of any computer software, program, or data
40 contained in or taken from a computer, computer system,
41 or computer network.]

42
43 [570.033. Any person who, without lawful
44 authority, willfully takes another's animal with the
45 intent to deprive him of his property is guilty of a
46 class D felony.]

47
48 [570.040. 1. Every person who has previously
49 pled guilty to or been found guilty of two
50 stealing-related offenses committed on two separate

1 occasions where such offenses occurred within ten years
2 of the date of occurrence of the present offense and
3 who subsequently pleads guilty or is found guilty of a
4 stealing-related offense is guilty of a class D felony,
5 unless the subsequent plea or guilty verdict is
6 pursuant to paragraph (a) of subdivision (3) of
7 subsection 3 of section 570.030, in which case the
8 person shall be guilty of a class B felony, and shall
9 be punished accordingly.

10 2. As used in this section, the term
11 "stealing-related offense" shall include federal and
12 state violations of criminal statutes against stealing,
13 robbery, or buying or receiving stolen property and
14 shall also include municipal ordinances against same if
15 the defendant was either represented by counsel or
16 knowingly waived counsel in writing and the judge
17 accepting the plea or making the findings was a
18 licensed attorney at the time of the court proceedings.

19 3. Evidence of prior guilty pleas or findings of
20 guilt shall be heard by the court, out of the hearing
21 of the jury, prior to the submission of the case to the
22 jury, and the court shall determine the existence of
23 the prior guilty pleas or findings of guilt.]
24

25 [570.050. Amounts stolen pursuant to one scheme
26 or course of conduct, whether from the same or several
27 owners and whether at the same or different times,
28 constitute a single criminal episode and may be
29 aggregated in determining the grade of the offense.]
30

31 [570.055. Any person who steals or appropriates,
32 without consent of the owner, any wire, electrical
33 transformer, metallic wire associated with transmitting
34 telecommunications, or any other device or pipe that is
35 associated with conducting electricity or transporting
36 natural gas or other combustible fuels shall be guilty
37 of a class C felony.]
38

39 [570.080. 1. A person commits the crime of
40 receiving stolen property if for the purpose of
41 depriving the owner of a lawful interest therein, he or
42 she receives, retains or disposes of property of
43 another knowing that it has been stolen, or believing
44 that it has been stolen.

45 2. Evidence of the following is admissible in any
46 criminal prosecution pursuant to this section to prove
47 the requisite knowledge or belief of the alleged
48 receiver:

49 (1) That he or she was found in possession or
50 control of other property stolen on separate occasions

1 from two or more persons;

2 (2) That he or she received other stolen property
3 in another transaction within the year preceding the
4 transaction charged;

5 (3) That he or she acquired the stolen property
6 for a consideration which he or she knew was far below
7 its reasonable value;

8 (4) That he or she obtained control over stolen
9 property knowing the property to have been stolen or
10 under such circumstances as would reasonably induce a
11 person to believe the property was stolen.

12 3. Except as otherwise provided in subsections 4
13 and 5 of this section, receiving stolen property is a
14 class A misdemeanor.

15 4. Receiving stolen property is a class C felony
16 if:

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

20 (2) The property has been physically taken from
21 the person of the victim; or

22 (3) The property appropriated includes:

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

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

26 (c) Any credit card or letter of credit;

27 (d) Any firearm;

28 (e) Any explosive weapon as that term is defined
29 in section 571.010;

30 (f) A United States national flag designed,
31 intended, and used for display on buildings or
32 stationary flagstaffs in the open;

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

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

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

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

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

45 (l) Any captive wildlife held under permit issued
46 by the conservation commission;

47 (m) Any controlled substance as that term is
48 defined in section 195.010;

49 (n) Anhydrous ammonia;

50 (o) Ammonium nitrate; or

51 (p) Any document of historical significance which

1 has a fair market value of five hundred dollars or
2 more.

3 5. The receipt of any item of property or
4 services pursuant to subsection 4 of this section which
5 exceeds five hundred dollars may be considered a
6 separate felony and may be charged in separate counts.

7 6. Any person who previously has been found
8 guilty of, or pled guilty to, receiving stolen
9 property, when the property is of the kind described
10 under paragraph (j) or (l) of subdivision (3) of
11 subsection 4 of this section and the value of the
12 animal or animals received exceeds three thousand
13 dollars, is guilty of a class B felony. Such person
14 shall serve a minimum prison term of not less than
15 eighty percent of his or her sentence before being
16 eligible for probation, parole, conditional release, or
17 other early release by the department of corrections.

18 7. Receiving stolen property is a class B felony
19 if the value of the property or services equals or
20 exceeds twenty-five thousand dollars.】
21

22 [570.155. 1. It shall be unlawful:

23 (1) For any person to give, promise or offer to
24 any professional or amateur baseball, football, hockey,
25 polo, tennis or basketball player or boxer or any
26 player who participates or expects to participate in
27 any professional or amateur game or sport or any
28 jockey, driver, groom or any person participating or
29 expecting to participate in any horse race, including
30 owners of race tracks and their employees, stewards,
31 trainers, judges, starters or special policemen, or to
32 any manager, coach or trainer of any team or
33 participant or prospective participant in any such
34 game, contest or sport, any valuable thing with intent
35 to influence him to lose or try to lose or cause to be
36 lost or to limit his or his team's margin of victory in
37 a baseball, football, hockey or basketball game,
38 boxing, tennis or polo match or a horse race or any
39 professional or amateur sport, or game, in which such
40 player or participant or jockey or driver, is taking
41 part or expects to take part, or has any duty or
42 connection therewith;

43 (2) For any professional or amateur baseball,
44 football, hockey, basketball, tennis or polo player,
45 boxer, or jockey, driver, or groom or participant or
46 prospective participant in any sport or game, or
47 manager, coach or trainer of any team or individual
48 participant or prospective participant in any such
49 game, contest or sport to accept, attempt to obtain, or
50 to solicit any valuable thing to influence him to lose
51 or try to lose or cause to be lost or to limit his or

1 his team's margin of victory in a baseball, football,
2 hockey or basketball game or boxing, tennis, or polo
3 match, or horse race or any game or sport in which he
4 is taking part, or expects to take part, or has any
5 duty or connection therewith.

