

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

## SENATE BILL NO. 590

## AN ACT

To repeal sections 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 339.100, 400.9-501, 562.014, 565.020, 565.030, 565.032, 565.040, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly,

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

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

1           Section A. Sections 192.2260, 192.2405, 211.059, 217.360,  
2           217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 339.100,  
3           400.9-501, 562.014, 565.020, 565.030, 565.032, 565.040, 570.135,  
4           571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005,  
5           578.007, 578.011, 578.022, 579.015, 632.520, and 650.055, RSMo,  
6           section 192.2410 as enacted by house revision bill no. 1299  
7           merged with senate bill no. 491, ninety-seventh general assembly,  
8           second regular session, section 192.2475 as enacted by house  
9           revision bill no. 1299 merged with senate bill no. 491, ninety-  
10          seventh general assembly, second regular session, section  
11          192.2475 as enacted by house revision bill no. 1299, ninety-  
12          seventh general assembly, second regular session, section 198.070  
13          as enacted by senate bill no. 491, ninety-seventh general  
14          assembly, second regular session and section 198.070 as enacted  
15          by senate bills nos. 556 & 311, ninety-second general assembly,  
16          first regular session, section 221.111 as enacted by senate bill  
17          no. 491, ninety-seventh general assembly, second regular session,  
18          section 565.188 as enacted by senate bills nos. 556 & 311,  
19          ninety-second general assembly, first regular session, section  
20          557.021 as enacted by senate bill no. 491, ninety-seventh general  
21          assembly, second regular session, section 565.225 as enacted by  
22          senate bill no. 491, ninety-seventh general assembly, second

regular session, section 565.225 as enacted by senate bills nos.  
818 & 795, ninety-fourth general assembly, second regular  
session, section 568.040 as enacted by senate bill no. 491,  
ninety-seventh general assembly, second regular session, section  
569.090 as enacted by senate bill no. 491, ninety-seventh general  
assembly, second regular session, section 569.140 as enacted by  
senate bill no. 491, ninety-seventh general assembly, second  
regular session, section 570.010 as enacted by house bill no.  
1888, ninety-first general assembly, second regular session,  
section 570.030 as enacted by senate bill no. 491, ninety-seventh  
general assembly, second regular session, section 570.030 as  
enacted by senate bill no. 9, ninety-seventh general assembly,  
first regular session, section 577.001 as enacted by senate bill  
no. 254, ninety-eighth general assembly, first regular session,  
section 577.037 as enacted by house bill no. 1371, ninety-seventh  
general assembly, second regular session, section 577.037 as  
enacted by house bill nos. 302 & 38, ninety-first general  
assembly, first regular session, and section 577.060 as enacted  
by senate bill no. 491, ninety-seventh general assembly, second  
regular session, are repealed and fifty-three new sections  
enacted in lieu thereof, to be known as sections 192.2260,  
192.2405, 192.2410, 192.2475, 198.070, 211.059, 211.436, 217.151,  
217.360, 217.670, 217.690, 217.722, 221.111, 301.559, 304.351,  
311.310, 339.100, 400.9-501, 455.095, 557.021, 562.014, 565.020,  
565.030, 565.032, 565.033, 565.040, 565.188, 565.225, 568.040,  
569.090, 569.140, 570.010, 570.030, 570.135, 571.020, 571.030,  
571.060, 571.063, 571.070, 571.072, 577.001, 577.011, 577.037,  
577.060, 577.685, 578.005, 578.007, 578.022, 578.040, 579.015,

589.800, 632.520, and 650.055, to read as follows:

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

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

192.2405. 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

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

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home

1 health agency, home health agency employee, hospital and clinic  
2 personnel engaged in the care or treatment of others, in-home  
3 services owner or provider, in-home services operator or  
4 employee, law enforcement officer, long-term care facility  
5 administrator or employee, medical examiner, medical resident or  
6 intern, mental health professional, minister, nurse, nurse  
7 practitioner, optometrist, other health practitioner, peace  
8 officer, pharmacist, physical therapist, physician, physician's  
9 assistant, podiatrist, probation or parole officer, psychologist,  
10 social worker, or other person with the responsibility for the  
11 care of [a person sixty years of age or older] an eligible adult  
12 who has reasonable cause to suspect that [such a person] the  
13 eligible adult has been subjected to abuse or neglect or observes  
14 [such a person] the eligible adult being subjected to conditions  
15 or circumstances which would reasonably result in abuse or  
16 neglect. Notwithstanding any other provision of this section, a  
17 duly ordained minister, clergy, religious worker, or Christian  
18 Science practitioner while functioning in his or her ministerial  
19 capacity shall not be required to report concerning a privileged  
20 communication made to him or her in his or her professional  
21 capacity.

22 2. Any other person who becomes aware of circumstances that  
23 may reasonably be expected to be the result of, or result in,  
24 abuse or neglect of [a person sixty years of age or older] an  
25 eligible adult may report to the department.

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

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

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

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

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

9           (4) Other relevant information.

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

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

15          192.2475. 1. When any adult day care worker; chiropractor;  
16 Christian Science practitioner; coroner; dentist; embalmer;  
17 emergency medical technician; employee of the departments of  
18 social services, mental health, or health and senior services;  
19 employee of a local area agency on aging or an organized area  
20 agency on aging program; firefighter; first responder; funeral  
21 director; home health agency or home health agency employee;  
22 hospital and clinic personnel engaged in examination, care, or  
23 treatment of persons; in-home services owner, provider, operator,  
24 or employee; law enforcement officer; long-term care facility  
25 administrator or employee; medical examiner; medical resident or  
26 intern; mental health professional; minister; nurse; nurse  
27 practitioner; optometrist; other health practitioner; peace  
28 officer; pharmacist; physical therapist; physician; physician's

1 assistant; podiatrist; probation or parole officer; psychologist;  
2 or social worker has reasonable cause to believe that an in-home  
3 services client has been abused or neglected, as a result of  
4 in-home services, he or she shall immediately report or cause a  
5 report to be made to the department. If the report is made by a  
6 physician of the in-home services client, the department shall  
7 maintain contact with the physician regarding the progress of the  
8 investigation.

9 2. [When a report of deteriorating physical condition  
10 resulting in possible abuse or neglect of an in-home services  
11 client is received by the department, the client's case manager  
12 and the department nurse shall be notified. The client's case  
13 manager shall investigate and immediately report the results of  
14 the investigation to the department nurse. The department may  
15 authorize the in-home services provider nurse to assist the case  
16 manager with the investigation.

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

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

25 [5.] 3. The report shall contain the names and addresses of  
26 the in-home services provider agency, the in-home services  
27 employee, the in-home services client, the home health agency,  
28 the home health agency employee, information regarding the nature

1 of the abuse or neglect, the name of the complainant, and any  
2 other information which might be helpful in an investigation.

3 [6.] 4. In addition to those persons required to report  
4 under subsection 1 of this section, any other person having  
5 reasonable cause to believe that an in-home services client or  
6 home health patient has been abused or neglected by an in-home  
7 services employee or home health agency employee may report such  
8 information to the department.

9 [7.] 5. If the investigation indicates possible abuse or  
10 neglect of an in-home services client or home health patient, the  
11 investigator shall refer the complaint together with his or her  
12 report to the department director or his or her designee for  
13 appropriate action. If, during the investigation or at its  
14 completion, the department has reasonable cause to believe that  
15 immediate action is necessary to protect the in-home services  
16 client or home health patient from abuse or neglect, the  
17 department or the local prosecuting attorney may, or the attorney  
18 general upon request of the department shall, file a petition for  
19 temporary care and protection of the in-home services client or  
20 home health patient in a circuit court of competent jurisdiction.  
21 The circuit court in which the petition is filed shall have  
22 equitable jurisdiction to issue an ex parte order granting the  
23 department authority for the temporary care and protection of the  
24 in-home services client or home health patient, for a period not  
25 to exceed thirty days.

26 [8.] 6. Reports shall be confidential, as provided under  
27 section 192.2500.

28 [9.] 7. Anyone, except any person who has abused or



1 neglected an in-home services client or home health patient, who  
2 makes a report pursuant to this section or who testifies in any  
3 administrative or judicial proceeding arising from the report  
4 shall be immune from any civil or criminal liability for making  
5 such a report or for testifying except for liability for perjury,  
6 unless such person acted negligently, recklessly, in bad faith,  
7 or with malicious purpose.

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

12 [11.] 9. No person who directs or exercises any authority  
13 in an in-home services provider agency or home health agency  
14 shall harass, dismiss or retaliate against an in-home services  
15 client or home health patient, or an in-home services employee or  
16 a home health agency employee because he or she or any member of  
17 his or her family has made a report of any violation or suspected  
18 violation of laws, standards or regulations applying to the  
19 in-home services provider agency or home health agency or any  
20 in-home services employee or home health agency employee which he  
21 or she has reasonable cause to believe has been committed or has  
22 occurred.

23 [12.] 10. Any person who abuses or neglects an in-home  
24 services client or home health patient is subject to criminal  
25 prosecution under section 565.184. If such person is an in-home  
26 services employee and has been found guilty by a court, and if  
27 the supervising in-home services provider willfully and knowingly  
28 failed to report known abuse by such employee to the department,

1 the supervising in-home services provider may be subject to  
2 administrative penalties of one thousand dollars per violation to  
3 be collected by the department and the money received therefor  
4 shall be paid to the director of revenue and deposited in the  
5 state treasury to the credit of the general revenue fund. Any  
6 in-home services provider which has had administrative penalties  
7 imposed by the department or which has had its contract  
8 terminated may seek an administrative review of the department's  
9 action pursuant to chapter 621. Any decision of the  
10 administrative hearing commission may be appealed to the circuit  
11 court in the county where the violation occurred for a trial de  
12 novo. For purposes of this subsection, the term "violation"  
13 means a determination of guilt by a court.

14 [13.] 11. The department shall establish a quality  
15 assurance and supervision process for clients that requires an  
16 in-home services provider agency to conduct random visits to  
17 verify compliance with program standards and verify the accuracy  
18 of records kept by an in-home services employee.

19 [14.] 12. The department shall maintain the employee  
20 disqualification list and place on the employee disqualification  
21 list the names of any persons who have been finally determined by  
22 the department, pursuant to section 192.2490, to have recklessly,  
23 knowingly or purposely abused or neglected an in-home services  
24 client or home health patient while employed by an in-home  
25 services provider agency or home health agency. For purposes of  
26 this section only, "knowingly" and "recklessly" shall have the  
27 meanings that are ascribed to them in this section. A person  
28 acts "knowingly" with respect to the person's conduct when a

1 reasonable person should be aware of the result caused by his or  
2 her conduct. A person acts "recklessly" when the person  
3 consciously disregards a substantial and unjustifiable risk that  
4 the person's conduct will result in serious physical injury and  
5 such disregard constitutes a gross deviation from the standard of  
6 care that a reasonable person would exercise in the situation.

7 [15.] 13. At the time a client has been assessed to  
8 determine the level of care as required by rule and is eligible  
9 for in-home services, the department shall conduct a "Safe at  
10 Home Evaluation" to determine the client's physical, mental, and  
11 environmental capacity. The department shall develop the safe at  
12 home evaluation tool by rule in accordance with chapter 536. The  
13 purpose of the safe at home evaluation is to assure that each  
14 client has the appropriate level of services and professionals  
15 involved in the client's care. The plan of service or care for  
16 each in-home services client shall be authorized by a nurse. The  
17 department may authorize the licensed in-home services nurse, in  
18 lieu of the department nurse, to conduct the assessment of the  
19 client's condition and to establish a plan of services or care.  
20 The department may use the expertise, services, or programs of  
21 other departments and agencies on a case-by-case basis to  
22 establish the plan of service or care. The department may, as  
23 indicated by the safe at home evaluation, refer any client to a  
24 mental health professional, as defined in 9 CSR 30-4.030, for  
25 evaluation and treatment as necessary.

26 [16.] 14. Authorized nurse visits shall occur at least  
27 twice annually to assess the client and the client's plan of  
28 services. The provider nurse shall report the results of his or

1 her visits to the client's case manager. If the provider nurse  
2 believes that the plan of service requires alteration, the  
3 department shall be notified and the department shall make a  
4 client evaluation. All authorized nurse visits shall be  
5 reimbursed to the in-home services provider. All authorized  
6 nurse visits shall be reimbursed outside of the nursing home cap  
7 for in-home services clients whose services have reached one  
8 hundred percent of the average statewide charge for care and  
9 treatment in an intermediate care facility, provided that the  
10 services have been preauthorized by the department.

11 [17.] 15. All in-home services clients shall be advised of  
12 their rights by the department or the department's designee at  
13 the initial evaluation. The rights shall include, but not be  
14 limited to, the right to call the department for any reason,  
15 including dissatisfaction with the provider or services. The  
16 department may contract for services relating to receiving such  
17 complaints. The department shall establish a process to receive  
18 such nonabuse and neglect calls other than the elder abuse and  
19 neglect hotline.

20 [18.] 16. Subject to appropriations, all nurse visits  
21 authorized in sections 192.2400 to 192.2475 shall be reimbursed  
22 to the in-home services provider agency.

23 192.2475. 1. When any adult day care worker; chiropractor;  
24 Christian Science practitioner; coroner; dentist; embalmer;  
25 emergency medical technician; employee of the departments of  
26 social services, mental health, or health and senior services;  
27 employee of a local area agency on aging or an organized area  
28 agency on aging program; firefighter; first responder; funeral

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

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

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

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

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

11           [6.] 4. In addition to those persons required to report  
12 under subsection 1 of this section, any other person having  
13 reasonable cause to believe that an in-home services client or  
14 home health patient has been abused or neglected by an in-home  
15 services employee or home health agency employee may report such  
16 information to the department.

17           [7.] 5. If the investigation indicates possible abuse or  
18 neglect of an in-home services client or home health patient, the  
19 investigator shall refer the complaint together with his or her  
20 report to the department director or his or her designee for  
21 appropriate action. If, during the investigation or at its  
22 completion, the department has reasonable cause to believe that  
23 immediate action is necessary to protect the in-home services  
24 client or home health patient from abuse or neglect, the  
25 department or the local prosecuting attorney may, or the attorney  
26 general upon request of the department shall, file a petition for  
27 temporary care and protection of the in-home services client or  
28 home health patient in a circuit court of competent jurisdiction.

1 The circuit court in which the petition is filed shall have  
2 equitable jurisdiction to issue an ex parte order granting the  
3 department authority for the temporary care and protection of the  
4 in-home services client or home health patient, for a period not  
5 to exceed thirty days.

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

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

16 [10.] 8. Within five working days after a report required  
17 to be made under this section is received, the person making the  
18 report shall be notified in writing of its receipt and of the  
19 initiation of the investigation.

20 [11.] 9. No person who directs or exercises any authority  
21 in an in-home services provider agency or home health agency  
22 shall harass, dismiss or retaliate against an in-home services  
23 client or home health patient, or an in-home services employee or  
24 a home health agency employee because he or she or any member of  
25 his or her family has made a report of any violation or suspected  
26 violation of laws, standards or regulations applying to the  
27 in-home services provider agency or home health agency or any  
28 in-home services employee or home health agency employee which he

1 or she has reasonable cause to believe has been committed or has  
2 occurred.

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

22 [13.] 11. The department shall establish a quality  
23 assurance and supervision process for clients that requires an  
24 in-home services provider agency to conduct random visits to  
25 verify compliance with program standards and verify the accuracy  
26 of records kept by an in-home services employee.

27 [14.] 12. The department shall maintain the employee  
28 disqualification list and place on the employee disqualification



1 list the names of any persons who have been finally determined by  
2 the department, pursuant to section 192.2490, to have recklessly,  
3 knowingly or purposely abused or neglected an in-home services  
4 client or home health patient while employed by an in-home  
5 services provider agency or home health agency. For purposes of  
6 this section only, "knowingly" and "recklessly" shall have the  
7 meanings that are ascribed to them in this section. A person  
8 acts "knowingly" with respect to the person's conduct when a  
9 reasonable person should be aware of the result caused by his or  
10 her conduct. A person acts "recklessly" when the person  
11 consciously disregards a substantial and unjustifiable risk that  
12 the person's conduct will result in serious physical injury and  
13 such disregard constitutes a gross deviation from the standard of  
14 care that a reasonable person would exercise in the situation.

15 [15.] 13. At the time a client has been assessed to  
16 determine the level of care as required by rule and is eligible  
17 for in-home services, the department shall conduct a "Safe at  
18 Home Evaluation" to determine the client's physical, mental, and  
19 environmental capacity. The department shall develop the safe at  
20 home evaluation tool by rule in accordance with chapter 536. The  
21 purpose of the safe at home evaluation is to assure that each  
22 client has the appropriate level of services and professionals  
23 involved in the client's care. The plan of service or care for  
24 each in-home services client shall be authorized by a nurse. The  
25 department may authorize the licensed in-home services nurse, in  
26 lieu of the department nurse, to conduct the assessment of the  
27 client's condition and to establish a plan of services or care.  
28 The department may use the expertise, services, or programs of

1 other departments and agencies on a case-by-case basis to  
2 establish the plan of service or care. The department may, as  
3 indicated by the safe at home evaluation, refer any client to a  
4 mental health professional, as defined in 9 CSR 30-4.030, for  
5 evaluation and treatment as necessary.

