

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 663

AN ACT

To repeal sections 57.111, 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 327.272, 339.100, 400.9-501, 476.083, 477.650, 541.033, 542.296, 544.250, 545.400, 545.490, 562.014, 565.030, 565.032, 565.040, 566.210, 566.211, 566.212, 566.213, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, 595.226, 600.042, 600.090, 600.101, 610.026, 610.100, 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 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, 556.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 556.046 as enacted by senate bill no. 223, ninety-first general assembly, first regular session, section 557.021 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 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 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first 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, 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second 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 eight-two new sections relating to the administration of justice, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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

1 Section A. Sections 57.111, 192.2260, 192.2405, 211.059,
2 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310,
3 327.272, 339.100, 400.9-501, 476.083, 477.650, 541.033, 542.296,
4 544.250, 545.400, 545.490, 562.014, 565.030, 565.032, 565.040,
5 566.210, 566.211, 566.212, 566.213, 570.135, 571.020, 571.030,
6 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011,
7 578.022, 579.015, 595.226, 600.042, 600.090, 600.101, 610.026,
8 610.100, 632.520, and 650.055, RSMo, section 192.2410 as enacted
9 by house revision bill no. 1299 merged with senate bill no. 491,
10 ninety-seventh general assembly, second regular session, section
11 192.2475 as enacted by house revision bill no. 1299 merged with
12 senate bill no. 491, ninety-seventh general assembly, second
13 regular session, section 192.2475 as enacted by house revision

1 bill no. 1299, ninety-seventh general assembly, second regular
2 session, section 198.070 as enacted by senate bill no. 491,
3 ninety-seventh general assembly, second regular session and
4 section 198.070 as enacted by senate bills nos. 556 & 311,
5 ninety-second general assembly, first regular session, section
6 221.111 as enacted by senate bill no. 491, ninety-seventh general
7 assembly, second regular session, section 476.055 as enacted by
8 house bill no. 1245 merged with house bill no. 1371, ninety-
9 seventh general assembly, second regular session, 556.046 as
10 enacted by senate bill no. 491, ninety-seventh general assembly,
11 second regular session, and section 556.046 as enacted by senate
12 bill no. 223, ninety-first general assembly, first regular
13 session, section 557.021 as enacted by senate bill no. 491,
14 ninety-seventh general assembly, second regular session, section
15 565.188 as enacted by senate bills nos. 556 & 311, ninety-second
16 general assembly, first regular session, section 565.225 as
17 enacted by senate bill no. 491, ninety-seventh general assembly,
18 second regular session, section 565.225 as enacted by senate
19 bills nos. 818 & 795, ninety-fourth general assembly, second
20 regular session, section 566.209 as enacted by senate bill no.
21 491, ninety-seventh general assembly, second regular session,
22 section 566.209 as enacted by house bill no. 214, ninety-sixth
23 general assembly, first regular session, section 568.040 as
24 enacted by senate bill no. 491, ninety-seventh general assembly,
25 second regular session, section 569.090 as enacted by senate bill
26 no. 491, ninety-seventh general assembly, second regular session,
27 section 569.140 as enacted by senate bill no. 491, ninety-seventh
28 general assembly, second regular session, section 570.010 as

1 enacted by house bill no. 1888, ninety-first general assembly,
2 second regular session, section 570.030 as enacted by senate bill
3 no. 491, ninety-seventh general assembly, second regular session,
4 section 570.030 as enacted by senate bill no. 9, ninety-seventh
5 general assembly, first regular session, 574.010 as enacted by
6 senate bill no. 491, ninety-seventh general assembly, second
7 regular session, section 577.001 as enacted by senate bill no.
8 254, ninety-eighth general assembly, first regular session,
9 sections 577.010, 577.012, 577.013, and 577.014 as enacted by
10 senate bill no. 491, ninety-seventh general assembly, second
11 regular session, section 577.037 as enacted by house bill no.
12 1371, ninety-seventh general assembly, second regular session,
13 and section 577.060 as enacted by senate bill no. 491, ninety-
14 seventh general assembly, second regular session, section 577.037
15 as enacted by house bill nos. 302 & 38, ninety-first general
16 assembly, first regular session, are repealed and eighty-two new
17 sections enacted in lieu thereof, to be known as sections 57.111,
18 192.2260, 192.2405, 192.2410, 192.2475, 198.070, 211.059,
19 211.436, 217.151, 217.360, 217.670, 217.690, 217.722, 221.111,
20 301.559, 304.351, 311.310, 327.272, 339.100, 400.9-501, 455.095,
21 476.055, 476.083, 477.650, 478.252, 510.035, 537.530, 541.033,
22 542.296, 544.250, 545.400, 545.490, 545.950, 556.046, 557.021,
23 562.014, 565.030, 565.032, 565.040, 565.188, 565.225, 566.209,
24 566.210, 566.211, 566.212, 566.213, 568.040, 569.090, 569.140,
25 570.010, 570.030, 570.135, 571.020, 571.030, 571.060, 571.063,
26 571.070, 571.072, 574.010, 577.001, 577.010, 577.011, 577.012,
27 577.013, 577.014, 577.037, 577.060, 577.685, 578.005, 578.007,
28 578.022, 578.040, 579.015, 589.800, 595.226, 600.042, 600.090,