6 2. (1) Any person violating the provisions of
7 subdivision (1) of subsection 1 shall be deemed guilty
8 of a felony, and, upon conviction thereof, shall be
9 punished by imprisonment in the penitentiary for a term
10 of not to exceed ten years or by imprisonment in the
11 county jail for a period not to exceed one year, or by
12 a fine not to exceed ten thousand dollars or by both
13 such fine and imprisonment;

14 (2) Any person violating the provisions of
15 subdivision (2) of subsection 1 shall be deemed guilty
16 of a misdemeanor.]

17
18 [570.160. 1. A person commits the crime of false
19 advertising if, in connection with the promotion of the
20 sale of, or to increase the consumption of, property or
21 services, he recklessly makes or causes to be made a
22 false or misleading statement in any advertisement
23 addressed to the public or to a substantial number of
24 persons.

25 2. False advertising is a class A misdemeanor.]

26
27 [570.170. 1. A person commits the crime of bait
28 advertising if he advertises in any manner the sale of
29 property or services with the purpose not to sell or
30 provide the property or services:

31 (1) At the price which he offered them; or

32 (2) In a quantity sufficient to meet the
33 reasonably expected public demand, unless the quantity
34 is specifically stated in the advertisement; or

35 (3) At all.

36 2. Bait advertising is a class A misdemeanor.]

37
38 [570.190. 1. A person commits the crime of
39 telephone service fraud if the person by deceit obtains
40 or attempts to obtain telephone service without paying
41 the lawful charge, except that it shall not be unlawful
42 for a person to purchase, rent or use telephones or
43 telephone receiving equipment acquired from a lawful
44 source, other than the telephone utility certified to
45 serve the area in which such person resides.

46 2. A person commits the crime of electronic
47 telephone fraud if the person knowingly

48 (1) Uses, in connection with the making or
49 receiving of a telephone call; or

50 (2) Has possession of; or

1 (3) Transfers possession or causes the transfer
2 of possession to another; or

3 (4) Makes or assembles; an electronic or
4 mechanical device which, when used in connection with a
5 telephone call, will cause the billing system of a
6 telephone company to record incorrectly, or omit to
7 record correctly, any fact by which the person
8 responsible for paying the charge for a telephone call
9 is determined.

10 3. Venue for trial shall be as follows:

11 (1) An offense under subsection 1 and subdivision
12 (1) of subsection 2 which involves the placing of
13 telephone calls may be deemed to have been committed at
14 either the place at which the telephone calls were
15 made, or at the place where the telephone calls were
16 received.

17 (2) An offense under subdivisions (2), (3) and
18 (4) of subsection 2 may be deemed to have been
19 committed where the device was found, or at the place
20 where the device was transferred or fabricated.

21 4. (1) An offense under subsection 1 shall be
22 punished by a fine not to exceed five hundred dollars
23 or by confinement in jail for not more than six months,
24 or both; except that if the telephone charges avoided
25 or attempted to be avoided pursuant to one scheme or
26 course of conduct exceed fifty dollars, the offense
27 shall be punished by a fine of not more than one
28 thousand dollars, or by confinement in jail for not
29 more than one year, or both.

30 (2) An offense under subdivisions (1) through (5)
31 of subsection 2 shall be punished by a fine of not more
32 than one thousand dollars, confinement in jail for not
33 more than one year, or both; except that if defendant
34 received consideration from another as a consequence of
35 the use, transfer, or fabrication of the device, the
36 offense shall be punished as provided in subdivision
37 (3) of subsection 4.

38 (3) If the defendant has been convicted
39 previously of an offense under this section or of an
40 offense under the laws of another state of the United
41 States which would have been an offense under this
42 section if committed in this state, then the offense
43 shall be punished by a fine of not more than five
44 thousand dollars or by imprisonment by the department
45 of corrections and human resources for not less than
46 two nor more than five years, or both.

47 5. A search warrant shall be issued by any court
48 of competent jurisdiction upon a finding of probable
49 cause to believe an instrument or device described in
50 subsections 1 and 2 is housed in a particular
51 structure, vehicle or upon the person.】

1 [570.226. No person shall, without the consent of
2 the owner, transfer or cause to be transferred to any
3 phonograph record, disc, wire, tape, film,
4 videocassette, or other article or medium now known or
5 later developed on which sounds or images are recorded
6 or otherwise stored, any performance whether live
7 before an audience or transmitted by wire or through
8 the air by radio or television, with the intent to sell
9 or cause to be sold for profit.]

10
11 [570.230. No person shall advertise, or offer for
12 sale, resale, or sell or resell, or cause to be sold,
13 resold or process for such purposes any article that
14 has been produced in violation of the provisions of
15 section 570.225 or 570.226, knowing, or having
16 reasonable grounds to know, that the sounds thereon
17 have been so transferred without the consent of the
18 owner.]

19
20 [570.235. As used in sections 570.225 to 570.255,
21 the following terms mean:

22 (1) "Audiovisual works", works that consist of a
23 series of related images which are intrinsically
24 intended to be shown by the use of machines, electronic
25 equipment or other devices, now known or later
26 developed, together with accompanying sounds, if any;

27 (2) "Manufacturer", the person who transfers or
28 causes to be transferred any sounds or images to the
29 particular article, medium, recording or other physical
30 embodiment of such sounds or images then in issue;

31 (3) "Motion pictures", audiovisual works
32 consisting of a series of related images which, when
33 shown in succession, impart an impression of motion,
34 together with accompanying sounds, if any;

35 (4) "Owner", the person who owns the sounds of
36 any performance not yet fixed in a medium of
37 expression, or the original fixation of sounds embodied
38 in the master phonograph record, master disc, master
39 tape, master film, master videocassette, or other
40 device or medium now known or later developed, used for
41 reproducing sounds on phonograph records, discs, tapes,
42 films, videocassettes, or other articles or medium upon
43 which sound is or may be recorded, and from which the
44 transferred recorded sounds are directly or indirectly
45 derived;

46 (5) "Person", any natural person, corporation or
47 other business entity.]