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

19 [17.] 15. All in-home services clients shall be advised of  
20 their rights by the department or the department's designee at  
21 the initial evaluation. The rights shall include, but not be  
22 limited to, the right to call the department for any reason,  
23 including dissatisfaction with the provider or services. The  
24 department may contract for services relating to receiving such  
25 complaints. The department shall establish a process to receive  
26 such nonabuse and neglect calls other than the elder abuse and  
27 neglect hotline.

28 [18.] 16. Subject to appropriations, all nurse visits

1 authorized in sections 192.2400 to 192.2475 shall be reimbursed  
2 to the in-home services provider agency.

3 198.070. 1. When any adult day care worker; chiropractor;  
4 Christian Science practitioner; coroner; dentist; embalmer;  
5 employee of the departments of social services, mental health, or  
6 health and senior services; employee of a local area agency on  
7 aging or an organized area agency on aging program; funeral  
8 director; home health agency or home health agency employee;  
9 hospital and clinic personnel engaged in examination, care, or  
10 treatment of persons; in-home services owner, provider, operator,  
11 or employee; law enforcement officer; long-term care facility  
12 administrator or employee; medical examiner; medical resident or  
13 intern; mental health professional; minister; nurse; nurse  
14 practitioner; optometrist; other health practitioner; peace  
15 officer; pharmacist; physical therapist; physician; physician's  
16 assistant; podiatrist; probation or parole officer; psychologist;  
17 social worker; or other person with the care of a person sixty  
18 years of age or older or an eligible adult has reasonable cause  
19 to believe that a resident of a facility has been abused or  
20 neglected, he or she shall immediately report or cause a report  
21 to be made to the department.

22 2. (1) The report shall contain the name and address of  
23 the facility, the name of the resident, information regarding the  
24 nature of the abuse or neglect, the name of the complainant, and  
25 any other information which might be helpful in an investigation.

26 (2) In the event of suspected sexual assault of the  
27 resident, in addition to the report to be made to the department,  
28 a report shall be made to local law enforcement in accordance

1 with federal law under the provisions of 42 U.S.C. 1320b-25.

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

7       4. In addition to the penalties imposed by this section,  
8 any administrator who knowingly conceals any act of abuse or  
9 neglect resulting in death or serious physical injury, as defined  
10 in section 556.061, is guilty of a class E felony.

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

15       6. Upon receipt of a report, the department shall initiate  
16 an investigation within twenty-four hours and, as soon as  
17 possible during the course of the investigation, shall notify the  
18 resident's next of kin or responsible party of the report and the  
19 investigation and further notify them whether the report was  
20 substantiated or unsubstantiated unless such person is the  
21 alleged perpetrator of the abuse or neglect. As provided in  
22 section 192.2425, substantiated reports of elder abuse shall be  
23 promptly reported by the department to the appropriate law  
24 enforcement agency and prosecutor.

25       7. If the investigation indicates possible abuse or neglect  
26 of a resident, the investigator shall refer the complaint  
27 together with the investigator's report to the department  
28 director or the director's designee for appropriate action. If,

1 during the investigation or at its completion, the department has  
2 reasonable cause to believe that immediate removal is necessary  
3 to protect the resident from abuse or neglect, the department or  
4 the local prosecuting attorney may, or the attorney general upon  
5 request of the department shall, file a petition for temporary  
6 care and protection of the resident in a circuit court of  
7 competent jurisdiction. The circuit court in which the petition  
8 is filed shall have equitable jurisdiction to issue an ex parte  
9 order granting the department authority for the temporary care  
10 and protection of the resident, for a period not to exceed thirty  
11 days.

12 8. Reports shall be confidential, as provided pursuant to  
13 section 192.2500.

14 9. Anyone, except any person who has abused or neglected a  
15 resident in a facility, who makes a report pursuant to this  
16 section or who testifies in any administrative or judicial  
17 proceeding arising from the report shall be immune from any civil  
18 or criminal liability for making such a report or for testifying  
19 except for liability for perjury, unless such person acted  
20 negligently, recklessly, in bad faith or with malicious purpose.  
21 It is a crime under section 565.189 for any person to knowingly  
22 file a false report of elder abuse or neglect.

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

27 11. No person who directs or exercises any authority in a  
28 facility shall evict, harass, dismiss or retaliate against a

1 resident or employee because such resident or employee or any  
2 member of such resident's or employee's family has made a report  
3 of any violation or suspected violation of laws, ordinances or  
4 regulations applying to the facility which the resident, the  
5 resident's family or an employee has reasonable cause to believe  
6 has been committed or has occurred. Through the existing  
7 department information and referral telephone contact line,  
8 residents, their families and employees of a facility shall be  
9 able to obtain information about their rights, protections and  
10 options in cases of eviction, harassment, dismissal or  
11 retaliation due to a report being made pursuant to this section.

12 12. Any person who abuses or neglects a resident of a  
13 facility is subject to criminal prosecution under section  
14 565.184.

15 13. The department shall maintain the employee  
16 disqualification list and place on the employee disqualification  
17 list the names of any persons who are or have been employed in  
18 any facility and who have been finally determined by the  
19 department pursuant to section 192.2490 to have knowingly or  
20 recklessly abused or neglected a resident. For purposes of this  
21 section only, "knowingly" and "recklessly" shall have the  
22 meanings that are ascribed to them in this section. A person  
23 acts "knowingly" with respect to the person's conduct when a  
24 reasonable person should be aware of the result caused by his or  
25 her conduct. A person acts "recklessly" when the person  
26 consciously disregards a substantial and unjustifiable risk that  
27 the person's conduct will result in serious physical injury and  
28 such disregard constitutes a gross deviation from the standard of

1 care that a reasonable person would exercise in the situation.

2 14. The timely self-reporting of incidents to the central  
3 registry by a facility shall continue to be investigated in  
4 accordance with department policy, and shall not be counted or  
5 reported by the department as a hot-line call but rather a  
6 self-reported incident. If the self-reported incident results in  
7 a regulatory violation, such incident shall be reported as a  
8 substantiated report.

9 198.070. 1. When any adult day care worker; chiropractor;  
10 Christian Science practitioner; coroner; dentist; embalmer;  
11 employee of the departments of social services, mental health, or  
12 health and senior services; employee of a local area agency on  
13 aging or an organized area agency on aging program; funeral  
14 director; home health agency or home health agency employee;  
15 hospital and clinic personnel engaged in examination, care, or  
16 treatment of persons; in-home services owner, provider, operator,  
17 or employee; law enforcement officer; long-term care facility  
18 administrator or employee; medical examiner; medical resident or  
19 intern; mental health professional; minister; nurse; nurse  
20 practitioner; optometrist; other health practitioner; peace  
21 officer; pharmacist; physical therapist; physician; physician's  
22 assistant; podiatrist; probation or parole officer; psychologist;  
23 social worker; or other person with the care of a person sixty  
24 years of age or older or an eligible adult has reasonable cause  
25 to believe that a resident of a facility has been abused or  
26 neglected, he or she shall immediately report or cause a report  
27 to be made to the department.

28 2. (1) The report shall contain the name and address of

1 the facility, the name of the resident, information regarding the  
2 nature of the abuse or neglect, the name of the complainant, and  
3 any other information which might be helpful in an investigation.

4 (2) In the event of suspected sexual assault of the  
5 resident, in addition to the report to be made to the department,  
6 a report shall be made to local law enforcement in accordance  
7 with federal law under the provisions of 42 U.S.C. 1320b-25.

8 3. Any person required in subsection 1 of this section to  
9 report or cause a report to be made to the department who  
10 knowingly fails to make a report within a reasonable time after  
11 the act of abuse or neglect as required in this subsection is  
12 guilty of a class A misdemeanor.

13 4. In addition to the penalties imposed by this section,  
14 any administrator who knowingly conceals any act of abuse or  
15 neglect resulting in death or serious physical injury, as defined  
16 in section 565.002, is guilty of a class D felony.

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

21 6. Upon receipt of a report, the department shall initiate  
22 an investigation within twenty-four hours and, as soon as  
23 possible during the course of the investigation, shall notify the  
24 resident's next of kin or responsible party of the report and the  
25 investigation and further notify them whether the report was  
26 substantiated or unsubstantiated unless such person is the  
27 alleged perpetrator of the abuse or neglect. As provided in  
28 section 565.186, substantiated reports of elder abuse shall be



1 promptly reported by the department to the appropriate law  
2 enforcement agency and prosecutor.

3       7. If the investigation indicates possible abuse or neglect  
4 of a resident, the investigator shall refer the complaint  
5 together with the investigator's report to the department  
6 director or the director's designee for appropriate action. If,  
7 during the investigation or at its completion, the department has  
8 reasonable cause to believe that immediate removal is necessary  
9 to protect the resident from abuse or neglect, the department or  
10 the local prosecuting attorney may, or the attorney general upon  
11 request of the department shall, file a petition for temporary  
12 care and protection of the resident in a circuit court of  
13 competent jurisdiction. The circuit court in which the petition  
14 is filed shall have equitable jurisdiction to issue an ex parte  
15 order granting the department authority for the temporary care  
16 and protection of the resident, for a period not to exceed thirty  
17 days.

18       8. Reports shall be confidential, as provided pursuant to  
19 section 660.320.

20       9. Anyone, except any person who has abused or neglected a  
21 resident in a facility, who makes a report pursuant to this  
22 section or who testifies in any administrative or judicial  
23 proceeding arising from the report shall be immune from any civil  
24 or criminal liability for making such a report or for testifying  
25 except for liability for perjury, unless such person acted  
26 negligently, recklessly, in bad faith or with malicious purpose.  
27 It is a crime pursuant to section 565.186 and 565.188 for any  
28 person to purposely file a false report of elder abuse or

1 neglect.

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

6 11. No person who directs or exercises any authority in a  
7 facility shall evict, harass, dismiss or retaliate against a  
8 resident or employee because such resident or employee or any  
9 member of such resident's or employee's family has made a report  
10 of any violation or suspected violation of laws, ordinances or  
11 regulations applying to the facility which the resident, the  
12 resident's family or an employee has reasonable cause to believe  
13 has been committed or has occurred. Through the existing  
14 department information and referral telephone contact line,  
15 residents, their families and employees of a facility shall be  
16 able to obtain information about their rights, protections and  
17 options in cases of eviction, harassment, dismissal or  
18 retaliation due to a report being made pursuant to this section.

19 12. Any person who abuses or neglects a resident of a  
20 facility is subject to criminal prosecution under section  
21 565.180, 565.182, or 565.184.

22 13. The department shall maintain the employee  
23 disqualification list and place on the employee disqualification  
24 list the names of any persons who are or have been employed in  
25 any facility and who have been finally determined by the  
26 department pursuant to section 660.315 to have knowingly or  
27 recklessly abused or neglected a resident. For purposes of this  
28 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.

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

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

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

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

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

(4) That he has a right to consult with an attorney and

1     that one will be appointed and paid for him if he cannot afford  
2     one.

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

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

11            (1) If the child indicates in any manner at any stage  
12    during questioning involving the alleged abuse and neglect that  
13    the child does not wish to be questioned any further on the  
14    allegations, or that the child wishes to have his or her parent,  
15    legal guardian, or custodian if such parent, guardian, or  
16    custodian is not the alleged perpetrator, or his or her attorney  
17    present during questioning as to the alleged abuse, the  
18    questioning of the child shall cease on the alleged abuse and  
19    neglect until such a time that the child does not object to  
20    talking about the alleged abuse and neglect unless the  
21    interviewer has reason to believe that the parent, legal  
22    guardian, or custodian is acting to protect the alleged  
23    perpetrator. Nothing in this subdivision shall be construed to  
24    prevent the asking of any questions necessary for the care,  
25    treatment, or placement of a child; and

26            (2) Notwithstanding any prohibition of hearsay evidence,  
27    all video or audio recordings of any meetings, interviews, or  
28    interrogations of a child shall be presumed admissible as

1 evidence in any court or administrative proceeding involving the  
2 child if the following conditions are met:

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

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

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

14  
15 The provisions of this subsection shall not apply to statements  
16 admissible under section 491.075 or 492.304 in criminal  
17 proceedings.

18 4. For the purposes of this section, any court recognized  
19 exception from the required warnings given by law enforcement  
20 concerning constitutional rights to an adult prior to custodial  
21 interrogation shall also apply to a child taken into custody.  
22 Any evidence obtained in violation of this section shall be  
23 treated by the courts in the same manner as evidence collected in  
24 violation of an adult's right to be given warnings concerning  
25 constitutional rights prior to custodial interrogation.

26 211.436. 1. When a court of jurisdiction in juvenile cases  
27 has a local court rule or otherwise mandates that a juvenile  
28 shall be restrained during court proceedings using either

1 handcuffs, chains, irons, or a straitjacket, the juvenile's  
2 attorney shall have the right to be heard on the issue of the  
3 necessity of restraints on the juvenile and request that the  
4 restraints on the juvenile not be used. The juvenile's attorney  
5 may present evidence that the juvenile is not a flight risk,  
6 poses no safety risk to himself or herself or others, or has no  
7 history of disruptive courtroom behavior.

8 2. If the court orders that restraints shall be used on the  
9 juvenile, the court shall make findings of fact in support of  
10 such use.

11 217.151. 1. For purposes of this section, "extraordinary  
12 circumstances" exist when a doctor treating the pregnant or  
13 postpartum offender makes an individualized determination that  
14 restraints are necessary to prevent a pregnant or postpartum  
15 offender from escaping or seriously injuring herself, medical or  
16 correctional personnel, or others.

17 2. The necessary health care standards for pregnant and  
18 postpartum offenders shall include:

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

24 (2) Pregnant and postpartum offenders shall be transported  
25 to and from visits to health care providers and court proceedings  
26 in vehicles with seatbelts;

27 (3) Any time restraints are used on a pregnant or  
28 postpartum offender, the restraints shall be the least

1 restrictive available and the most reasonable under the  
2 circumstances. In no case shall leg or waist restraints be used  
3 on any pregnant or postpartum offender; and

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

9 3. In the event a doctor determines that extraordinary  
10 circumstances exist and restraints are used, the doctor shall  
11 fully document in writing within seven days of the incident the  
12 reasons he or she determined such extraordinary circumstances  
13 existed, the kind of restraints used, and the reasons those  
14 restraints were considered the least restrictive available and  
15 the most reasonable under the circumstances.

16 4. The sentencing and corrections oversight commission  
17 established under section 217.147, and the advisory committee  
18 established under section 217.015, shall conduct biannual reviews  
19 of every report written on the use of restraints on a pregnant or  
20 postpartum offender in accordance with subsection 3 of this  
21 section to determine compliance with this section. The written  
22 reports shall be kept on file by the department for five years.

23 5. The chief administrative officer of each correctional  
24 center shall:

25 (1) Ensure that employees of the correctional center who  
26 come in contact with pregnant or postpartum offenders are  
27 provided with training, which may include online training, on the  
28 provisions of this section; and

1       (2) Inform female offenders of the policies and practices  
2 developed in accordance with this section upon admission to the  
3 correctional center, including the policies and practices in the  
4 offender handbook, and post the policies and practices in  
5 locations in the correctional center where such notices are  
6 commonly posted and will be seen by female offenders, including  
7 common housing areas and health care facilities.

8       217.360. 1. It shall be an offense for any person to  
9 knowingly deliver, attempt to deliver, have in his possession,  
10 deposit or conceal in or about the premises of any correctional  
11 center, or city or county jail, or private prison or jail:

12       (1) Any controlled substance as that term is defined by  
13 law, except upon the written prescription of a licensed  
14 physician, dentist, or veterinarian;

15       (2) Any other alkaloid of any controlled substance, any  
16 spirituous or malt liquor, or any intoxicating liquor as defined  
17 in section 311.020;

18       (3) Any article or item of personal property which an  
19 offender is prohibited by law or by rule and regulation of the  
20 division from receiving or possessing;

21       (4) Any gun, knife, weapon, or other article or item of  
22 personal property that may be used in such manner as to endanger  
23 the safety or security of the correctional center, or city or  
24 county jail, or private prison or jail or as to endanger the life  
25 or limb of any offender or employee of such a center;

26       (5) Any two-way telecommunications device or its component  
27 parts.

28       2. The violation of subdivision (1) of subsection 1 of this



1 section shall be a class C felony; the violation of subdivision  
2 (2) or (5) of subsection 1 of this section shall be a class D  
3 felony; the violation of subdivision (3) of subsection 1 of this  
4 section shall be a class A misdemeanor; and the violation of  
5 subdivision (4) of subsection 1 of this section shall be a class  
6 B felony.

7 3. Any person who has been found guilty of or has pled  
8 guilty to a violation of subdivision (2) of subsection 1 of this  
9 section involving any alkaloid shall be entitled to expungement  
10 of the record of the violation. The procedure to expunge the  
11 record shall be pursuant to section 610.123. The record of any  
12 person shall not be expunged if such person has been found guilty  
13 of or has pled guilty to knowingly delivering, attempting to  
14 deliver, having in his possession, or depositing or concealing  
15 any alkaloid of any controlled substance in or about the premises  
16 of any correctional center, or city or county jail, or private  
17 prison or jail.

18 4. Subdivision (5) of subsection 1 of this section shall  
19 not apply to:

20 (1) Any law enforcement officer employed by a state,  
21 federal agency, or political subdivision lawfully engaged in his  
22 or her duties as a law enforcement officer; or

23 (2) Any other person who is authorized by the correctional  
24 center, city or county jail, or private prison to possess or use  
25 a two-way telecommunications device in the correctional center,  
26 or city or county jail, or private prison or jail.

27 217.670. 1. The board shall adopt an official seal of  
28 which the courts shall take official notice.