48
49 [570.240. The label, cover, box or jacket on all
50 phonograph records, discs, wires, tapes, films,

1 videocassettes or other articles or medium now known or
2 later developed on which sounds or images are recorded
3 shall contain thereon in clearly readable print the
4 name and address of the manufacturer.】
5

6 [570.241. No person shall advertise, or offer for
7 rental, sale, resale, or rent, sell, resell, or cause
8 to be sold, resold, or possess for such purposes any
9 article that has been produced in violation of the
10 provisions of section 570.240, knowing, or having
11 reasonable grounds to know, that the article has been
12 produced in violation of the provisions of section
13 570.240.】
14

15 [570.245. Sections 570.225 to 570.255 do not
16 apply to:

17 (1) Any radio or television broadcaster who
18 transfers any such sounds as part of or in connection
19 with a radio or television broadcast transmission or
20 for archival preservation;

21 (2) Any person transferring any such sounds at
22 home for his personal use without any compensation
23 being derived by such person or any other person from
24 such transfer;

25 (3) Any cable television company that transfers
26 any such sounds as part of its regular cable television
27 service.】
28

29 [570.255. 1. Any person guilty of a violation of
30 sections 570.225 to 570.255 is punishable as follows:

31 (1) For the first offense of a violation of
32 sections 570.225 to 570.241 which is not a felony under
33 subdivision (2) of this subsection, such person is
34 guilty of a misdemeanor, and upon conviction shall be
35 punished by a fine not exceeding five thousand dollars,
36 or by confinement in the county jail not exceeding six
37 months, or by both such fine and confinement.

38 (2) For any offense of a violation of section
39 570.240 or 570.241 involving one hundred or more
40 articles upon which motion pictures or audiovisual
41 works are recorded, or any other violation of section
42 570.225 to 570.241 involving one hundred or more
43 articles, such person is guilty of a felony and, upon
44 conviction, shall be punished by a fine not exceeding
45 fifty thousand dollars, or by imprisonment by the
46 department of corrections for not more than five years,
47 or by both such fine and imprisonment.

48 (3) For the second and subsequent violations of
49 sections 570.225 to 570.255, such person is guilty of a
50 felony and, upon conviction, shall be punished by a

1 fine not exceeding one hundred thousand dollars, or by
2 imprisonment by the department of corrections for not
3 less than two years nor more than five years, or by
4 both such fine and imprisonment.

5 2. If a person is convicted of any violation of
6 sections 570.225 to 570.255, the court in its judgment
7 of conviction may order the forfeiture and destruction
8 or other disposition of all unlawful recordings and all
9 implements, devices and equipment used or intended to
10 be used in the manufacture of the unlawful recordings.
11 The court may enter an order preserving such recordings
12 and all implements, devices and equipment as evidence
13 for use in other cases or pending in the final
14 determination of an appeal. The provisions of this
15 subsection shall not be construed to allow an order to
16 destroy any such implements, devices, or equipment used
17 or intended to be used in such manufacture subject to
18 any valid lien or rights under any security agreement
19 or title retention contract when the holder thereof is
20 an innocent party.

21 3. The penalties provided under sections 570.225
22 to 570.255 are not exclusive and are in addition to any
23 other penalties provided by law.]
24

25 [573.013. In the course of a criminal
26 investigation under this chapter, when the venue of the
27 alleged criminal conduct cannot be readily determined
28 without further investigation, the attorney general may
29 request the prosecuting attorney of Cole County to
30 request a circuit or associate circuit judge of Cole
31 County to issue a subpoena to any witness who may have
32 information for the purpose of oral examination under
33 oath or to require access to data or the production of
34 books, papers, records, or other material of
35 evidentiary nature at the office of the attorney
36 general. If, upon review of the evidence produced
37 pursuant to the subpoenas, it appears that a violation
38 of this chapter may have been committed, the attorney
39 general shall provide the evidence produced pursuant to
40 subpoena to an appropriate county prosecuting attorney
41 or circuit attorney having venue over the criminal
42 offense.]
43

44 [573.500. As used in sections 573.500 to 573.507,
45 the following terms mean:

46 (1) "Adult cabaret", a nightclub, bar,
47 restaurant, or similar establishment in which persons
48 appear in a state of nudity in the performance of their
49 duties;

50 (2) "Nudity", the showing of either:

51 (a) The human male or female genitals or pubic

1 area with less than a fully opaque covering; or
2 (b) The female breast with less than a fully
3 opaque covering on any part of the nipple.]
4

5 [573.528. For purposes of sections 573.525 to
6 573.537, the following terms shall mean:

7 (1) "Adult bookstore" or "adult video store", a
8 commercial establishment which, as one of its principal
9 business activities, offers for sale or rental for any
10 form of consideration any one or more of the following:
11 books, magazines, periodicals, or other printed matter,
12 or photographs, films, motion pictures, video
13 cassettes, compact discs, digital video discs, slides,
14 or other visual representations which are characterized
15 by their emphasis upon the display of specified sexual
16 activities or specified anatomical areas. A "principal
17 business activity" exists where the commercial
18 establishment:

19 (a) Has a substantial portion of its displayed
20 merchandise which consists of such items; or

21 (b) Has a substantial portion of the wholesale
22 value of its displayed merchandise which consists of
23 such items; or

24 (c) Has a substantial portion of the retail value
25 of its displayed merchandise which consists of such
26 items; or

27 (d) Derives a substantial portion of its revenues
28 from the sale or rental, for any form of consideration,
29 of such items; or

30 (e) Maintains a substantial section of its
31 interior business space for the sale or rental of such
32 items; or

33 (f) Maintains an adult arcade. "Adult arcade"
34 means any place to which the public is permitted or
35 invited wherein coin-operated or slug-operated or
36 electronically, electrically, or mechanically
37 controlled still or motion picture machines,
38 projectors, or other image-producing devices are
39 regularly maintained to show images to five or fewer
40 persons per machine at any one time, and where the
41 images so displayed are characterized by their emphasis
42 upon matter exhibiting specified sexual activities or
43 specified anatomical areas;

44 (2) "Adult cabaret", a nightclub, bar, juice bar,
45 restaurant, bottle club, or other commercial
46 establishment, regardless of whether alcoholic
47 beverages are served, which regularly features persons
48 who appear semi-nude;

49 (3) "Adult motion picture theater", a commercial
50 establishment where films, motion pictures, video
51 cassettes, slides, or similar photographic

1 reproductions, which are characterized by their
2 emphasis upon the display of specified sexual
3 activities or specified anatomical areas are regularly
4 shown to more than five persons for any form of
5 consideration;

6 (4) "Characterized by", describing the essential
7 character or dominant theme of an item;

8 (5) "Employ", "employee", or "employment",
9 describe and pertain to any person who performs any
10 service on the premises of a sexually oriented
11 business, on a full-time, part-time, or contract basis,
12 whether or not the person is denominated an employee,
13 independent contractor, agent, or otherwise. Employee
14 does not include a person exclusively on the premises
15 for repair or maintenance of the premises or for the
16 delivery of goods to the premises;

17 (6) "Establish" or "establishment", any of the
18 following:

19 (a) The opening or commencement of any sexually
20 oriented business as a new business;

21 (b) The conversion of an existing business,
22 whether or not a sexually oriented business, to any
23 sexually oriented business; or

24 (c) The addition of any sexually oriented
25 business to any other existing sexually oriented
26 business;

27 (7) "Influential interest", any of the following:

28 (a) The actual power to operate the sexually
29 oriented business or control the operation, management,
30 or policies of the sexually oriented business or legal
31 entity which operates the sexually oriented business;

32 (b) Ownership of a financial interest of thirty
33 percent or more of a business or of any class of voting
34 securities of a business; or

35 (c) Holding an office, such as president, vice
36 president, secretary, treasurer, managing member, or
37 managing director, in a legal entity which operates the
38 sexually oriented business;

39 (8) "Nudity" or "state of nudity", the showing of
40 the human male or female genitals, pubic area, vulva,
41 anus, anal cleft, or cleavage with less than a fully
42 opaque covering, or the showing of the female breast
43 with less than a fully opaque covering of any part of
44 the nipple or areola;

45 (9) "Operator", any person on the premises of a
46 sexually oriented business who causes the business to
47 function or who puts or keeps in operation the business
48 or who is authorized to manage the business or exercise
49 overall operational control of the business premises.
50 A person may be found to be operating or causing to be
51 operated a sexually oriented business whether or not

1 such person is an owner, part owner, or licensee of the
2 business;

3 (10) "Premises", the real property upon which the
4 sexually oriented business is located, and all
5 appurtenances thereto and buildings thereon, including
6 but not limited to the sexually oriented business, the
7 grounds, private walkways, and parking lots or parking
8 garages or both;

9 (11) "Regularly", the consistent and repeated
10 doing of the act so described;

11 (12) "Semi-nude" or "state of semi-nudity", the
12 showing of the female breast below a horizontal line
13 across the top of the areola and extending across the
14 width of the breast at such point, or the showing of
15 the male or female buttocks. Such definition includes
16 the lower portion of the human female breast, but shall
17 not include any portion of the cleavage of the female
18 breasts exhibited by a bikini, dress, blouse, shirt,
19 leotard, or similar wearing apparel provided the areola
20 is not exposed in whole or in part;

21 (13) "Semi-nude model studio", a place where
22 persons regularly appear in a state of semi-nudity for
23 money or any form of consideration in order to be
24 observed, sketched, drawn, painted, sculptured,
25 photographed, or similarly depicted by other persons.
26 Such definition shall not apply to any place where
27 persons appearing in a state of semi-nudity do so in a
28 modeling class operated:

29 (a) By a college, junior college, or university
30 supported entirely or partly by taxation;

31 (b) By a private college or university which
32 maintains and operates educational programs in which
33 credits are transferable to a college, junior college,
34 or university supported entirely or partly by taxation;
35 or

36 (c) In a structure:

37 a. Which has no sign visible from the exterior of
38 the structure and no other advertising that indicates a
39 semi-nude person is available for viewing; and

40 b. Where, in order to participate in a class, a
41 student must enroll at least three days in advance of
42 the class;

43 (14) "Sexual encounter center", a business or
44 commercial enterprise that, as one of its principal
45 purposes, purports to offer for any form of
46 consideration physical contact in the form of wrestling
47 or tumbling between two or more persons when one or
48 more of the persons is semi-nude;

49 (15) "Sexually oriented business", an adult
50 bookstore or adult video store, an adult cabaret, an
51 adult motion picture theater, a semi-nude model studio,

1 or a sexual encounter center;
2 (16) "Specified anatomical areas":
3 (a) Less than completely and opaquely covered:
4 human genitals, pubic region, buttock, and female
5 breast below a point immediately above the top of the
6 areola; and
7 (b) Human male genitals in a discernibly turgid
8 state, even if completely and opaquely covered;
9 (17) "Specified criminal act", any of the
10 following specified offenses for which less than eight
11 years has elapsed since the date of conviction or the
12 date of release from confinement for the conviction,
13 whichever is later:
14 (a) Rape and sexual assault offenses;
15 (b) Sexual offenses involving minors;
16 (c) Offenses involving prostitution;
17 (d) Obscenity offenses;
18 (e) Offenses involving money laundering;
19 (f) Offenses involving tax evasion;
20 (g) Any attempt, solicitation, or conspiracy to
21 commit one of the offenses listed in paragraphs (a) to
22 (f) of this subdivision; or
23 (h) Any offense committed in another jurisdiction
24 which if committed in this state would have constituted
25 an offense listed in paragraphs (a) to (g) of this
26 subdivision;
27 (18) "Specified sexual activity", any of the
28 following:
29 (a) Intercourse, oral copulation, masturbation,
30 or sodomy; or
31 (b) Excretory functions as a part of or in
32 connection with any of the activities described in
33 paragraph (a) of this subdivision;
34 (19) "Substantial", at least thirty percent of
35 the item or items so modified;
36 (20) "Viewing room", the room, booth, or area
37 where a patron of a sexually oriented business would
38 ordinarily be positioned while watching a film, video
39 cassette, digital video disc, or other video
40 reproduction.】