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

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

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

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

25           6. Notwithstanding any other provision of law, when the  
26 appearance or presence of an offender before the board or a  
27 hearing panel is required for the purpose of deciding whether to  
28 grant conditional release or parole, extend the date of

1 conditional release, revoke parole or conditional release, or for  
2 any other purpose, such appearance or presence may occur by means  
3 of a videoconference at the discretion of the board. Victims  
4 having a right to attend parole hearings may testify either at  
5 the site where the board is conducting the videoconference or at  
6 the institution where the offender is located. The use of  
7 videoconferencing in this section shall be at the discretion of  
8 the board, and shall not be utilized if [either the offender,]  
9 the victim or the victim's family objects to it.

10 217.690. 1. When in its opinion there is reasonable  
11 probability that an offender of a correctional center can be  
12 released without detriment to the community or to himself, the  
13 board may in its discretion release or parole such person except  
14 as otherwise prohibited by law. All paroles shall issue upon  
15 order of the board, duly adopted.

16 2. Before ordering the parole of any offender, the board  
17 shall have the offender appear before a hearing panel and shall  
18 conduct [a personal] an interview with him, unless waived by the  
19 offender. A parole shall be ordered only for the best interest  
20 of society, not as an award of clemency; it shall not be  
21 considered a reduction of sentence or a pardon. An offender  
22 shall be placed on parole only when the board believes that he is  
23 able and willing to fulfill the obligations of a law-abiding  
24 citizen. Every offender while on parole shall remain in the  
25 legal custody of the department but shall be subject to the  
26 orders of the board.

27 3. The board has discretionary authority to require the  
28 payment of a fee, not to exceed sixty dollars per month, from

1 every offender placed under board supervision on probation,  
2 parole, or conditional release, to waive all or part of any fee,  
3 to sanction offenders for willful nonpayment of fees, and to  
4 contract with a private entity for fee collections services. All  
5 fees collected shall be deposited in the inmate fund established  
6 in section 217.430. Fees collected may be used to pay the costs  
7 of contracted collections services. The fees collected may  
8 otherwise be used to provide community corrections and  
9 intervention services for offenders. Such services include  
10 substance abuse assessment and treatment, mental health  
11 assessment and treatment, electronic monitoring services,  
12 residential facilities services, employment placement services,  
13 and other offender community corrections or intervention services  
14 designated by the board to assist offenders to successfully  
15 complete probation, parole, or conditional release. The board  
16 shall adopt rules not inconsistent with law, in accordance with  
17 section 217.040, with respect to sanctioning offenders and with  
18 respect to establishing, waiving, collecting, and using fees.

19 4. The board shall adopt rules not inconsistent with law,  
20 in accordance with section 217.040, with respect to the  
21 eligibility of offenders for parole, the conduct of parole  
22 hearings or conditions to be imposed upon paroled offenders.  
23 Whenever an order for parole is issued it shall recite the  
24 conditions of such parole.

25 5. When considering parole for an offender with consecutive  
26 sentences, the minimum term for eligibility for parole shall be  
27 calculated by adding the minimum terms for parole eligibility for  
28 each of the consecutive sentences, except the minimum term for

1 parole eligibility shall not exceed the minimum term for parole  
2 eligibility for an ordinary life sentence.

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

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

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

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

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

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

22 (5) The judge, prosecuting attorney or circuit attorney and  
23 a representative of the local law enforcement agency  
24 investigating the crime shall be allowed to attend the hearing or  
25 provide information to the hearing panel in regard to the parole  
26 consideration; and

27 (6) The board shall evaluate information listed in the  
28 juvenile sex offender registry pursuant to section 211.425,

1 provided the offender is between the ages of seventeen and  
2 twenty-one, as it impacts the safety of the community.

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

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

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

15 11. Beginning January 1, 2001, the board shall not order a  
16 parole unless the offender has obtained a high school diploma or  
17 its equivalent, or unless the board is satisfied that the  
18 offender, while committed to the custody of the department, has  
19 made an honest good-faith effort to obtain a high school diploma  
20 or its equivalent; provided that the director may waive this  
21 requirement by certifying in writing to the board that the  
22 offender has actively participated in mandatory education  
23 programs or is academically unable to obtain a high school  
24 diploma or its equivalent.

25 12. Any rule or portion of a rule, as that term is defined  
26 in section 536.010, that is created under the authority delegated  
27 in this section shall become effective only if it complies with  
28 and is subject to all of the provisions of chapter 536 and, if

1 applicable, section 536.028. This section and chapter 536 are  
2 nonseverable and if any of the powers vested with the general  
3 assembly pursuant to chapter 536 to review, to delay the  
4 effective date, or to disapprove and annul a rule are  
5 subsequently held unconstitutional, then the grant of rulemaking  
6 authority and any rule proposed or adopted after August 28, 2005,  
7 shall be invalid and void.

8 217.722. 1. If any probation officer has probable cause to  
9 believe that the person on probation has violated a condition of  
10 probation, the probation officer shall immediately notify the  
11 prosecuting or circuit attorney and may issue a warrant for the  
12 arrest of the person on probation. The officer may effect the  
13 arrest or may deputize any other officer with the power of arrest  
14 to do so by giving the officer a copy of the warrant which will  
15 outline the circumstances of the alleged violation and contain  
16 the statement that the person on probation has, in the judgment  
17 of the probation officer, violated the conditions of probation.  
18 The warrant delivered with the offender by the arresting officer  
19 to the official in charge of any jail or other detention facility  
20 shall be sufficient authority for detaining the person on  
21 probation pending a preliminary hearing on the alleged violation.  
22 Other provisions of law relating to release on bail of persons  
23 charged with criminal offenses shall be applicable to persons  
24 detained on alleged probation violations.

25 2. Any person on probation arrested under the authority  
26 granted in subsection 1 of this section shall have the right to a  
27 preliminary hearing on the violation charged as long as the  
28 person on probation remains in custody or unless the offender

1 waives such hearing. The person on probation shall be notified  
2 immediately in writing of the alleged probation violation. If  
3 arrested in the jurisdiction of the sentencing court, and the  
4 court which placed the person on probation is immediately  
5 available, the preliminary hearing shall be heard by the  
6 sentencing court. Otherwise, the person on probation shall be  
7 taken before a judge or associate circuit judge in the county of  
8 the alleged violation or arrest having original jurisdiction to  
9 try criminal offenses or before an impartial member of the staff  
10 of the Missouri board of probation and parole, and the  
11 preliminary hearing shall be held as soon as possible after the  
12 arrest. Such preliminary hearings shall be conducted as provided  
13 by rule of court or by rules of the Missouri board of probation  
14 and parole. If it appears that there is probable cause to  
15 believe that the person on probation has violated a condition of  
16 probation, or if the person on probation waives the preliminary  
17 hearing, the judge or associate circuit judge, or member of the  
18 staff of the Missouri board of probation and parole shall order  
19 the person on probation held for further proceedings in the  
20 sentencing court. If probable cause is not found, the court  
21 shall not be barred from holding a hearing on the question of the  
22 alleged violation of a condition of probation nor from ordering  
23 the person on probation to be present at such a hearing.

24 3. Upon such arrest and detention, the probation officer  
25 shall immediately notify the sentencing court and shall submit to  
26 the court a written report showing in what manner the person on  
27 probation has violated the conditions of probation. Thereupon,  
28 or upon arrest by warrant, the court shall cause the person on



1 probation to be brought before it without unnecessary delay for a  
2 hearing on the violation charged. Revocation hearings shall be  
3 conducted as provided by rule of court.

4 221.111. 1. A person commits the offense of possession of  
5 unlawful items in a prison or jail if such person knowingly  
6 delivers, attempts to deliver, possesses, deposits, or conceals  
7 in or about the premises of any correctional center as the term  
8 "correctional center" is defined under section 217.010, or any  
9 city, county, or private jail:

10 (1) Any controlled substance as that term is defined by  
11 law, except upon the written prescription of a licensed  
12 physician, dentist, or veterinarian;

13 (2) Any other alkaloid of any kind or any intoxicating  
14 liquor as the term intoxicating liquor is defined in section  
15 311.020;

16 (3) Any article or item of personal property which a  
17 prisoner is prohibited by law, by rule made pursuant to section  
18 221.060, or by regulation of the department of corrections from  
19 receiving or possessing, except as herein provided;

20 (4) Any gun, knife, weapon, or other article or item of  
21 personal property that may be used in such manner as to endanger  
22 the safety or security of the institution or as to endanger the  
23 life or limb of any prisoner or employee thereof;

24 (5) Any two-way telecommunications device or its component  
25 parts.

26 2. The violation of subdivision (1) of subsection 1 of this  
27 section shall be a class D felony; the violation of subdivision  
28 (2) or (5) of subsection 1 of this section shall be a class E

1 felony; the violation of subdivision (3) of subsection 1 of this  
2 section shall be a class A misdemeanor; and the violation of  
3 subdivision (4) of subsection 1 of this section shall be a class  
4 B felony.

5 3. The chief operating officer of a county or city jail or  
6 other correctional facility or the administrator of a private  
7 jail may deny visitation privileges to or refer to the county  
8 prosecuting attorney for prosecution any person who knowingly  
9 delivers, attempts to deliver, possesses, deposits, or conceals  
10 in or about the premises of such jail or facility any personal  
11 item which is prohibited by rule or regulation of such jail or  
12 facility. Such rules or regulations, including a list of  
13 personal items allowed in the jail or facility, shall be  
14 prominently posted for viewing both inside and outside such jail  
15 or facility in an area accessible to any visitor, and shall be  
16 made available to any person requesting such rule or regulation.  
17 Violation of this subsection shall be an infraction if not  
18 covered by other statutes.

19 4. Any person who has been found guilty of a violation of  
20 subdivision (2) of subsection 1 of this section involving any  
21 alkaloid shall be entitled to expungement of the record of the  
22 violation. The procedure to expunge the record shall be pursuant  
23 to section 610.123. The record of any person shall not be  
24 expunged if such person has been found guilty of knowingly  
25 delivering, attempting to deliver, possessing, depositing, or  
26 concealing any alkaloid of any controlled substance in or about  
27 the premises of any correctional center, or city or county jail,  
28 or private prison or jail.

1       5. Subdivision (5) of subsection 1 of this section shall  
2 not apply to:

3       (1) Any law enforcement officer employed by a state,  
4 federal agency, or political subdivision lawfully engaged in his  
5 or her duties as a law enforcement officer; or

6       (2) Any other person who is authorized by the correctional  
7 center, or city, county, or private jail to possess or use a two-  
8 way telecommunications device in the correctional center, or  
9 city, county, or private jail.

10       301.559. 1. It shall be unlawful for any person to engage  
11 in business as or act as a motor vehicle dealer, boat dealer,  
12 manufacturer, boat manufacturer, public motor vehicle auction,  
13 wholesale motor vehicle auction or wholesale motor vehicle dealer  
14 without first obtaining a license from the department as required  
15 in sections 301.550 to 301.573. Any person who maintains or  
16 operates any business wherein a license is required pursuant to  
17 the provisions of sections 301.550 to 301.573, without such  
18 license, is guilty of a class A misdemeanor. Any person  
19 committing a second violation of sections 301.550 to 301.573  
20 shall be guilty of a class **[D]** E felony.

21       2. All dealer licenses shall expire on December  
22 thirty-first of the designated license period. The department  
23 shall notify each person licensed under sections 301.550 to  
24 301.573 of the date of license expiration and the amount of the  
25 fee required for renewal. The notice shall be mailed at least  
26 ninety days before the date of license expiration to the  
27 licensee's last known business address. The director shall have  
28 the authority to issue licenses valid for a period of up to two

1 years and to stagger the license periods for administrative  
2 efficiency and equalization of workload, at the sole discretion  
3 of the director.

4 3. Every manufacturer, boat manufacturer, motor vehicle  
5 dealer, wholesale motor vehicle dealer, wholesale motor vehicle  
6 auction, boat dealer or public motor vehicle auction shall make  
7 application to the department for issuance of a license. The  
8 application shall be on forms prescribed by the department and  
9 shall be issued under the terms and provisions of sections  
10 301.550 to 301.573 and require all applicants, as a condition  
11 precedent to the issuance of a license, to provide such  
12 information as the department may deem necessary to determine  
13 that the applicant is bona fide and of good moral character,  
14 except that every application for a license shall contain, in  
15 addition to such information as the department may require, a  
16 statement to the following facts:

17 (1) The name and business address, not a post office box,  
18 of the applicant and the fictitious name, if any, under which he  
19 intends to conduct his business; and if the applicant be a  
20 partnership, the name and residence address of each partner, an  
21 indication of whether the partner is a limited or general partner  
22 and the name under which the partnership business is to be  
23 conducted. In the event that the applicant is a corporation, the  
24 application shall list the names of the principal officers of the  
25 corporation and the state in which it is incorporated. Each  
26 application shall be verified by the oath or affirmation of the  
27 applicant, if an individual, or in the event an applicant is a  
28 partnership or corporation, then by a partner or officer;

1           (2) Whether the application is being made for registration  
2 as a manufacturer, boat manufacturer, new motor vehicle franchise  
3 dealer, used motor vehicle dealer, wholesale motor vehicle  
4 dealer, boat dealer, wholesale motor vehicle auction or a public  
5 motor vehicle auction;

6           (3) When the application is for a new motor vehicle  
7 franchise dealer, the application shall be accompanied by a copy  
8 of the franchise agreement in the registered name of the  
9 dealership setting out the appointment of the applicant as a  
10 franchise holder and it shall be signed by the manufacturer, or  
11 his authorized agent, or the distributor, or his authorized  
12 agent, and shall include a description of the make of all motor  
13 vehicles covered by the franchise. The department shall not  
14 require a copy of the franchise agreement to be submitted with  
15 each renewal application unless the applicant is now the holder  
16 of a franchise from a different manufacturer or distributor from  
17 that previously filed, or unless a new term of agreement has been  
18 entered into;

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

22           4. No insurance company, finance company, credit union,  
23 savings and loan association, bank or trust company shall be  
24 required to obtain a license from the department in order to sell  
25 any motor vehicle, trailer or vessel repossessed or purchased by  
26 the company on the basis of total destruction or theft thereof  
27 when the sale of the motor vehicle, trailer or vessel is in  
28 conformance with applicable title and registration laws of this

1 state.

2 5. No person shall be issued a license to conduct a public  
3 motor vehicle auction or wholesale motor vehicle auction if such  
4 person has a violation of sections 301.550 to 301.573 or other  
5 violations of chapter 301, sections 407.511 to 407.556, or  
6 section 578.120 which resulted in a felony conviction or finding  
7 of guilt or a violation of any federal motor vehicle laws which  
8 resulted in a felony conviction or finding of guilt.

9 304.351. 1. The driver of a vehicle approaching an  
10 intersection shall yield the right-of-way to a vehicle which has  
11 entered the intersection from a different highway, provided,  
12 however, there is no form of traffic control at such  
13 intersection.

14 2. When two vehicles enter an intersection from different  
15 highways at approximately the same time, the driver of the  
16 vehicle on the left shall yield the right-of-way to the driver of  
17 the vehicle on the right. This subsection shall not apply to  
18 vehicles approaching each other from opposite directions when the  
19 driver of one of such vehicles is attempting to or is making a  
20 left turn.

21 3. The driver of a vehicle within an intersection intending  
22 to turn to the left shall yield the right-of-way to any vehicle  
23 approaching from the opposite direction which is within the  
24 intersection or so close thereto as to constitute an immediate  
25 hazard.

26 4. (1) The state highways and transportation commission  
27 with reference to state highways and local authorities with  
28 reference to other highways under their jurisdiction may

1 designate through highways and erect stop signs or yield signs at  
2 specified entrances thereto, or may designate any intersection as  
3 a stop intersection or as a yield intersection and erect stop  
4 signs or yield signs at one or more entrances to such  
5 intersection.

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

9 (a) Except when directed to proceed by a police officer or  
10 traffic-control signal, every driver of a vehicle approaching a  
11 stop intersection, indicated by a stop sign, shall stop at a  
12 clearly marked stop line, but if none, before entering the  
13 crosswalk on the near side of the intersection, or if none, then  
14 at the point nearest the intersecting roadway where the driver  
15 has a view of approaching traffic in the intersecting roadway  
16 before entering the intersection. After having stopped, the  
17 driver shall yield the right-of-way to any vehicle which has  
18 entered the intersection from another highway or which is  
19 approaching so closely on the highway as to constitute an  
20 immediate hazard during the time when such driver is moving  
21 across or within the intersection.

22 (b) The driver of a vehicle approaching a yield sign shall  
23 in obedience to the sign slow down to a speed reasonable to the  
24 existing conditions and, if required for safety to stop, shall  
25 stop at a clearly marked stop line, but if none, then at the  
26 point nearest the intersecting roadway where the driver has a  
27 view of approaching traffic on the intersecting roadway. After  
28 slowing or stopping the driver shall yield the right-of-way to

1 any vehicle in the intersection or approaching on another highway  
2 so closely as to constitute an immediate hazard during the time  
3 such traffic is moving across or within the intersection.

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

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

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

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

23 9. In addition to the penalty specified in subsection 8 of  
24 this section, any person who pleads guilty to or is found guilty  
25 of a violation of this section in which the offender is found to  
26 have caused physical injury, there shall be assessed a penalty of  
27 up to ~~two hundred~~ five hundred dollars, but no less than two  
28 hundred dollars. The court may issue an order of suspension of



1 such person's driving privilege for a period of thirty days.