41
42 [574.030. For the purposes of sections 574.010
43 and 574.020

44 (1) "Property of another" means any property in
45 which the actor does not have a possessory interest;

46 (2) "Private property" means any place which at
47 the time is not open to the public. It includes
48 property which is owned publicly or privately;

49 (3) "Public place" means any place which at the
50 time is open to the public. It includes property which
51 is owned publicly or privately;

1 (4) If a building or structure is divided into
2 separately occupied units, such units are separate
3 premises.】
4

5 【575.021. 1. A person commits the crime of
6 obstruction of an ethics investigation if such person,
7 for the purpose of obstructing or preventing an ethics
8 investigation, knowingly commits any of the following
9 acts:

10 (1) Confers or agrees to confer anything of
11 pecuniary benefit to any person in direct exchange for
12 that person's concealing or withholding any information
13 concerning any violation of sections 105.450 to 105.496
14 and chapter 130;

15 (2) Accepting or agreeing to accept anything of
16 pecuniary benefit in direct exchange for concealing or
17 withholding any information concerning any violation of
18 sections 105.450 to 105.496 or chapter 130;

19 (3) Utters or submits a false statement that the
20 person does not believe to be true to any member or
21 employee of the Missouri ethics commission or to any
22 official investigating any violation of sections
23 105.450 to 105.496 or chapter 130; or

24 (4) Submits any writing or other documentation
25 that is inaccurate and that the person does not believe
26 to be true to any member or employee of the Missouri
27 ethics commission or to any official investigating any
28 violation of sections 105.450 to 105.496 or chapter
29 130.

30 2. It is a defense to a prosecution under
31 subdivisions (3) and (4) of subsection 1 of this
32 section that the person retracted the false statement,
33 writing, or other documentation, but this defense shall
34 not apply if the retraction was made after:

35 (1) The falsity of the statement, writing, or
36 other documentation was exposed; or

37 (2) Any member or employee of the Missouri ethics
38 commission or any official investigating any violation
39 of sections 105.450 to 105.496 or chapter 130 took
40 substantial action in reliance on the statement,
41 writing, or other documentation.

42 3. The defendant shall have the burden of
43 injecting the issue of retraction under this section.

44 4. Obstruction of an ethics investigation under
45 this section is a class A misdemeanor.】
46

47 【575.350. 1. A person commits the crime of
48 killing or disabling a police animal when such person
49 knowingly causes the death of a police animal, or
50 knowingly disables a police animal to the extent it is
51 unable to be utilized as a police animal, when that

1 animal is involved in a law enforcement investigation,
2 apprehension, tracking, or search and rescue, or the
3 animal is in the custody of or under the control of a
4 law enforcement officer, department of corrections
5 officer, municipal police department, fire department
6 and a rescue unit or agency.

7 2. Killing or disabling a police animal is a
8 class D felony.]
9

10 [577.026. 1. Chemical tests of the person's
11 breath, blood, saliva, or urine to be considered valid
12 under the provisions of sections 577.020 to 577.041,
13 shall be performed according to methods and devices
14 approved by the state department of health and senior
15 services by licensed medical personnel or by a person
16 possessing a valid permit issued by the state
17 department of health and senior services for this
18 purpose.

19 2. The state department of health and senior
20 services shall approve satisfactory techniques,
21 devices, equipment, or methods to conduct tests
22 required by sections 577.020 to 577.041, and shall
23 establish standards as to the qualifications and
24 competence of individuals to conduct analyses and to
25 issue permits which shall be subject to termination or
26 revocation by the state department of health and senior
27 services.]
28

29 [577.065. 1. Whenever any all-terrain vehicle is
30 involved in an accident resulting in loss of life,
31 personal injury or damage to property and the operator
32 thereof has knowledge of such accident, he shall stop
33 and give his name and address, the name and address of
34 the owner thereof and the registration number of the
35 all-terrain vehicle to the injured person or the person
36 sustaining the damage or to a police officer. In case
37 no police officer nor the person sustaining the damage
38 is present at the place where the damage occurred, then
39 the operator shall immediately report the accident, as
40 soon as he is physically able, to the nearest law
41 enforcement agency.

42 2. A law enforcement officer who investigates or
43 receives information of an accident involving an
44 all-terrain vehicle and also involving the loss of life
45 or serious physical injury, as defined in section
46 556.061, shall make a written report of the
47 investigation or information received, and such
48 additional facts relating to the accident as may come
49 to his knowledge, and mail the information to the
50 department of public safety and keep a record thereof
51 in his office.

1 3. This section does not apply when property
2 damage is sustained in sanctioned all-terrain vehicle
3 races, derbies and rallies.