2 10. In addition to the penalty specified in subsection 8 of  
3 this section, any person who pleads guilty to or is found guilty  
4 of a violation of this section in which the offender is found to  
5 have caused serious physical injury, there shall be assessed a  
6 penalty of up to ~~[five hundred]~~ one thousand five hundred  
7 dollars, but no less than two hundred fifty dollars. The court  
8 may issue an order of suspension of such person's driving  
9 privilege for a period of ninety days.

10 11. In addition to the penalty specified in subsection 8 of  
11 this section, any person who pleads guilty to or is found guilty  
12 of a violation of this section in which the offender is found to  
13 have caused a fatality, there shall be assessed a penalty of up  
14 to ~~[one]~~ five thousand dollars, but no less than one thousand  
15 dollars. The court may issue an order of suspension of such  
16 person's driving privilege for a period of six months. Such  
17 person shall also be required to participate in and successfully  
18 complete a driver-improvement program approved by the director of  
19 the department of revenue.

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

23 13. For any court-ordered suspension under subsection 9,  
24 10, or 11 of this section, the director of the department shall  
25 impose such suspension as set forth in the court order. The  
26 order of suspension shall include the name of the offender, the  
27 offender's driver's license number, Social Security number, and  
28 the effective date of the suspension. Any appeal of a suspension

1 imposed under subsection 9, 10, or 11 of this section shall be a  
2 direct appeal of the court order and subject to review by the  
3 presiding judge of the circuit court or another judge within the  
4 circuit other than the judge who issued the original order to  
5 suspend the driver's license. The director of revenue's entry of  
6 the court-ordered suspension on the driving record is not a  
7 decision subject to review under section 302.311. Any suspension  
8 of the driver's license ordered by the court under this section  
9 shall be in addition to any other suspension that may occur as a  
10 result of the conviction under other provisions of law.

11 311.310. 1. Any licensee under this chapter, or his  
12 employee, who shall sell, vend, give away or otherwise supply any  
13 intoxicating liquor in any quantity whatsoever to any person  
14 under the age of twenty-one years, or to any person intoxicated  
15 or appearing to be in a state of intoxication, or to a habitual  
16 drunkard, and any person whomsoever except his parent or guardian  
17 who shall procure for, sell, give away or otherwise supply  
18 intoxicating liquor to any person under the age of twenty-one  
19 years, or to any intoxicated person or any person appearing to be  
20 in a state of intoxication, or to a habitual drunkard, shall be  
21 deemed guilty of a misdemeanor, except that this section shall  
22 not apply to the supplying of intoxicating liquor to a person  
23 under the age of twenty-one years for medical purposes only, or  
24 to the administering of such intoxicating liquor to any person by  
25 a duly licensed physician. No person shall be denied a license  
26 or renewal of a license issued under this chapter solely due to a  
27 conviction for unlawful sale or supply to a minor when serving in  
28 the capacity as an employee of a licensed establishment.

1           2. Any owner, occupant, or other person or legal entity  
2 with a lawful right to the exclusive use and enjoyment of any  
3 property who knowingly allows a person under the age of  
4 twenty-one to drink or possess intoxicating liquor or knowingly  
5 fails to stop a person under the age of twenty-one from drinking  
6 or possessing intoxicating liquor on such property, unless such  
7 person allowing the person under the age of twenty-one to drink  
8 or possess intoxicating liquor is his or her parent or guardian,  
9 is guilty of a class [B] A misdemeanor. Any second or subsequent  
10 violation of this subsection is a class [A misdemeanor] E felony.

11           3. It shall be a defense to prosecution under this section  
12 if:

13           (1) The defendant is a licensed retailer, club, drinking  
14 establishment, or caterer or holds a temporary permit, or an  
15 employee thereof;

16           (2) The defendant sold the intoxicating liquor to the minor  
17 with reasonable cause to believe that the minor was twenty-one or  
18 more years of age; and

19           (3) To purchase the intoxicating liquor, the person  
20 exhibited to the defendant a driver's license, Missouri  
21 nondriver's identification card, or other official or apparently  
22 official document, containing a photograph of the minor and  
23 purporting to establish that such minor was twenty-one years of  
24 age and of the legal age for consumption of intoxicating liquor.

25           339.100. 1. The commission may, upon its own motion, and  
26 shall upon receipt of a written complaint filed by any person,  
27 investigate any real estate-related activity of a licensee  
28 licensed under sections 339.010 to 339.180 and sections 339.710

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

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

25 (1) Failure to maintain and deposit in a special account,  
26 separate and apart from his or her personal or other business  
27 accounts, all moneys belonging to others entrusted to him or her  
28 while acting as a real estate broker or as the temporary

1     custodian of the funds of others, until the transaction involved  
2     is consummated or terminated, unless all parties having an  
3     interest in the funds have agreed otherwise in writing;

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

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

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

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

26            (6) Acting for more than one party in a transaction without  
27    the knowledge of all parties for whom he or she acts, or  
28    accepting a commission or valuable consideration for services

1 from more than one party in a real estate transaction without the  
2 knowledge of all parties to the transaction;

3 (7) Paying a commission or valuable consideration to any  
4 person for acts or services performed in violation of sections  
5 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

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

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

23 (13) Using prizes, money, gifts or other valuable  
24 consideration as inducement to secure customers or clients to  
25 purchase, lease, sell or list property when the awarding of such  
26 prizes, money, gifts or other valuable consideration is  
27 conditioned upon the purchase, lease, sale or listing; or  
28 soliciting, selling or offering for sale real property by

1 offering free lots, or conducting lotteries or contests, or  
2 offering prizes for the purpose of influencing a purchaser or  
3 prospective purchaser of real property;

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

7 (15) Violation of, or attempting to violate, directly or  
8 indirectly, or assisting or enabling any person to violate, any  
9 provision of sections 339.010 to 339.180 and sections 339.710 to  
10 339.860, or of any lawful rule adopted pursuant to sections  
11 339.010 to 339.180 and sections 339.710 to 339.860;

12 (16) Committing any act which would otherwise be grounds  
13 for the commission to refuse to issue a license under section  
14 339.040;

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

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

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

28 (20) Disciplinary action against the holder of a license or

1 other right to practice any profession regulated under sections  
2 339.010 to 339.180 and sections 339.710 to 339.860 granted by  
3 another state, territory, federal agency, or country upon grounds  
4 for which revocation, suspension, or probation is authorized in  
5 this state;

6 (21) Been found by a court of competent jurisdiction of  
7 having used any controlled substance, as defined in chapter 195,  
8 to the extent that such use impairs a person's ability to perform  
9 the work of any profession licensed or regulated by sections  
10 339.010 to 339.180 and sections 339.710 to 339.860;

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

13 (23) Assisting or enabling any person to practice or offer  
14 to practice any profession licensed or regulated under sections  
15 339.010 to 339.180 and sections 339.710 to 339.860 who is not  
16 registered and currently eligible to practice under sections  
17 339.010 to 339.180 and sections 339.710 to 339.860;

18 (24) Use of any advertisement or solicitation which is  
19 knowingly false, misleading or deceptive to the general public or  
20 persons to whom the advertisement or solicitation is primarily  
21 directed;

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

27 (26) Engaging in, committing, or assisting any person in  
28 engaging in or committing mortgage fraud, as defined in section



1 443.930.

2 3. After the filing of such complaint, the proceedings will  
3 be conducted in accordance with the provisions of law relating to  
4 the administrative hearing commission. A finding of the  
5 administrative hearing commissioner that the licensee has  
6 performed or attempted to perform one or more of the foregoing  
7 acts shall be grounds for the suspension or revocation of his  
8 license by the commission, or the placing of the licensee on  
9 probation on such terms and conditions as the real estate  
10 commission shall deem appropriate, or the imposition of a civil  
11 penalty by the commission not to exceed two thousand five hundred  
12 dollars for each offense. Each day of a continued violation  
13 shall constitute a separate offense.

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

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

28 (1) Any dangerous felony as defined under section 556.061

1 or murder in the first degree;

2 (2) Any of the following sexual offenses: rape in the  
3 first degree, forcible rape, rape, statutory rape in the first  
4 degree, statutory rape in the second degree, rape in the second  
5 degree, sexual assault, sodomy in the first degree, forcible  
6 sodomy, statutory sodomy in the first degree, statutory sodomy in  
7 the second degree, child molestation in the first degree, child  
8 molestation in the second degree, sodomy in the second degree,  
9 deviate sexual assault, sexual misconduct involving a child,  
10 sexual misconduct in the first degree under section 566.090 as it  
11 existed prior to August 28, 2013, sexual abuse under section  
12 566.100 as it existed prior to August 28, 2013, sexual abuse in  
13 the first or second degree, enticement of a child, or attempting  
14 to entice a child;

15 (3) Any of the following offenses against the family and  
16 related offenses: incest, abandonment of a child in the first  
17 degree, abandonment of a child in the second degree, endangering  
18 the welfare of a child in the first degree, abuse of a child,  
19 using a child in a sexual performance, promoting sexual  
20 performance by a child, or trafficking in children;

21 (4) Any of the following offenses involving child  
22 pornography and related offenses: promoting obscenity in the  
23 first degree, promoting obscenity in the second degree when the  
24 penalty is enhanced to a class [D] E felony, promoting child  
25 pornography in the first degree, promoting child pornography in  
26 the second degree, possession of child pornography in the first  
27 degree, possession of child pornography in the second degree,  
28 furnishing child pornography to a minor, furnishing pornographic

1 materials to minors, or coercing acceptance of obscene material;  
2 and

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

4 6. A person whose license was revoked under subsection 5 of  
5 this section may appeal such revocation to the administrative  
6 hearing commission. Notice of such appeal must be received by  
7 the administrative hearing commission within ninety days of  
8 mailing, by certified mail, the notice of revocation. Failure of  
9 a person whose license was revoked to notify the administrative  
10 hearing commission of his or her intent to appeal waives all  
11 rights to appeal the revocation. Upon notice of such person's  
12 intent to appeal, a hearing shall be held before the  
13 administrative hearing commission.

14 400.9-501. (a) Except as otherwise provided in subsection  
15 (b), if the local law of this state governs perfection of a  
16 security interest or agricultural lien, the office in which to  
17 file a financing statement to perfect the security interest or  
18 agricultural lien is:

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

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

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

26 (2) The office of the secretary of state in all other  
27 cases, including a case in which the collateral is goods that are  
28 or are to become fixtures and the financing statement is not

1 filed as a fixture filing.

2 (b) The office in which to file a financing statement to  
3 perfect a security interest in collateral, including fixtures, of  
4 a transmitting utility is the office of the secretary of state.  
5 The financing statement also constitutes a fixture filing as to  
6 the collateral indicated in the financing statement which is or  
7 is to become fixtures.

8 (c) A person shall not knowingly or intentionally file,  
9 attempt to file, or record any document related to real property  
10 with a recorder of deeds under chapter 59 or a financing  
11 statement with the secretary of state under subdivision (2) of  
12 subsection (a) or subsection (b) of this section, with the intent  
13 that such document or statement be used to harass or defraud any  
14 other person or knowingly or intentionally file, attempt to file,  
15 or record such a document or statement that is materially false  
16 or fraudulent.

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

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

21 (d) In the alternative to the provisions of sections  
22 428.105 through 428.135, if a person files a false or fraudulent  
23 financing statement with the secretary of state under subdivision  
24 (2) of subsection (a) or subsection (b) of this section, a debtor  
25 named in that financing statement may file an action against the  
26 person that filed the financing statement seeking appropriate  
27 equitable relief, actual damages, or punitive damages, including,  
28 but not limited to, reasonable attorney fees.

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

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

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

15        (a) The protected person's right to refuse to participate  
16 in the program and the process for requesting the court to  
17 terminate his or her participation after it has been ordered;

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

21        (c) The boundaries imposed on the person being monitored  
22 during the electronic monitoring;

23        (d) The sanctions that the court may impose for violations  
24 of the order issued by the court;

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

28        (f) Identification of support services available to assist

1 the protected person in developing a safety plan to use if the  
2 monitored person violates an order or if the electronic  
3 monitoring equipment fails;

4 (g) Identification of community services available to  
5 assist the protected person in obtaining shelter, counseling,  
6 education, child care, legal representation, and other help in  
7 addressing the consequences and effects of domestic violence; and

8 (h) The non-confidential nature of the protected person's  
9 communications with the court concerning electronic monitoring  
10 and the restrictions to be imposed upon the monitored person's  
11 movements.

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

16 (1) Sentence the person to electronic monitoring with  
17 victim notification; or

18 (2) Place the person on probation and, as a condition of  
19 such probation, order electronic monitoring with victim  
20 notification.

21 3. When a person charged with violating the terms and  
22 conditions of an ex parte or full order of protection under  
23 sections 455.085 or 455.538 is released from custody before trial  
24 pursuant to section 544.455, the court may, as a condition of  
25 release, order electronic monitoring of the person with victim  
26 notification.

27 4. Electronic monitoring with victim notification shall be  
28 ordered only with the protected person's informed consent. In

1 determining whether to place a person on electronic monitoring  
2 with victim notification, the court may hold a hearing to  
3 consider the likelihood that the person's participation in  
4 electronic monitoring will deter the person from injuring the  
5 protected person. The court shall consider the following  
6 factors:

7 (1) The gravity and seriousness of harm that the person  
8 inflicted on the protected person in the commission of any act of  
9 domestic violence;

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

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

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

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

14 (6) Whether the person has a history of mental illness or  
15 has been civilly committed; and

16 (7) Whether the person has a history of alcohol or  
17 substance abuse.

18 5. Unless the person is determined to be indigent by the  
19 court, a person ordered to be placed on electronic monitoring  
20 with victim notification shall be ordered to pay the related  
21 costs and expenses. If the court determines the person is  
22 indigent, the person may be placed on electronic monitoring with  
23 victim notification, and the clerk of the court in which the case  
24 was determined shall notify the department of corrections that  
25 the person was determined to be indigent and shall include in a  
26 bill to the department the costs associated with the monitoring.  
27 The department shall establish by rule a procedure to determine  
28 the portion of costs each indigent person is able to pay based on

1 a person's income, number of dependents, and other factors as  
2 determined by the department and shall seek reimbursement of such  
3 costs.

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

7 7. The department of corrections, department of public  
8 safety, Missouri state highway patrol, the circuit courts, and  
9 county and municipal law enforcement agencies shall share  
10 information obtained via electronic monitoring conducted pursuant  
11 to this section.

12 8. No supplier of a product, system, or service used for  
13 electronic monitoring with victim notification shall be liable,  
14 directly or indirectly, for damages arising from any injury or  
15 death associated with the use of the product, system, or service  
16 unless, and only to the extent that, such action is based on a  
17 claim that the injury or death was proximately caused by a  
18 manufacturing defect in the product or system.

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

22 10. A person shall be found guilty of the offense of  
23 tampering with electronic monitoring equipment under section  
24 575.205 if he or she commits the actions prohibited under such  
25 section with any equipment that a court orders the person to wear  
26 under this section.

27 11. The department of corrections shall promulgate rules  
28 and regulations for the implementation of subsection 5 of this



1 section. Any rule or portion of a rule, as that term is defined  
2 in section 536.010 that is created under the authority delegated  
3 in this section shall become effective only if it complies with  
4 and is subject to all of the provisions of chapter 536, and, if  
5 applicable, section 536.028. This section and chapter 536 are  
6 nonseverable and if any of the powers vested with the general  
7 assembly pursuant to chapter 536, to review, to delay the  
8 effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2016,  
11 shall be invalid and void.

12 12. The provisions of this section shall expire on August  
13 28, 2022.

14 557.021. 1. Any offense defined outside this code which is  
15 declared to be a misdemeanor without specification of the penalty  
16 therefor is a class A misdemeanor.

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

20 3. For the purpose of applying the extended term provisions  
21 of section 558.016 and the minimum prison term provisions of  
22 section 558.019 and for determining the penalty for attempts and  
23 conspiracies, offenses defined outside of this code shall be  
24 classified as follows:

25 (1) If the offense is a felony:

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

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

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

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

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

10          (2) If the offense is a misdemeanor:

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

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

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

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

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

22          562.014. 1. Guilt for an offense may be based upon a  
23 conspiracy to commit an offense when a person, with the purpose  
24 of promoting or facilitating the commission of an offense, agrees  
25 with another person or persons that they or one or more of them  
26 will engage in conduct which constitutes such offense.

27          2. It is no defense to a prosecution for conspiring to  
28 commit an offense that a person, who knows that a person with

1     whom he or she conspires to commit an offense has conspired with  
2     another person or persons to commit the same offense, does not  
3     know the identity of such other person or persons.

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

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

12            5. (1) No person shall be convicted of an offense based  
13    upon a conspiracy to commit an offense if, after conspiring to  
14    commit the offense, he or she prevented the accomplishment of the  
15    objectives of the conspiracy under circumstances manifesting a  
16    renunciation of his or her criminal purpose.

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

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

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

26            (2) If an individual abandons the agreement, the conspiracy  
27    is terminated as to him or her only if he or she advises those  
28    with whom he or she has conspired of his or her abandonment or he

1 or she informs the law enforcement authorities of the existence  
2 of the conspiracy and of his or her participation in it.

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

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

11 565.020. 1. A person commits the [crime] offense of murder  
12 in the first degree if he or she knowingly causes the death of  
13 another person after deliberation upon the matter.

14 2. The offense of murder in the first degree is a class A  
15 felony, and, if a person is eighteen years of age or older at the  
16 time of the offense, the punishment shall be either death or  
17 imprisonment for life without eligibility for probation or  
18 parole, or release except by act of the governor[; except that,].  
19 If a person has not reached his [sixteenth] or her eighteenth  
20 birthday at the time of the commission of the [crime] offense,  
21 the punishment shall be [imprisonment for life without  
22 eligibility for probation or parole, or release except by act of  
23 the governor] as provided under section 565.033.

24 565.030. 1. Where murder in the first degree is charged  
25 but not submitted or where the state waives the death penalty,  
26 the submission to the trier and all subsequent proceedings in the  
27 case shall proceed as in all other criminal cases [with a single  
28 stage trial in which guilt and punishment are submitted

1 together].

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

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

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

1 including but not limited to evidence supporting any of the  
2 aggravating or mitigating circumstances listed in subsection 2 or  
3 3 of section 565.032, may be presented subject to the rules of  
4 evidence at criminal trials. Such evidence may include, within  
5 the discretion of the court, evidence concerning the murder  
6 victim and the impact of the [crime] offense upon the family of  
7 the victim and others. Rebuttal and surrebuttal evidence may be  
8 presented. The state shall be the first to proceed. If the  
9 trier is a jury it shall be instructed on the law. The attorneys  
10 may then argue the issue of punishment to the jury, and the state  
11 shall have the right to open and close the argument. The trier  
12 shall assess and declare the punishment at life imprisonment  
13 without eligibility for probation, parole, or release except by  
14 act of the governor:

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

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

20 (3) If the trier concludes that there is evidence in  
21 mitigation of punishment, including but not limited to evidence  
22 supporting the statutory mitigating circumstances listed in  
23 subsection 3 of section 565.032, which is sufficient to outweigh  
24 the evidence in aggravation of punishment found by the trier; or

25 (4) If the trier decides under all of the circumstances not  
26 to assess and declare the punishment at death. If the trier is a  
27 jury it shall be so instructed.

1 If the trier assesses and declares the punishment at death it  
2 shall, in its findings or verdict, set out in writing the  
3 aggravating circumstance or circumstances listed in subsection 2  
4 of section 565.032 which it found beyond a reasonable doubt. If  
5 the trier is a jury it shall be instructed before the case is  
6 submitted that if it is unable to decide or agree upon the  
7 punishment the court shall assess and declare the punishment at  
8 life imprisonment without eligibility for probation, parole, or  
9 release except by act of the governor or death. The court shall  
10 follow the same procedure as set out in this section whenever it  
11 is required to determine punishment for murder in the first  
12 degree.

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

18 6. As used in this section, the terms "intellectual  
19 disability" or "intellectually disabled" refer to a condition  
20 involving substantial limitations in general functioning  
21 characterized by significantly subaverage intellectual  
22 functioning with continual extensive related deficits and  
23 limitations in two or more adaptive behaviors such as  
24 communication, self-care, home living, social skills, community  
25 use, self-direction, health and safety, functional academics,  
26 leisure and work, which conditions are manifested and documented  
27 before eighteen years of age.

28 7. The provisions of this section shall only govern

1 offenses committed on or after August 28, 2001.

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

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

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

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

27 (1) The offense was committed by a person with a prior  
28 record of conviction for murder in the first degree, or the



1 offense was committed by a person who has one or more serious  
2 assaultive criminal convictions;

3 (2) The murder in the first degree offense was committed  
4 while the offender was engaged in the commission or attempted  
5 commission of another unlawful homicide;

6 (3) The offender by his or her act of murder in the first  
7 degree knowingly created a great risk of death to more than one  
8 person by means of a weapon or device which would normally be  
9 hazardous to the lives of more than one person;

10 (4) The offender committed the offense of murder in the  
11 first degree for himself or herself or another, for the purpose  
12 of receiving money or any other thing of monetary value from the  
13 victim of the murder or another;

14 (5) The murder in the first degree was committed against a  
15 judicial officer, former judicial officer, prosecuting attorney  
16 or former prosecuting attorney, circuit attorney or former  
17 circuit attorney, assistant prosecuting attorney or former  
18 assistant prosecuting attorney, assistant circuit attorney or  
19 former assistant circuit attorney, peace officer or former peace  
20 officer, elected official or former elected official during or  
21 because of the exercise of his official duty;

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

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

28 (8) The murder in the first degree was committed against

1 any peace officer, or fireman while engaged in the performance of  
2 his or her official duty;

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

6 (10) The murder in the first degree was committed for the  
7 purpose of avoiding, interfering with, or preventing a lawful  
8 arrest or custody in a place of lawful confinement, of himself or  
9 herself or another;

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

15 (12) The murdered individual was a witness or potential  
16 witness in any past or pending investigation or past or pending  
17 prosecution, and was killed as a result of his or her status as a  
18 witness or potential witness;

19 (13) The murdered individual was an employee of an  
20 institution or facility of the department of corrections of this  
21 state or local correction agency and was killed in the course of  
22 performing his or her official duties, or the murdered individual  
23 was an inmate of such institution or facility;

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

27 (15) The murder was committed for the purpose of concealing  
28 or attempting to conceal any felony offense defined in chapter

1 195 or 579;

2 (16) The murder was committed for the purpose of causing or  
3 attempting to cause a person to refrain from initiating or aiding  
4 in the prosecution of a felony offense defined in chapter 195 or  
5 579;

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

9 3. Statutory mitigating circumstances shall include the  
10 following:

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

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

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

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

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

23 (6) The capacity of the defendant to appreciate the  
24 criminality of his or her conduct or to conform his or her  
25 conduct to the requirements of law was substantially impaired;

26 (7) The age of the defendant at the time of the [crime]  
27 offense.

28 565.033. 1. A person found guilty of murder in the first

1 degree who was under the age of eighteen at the time of the  
2 commission of the offense shall be sentenced as follows:

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

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

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

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

25 (2) Any person who has been found guilty of murder in the  
26 first degree, and who was under the age of sixteen at the time of  
27 the commission of the offense, and who was sentenced to life  
28 without eligibility for probation or parole, or release except by

1 act of the governor prior to June 25, 2012, shall be eligible for  
2 a parole hearing after having served thirty-five years.

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

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

24       565.188. 1. When any adult day care worker; chiropractor;  
25 Christian Science practitioner; coroner; dentist; embalmer;  
26 employee of the departments of social services, mental health, or  
27 health and senior services; employee of a local area agency on  
28 aging or an organized area agency on aging program; emergency

1 medical technician, firefighter, first responder; funeral  
2 director; home health agency or home health agency employee;  
3 hospital and clinic personnel engaged in examination, care, or  
4 treatment of persons; in-home services owner, provider, operator,  
5 or employee; law enforcement officer; long-term care facility  
6 administrator or employee; medical examiner; medical resident or  
7 intern; mental health professional; minister; nurse; nurse  
8 practitioner; optometrist; other health practitioner; peace  
9 officer; pharmacist; physical therapist; physician; physician's  
10 assistant; podiatrist; probation or parole officer; psychologist;  
11 social worker; or other person with responsibility for the care  
12 of [a person sixty years of age or older] an eligible adult as  
13 defined under section 192.2400 has reasonable cause to suspect  
14 that [such a person] the eligible adult has been subjected to  
15 abuse or neglect or observes [such a person] the eligible adult  
16 being subjected to conditions or circumstances which would  
17 reasonably result in abuse or neglect, he or she shall  
18 immediately report or cause a report to be made to the department  
19 in accordance with the provisions of sections 192.2400 to  
20 192.2470. Any other person who becomes aware of circumstances  
21 which may reasonably be expected to be the result of or result in  
22 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.

8             565.225. 1. As used in this section and section 565.227,  
9     the term "disturbs" shall mean to engage in a course of conduct  
10    directed at a specific person that serves no legitimate purpose  
11    and that would cause a reasonable person under the circumstances  
12    to be frightened, intimidated, or emotionally distressed.

13            2. A person commits the offense of stalking in the first  
14    degree if he or she purposely, through his or her course of  
15    conduct, disturbs or follows with the intent of disturbing  
16    another person and:

17            (1) Makes a threat communicated with the intent to cause  
18    the person who is the target of the threat to reasonably fear for  
19    his or her safety, the safety of his or her family or household  
20    member, or the safety of domestic animals or livestock as defined  
21    in section 276.606 kept at such person's residence or on such  
22    person's property. The threat shall be against the life of, or a  
23    threat to cause physical injury to, or the kidnapping of the  
24    person, the person's family or household members, or the person's  
25    domestic animals or livestock as defined in section 276.606 kept  
26    at such person's residence or on such person's property; or

27            (2) At least one of the acts constituting the course of  
28    conduct is in violation of an order of protection and the person

1 has received actual notice of such order; or

2 (3) At least one of the actions constituting the course of  
3 conduct is in violation of a condition of probation, parole,  
4 pretrial release, or release on bond pending appeal; or

5 (4) At any time during the course of conduct, the other  
6 person is seventeen years of age or younger and the person  
7 disturbing the other person is twenty-one years of age or older;  
8 or

9 (5) He or she has previously been found guilty of domestic  
10 assault, violation of an order of protection, or any other crime  
11 where the other person was the victim; or

12 (6) At any time during the course of conduct, the other  
13 person is a participant of the address confidentiality program  
14 under sections 589.660 to 589.681, and the person disturbing the  
15 other person knowingly accesses or attempts to access the address  
16 of the other person.

17 3. Any law enforcement officer may arrest, without a  
18 warrant, any person he or she has probable cause to believe has  
19 violated the provisions of this section.

20 4. This section shall not apply to activities of federal,  
21 state, county, or municipal law enforcement officers conducting  
22 investigations of any violation of federal, state, county, or  
23 municipal law.

24 5. The offense of stalking in the first degree is a class E  
25 felony, unless the defendant has previously been found guilty of  
26 a violation of this section or section 565.227, or any offense  
27 committed in another jurisdiction which, if committed in this  
28 state, would be chargeable or indictable as a violation of any



1 offense listed in this section or section 565.227, in which case  
2 stalking in the first degree is a class D felony.

3 565.225. 1. As used in this section, the following terms  
4 shall mean:

5 (1) "Course of conduct", a pattern of conduct composed of  
6 two or more acts, which may include communication by any means,  
7 over a period of time, however short, evidencing a continuity of  
8 purpose. Constitutionally protected activity is not included  
9 within the meaning of course of conduct. Such constitutionally  
10 protected activity includes picketing or other organized  
11 protests;

12 (2) "Credible threat", a threat communicated with the  
13 intent to cause the person who is the target of the threat to  
14 reasonably fear for his or her safety, or the safety of his or  
15 her family, or household members or domestic animals or livestock  
16 as defined in section 276.606 kept at such person's residence or  
17 on such person's property. The threat must be against the life  
18 of, or a threat to cause physical injury to, or the kidnapping  
19 of, the person, the person's family, or the person's household  
20 members or domestic animals or livestock as defined in section  
21 276.606 kept at such person's residence or on such person's  
22 property;

23 (3) "Harasses", to engage in a course of conduct directed  
24 at a specific person that serves no legitimate purpose, 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 of stalking if he or she  
28 purposely, through his or her course of conduct, harasses or

1 follows with the intent of harassing another person.

2 3. A person commits the crime of aggravated stalking if he  
3 or she purposely, through his or her course of conduct, harasses  
4 or follows with the intent of harassing another person, and:

5 (1) Makes a credible threat; or

6 (2) At least one of the acts constituting the course of  
7 conduct is in violation of an order of protection and the person  
8 has received actual notice of such order; or

9 (3) At least one of the actions constituting the course of  
10 conduct is in violation of a condition of probation, parole,  
11 pretrial release, or release on bond pending appeal; or

12 (4) At any time during the course of conduct, the other  
13 person is seventeen years of age or younger and the person  
14 harassing the other person is twenty-one years of age or older;  
15 or

16 (5) He or she has previously pleaded guilty to or been  
17 found guilty of domestic assault, violation of an order of  
18 protection, or any other crime where the other person was the  
19 victim; or

20 (6) At any time during the course of conduct, the other  
21 person is a participant of the address confidentiality program  
22 under sections 589.660 to 589.681, and the person harassing the  
23 other person knowingly accesses or attempts to access the address  
24 of the other person.

25 4. The crime of stalking shall be a class A misdemeanor  
26 unless the person has previously pleaded guilty to or been found  
27 guilty of a violation of this section, or of any offense  
28 committed in violation of any county or municipal ordinance in

1 any state, any state law, any federal law, or any military law  
2 which, if committed in this state, would be chargeable or  
3 indictable as a violation of any offense listed in this section,  
4 in which case stalking shall be a class D felony.

5 5. The crime of aggravated stalking shall be a class D  
6 felony unless the person has previously pleaded guilty to or been  
7 found guilty of a violation of this section, or of any offense  
8 committed in violation of any county or municipal ordinance in  
9 any state, any state law, any federal law, or any military law  
10 which, if committed in this state, would be chargeable or  
11 indictable as a violation of any offense listed in this section,  
12 aggravated stalking shall be a class C felony.

13 6. 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 7. This section shall not apply to activities of federal,  
17 state, county, or municipal law enforcement officers conducting  
18 investigations of violation of federal, state, county, or  
19 municipal law.

20 568.040. 1. A person commits the offense of nonsupport if  
21 he or she knowingly fails to provide adequate support for his or  
22 her spouse; a parent commits the offense of nonsupport if such  
23 parent knowingly fails to provide adequate support which such  
24 parent is legally obligated to provide for his or her child or  
25 stepchild who is not otherwise emancipated by operation of law.

26 2. For purposes of this section:

27 (1) "Child" means any biological or adoptive child, or any  
28 child whose paternity has been established under chapter 454, or

chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;

(2) "Good cause" means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support;

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

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

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

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

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

6. If at any time an offender convicted of criminal nonsupport is placed on probation or parole, there may be ordered

1 as a condition of probation or parole that the offender commence  
2 payment of current support as well as satisfy the arrearages.  
3 Arrearages may be satisfied first by making such lump sum payment  
4 as the offender is capable of paying, if any, as may be shown  
5 after examination of the offender's financial resources or  
6 assets, both real, personal, and mixed, and second by making  
7 periodic payments. Periodic payments toward satisfaction of  
8 arrears when added to current payments due may be in such  
9 aggregate sums as is not greater than fifty percent of the  
10 offender's adjusted gross income after deduction of payroll  
11 taxes, medical insurance that also covers a dependent spouse or  
12 children, and any other court- or administrative-ordered support,  
13 only. If the offender fails to pay the current support and  
14 arrearages as ordered, the court may revoke probation or parole  
15 and then impose an appropriate sentence within the range for the  
16 class of offense that the offender was convicted of as provided  
17 by law, unless the offender proves good cause for the failure to  
18 pay as required under subsection 3 of this section.

19 7. During any period that a nonviolent offender is  
20 incarcerated for criminal nonsupport, if the offender is ready,  
21 willing, and able to be gainfully employed during said period of  
22 incarceration, the offender, if he or she meets the criteria  
23 established by the department of corrections, may be placed on  
24 work release to allow the offender to satisfy his or her  
25 obligation to pay support. Arrearages shall be satisfied as  
26 outlined in the collection agreement.

27 8. Beginning August 28, 2009, every nonviolent first- and  
28 second-time offender then incarcerated for criminal nonsupport,

1 who has not been previously placed on probation or parole for  
2 conviction of criminal nonsupport, may be considered for parole,  
3 under the conditions set forth in subsection 6 of this section,  
4 or work release, under the conditions set forth in subsection 7  
5 of this section.

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

16 10. Persons accused of committing the offense of nonsupport  
17 of the child shall be prosecuted:

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

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

22 569.090. 1. A person commits the offense of tampering in  
23 the second degree if he or she:

24 (1) Tamper with property of another for the purpose of  
25 causing substantial inconvenience to that person or to another;  
26 or

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

1 or

2 (3) Tamper or makes connection with property of a utility;

3 or

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

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

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

11 2. In any prosecution under subdivision (4) of subsection  
12 1, proof that a meter or any other property of a utility has been  
13 tampered with, and the person or persons accused received the use  
14 or direct benefit of the electric, gas, steam or water service,  
15 with one or more of the effects described in subdivision (4) of  
16 subsection 1, shall be sufficient to support an inference which  
17 the trial court may submit to the trier of fact, from which the  
18 trier of fact may conclude that there has been a violation of  
19 such subdivision by the person or persons who use or receive the  
20 direct benefit of the electric, gas, steam or water service.

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

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

26 (2) The defendant has a prior conviction or has previously  
27 been found guilty pursuant to paragraph (a) of subdivision (3) of  
28 subsection [3] 5 of section 570.030, or subdivision (2) of

subsection 1 of this section, in which case it is a class D felony.