4 4. Any person leaving the scene of an accident
5 involving an all-terrain vehicle which results in a
6 serious personal injury shall be guilty of a class A
7 misdemeanor, except that it shall be a class D felony
8 if the accident resulted in death of another party or
9 if defendant has previously pled guilty or been found
10 guilty of a violation of this section.]
11

12 [577.071. The prosecutor of any county and the
13 circuit attorney of any city not within a county shall
14 investigate reports of violations of sections 260.211
15 and 260.212 and may, by information or indictment,
16 institute a prosecution for any violation of sections
17 260.211 and 260.212.]
18

19 [577.090. Any law enforcement officer shall and
20 any agent of the conservation commission or deputy or
21 member of the highway patrol, water patrol division,
22 may enforce the provisions of sections 577.070 and
23 577.080 and arrest violators thereof; except that
24 conservation agents may enforce such provisions only
25 upon the water, the banks thereof or upon public land.]
26

27 [577.105. 1. "Party line", as used in this
28 section, means a subscriber's line telephone circuit,
29 consisting of two or more main telephone stations
30 connected therewith, each station with a distinctive
31 ring or telephone number. "Emergency", as used in this
32 section, means a situation in which property or human
33 life are in jeopardy and the prompt summoning of aid is
34 essential.

35 2. Any person who willfully refuses to
36 immediately relinquish a party line when informed that
37 the line is needed for an emergency call to a fire
38 department or law enforcement official or for medical
39 aid or ambulance service, or any person who secures the
40 use of a party line by falsely stating that the line is
41 needed for an emergency call, is guilty of a
42 misdemeanor.

43 3. Every telephone directory hereafter
44 distributed to the members of the general public in
45 this state or in any portion thereof which lists the
46 calling numbers of telephones of any telephone exchange
47 located in this state shall contain a notice which
48 explains the offense provided for in this section, the
49 notice to be preceded by the word "warning"; provided,
50 that the provisions of this section shall not apply to

1 those directories distributed solely for business
2 advertising purposes, commonly known as classified
3 directories, nor to any telephone directory heretofore
4 distributed to the general public. Any person, firm or
5 corporation providing telephone service which
6 distributes or causes to be distributed in the state
7 copies of a telephone directory which is subject to the
8 provisions of this section and which do not contain the
9 notice herein provided for is guilty of a misdemeanor.】

10
11 [577.110. No person under the age of sixteen
12 years shall operate a motor vehicle on the highways of
13 this state. Any person who violates this section, upon
14 conviction thereof, shall be punished by a fine of not
15 less than five dollars nor more than five hundred
16 dollars.】

17
18 [577.160. 1. As used in sections 577.160 and
19 577.161, the following words mean:

20 (1) "Swimming pool", any artificial basin of
21 water which is modified, improved, constructed or
22 installed for the purpose of public swimming, and
23 includes: pools for community use, pools at
24 apartments, condominiums, and other groups of
25 associations having five or more living units, clubs,
26 churches, camps, schools, institutions, Y.M.C.A. and
27 Y.W.C.A. parks, recreational areas, motels, hotels and
28 other commercial establishments. It does not include
29 pools at private residences intended only for the use
30 of the owner or guests;

31 (2) "Person", any individual, group of
32 individuals, association, trust, partnership,
33 corporation, person doing business under an assumed
34 name, county, municipality, the state of Missouri, or
35 any political subdivision or department thereof, or any
36 other entity;

37 (3) "Life jacket", a life jacket, life vest or
38 any other flotation device designed to be worn about
39 the body to assist in maintaining buoyancy in water.】

40
41 [577.201. As used in this section and section
42 577.203, "flight crew member" shall include the pilot
43 in command, copilots, flight engineers and flight
44 navigators.】

45
46 [577.206. 1. Any person who operates, or acts as
47 a flight crew member of, any aircraft in this state is
48 deemed to have given his or her consent to chemical
49 testing of his or her blood, breath, or urine for the
50 purpose of determining the alcohol or drug content of

1 the blood. The consent shall be deemed only if the
2 person is detained for any offense allegedly committed
3 in violation of sections 577.201 and 577.203 or if any
4 officer requests chemical testing as part of an
5 investigation of a suspected violation of state or
6 local law. The test shall be administered at the
7 direction of the law enforcement officer.

8 2. The implied consent to submit to the chemical
9 tests shall be limited to not more than two such tests
10 arising from the same incident.】
11

12 【577.208. 1. Chemical tests of the person's
13 breath, blood, or urine to be considered valid shall be
14 performed according to methods and devices approved by
15 the state department of health and senior services and
16 shall be performed by licensed medical personnel or by
17 a person possessing a valid permit issued by the state
18 department of health and senior services for this
19 purpose. A blood test shall not be performed if the
20 medical personnel, in good faith medical judgment,
21 believe such procedure would endanger the health of the
22 person in custody.

23 2. Upon request of the person tested, full
24 information concerning the test shall be made available
25 to him.

26 3. No person administering a chemical test under
27 this section and sections 577.206, 577.211 and 577.214,
28 or any other person, firm or corporation with whom he
29 is associated, shall be civilly liable for damages to
30 the person tested except for negligence or by willful
31 or wanton act or omission.】
32

33 【577.211. Any person who is dead, unconscious, or
34 otherwise incapable of refusing to take a test shall be
35 deemed to not have withdrawn the consent, and the
36 chemical test may be administered.】
37

38 【577.214. The provisions of section 491.060 shall
39 not prevent the admissibility of evidence of any
40 chemical analysis performed under this section and
41 sections 577.206, 577.208 and 577.211. In any criminal
42 prosecution for the violation of sections 577.201 and
43 577.203, the results of any properly performed chemical
44 test of the defendant's blood, breath or urine shall be
45 admissible as evidence.】
46

47 【578.200. Sections 578.200 to 578.225 shall be
48 known and may be cited as the "Cave Resources Act".】
49

50 【578.205. When used in sections 578.200 to

1 578.225, the following words and phrases shall have the
2 meanings ascribed to them in this section unless the
3 context clearly requires otherwise:

4 (1) "Cave or cavern", any naturally occurring
5 subterranean cavity enterable by man including, without
6 limitation, a pit, pothole, natural well, grotto and
7 tunnel, whether or not the opening has a natural
8 entrance;

9 (2) "Cave system", the caves in a given area
10 related to each other hydrologically, whether
11 continuous or discontinuous from a single opening;

12 (3) "Show cave", any cave or cavern wherein
13 trails have been created and some type of lighting
14 provided by the owner or operator for purpose of
15 exhibition to the general public as a profit or
16 nonprofit enterprise, wherein a fee is generally
17 collected for entry;

18 (4) "Sinkhole", a hollow place or depression in
19 the ground in which drainage may collect with an
20 opening therefrom into an underground channel or cave
21 including any subsurface opening that might be bridged
22 by a formation of silt, gravel, humus or any other
23 material through which percolation into the channel or
24 cave may occur.]