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

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

(1) Actual communication to the actor; or

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

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

570.010. As used in this chapter:

(1) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

(3) "Coercion" means a threat, however communicated:

(a) To commit any crime; or



1           (b) To inflict physical injury in the future on the person  
2 threatened or another; or

3           (c) To accuse any person of any crime; or

4           (d) To expose any person to hatred, contempt or ridicule;  
5 or

6           (e) To harm the credit or business reputation of any person; or

7           (f) To take or withhold action as a public servant, or to  
8 cause a public servant to take or withhold action; or

9           (g) To inflict any other harm which would not benefit the  
10 actor. A threat of accusation, lawsuit or other invocation of  
11 official action is not coercion if the property sought to be  
12 obtained by virtue of such threat was honestly claimed as  
13 restitution or indemnification for harm done in the circumstances  
14 to which the accusation, exposure, lawsuit or other official  
15 action relates, or as compensation for property or lawful  
16 service. The defendant shall have the burden of injecting the  
17 issue of justification as to any threat;

18           (4) "Credit device" means a writing, number or other device  
19 purporting to evidence an undertaking to pay for property or  
20 services delivered or rendered to or upon the order of a  
21 designated person or bearer;

22           (5) "Dealer" means a person in the business of buying and  
23 selling goods;

24           (6) "Debit device" means a card, code, number or other  
25 device, other than a check, draft or similar paper instrument, by  
26 the use of which a person may initiate an electronic fund  
27 transfer, including but not limited to devices that enable  
28 electronic transfers of benefits to public assistance recipients;

1           (7) "Deceit" means purposely making a representation which  
2 is false and which the actor does not believe to be true and upon  
3 which the victim relies, as to a matter of fact, law, value,  
4 intention or other state of mind. The term "deceit" does not,  
5 however, include falsity as to matters having no pecuniary  
6 significance, or puffing by statements unlikely to deceive  
7 ordinary persons in the group addressed. Deception as to the  
8 actor's intention to perform a promise shall not be inferred from  
9 the fact alone that he did not subsequently perform the promise;

10          (8) "Deprive" means:

11           (a) To withhold property from the owner permanently; or

12           (b) To restore property only upon payment of reward or  
13 other compensation; or

14           (c) To use or dispose of property in a manner that makes  
15 recovery of the property by the owner unlikely;

16          (9) "Financial institution" means a bank, trust company,  
17 savings and loan association, or credit union;

18          (10) "Mislabeled" means varying from the standard of truth  
19 or disclosure in labeling prescribed by statute or lawfully  
20 promulgated administrative regulations of this state lawfully  
21 filed, or if none, as set by commercial usage; or represented as  
22 being another person's product, though otherwise accurately  
23 labeled as to quality and quantity;

24          [(10)] (11) "New and unused property" means tangible  
25 personal property that has never been used since its production  
26 or manufacture and is in its original unopened package or  
27 container if such property was packaged;

28          [(11)] (12) "Of another" property or services is that "of

another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

[(12)] (13) "Property" means anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

[(13)] (14) "Receiving" means acquiring possession, control or title or lending on the security of the property;

[(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

[(15)] (16) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid

1 nitrogen of another with the purpose to deprive him or her  
2 thereof, either without his or her consent or by means of deceit  
3 or coercion; or

4 (3) For the purpose of depriving the owner of a lawful  
5 interest therein, receives, retains or disposes of property of  
6 another knowing that it has been stolen, or believing that it has  
7 been stolen.

8 2. The offense of stealing is a class A felony if the  
9 property appropriated consists of any of the following containing  
10 any amount of anhydrous ammonia: a tank truck, tank trailer,  
11 rail tank car, bulk storage tank, field nurse, field tank or  
12 field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be  
15 appropriated consists of any amount of anhydrous ammonia or  
16 liquid nitrogen;

17 (2) The property consists of any animal considered  
18 livestock as the term livestock is defined in section 144.010, or  
19 any captive wildlife held under permit issued by the conservation  
20 commission, and the value of the animal or animals appropriated  
21 exceeds three thousand dollars and that person has previously  
22 been found guilty of appropriating any animal considered  
23 livestock or captive wildlife held under permit issued by the  
24 conservation commission. Notwithstanding any provision of law to  
25 the contrary, such person shall serve a minimum prison term of  
26 not less than eighty percent of his or her sentence before he or  
27 she is eligible for probation, parole, conditional release, or  
28 other early release by the department of corrections;

1           (3) A person appropriates property consisting of a motor  
2 vehicle, watercraft, or aircraft, and that person has previously  
3 been found guilty of two stealing-related offenses committed on  
4 two separate occasions where such offenses occurred within ten  
5 years of the date of occurrence of the present offense; [or]

6           (4) The property appropriated or attempted to be  
7 appropriated consists of any animal considered livestock as the  
8 term is defined in section 144.010 if the value of the livestock  
9 exceeds ten thousand dollars; or

10          (5) The property appropriated or attempted to be  
11 appropriated is owned by or in the custody of a financial  
12 institution and the property is taken or attempted to be taken  
13 physically from an individual person to deprive the owner or  
14 custodian of the property.

15           4. The offense of stealing is a class C felony if the value  
16 of the property or services appropriated is twenty-five thousand  
17 dollars or more.

18           5. The offense of stealing is a class D felony if:

19           (1) The value of the property or services appropriated is  
20 seven hundred fifty dollars or more;

21           (2) The offender physically takes the property appropriated  
22 from the person of the victim; or

23           (3) The property appropriated consists of:

24           (a) Any motor vehicle, watercraft or aircraft;

25           (b) Any will or unrecorded deed affecting real property;

26           (c) Any credit device, debit device or letter of credit;

27           (d) Any firearms;

28           (e) Any explosive weapon as defined in section 571.010;

1           (f) Any United States national flag designed, intended and  
2 used for display on buildings or stationary flagstaffs in the  
3 open;

4           (g) Any original copy of an act, bill or resolution,  
5 introduced or acted upon by the legislature of the state of  
6 Missouri;

7           (h) Any pleading, notice, judgment or any other record or  
8 entry of any court of this state, any other state or of the  
9 United States;

10          (i) Any book of registration or list of voters required by  
11 chapter 115;

12          (j) Any animal considered livestock as that term is defined  
13 in section 144.010;

14          (k) Any live fish raised for commercial sale with a value  
15 of seventy-five dollars or more;

16          (l) Any captive wildlife held under permit issued by the  
17 conservation commission;

18          (m) Any controlled substance as defined by section 195.010;

19          (n) Ammonium nitrate;

20          (o) Any wire, electrical transformer, or metallic wire  
21 associated with transmitting telecommunications, video, internet,  
22 or voice over internet protocol service, or any other device or  
23 pipe that is associated with conducting electricity or  
24 transporting natural gas or other combustible fuels; or

25          (p) Any material appropriated with the intent to use such  
26 material to manufacture, compound, produce, prepare, test or  
27 analyze amphetamine or methamphetamine or any of their analogues.

28          6. The offense of stealing is a class E felony if:

1           (1) The property appropriated is an animal; or

2           (2) A person has previously been found guilty of three  
3 stealing-related offenses committed on three separate occasions  
4 where such offenses occurred within ten years of the date of  
5 occurrence of the present offense.

6           7. The offense of stealing is a class D misdemeanor if the  
7 property is not of a type listed in subsection 2, 3, 5, or 6 of  
8 this section, the property appropriated has a value of less than  
9 one hundred fifty dollars, and the person has no previous  
10 findings of guilt for a stealing-related offense.

11          8. The offense of stealing is a class A misdemeanor if no  
12 other penalty is specified in this section.

13          9. If a violation of this section is subject to enhanced  
14 punishment based on prior findings of guilt, such findings of  
15 guilt shall be pleaded and proven in the same manner as required  
16 by section 558.021.

17          10. The appropriation of any property or services of a type  
18 listed in subsection 2, 3, 5, or 6 of this section or of a value  
19 of seven hundred fifty dollars or more may be considered a  
20 separate felony and may be charged in separate counts.

21          11. The value of property or services appropriated pursuant  
22 to one scheme or course of conduct, whether from the same or  
23 several owners and whether at the same or different times,  
24 constitutes a single criminal episode and may be aggregated in  
25 determining the grade of the offense, except as set forth in  
26 subsection 10 of this section.

27          570.030. 1. A person commits the crime of stealing if he  
28 or she appropriates property or services of another with the

1 purpose to deprive him or her thereof, either without his or her  
2 consent or by means of deceit or coercion.

3 2. Evidence of the following is admissible in any criminal  
4 prosecution pursuant to this section on the issue of the  
5 requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or  
7 services of a hotel, restaurant, inn or boardinghouse;

8 (2) That he or she gave in payment for property or services  
9 of a hotel, restaurant, inn or boardinghouse a check or  
10 negotiable paper on which payment was refused;

11 (3) That he or she left the hotel, restaurant, inn or  
12 boardinghouse with the intent to not pay for property or  
13 services;

14 (4) That he or she surreptitiously removed or attempted to  
15 remove his or her baggage from a hotel, inn or boardinghouse;

16 (5) That he or she, with intent to cheat or defraud a  
17 retailer, possesses, uses, utters, transfers, makes, alters,  
18 counterfeits, or reproduces a retail sales receipt, price tag, or  
19 universal price code label, or possesses with intent to cheat or  
20 defraud, the device that manufactures fraudulent receipts or  
21 universal price code labels.

22 3. Notwithstanding any other provision of law, any offense  
23 in which the value of property or services is an element is a  
24 class C felony if:

25 (1) The value of the property or services appropriated is  
26 five hundred dollars or more but less than twenty-five thousand  
27 dollars; or

28 (2) The actor 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; or

4 (b) Any will or unrecorded deed affecting real property; or

5 (c) Any credit card or letter of credit; or

6 (d) Any firearms; or

7 (e) Any explosive weapon as defined in section 571.010; or

8 (f) A United States national flag designed, intended and  
9 used for display on buildings or stationary flagstaffs in the  
10 open; or

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; or

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; or

17 (i) Any book of registration or list of voters required by  
18 chapter 115; or

19 (j) Any animal considered livestock as that term is defined  
20 in section 144.010; or

21 (k) Live fish raised for commercial sale with a value of  
22 seventy-five dollars; or

23 (l) Captive wildlife held under permit issued by the  
24 conservation commission; or

25 (m) Any controlled substance as defined by section 195.010;  
26 or

27 (n) Anhydrous ammonia;

28 (o) Ammonium nitrate; or

1           (p) Any document of historical significance which has fair  
2 market value of five hundred dollars or more.

3           4. Notwithstanding any other provision of law, stealing of  
4 any animal considered livestock, as that term is defined in  
5 section 144.010, is a class B felony if the value of the  
6 livestock exceeds ten thousand dollars.

7           5. If an actor appropriates any material with a value less  
8 than five hundred dollars in violation of this section with the  
9 intent to use such material to manufacture, compound, produce,  
10 prepare, test or analyze amphetamine or methamphetamine or any of  
11 their analogues, then such violation is a class C felony. The  
12 theft of any amount of anhydrous ammonia or liquid nitrogen, or  
13 any attempt to steal any amount of anhydrous ammonia or liquid  
14 nitrogen, is a class B felony. The theft of any amount of  
15 anhydrous ammonia by appropriation of a tank truck, tank trailer,  
16 rail tank car, bulk storage tank, field (nurse) tank or field  
17 applicator is a class A felony.

18           6. If the actor appropriates or attempts to appropriate  
19 property that is owned by or in the custody of a financial  
20 institution and the property is taken or attempted to be taken  
21 physically from an individual person to deprive the owner or  
22 custodian of the property, the theft is a class B felony.

23           7. The theft of any item of property or services pursuant  
24 to subsection 3 of this section which exceeds five hundred  
25 dollars may be considered a separate felony and may be charged in  
26 separate counts.

27           [7.] 8. Any person with a prior conviction of paragraph  
28 (j) or (l) of subdivision (3) of subsection 3 of this section and

1 who violates the provisions of paragraph (j) or (l) of  
2 subdivision (3) of subsection 3 of this section when the value of  
3 the animal or animals stolen exceeds three thousand dollars is  
4 guilty of a class B felony. Notwithstanding any provision of law  
5 to 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 [8.] 9. Any offense in which the value of property or  
10 services is an element is a class B felony if the value of the  
11 property or services equals or exceeds twenty-five thousand  
12 dollars.

13 [9.] 10. Any violation of this section for which no other  
14 penalty is specified in this section is a class A misdemeanor.

15 570.135. 1. A person commits the offense of fraudulent  
16 procurement of a credit or debit device if he or she:

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

21 (2) Knowingly obtains a means of identification of another  
22 person without the authorization of that person and uses that  
23 means of identification fraudulently to obtain, or attempt to  
24 obtain, credit, goods or services in the name of the other person  
25 without the consent of that person; or

26 (3) Knowingly possesses a fraudulently obtained credit or  
27 debit device.

28 2. The offense of fraudulent procurement of a credit or

1 debit device is a class A misdemeanor.

2 3. Notwithstanding any other provision of this section, no  
3 corporation, proprietorship, partnership, limited liability  
4 company, limited liability partnership or other business entity  
5 shall be criminally liable under this section for accepting  
6 applications for credit or debit devices or for the use of a  
7 credit or debit device in any transaction, absent clear and  
8 convincing evidence that such business entity conspired with or  
9 was a part of the fraudulent procuring of the issuance of a  
10 credit or debit device.

11 571.020. 1. A person commits [a crime] an offense if such  
12 person knowingly possesses, manufactures, transports, repairs, or  
13 sells:

14 (1) An explosive weapon;

15 (2) An explosive, incendiary or poison substance or  
16 material with the purpose to possess, manufacture or sell an  
17 explosive weapon;

18 (3) A gas gun;

19 (4) A bullet or projectile which explodes or detonates upon  
20 impact because of an independent explosive charge after having  
21 been shot from a firearm; or

22 (5) Knuckles; or

23 (6) Any of the following in violation of federal law:

24 (a) A machine gun;

25 (b) A short-barreled rifle or shotgun;

26 (c) A firearm silencer; or

27 (d) A switchblade knife.

28 2. A person does not commit [a crime] an offense pursuant

1 to this section if his or her conduct involved any of the items  
2 in subdivisions (1) to (5) of subsection 1, the item was  
3 possessed in conformity with any applicable federal law, and the  
4 conduct:

5 (1) Was incident to the performance of official duty by the  
6 Armed Forces, National Guard, a governmental law enforcement  
7 agency, or a penal institution; or

8 (2) Was incident to engaging in a lawful commercial or  
9 business transaction with an organization enumerated in  
10 subdivision (1) of this section; or

11 (3) Was incident to using an explosive weapon in a manner  
12 reasonably related to a lawful industrial or commercial  
13 enterprise; or

14 (4) Was incident to displaying the weapon in a public  
15 museum or exhibition; or

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

18 3. [A crime] An offense pursuant to subdivision (1), (2),  
19 (3) or (6) of subsection 1 of this section is a class [C] D  
20 felony; a crime pursuant to subdivision (4) or (5) of subsection  
21 1 of this section is a class A misdemeanor.

22 571.030. 1. A person commits the [crime] offense of  
23 unlawful use of weapons if he or she knowingly:

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

27 (2) Sets a spring gun; or

28 (3) Discharges or shoots a firearm into a dwelling house, a

1 railroad train, boat, aircraft, or motor vehicle as defined in  
2 section 302.010, or any building or structure used for the  
3 assembling of people; or

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

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

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

14 (7) Discharges or shoots a firearm at a mark, at any  
15 object, or at random, on, along or across a public highway or  
16 discharges or shoots a firearm into any outbuilding; or

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

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

28 (10) Carries a firearm, whether loaded or unloaded, or any

1 other weapon readily capable of lethal use into any school, onto  
2 any school bus, or onto the premises of any function or activity  
3 sponsored or sanctioned by school officials or the district  
4 school board; or

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

8 2. Subdivisions (1), (8), and (10) of subsection 1 of this  
9 section shall not apply to the persons described in this  
10 subsection, regardless of whether such uses are reasonably  
11 associated with or are necessary to the fulfillment of such  
12 person's official duties except as otherwise provided in this  
13 subsection. Subdivisions (3), (4), (6), (7), and (9) of  
14 subsection 1 of this section shall not apply to or affect any of  
15 the following persons, when such uses are reasonably associated  
16 with or are necessary to the fulfillment of such person's  
17 official duties, except as otherwise provided in this subsection:

18 (1) All state, county and municipal peace officers who have  
19 completed the training required by the police officer standards  
20 and training commission pursuant to sections 590.030 to 590.050  
21 and who possess the duty and power of arrest for violation of the  
22 general criminal laws of the state or for violation of ordinances  
23 of counties or municipalities of the state, whether such officers  
24 are on or off duty, and whether such officers are within or  
25 outside of the law enforcement agency's jurisdiction, or all  
26 qualified retired peace officers, as defined in subsection 12 of  
27 this section, and who carry the identification defined in  
28 subsection 13 of this section, or any person summoned by such

1 officers to assist in making arrests or preserving the peace  
2 while actually engaged in assisting such officer;

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

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

8 (4) Those persons vested by Article V, Section 1 of the  
9 Constitution of Missouri with the judicial power of the state and  
10 those persons vested by Article III of the Constitution of the  
11 United States with the judicial power of the United States, the  
12 members of the federal judiciary;

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

15 (6) Any federal probation officer or federal flight deck  
16 officer as defined under the federal flight deck officer program,  
17 49 U.S.C. Section 44921 regardless of whether such officers are  
18 on duty, or within the law enforcement agency's jurisdiction;

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

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

24 (9) Any coroner, deputy coroner, medical examiner, or  
25 assistant medical examiner;

26 (10) Any prosecuting attorney or assistant prosecuting  
27 attorney, circuit attorney or assistant circuit attorney, or any  
28 person appointed by a court to be a special prosecutor who has



1 completed the firearms safety training course required under  
2 subsection 2 of section 571.111;

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

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

17 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of  
18 this section do not apply when the actor is transporting such  
19 weapons in a nonfunctioning state or in an unloaded state when  
20 ammunition is not readily accessible or when such weapons are not  
21 readily accessible. Subdivision (1) of subsection 1 of this  
22 section does not apply to any person nineteen years of age or  
23 older or eighteen years of age or older and a member of the  
24 United States Armed Forces, or honorably discharged from the  
25 United States Armed Forces, transporting a concealable firearm in  
26 the passenger compartment of a motor vehicle, so long as such  
27 concealable firearm is otherwise lawfully possessed, nor when the  
28 actor is also in possession of an exposed firearm or projectile

1     weapon for the lawful pursuit of game, or is in his or her  
2     dwelling unit or upon premises over which the actor has  
3     possession, authority or control, or is traveling in a continuous  
4     journey peaceably through this state. Subdivision (10) of  
5     subsection 1 of this section does not apply if the firearm is  
6     otherwise lawfully possessed by a person while traversing school  
7     premises for the purposes of transporting a student to or from  
8     school, or possessed by an adult for the purposes of facilitation  
9     of a school-sanctioned firearm-related event or club event.

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

17         5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)  
18     of subsection 1 of this section shall not apply to persons who  
19     are engaged in a lawful act of defense pursuant to section  
20     563.031.

21         6. Notwithstanding any provision of this section to the  
22     contrary, the state shall not prohibit any state employee from  
23     having a firearm in the employee's vehicle on the state's  
24     property provided that the vehicle is locked and the firearm is  
25     not visible. This subsection shall only apply to the state as an  
26     employer when the state employee's vehicle is on property owned  
27     or leased by the state and the state employee is conducting  
28     activities within the scope of his or her employment. For the

1 purposes of this subsection, "state employee" means an employee  
2 of the executive, legislative, or judicial branch of the  
3 government of the state of Missouri.

4 7. Nothing in this section shall make it unlawful for a  
5 student to actually participate in school-sanctioned gun safety  
6 courses, student military or ROTC courses, or other  
7 school-sponsored or club-sponsored firearm-related events,  
8 provided the student does not carry a firearm or other weapon  
9 readily capable of lethal use into any school, onto any school  
10 bus, or onto the premises of any other function or activity  
11 sponsored or sanctioned by school officials or the district  
12 school board.

13 8. Unlawful use of weapons is a class ~~[D]~~ E felony unless  
14 committed pursuant to subdivision (6), (7), or (8) of subsection  
15 1 of this section, in which cases it is a class B misdemeanor, or  
16 subdivision (5) or (10) of subsection 1 of this section, in which  
17 case it is a class A misdemeanor if the firearm is unloaded and a  
18 class ~~[D]~~ E felony if the firearm is loaded, or subdivision (9)  
19 of subsection 1 of this section, in which case it is a class B  
20 felony, except that if the violation of subdivision (9) of  
21 subsection 1 of this section results in injury or death to  
22 another person, it is a class A felony.

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

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

27 (2) For any violation by a prior offender as defined in  
28 section 558.016, a person shall be sentenced to the maximum

1 authorized term of imprisonment for a class B felony without the  
2 possibility of parole, probation or conditional release for a  
3 term of ten years;

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

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

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

15 11. Notwithstanding any other provision of law, no person  
16 who pleads guilty to or is found guilty of a felony violation of  
17 subsection 1 of this section shall receive a suspended imposition  
18 of sentence if such person has previously received a suspended  
19 imposition of sentence for any other firearms- or weapons-related  
20 felony offense.

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

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

26 (2) Before such retirement, was authorized by law to engage  
27 in or supervise the prevention, detection, investigation, or  
28 prosecution of, or the incarceration of any person for, any

1 violation of law, and had statutory powers of arrest;

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

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

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

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

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

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

18 (1) A photographic identification issued by the agency from  
19 which the individual retired from service as a peace officer that  
20 indicates that the individual has, not less recently than one  
21 year before the date the individual is carrying the concealed  
22 firearm, been tested or otherwise found by the agency to meet the  
23 standards established by the agency for training and  
24 qualification for active peace officers to carry a firearm of the  
25 same type as the concealed firearm; or

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

28 (3) A certification issued by the state in which the

1 individual resides that indicates that the individual has, not  
2 less recently than one year before the date the individual is  
3 carrying the concealed firearm, been tested or otherwise found by  
4 the state to meet the standards established by the state for  
5 training and qualification for active peace officers to carry a  
6 firearm of the same type as the concealed firearm.

7 571.060. 1. A person commits the ~~[crime]~~ offense of  
8 unlawful transfer of weapons if he:

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

13 (2) Knowingly sells, leases, loans, gives away or delivers  
14 a blackjack to a person less than eighteen years old without the  
15 consent of the child's custodial parent or guardian, or  
16 recklessly, as defined in section 562.016, sells, leases, loans,  
17 gives away or delivers any firearm to a person less than eighteen  
18 years old without the consent of the child's custodial parent or  
19 guardian; provided, that this does not prohibit the delivery of  
20 such weapons to any peace officer or member of the Armed Forces  
21 or National Guard while performing his official duty; or

22 (3) Recklessly, as defined in section 562.016, sells,  
23 leases, loans, gives away or delivers a firearm or ammunition for  
24 a firearm to a person who is intoxicated.

25 2. Unlawful transfer of weapons under subdivision (1) of  
26 subsection 1 of this section is a class ~~[D]~~ E felony; unlawful  
27 transfer of weapons under subdivisions (2) and (3) of subsection  
28 1 of this section is a class A misdemeanor.

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

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

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

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

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

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

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

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

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

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

4. This section shall not apply to criminal investigations

1 conducted by the United States Bureau of Alcohol, Tobacco,  
2 Firearms and Explosives, authorized agents of such  
3 investigations, or to a peace officer, as defined in section  
4 542.261, acting at the explicit direction of the United States  
5 Bureau of Alcohol, Tobacco, Firearms and Explosives.

6 571.070. 1. A person commits the [crime] offense of  
7 unlawful possession of a firearm if such person knowingly has any  
8 firearm in his or her possession and:

9 (1) Such person has been convicted of a felony under the  
10 laws of this state, or of a crime under the laws of any state or  
11 of the United States which, if committed within this state, would  
12 be a felony; or

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

16 2. Unlawful possession of a firearm is a class [C] D  
17 felony.

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

21 571.072. 1. A person commits the [crime] offense of  
22 unlawful possession of an explosive weapon if he or she has any  
23 explosive weapon in his or her possession and:

24 (1) He or she has pled guilty to or has been convicted of a  
25 dangerous felony, as defined in section 556.061, or of an attempt  
26 to commit a dangerous felony, or of [a crime] an offense under  
27 the laws of any state or of the United States which, if committed  
28 within this state, would be a dangerous felony, or confined



therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

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

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

577.001. As used in this chapter, 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 violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

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

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

(b) [Has been found guilty of one] Two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related [traffic] boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was

1 operating a vessel while intoxicated and another person was  
2 injured or killed;

3 (3) "All-terrain vehicle", any motorized vehicle  
4 manufactured and used exclusively for off-highway use which is  
5 fifty inches or less in width, with an unladen dry weight of one  
6 thousand pounds or less, traveling on three, four or more low  
7 pressure tires, with a seat designed to be straddled by the  
8 operator, or with a seat designed to carry more than one person,  
9 and handlebars for steering control;

10 (4) "Court", any circuit, associate circuit, or municipal  
11 court, including traffic court, but not any juvenile court or  
12 drug court;

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

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

17 (b) Three or more intoxication-related traffic offenses  
18 committed on separate occasions where at least one of the  
19 intoxication-related traffic offenses is an offense committed in  
20 violation of any state law, county or municipal ordinance, any  
21 federal offense, or any military offense in which the defendant  
22 was operating a vehicle while intoxicated and another person was  
23 injured or killed; or

24 (c) Two or more intoxication-related traffic offenses  
25 committed on separate occasions where both intoxication-related  
26 traffic offenses were offenses committed in violation of any  
27 state law, county or municipal ordinance, any federal offense, or  
28 any military offense in which the defendant was operating a

1 vehicle while intoxicated and another person was injured or  
2 killed;

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

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

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

13 (c) Two or more intoxication-related boating offenses  
14 committed on separate occasions where both intoxication-related  
15 boating offenses were offenses committed in violation of any  
16 state law, county or municipal ordinance, any federal offense, or  
17 any military offense in which the defendant was operating a  
18 vessel while intoxicated and another person was injured or  
19 killed;

20 (7) "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 (8) "Controlled substance", a drug, substance, or immediate  
28 precursor in schedules I to V listed in section 195.017;

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

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

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

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

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

16           (c) Three or more intoxication-related traffic offenses  
17 committed on separate occasions where at least two of the  
18 intoxication-related traffic offenses were offenses committed in  
19 violation of any state law, county or municipal ordinance, any  
20 federal offense, or any military offense in which the defendant  
21 was operating a vehicle while intoxicated and another person was  
22 injured or killed; or

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

25           a. Cause the death of any person not a passenger in the  
26 vehicle operated by the defendant, including the death of an  
27 individual that results from the defendant's vehicle leaving a  
28 highway, as defined by section 301.010, or the highway's

1 right-of-way; or

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

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

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

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

9 (b) Four or more intoxication-related boating offenses  
10 committed on separate occasions where at least one of the  
11 intoxication-related boating offenses is an offense committed in  
12 violation of any state law, county or municipal ordinance, any  
13 federal offense, or any military offense in which the defendant  
14 was operating a vessel while intoxicated and another person was  
15 injured or killed; or

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

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

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

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

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

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

8           (14) "Intoxication-related boating offense", operating a  
9 vessel while intoxicated; boating while intoxicated; operating a  
10 vessel with excessive blood alcohol content or an offense in  
11 which the defendant was operating a vessel while intoxicated and  
12 another person was injured or killed in violation of any state  
13 law, county or municipal ordinance, any federal offense, or any  
14 military offense;

15           (15) "Intoxication-related traffic offense", driving while  
16 intoxicated, driving with excessive blood alcohol content,  
17 driving under the influence of alcohol or drugs in violation of a  
18 county or municipal ordinance, or an offense in which the  
19 defendant was operating a vehicle while intoxicated and another  
20 person was injured or killed in violation of any state law,  
21 county or municipal ordinance, any federal offense, or any  
22 military offense;

23           (16) "Law enforcement officer" or "arresting officer",  
24 includes the definition of law enforcement officer in section  
25 556.061 and military policemen conducting traffic enforcement  
26 operations on a federal military installation under military  
27 jurisdiction in the state of Missouri;

28           (17) "Operate a vessel", to physically control the movement

1 of a vessel in motion under mechanical or sail power in water;

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

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

6 (b) One intoxication-related traffic offense committed in  
7 violation of any state law, county or municipal ordinance,  
8 federal offense, or military offense in which the defendant was  
9 operating a vehicle while intoxicated and another person was  
10 injured or killed;

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

13 (a) Two or more intoxication-related boating offenses  
14 committed on separate occasions; or

15 (b) One intoxication-related boating offense committed in  
16 violation of any state law, county or municipal ordinance,  
17 federal offense, or military offense in which the defendant was  
18 operating a vessel while intoxicated and another person was  
19 injured or killed;

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

25 (21) "Prior boating offender", a person who has been found  
26 guilty of one intoxication-related boating offense, where such  
27 prior offense occurred within five years of the occurrence of the  
28 intoxication-related boating offense for which the person is

1 charged.

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

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

11 577.037. 1. Upon the trial of any person for any criminal  
12 offense or violations of county or municipal ordinances, or in  
13 any license suspension or revocation proceeding pursuant to the  
14 provisions of chapter 302, arising out of acts alleged to have  
15 been committed by any person while operating a vehicle, vessel,  
16 or aircraft, or acting as a flight crew member of any aircraft,  
17 while in an intoxicated condition or with an excessive blood  
18 alcohol content, the amount of alcohol in the person's blood at  
19 the time of the act, as shown by any chemical analysis of the  
20 person's blood, breath, saliva, or urine, is admissible in  
21 evidence and the provisions of subdivision (5) of section 491.060  
22 shall not prevent the admissibility or introduction of such  
23 evidence if otherwise admissible.

24 2. If a chemical analysis of the defendant's breath, blood,  
25 saliva, or urine demonstrates there was eight-hundredths of one  
26 percent or more by weight of alcohol in the person's blood, this  
27 shall be prima facie evidence that the person was intoxicated at  
28 the time the specimen was taken. If a chemical analysis of the



1 defendant's breath, blood, saliva, or urine demonstrates that  
2 there was less than eight-hundredths of one percent of alcohol in  
3 the defendant's blood, any charge alleging a criminal offense  
4 related to the operation of a vehicle, vessel, or aircraft while  
5 in an intoxicated condition [or with an excessive blood alcohol  
6 content] shall be dismissed with prejudice unless one or more of  
7 the following considerations cause the court to find a dismissal  
8 unwarranted:

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

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

16 (3) There is substantial evidence of intoxication from  
17 physical observations of witnesses or admissions of the  
18 defendant.

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

22 4. The foregoing provisions of this section shall not be  
23 construed as limiting the introduction of any other competent  
24 evidence bearing upon the question of whether the person was  
25 intoxicated.

26 5. A chemical analysis of a person's breath, blood, saliva  
27 or urine, in order to give rise to the presumption or to have the  
28 effect provided for in subsection 2 of this section, shall have

1 been performed as provided in sections 577.020 to 577.041 and in  
2 accordance with methods and standards approved by the state  
3 department of health and senior services.

4 6. For any criminal offense or violations of county or  
5 municipal ordinances, or in any license suspension or revocation  
6 proceeding pursuant to the provisions of chapter 302, arising out  
7 of acts alleged to have been committed by any person while  
8 operating a vehicle, vessel, or aircraft, or acting as a flight  
9 crew member of any aircraft, while in an intoxicated condition or  
10 with an excessive blood alcohol content occurring on or between  
11 the dates of December 30, 2012, and April 4, 2014,  
12 notwithstanding any other provision of law or regulation, a  
13 relevant chemical analysis of a person's breath shall be  
14 admissible in all proceedings after the effective date of this  
15 act, if the standard simulator solutions used to verify and  
16 calibrate evidential breath analyzers, had a vapor concentration  
17 within five percent of the following values:

18 (1) 0.10%;

19 (2) 0.08%; or

20 (3) 0.04%;

21  
22 and otherwise was in accordance with methods and standards  
23 approved by the state department of health and senior services.  
24 This provision is a procedural rule and applies to all actions in  
25 progress whether commenced before or after the effective date of  
26 this act. Such chemical breath analysis shall be admissible in  
27 all proceedings after the effective date of this act even if the  
28 offense occurred before the effective date of this act.

1        7. It is the intent of the legislature to reverse, overturn  
2 and abrogate earlier case law interpretations related to the  
3 admissibility of chemical breath analyses to include, but not be  
4 limited to, holdings in Stiers v. Dir. of Revenue, No. SC4840  
5 (Mo. Jan. 12, 2016); and Stiers v. Dir. of Revenue, ED 101407,  
6 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

7        577.037. 1. Upon the trial of any person for violation of  
8 any of the provisions of section 565.024, or section 565.060, or  
9 section 577.010 or 577.012, or upon the trial of any criminal  
10 action or violations of county or municipal ordinances or in any  
11 license suspension or revocation proceeding pursuant to the  
12 provisions of chapter 302 arising out of acts alleged to have  
13 been committed by any person while driving a motor vehicle while  
14 in an intoxicated condition, the amount of alcohol in the  
15 person's blood at the time of the act alleged as shown by any  
16 chemical analysis of the person's blood, breath, saliva or urine  
17 is admissible in evidence and the provisions of subdivision (5)  
18 of section 491.060 shall not prevent the admissibility or  
19 introduction of such evidence if otherwise admissible. If there  
20 was eight-hundredths of one percent or more by weight of alcohol  
21 in the person's blood, this shall be prima facie evidence that  
22 the person was intoxicated at the time the specimen was taken.

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

26        3. The foregoing provisions of this section shall not be  
27 construed as limiting the introduction of any other competent  
28 evidence bearing upon the question whether the person was

1     intoxicated.

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

8             5. Any charge alleging a violation of section 577.010 or  
9     577.012 or any county or municipal ordinance prohibiting driving  
10    while intoxicated or driving under the influence of alcohol shall  
11    be dismissed with prejudice if a chemical analysis of the  
12    defendant's breath, blood, saliva, or urine performed in  
13    accordance with sections 577.020 to 577.041 and rules promulgated  
14    thereunder by the state department of health and senior services  
15    demonstrate that there was less than eight-hundredths of one  
16    percent of alcohol in the defendant's blood unless one or more of  
17    the following considerations cause the court to find a dismissal  
18    unwarranted:

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

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

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

1       6. For any criminal offense or violations of county or  
2 municipal ordinances, or in any license suspension or revocation  
3 proceeding pursuant to the provisions of chapter 302, arising out  
4 of acts alleged to have been committed by any person while  
5 operating a vehicle, vessel, or aircraft, or acting as a flight  
6 crew member of any aircraft, while in an intoxicated condition or  
7 with an excessive blood alcohol content occurring on or between  
8 the dates of December 30, 2012, and April 4, 2014,  
9 notwithstanding any other provision of law or regulation, a  
10 relevant chemical analysis of a person's breath shall be  
11 admissible in all proceedings after the effective date of this  
12 act, if the standard simulator solutions used to verify and  
13 calibrate evidential breath analyzers, had a vapor concentration  
14 within five percent of the following values:

15       (1) 0.10%;

16       (2) 0.08%; or

17       (3) 0.04%;

18  
19 and otherwise was in accordance with methods and standards  
20 approved by the state department of health and senior services.  
21 This provision is a procedural rule and applies to all actions in  
22 progress whether commenced before or after the effective date of  
23 this act. Such chemical breath analysis shall be admissible in  
24 all proceedings after the effective date of this act even if the  
25 offense occurred before the effective date of this act.