25
26 [578.220. Sections 578.200 to 578.225 shall not
27 apply to vertical or horizontal underground mining
28 operations.]

29
30 [578.225. Any person who violates any provision
31 of sections 578.200 to 578.225 is guilty of a class A
32 misdemeanor.]

33
34 [578.353. Any person licensed under chapter 334
35 or 335 who, in good faith, makes a report pursuant to
36 section 578.350 shall have immunity from civil
37 liability that otherwise might result from such report
38 and shall have the same immunity with respect to any
39 good faith participation in any judicial proceeding in
40 which the reported gunshot wound is an issue.
41 Notwithstanding the provisions of subdivision (5) of
42 section 491.060, the existence of a physician-patient
43 relationship shall not prevent a physician from
44 submitting the report required in section 578.350, or
45 testifying regarding information acquired from a
46 patient treated for a gunshot wound if such testimony
47 is otherwise admissible.]

48
49 [578.360. As used in sections 578.360 to 578.365,
50 unless the context clearly requires otherwise, the

1 following terms mean:

2 (1) "Educational institution", a public or
3 private college or university;

4 (2) "Hazing", a willful act, occurring on or off
5 the campus of an educational institution, directed
6 against a student or a prospective member of an
7 organization operating under the sanction of an
8 educational institution, that recklessly endangers the
9 mental or physical health or safety of a student or
10 prospective member for the purpose of initiation or
11 admission into or continued membership in any such
12 organization to the extent that such person is
13 knowingly placed at probable risk of the loss of life
14 or probable bodily or psychological harm. Acts of
15 hazing shall include:

16 (a) Any activity which recklessly endangers the
17 physical health or safety of the student or prospective
18 member, including but not limited to physical
19 brutality, whipping, beating, branding, exposure to the
20 elements, forced consumption of any food, liquor, drug
21 or other substance or forced smoking or chewing of
22 tobacco products; or

23 (b) Any activity which recklessly endangers the
24 mental health of the student or prospective member,
25 including but not limited to sleep deprivation,
26 physical confinement, or other extreme stress-inducing
27 activity; or

28 (c) Any activity that requires the student or
29 prospective member to perform a duty or task which
30 involves a violation of the criminal laws of this state
31 or any political subdivision in this state.】
32

33 [578.363. Each educational institution in this
34 state shall adopt a written policy prohibiting hazing
35 by any organization operating under the sanction of the
36 institution.】
37

38 [578.375. As used in sections 578.375 to 578.392,
39 the following terms mean:

40 (1) "Department", the Missouri department of
41 social services or any of its divisions;

42 (2) "Electronic benefits card" or "EBT card", a
43 debit card used to access food stamps or cash benefits
44 issued by the department of social services;

45 (3) "Employment information", the following facts
46 if reasonably available: complete name, beginning and
47 ending dates of employment during the most recent five
48 years, amount of money earned in any month or months
49 during the most recent five years, last known address,
50 date of birth, and Social Security account number;

51 (4) "Food stamps", the nutrition assistance

1 program in Missouri that provides food and aid to
2 low-income individuals who are in need of benefits to
3 purchase foods operated by the United States Department
4 of Agriculture (USDA) in conjunction with the
5 department;

6 (5) "Public assistance benefits", anything of
7 value, including money, food, EBT cards, food stamps,
8 commodities, clothing, utilities, utilities payments,
9 shelter, drugs and medicine, materials, goods, and any
10 service including institutional care, medical care,
11 dental care, child care, psychiatric and psychological
12 service, rehabilitation instruction, training,
13 transitional assistance, or counseling, received by or
14 paid on behalf of any person under chapters 198, 205,
15 207, 208, 209, and 660, or benefits, programs, and
16 services provided or administered by the department or
17 any of its divisions.]

18
19 [578.389. 1. Every person who has been
20 previously convicted of two violations in section
21 578.385 or 578.387, or any two of them shall, upon a
22 subsequent conviction of any of these offenses, be
23 guilty of a class C felony and shall be punished
24 accordingly.

25 2. Evidence of prior convictions shall be heard
26 by the court, out of the hearing of the jury, prior to
27 the submission of the case to the jury, and the court
28 shall determine the existence of the prior
29 convictions.]

30
31 [578.392. The department shall study analytical
32 modeling-based methods of detecting fraud and issue a
33 report to the general assembly and governor by December
34 1, 2013, relating to the benefits and limitations of
35 such a model, experiences in other states using such a
36 model, and estimated costs for implementation.]

37
38 [578.409. 1. Any person who violates section
39 578.407:

40 (1) Shall be guilty of a misdemeanor for each
41 such violation unless the loss, theft, or damage to the
42 animal facility exceeds three hundred dollars in value;

43 (2) Shall be guilty of a class D felony if the
44 loss, theft, or damage to the animal facility property
45 exceeds three hundred dollars in value but does not
46 exceed ten thousand dollars in value;

47 (3) Shall be guilty of a class C felony if the
48 loss, theft, or damage to the animal facility property
49 exceeds ten thousand dollars in value but does not
50 exceed one hundred thousand dollars in value;

1 (4) Shall be guilty of a class B felony if the
2 loss, theft, or damage to the animal facility exceeds
3 one hundred thousand dollars in value.

4 2. Any person who intentionally agrees with
5 another person to violate section 578.407 and commits
6 an act in furtherance of such violation shall be guilty
7 of the same class of violation as provided in
8 subsection 1 of this section.