26       7. It is the intent of the legislature to reverse, overturn  
27 and abrogate earlier case law interpretations related to the  
28 admissibility of chemical breath analyses to include, but not be

1 limited to, holdings in Stiers v. Dir. of Revenue, No. SC4840  
2 (Mo. Jan. 12, 2016); and Stiers v. Dir. of Revenue, ED 101407,  
3 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

4 577.060. 1. A person commits the offense of leaving the  
5 scene of an accident when:

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

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

14 (a) His or her name;

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

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

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

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

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

25 (1) A class A misdemeanor; or

26 (2) A class E felony if:

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

28 (b) Damage in excess of one thousand dollars was caused to

1 the property of another person; or

2 (c) The defendant has previously been found guilty of any  
3 offense in violation of this section; or committed in another  
4 jurisdiction which, if committed in this state, would be a  
5 violation of an offense in this section.

6 4. A law enforcement officer who investigates or receives  
7 information of an accident involving an all-terrain vehicle and  
8 also involving the loss of life or serious physical injury shall  
9 make a written report of the investigation or information  
10 received and such additional facts relating to the accident as  
11 may come to his or her knowledge, mail the information to the  
12 department of public safety, and keep a record thereof in his or  
13 her office.

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

18 577.685. 1. An illegal alien commits the offense of  
19 illegal reentry if he or she has been removed from the United  
20 States for any of the reasons listed under 8 U.S.C. Section  
21 1326(b) and thereafter enters, attempts to enter, or is at any  
22 time found in this state unless such alien is otherwise permitted  
23 to enter the United States under federal law.

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

25 3. Any person in charge of a facility in which an illegal  
26 alien is detained upon arrest for the offense of illegal reentry  
27 shall transfer custody of such illegal alien to United States  
28 Immigration and Customs Enforcement as soon as practicable.

1           578.005. As used in sections 578.005 to 578.023, the  
2 following terms shall mean:

3           (1) "Adequate care", normal and prudent attention to the  
4 needs of an animal, including wholesome food, clean water,  
5 shelter and health care as necessary to maintain good health in a  
6 specific species of animal;

7           (2) ["Adequate control", to reasonably restrain or govern  
8 an animal so that the animal does not injure itself, any person,  
9 any other animal, or property;

10          (3)] "Animal", every living vertebrate except a human  
11 being;

12          [(4)] (3) "Animal shelter", a facility which is used to  
13 house or contain animals and which is owned, operated, or  
14 maintained by a duly incorporated humane society, animal welfare  
15 society, society for the prevention of cruelty to animals, or  
16 other not-for-profit organization devoted to the welfare,  
17 protection, and humane treatment of animals;

18          [(5)] (4) "Farm animal", an animal raised on a farm or  
19 ranch and used or intended for use in farm or ranch production,  
20 or as food or fiber;

21          [(6)] (5) "Farm animal professional", any individual  
22 employed at a location where farm animals are harbored;

23          [(7)] (6) "Harbor", to feed or shelter an animal at the  
24 same location for three or more consecutive days;

25          [(8)] (7) "Humane killing", the destruction of an animal  
26 accomplished by a method approved by the American Veterinary  
27 Medical Association's Panel on Euthanasia (JAVMA 173: 59-72,  
28 1978); or more recent editions, but animals killed during the



1 feeding of pet carnivores shall be considered humanely killed;

2 [(9)] (8) "Owner", in addition to its ordinary meaning, any  
3 person who keeps or harbors an animal or professes to be owning,  
4 keeping, or harboring an animal;

5 [(10)] (9) "Person", any individual, partnership, firm,  
6 joint stock company, corporation, association, trust, estate, or  
7 other legal entity;

8 [(11)] (10) "Pests", birds, rabbits, or rodents which  
9 damage property or have an adverse effect on the public health,  
10 but shall not include any endangered species listed by the United  
11 States Department of the Interior nor any endangered species  
12 listed in the Wildlife Code of Missouri.

13 578.007. The provisions of section 574.130, sections  
14 578.005 to 578.023 and section 578.040 shall not apply to:

15 (1) Care or treatment performed by a licensed veterinarian  
16 within the provisions of chapter 340;

17 (2) Bona fide scientific experiments;

18 (3) Hunting, fishing, or trapping as allowed by chapter  
19 252, including all practices and privileges as allowed under the  
20 Missouri Wildlife Code;

21 (4) Facilities and publicly funded zoological parks  
22 currently in compliance with the federal "Animal Welfare Act" as  
23 amended;

24 (5) Rodeo practices currently accepted by the Professional  
25 Rodeo Cowboy's Association;

26 (6) The killing of an animal by the owner thereof, the  
27 agent of such owner, or by a veterinarian at the request of the  
28 owner thereof;

1           (7) The lawful, humane killing of an animal by an animal  
2 control officer, the operator of an animal shelter, a  
3 veterinarian, or law enforcement or health official;

4           (8) With respect to farm animals, normal or accepted  
5 practices of animal husbandry;

6           (9) The killing of an animal by any person at any time if  
7 such animal is outside of the owned or rented property of the  
8 owner or custodian of such animal and the animal is injuring any  
9 person or farm animal but this exemption shall not include  
10 [police or guard dogs] the killing or injuring of a law  
11 enforcement officer dog while working;

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

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

15           578.022. Any dog that is owned, or the service of which is  
16 employed, by a law enforcement agency and that bites or injures  
17 another animal or human in the course of their official duties is  
18 exempt from the provisions of sections 273.033 [and], 273.036,  
19 578.012, and section 578.024.

20           [578.011.] 578.040. 1. For purposes of this section, the  
21 following terms shall mean:

22           (1) "Adequate control", to reasonably restrain or govern an  
23 animal so that the animal does not injure itself, any person, any  
24 other animal, or property;

25           (2) "Animal", any living vertebrate except a human being or  
26 livestock as the term "livestock" is defined under section  
27 265.300.

28           2. A person [is guilty] commits the offense of animal or

1 livestock trespass if a person:

2       (1) Having ownership or custody of an animal knowingly  
3 fails to provide adequate control [for a period equal to or  
4 exceeding twelve hours] and the animal trespasses onto another  
5 person's property; or

6       (2) Having ownership or custody of livestock as the term  
7 "livestock" is defined under section 265.300 knowingly fails to  
8 provide adequate control of the livestock for a period of twelve  
9 hours or more and the livestock trespasses onto another person's  
10 property.

11       [2.] 3. The offense of animal or livestock trespass is an  
12 infraction [upon first conviction and for each offense punishable  
13 by a fine not to exceed two hundred dollars, and], unless the  
14 person has previously been found guilty of a violation of this  
15 section in which case it is a class C misdemeanor [punishable by  
16 imprisonment or a fine not to exceed five hundred dollars, or  
17 both, upon the second and all subsequent convictions]. All fines  
18 for a first [conviction of animal trespass] finding of guilt  
19 under this section may be waived by the court provided that the  
20 person found guilty of animal or livestock trespass shows that  
21 adequate, permanent remedies for the trespass have been made.

22 [Reasonable costs incurred for the care and maintenance of  
23 trespassing animals may not be waived.] This section shall not  
24 apply to the provisions of section 578.007 or sections 272.010 to  
25 272.370.

26       579.015. 1. A person commits the offense of possession of  
27 a controlled substance if he or she knowingly possesses a  
28 controlled substance, except as authorized by this chapter or

chapter 195.

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

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

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

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

589.800. 1. The department of public safety shall establish a pilot program in the city not within a county that addresses the rising serious violent crime rate in neighborhoods located in the city not within a county. The pilot program shall be known and may be referred to as the "Intervention and Compliance Unit Pilot Program" or the "ICU Pilot Program".

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

3        (1) Reducing and preventing violent crime and improving  
4 safety within individual neighborhoods through collaboration of  
5 the metropolitan police department and representatives of the  
6 community within the city not within a county;

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

10       (3) The creation of policies and procedures to address  
11 crime recidivism;

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

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

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

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

21       (2) City prosecutors;

22       (3) Local courts;

23       (4) The department of social services;

24       (5) Local government leaders;

25       (6) Civic organizations;

26       (7) Local schools; and

27       (8) Local probation and parole offices.

28       4. There is hereby created in the state treasury the

1 "Intervention and Compliance Unit Pilot Program Fund", which  
2 shall consist of all gifts, bequests, transfers, and moneys  
3 appropriated by the general assembly under this section. The  
4 state treasurer shall be custodian of the fund. In accordance  
5 with sections 30.170 and 30.180, the state treasurer may approve  
6 disbursements. The fund shall be a dedicated fund and, upon  
7 appropriation, moneys in the fund shall be used solely for the  
8 pilot program established under this section. Notwithstanding  
9 the provisions of section 33.080, to the contrary, any moneys  
10 remaining in the fund at the end of the biennium shall not revert  
11 to the credit of the general revenue fund. The state treasurer  
12 shall invest moneys in the fund in the same manner as other funds  
13 are invested. Any interest and moneys earned on such  
14 investments shall be credited to the fund.

15 5. The department of public safety shall promulgate rules  
16 to implement the provisions of this section. Any rule or portion  
17 of a rule, as that term is defined in section 536.010, that is  
18 created under the authority delegated in this section shall  
19 become effective only if it complies with and is subject to all  
20 of the provisions of chapter 536 and, if applicable, section  
21 536.028. This section and chapter 536 are nonseverable, and if  
22 any of the powers vested with the general assembly pursuant to  
23 chapter 536 to review, to delay the effective date, or to  
24 disapprove and annul a rule are subsequently held  
25 unconstitutional, then the grant of rulemaking authority and any  
26 rule proposed or adopted after August 28, 2016, shall be invalid  
27 and void.

28 6. Pursuant to section 23.253:

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

5       (2) If such program is reauthorized, the program authorized  
6 under this section shall automatically sunset twelve years after  
7 the effective date of the reauthorization of this section; and

8       (3) This section shall terminate on September first of the  
9 calendar year immediately following the calendar year in which  
10 the program authorized under this section is sunset.

11       632.520. 1. For purposes of this section, the following  
12 terms mean:

13       (1) "Employee of the department of mental health", a person  
14 who is an employee of the department of mental health, an  
15 employee or contracted employee of a subcontractor of the  
16 department of mental health, or an employee or contracted  
17 employee of a subcontractor of an entity responsible for  
18 confining offenders as authorized by section 632.495;

19       (2) "Offender", a person ordered to the department of  
20 mental health after a determination by the court that the person  
21 meets the definition of a sexually violent predator, a person  
22 ordered to the department of mental health after a finding of  
23 probable cause under section 632.489, or a person committed for  
24 control, care, and treatment by the department of mental health  
25 under sections 632.480 to 632.513;

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

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

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

8           650.055. 1. Every individual who:

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

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

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

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

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

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

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

26           (3) Upon entering or before release from a county jail or  
27 detention facility, state correctional facility, or any other  
28 detention facility or institution, whether operated by a private,



1 local, or state agency, or any mental health facility if  
2 committed as a sexually violent predator pursuant to sections  
3 632.480 to 632.513; or

4 (4) When the state accepts a person from another state  
5 under any interstate compact, or under any other reciprocal  
6 agreement with any county, state, or federal agency, or any other  
7 provision of law, whether or not the person is confined or  
8 released, the acceptance is conditional on the person providing a  
9 DNA sample if the person was found guilty of a felony offense in  
10 any other jurisdiction; or

11 (5) If such individual is under the jurisdiction of the  
12 department of corrections. Such jurisdiction includes persons  
13 currently incarcerated, persons on probation, as defined in  
14 section 217.650, and on parole, as also defined in section  
15 217.650; or

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

18 3. The Missouri state highway patrol and department of  
19 corrections shall be responsible for ensuring adherence to the  
20 law. Any person required to provide a DNA sample pursuant to  
21 this section shall be required to provide such sample, without  
22 the right of refusal, at a collection site designated by the  
23 Missouri state highway patrol and the department of corrections.  
24 Authorized personnel collecting or assisting in the collection of  
25 samples shall not be liable in any civil or criminal action when  
26 the act is performed in a reasonable manner. Such force may be  
27 used as necessary to the effectual carrying out and application  
28 of such processes and operations. The enforcement of these

1 provisions by the authorities in charge of state correctional  
2 institutions and others having custody or jurisdiction over  
3 individuals included in subsection 1 of this section which shall  
4 not be set aside or reversed is hereby made mandatory. The board  
5 of probation or parole shall recommend that an individual on  
6 probation or parole who refuses to provide a DNA sample have his  
7 or her probation or parole revoked. In the event that a person's  
8 DNA sample is not adequate for any reason, the person shall  
9 provide another sample for analysis.

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

15 5. Unauthorized use or dissemination of individually  
16 identifiable DNA information in a database for purposes other  
17 than criminal justice or law enforcement is a class A  
18 misdemeanor.

19 6. Implementation of sections 650.050 to 650.100 shall be  
20 subject to future appropriations to keep Missouri's DNA system  
21 compatible with the Federal Bureau of Investigation's DNA  
22 databank system.

23 7. All DNA records and biological materials retained in the  
24 DNA profiling system are considered closed records pursuant to  
25 chapter 610. All records containing any information held or  
26 maintained by any person or by any agency, department, or  
27 political subdivision of the state concerning an individual's DNA  
28 profile shall be strictly confidential and shall not be

disclosed, except to:

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

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

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

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

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

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

9. An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal. A certified copy of the court order establishing that such conviction has been reversed or guilty plea has been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will

1 determine that the requesting individual has no other qualifying  
2 offense as a result of any separate plea or conviction and no  
3 other qualifying arrest prior to expungement.

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

10 (2) Upon receipt of a written request for expungement, a  
11 certified copy of the final court order reversing the conviction  
12 or setting aside the plea and any other information necessary to  
13 ascertain the validity of the request, the Missouri state highway  
14 patrol crime laboratory shall expunge all DNA records and  
15 identifiable information in the state DNA database pertaining to  
16 the person and destroy the DNA sample of the person, unless the  
17 Missouri state highway patrol determines that the person is  
18 otherwise obligated to submit a DNA sample. Within thirty days  
19 after the receipt of the court order, the Missouri state highway  
20 patrol shall notify the individual that it has expunged his or  
21 her DNA sample and DNA profile, or the basis for its  
22 determination that the person is otherwise obligated to submit a  
23 DNA sample.

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

28 (4) Any identification, warrant, arrest, or evidentiary use

1 of a DNA match derived from the database shall not be excluded or  
2 suppressed from evidence, nor shall any conviction be invalidated  
3 or reversed or plea set aside due to the failure to expunge or a  
4 delay in expunging DNA records.

5 10. When a DNA sample is taken from an individual pursuant  
6 to subdivision (2) of subsection 1 of this section and the  
7 prosecutor declines prosecution and notifies the arresting agency  
8 of that decision, the arresting agency shall notify the Missouri  
9 state highway patrol crime laboratory within ninety days of  
10 receiving such notification. Within thirty days of being  
11 notified by the arresting agency that the prosecutor has declined  
12 prosecution, the Missouri state highway patrol crime laboratory  
13 shall determine whether the individual has any other qualifying  
14 offenses or arrests that would require a DNA sample to be taken  
15 and retained. If the individual has no other qualifying offenses  
16 or arrests, the crime laboratory shall expunge all DNA records in  
17 the database taken at the arrest for which the prosecution was  
18 declined pertaining to the person and destroy the DNA sample of  
19 such person.

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

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

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

28 (3) If the court finds at the preliminary hearing that

1     there is no probable cause that the defendant committed the  
2     offense, the court shall notify the state highway patrol crime  
3     laboratory of such finding;

4             (4) If the defendant is found not guilty, the court shall  
5     notify the state highway patrol crime laboratory of such verdict.  
6     If the state highway patrol crime laboratory receives notice  
7     under this subsection, such crime laboratory shall determine,  
8     within thirty days, whether the individual has any other  
9     qualifying offenses or arrests that would require a DNA sample to  
10    be taken. If the individual has no other qualifying arrests or  
11    offenses, the crime laboratory shall expunge all DNA records in  
12    the database pertaining to such person and destroy the person's  
13    DNA sample.

14            Section B. The repeal and reenactment of sections 192.2260,  
15    301.559, 311.310, 339.100, 400.9-501, 565.032, 571.020, 571.030,  
16    571.060, 571.063, 571.070, 571.072, and 632.520, and the  
17    enactment of section 577.685 of this act shall become effective  
18    on January 1, 2017.

19            Section C. Because of the need to adopt a punishment scheme  
20    for first degree murderers of a certain age after the United  
21    States Supreme Court declared as unconstitutional the only  
22    punishment available under Missouri law for such offenders and  
23    the need to protect the public from the danger of intoxication  
24    related offenses in this state and to hold accountable those who  
25    endanger their fellow citizens, the repeal and reenactment of  
26    section 565.020, the repeal and reenactment of the second  
27    occurrence of section 556.061, the repeal and reenactment of the  
28    second occurrence of section 577.037, and the enactment of

1 section 565.033 of this act is deemed necessary for the immediate  
2 preservation of the public health, welfare, peace and safety, and  
3 is hereby declared to be an emergency act within the meaning of  
4 the constitution, the repeal and reenactment of section 565.020,  
5 the repeal and reenactment of the second occurrence of section  
6 565.020, the repeal and reenactment of the second occurrence of  
7 section 577.037, and the enactment of section 565.033 of this act  
8 shall be in full force and effect upon its passage and approval.