9 3. In the determination of the value of the loss,
10 theft, or damage to an animal facility, the court shall
11 conduct a hearing to determine the reasonable cost of
12 replacement of materials, data, equipment, animals, and
13 records that were damaged, destroyed, lost, or cannot
14 be returned, as well as the reasonable cost of lost
15 production funds and repeating experimentation that may
16 have been disrupted or invalidated as a result of the
17 violation of section 578.407.

18 4. Any persons found guilty of a violation of
19 section 578.407 shall be ordered by the court to make
20 restitution, jointly and severally, to the owner,
21 operator, or both, of the animal facility, in the full
22 amount of the reasonable cost as determined under
23 subsection 3 of this section.

24 5. Any person who has been damaged by a violation
25 of section 578.407 may recover all actual and
26 consequential damages, punitive damages, and court
27 costs, including reasonable attorneys' fees, from the
28 person causing such damage.

29 6. Nothing in sections 578.405 to 578.412 shall
30 preclude any animal facility injured in its business or
31 property by a violation of section 578.407 from seeking
32 appropriate relief under any other provision of law or
33 remedy including the issuance of an injunction against
34 any person who violates section 578.407. The owner or
35 operator of the animal facility may petition the court
36 to permanently enjoin such persons from violating
37 sections 578.405 to 578.412 and the court shall provide
38 such relief.]

39
40 [578.412. 1. The director shall have the
41 authority to investigate any alleged violation of
42 sections 578.405 to 578.412, along with any other law
43 enforcement agency, and may take any action within the
44 director's authority necessary for the enforcement of
45 sections 578.405 to 578.412. The attorney general, the
46 highway patrol, and other law enforcement officials
47 shall provide assistance required in the conduct of an
48 investigation.

49 2. The director may promulgate rules and
50 regulations necessary for the enforcement of sections
51 578.405 to 578.412. No rule or portion of a rule

1 promulgated under the authority of sections 578.405 to
2 578.412 shall become effective unless it has been
3 promulgated pursuant to the provisions of section
4 536.024.]

5
6 [578.414. Sections 578.414 to 578.420 shall be
7 known and may be cited as "The Crop Protection Act".
8 As used in sections 578.414 to 578.420, the term
9 "director" shall mean the director of the department of
10 agriculture.]

11
12 [578.418. 1. Any person who violates section
13 578.416:

14 (1) Shall be guilty of a misdemeanor for each
15 such violation unless the loss or damage to the crop
16 exceeds five hundred dollars in value;

17 (2) Shall be guilty of a class D felony if the
18 loss or damage to the crop exceeds five hundred dollars
19 in value but does not exceed one thousand dollars in
20 value;

21 (3) Shall be guilty of a class C felony if the
22 loss or damage to the crop exceeds one thousand dollars
23 in value but does not exceed one hundred thousand
24 dollars in value;

25 (4) Shall be guilty of a class B felony if the
26 loss or damage to the crop exceeds one hundred thousand
27 dollars in value.

28 2. Any person who has been damaged by a violation
29 of section 578.416 may have a civil cause of action
30 pursuant to section 537.353.

31 3. Nothing in sections 578.414 to 578.420 shall
32 preclude any owner or operator injured in his or her
33 business or property by a violation of section 578.416
34 from seeking appropriate relief under any other
35 provision of law or remedy including the issuance of an
36 injunction against any person who violates section
37 578.416. The owner or operator of the business may
38 petition the court to permanently enjoin such persons
39 from violating sections 578.414 to 578.420 and the
40 court shall provide such relief.]

41
42 [578.420. 1. The director shall have the
43 authority to investigate any alleged violation of
44 sections 578.414 to 578.420, along with any other law
45 enforcement agency, and may take any action within the
46 director's authority necessary for the enforcement of
47 sections 578.414 to 578.420. The attorney general, the
48 highway patrol, and other law enforcement officials
49 shall provide assistance required in the conduct of an
50 investigation.

1 2. The director may promulgate rules and
2 regulations necessary for the enforcement of sections
3 578.414 to 578.420. Any rule or portion of a rule, as
4 that term is defined in section 536.010, that is
5 created under the authority delegated in sections
6 578.414 to 578.420 shall become effective only if it
7 complies with and is subject to all of the provisions
8 of chapter 536 and, if applicable, section 536.028.
9 Sections 578.414 to 578.420 and chapter 536 are
10 nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536 to review, to
12 delay the effective date or to disapprove and annul a
13 rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or
15 adopted after August 28, 2001, shall be invalid and
16 void.]

17
18 [578.433. It is unlawful for a person to keep or
19 maintain such a public nuisance. In addition to any
20 other criminal prosecutions, the prosecuting attorney
21 or circuit attorney may by information or indictment
22 charge the owner or the occupant, or both the owner and
23 the occupant, of the room, building, structure, or
24 inhabitable structure with the crime of keeping or
25 maintaining a public nuisance. Keeping or maintaining
26 a public nuisance is a class C felony.]

27
28 [578.501. 1. This section shall be known as
29 "Sp. Edward Lee Myers' Law".

30 2. It shall be unlawful for any person to engage
31 in picketing or other protest activities in front of or
32 about any location at which a funeral is held, within
33 one hour prior to the commencement of any funeral, and
34 until one hour following the cessation of any funeral.
35 Each day on which a violation occurs shall constitute a
36 separate offense. Violation of this section is a class
37 B misdemeanor, unless committed by a person who has
38 previously pled guilty to or been found guilty of a
39 violation of this section, in which case the violation
40 is a class A misdemeanor.

41 3. For the purposes of this section, "funeral"
42 means the ceremonies, processions and memorial services
43 held in connection with the burial or cremation of the
44 dead.]

45
46 [578.503. The enactment of section 578.502 shall
47 become effective only on the date the provisions of
48 section 578.501 are finally declared void or
49 unconstitutional by a court of competent jurisdiction
50 and upon notification by the attorney general to the

1 revisor of statutes.】

2

3 Section B. Section A of this act shall become effective on

4 January 1, 2017.