1 600.101, 610.026, 610.100, 632.520, and 650.055, to read as
2 follows:

3 57.111. Whenever any sheriff or deputy sheriff of any
4 county in this state is expressly requested, in each instance, by
5 a sheriff [of an adjoining county] of this state to render
6 assistance, such sheriff or deputy shall have the same powers of
7 arrest in such county as he or she has in his or her own
8 jurisdiction. Any sheriff, or deputy sheriff that a responding
9 sheriff sends, of a county responding to a request for assistance
10 in another county of the state shall be deemed an employee of his
11 or her sheriff's office and shall be subject to the workers'
12 compensation, overtime, and expense reimbursement provisions
13 provided to him or her as an employee of his or her sheriff's
14 office.

15 192.2260. 1. Any person who violates any provision of
16 sections 192.2200 to 192.2260, or who, for himself or for any
17 other person, makes materially false statements in order to
18 obtain a certificate or license, or the renewal thereof, issued
19 pursuant to sections 192.2200 to 192.2260, shall be guilty of a
20 class A misdemeanor. Any person violating this subsection
21 wherein abuse or neglect of a participant of the program has
22 occurred is guilty of a class [D] E felony.

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

1 years after such conviction.

2 192.2405. 1. The following persons shall be required to
3 immediately report or cause a report to be made to the department
4 under sections 192.2400 to 192.2470:

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

8 (2) Any adult day care worker, chiropractor, Christian
9 Science practitioner, coroner, dentist, embalmer, employee of the
10 departments of social services, mental health, or health and
11 senior services, employee of a local area agency on aging or an
12 organized area agency on aging program, emergency medical
13 technician, firefighter, first responder, funeral director, home
14 health agency, home health agency employee, hospital and clinic
15 personnel engaged in the care or treatment of others, in-home
16 services owner or provider, in-home services operator or
17 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 responsibility for the
24 care of [a person sixty years of age or older] an eligible adult
25 who has reasonable cause to suspect that [such a person] the
26 eligible adult has been subjected to abuse or neglect or observes
27 [such a person] the eligible adult being subjected to conditions
28 or circumstances which would reasonably result in abuse or

1 neglect. Notwithstanding any other provision of this section, a
2 duly ordained minister, clergy, religious worker, or Christian
3 Science practitioner while functioning in his or her ministerial
4 capacity shall not be required to report concerning a privileged
5 communication made to him or her in his or her professional
6 capacity.

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

11 3. The penalty for failing to report as required under
12 subdivision (2) of subsection 1 of this section is provided under
13 section 565.188.

14 192.2410. 1. A report made under section 192.2405 shall be
15 made orally or in writing. It shall include, if known:

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

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

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

22 (4) Other relevant information.

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

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

28 192.2475. 1. When any adult day care worker; chiropractor;

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

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

1 manager with the investigation.

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

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

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

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

22 [7.] 5. If the investigation indicates possible abuse or
23 neglect of an in-home services client or home health patient, the
24 investigator shall refer the complaint together with his or her
25 report to the department director or his or her designee for
26 appropriate action. If, during the investigation or at its
27 completion, the department has reasonable cause to believe that
28 immediate action is necessary to protect the in-home services

1 client or home health patient from abuse or neglect, the
2 department or the local prosecuting attorney may, or the attorney
3 general upon request of the department shall, file a petition for
4 temporary care and protection of the in-home services client or
5 home health patient in a circuit court of competent jurisdiction.
6 The circuit court in which the petition is filed shall have
7 equitable jurisdiction to issue an ex parte order granting the
8 department authority for the temporary care and protection of the
9 in-home services client or home health patient, for a period not
10 to exceed thirty days.

11 [8.] 6. Reports shall be confidential, as provided under
12 section 192.2500.

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

21 [10.] 8. Within five working days after a report required
22 to be made under this section is received, the person making the
23 report shall be notified in writing of its receipt and of the
24 initiation of the investigation.

25 [11.] 9. No person who directs or exercises any authority
26 in an in-home services provider agency or home health agency
27 shall harass, dismiss or retaliate against an in-home services
28 client or home health patient, or an in-home services employee or

1 a home health agency employee because he or she or any member of
2 his or her family has made a report of any violation or suspected
3 violation of laws, standards or regulations applying to the
4 in-home services provider agency or home health agency or any
5 in-home services employee or home health agency employee which he
6 or she has reasonable cause to believe has been committed or has
7 occurred.

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

27 [13.] 11. The department shall establish a quality
28 assurance and supervision process for clients that requires an

1 in-home services provider agency to conduct random visits to
2 verify compliance with program standards and verify the accuracy
3 of records kept by an in-home services employee.

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

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

1 each in-home services client shall be authorized by a nurse. The
2 department may authorize the licensed in-home services nurse, in
3 lieu of the department nurse, to conduct the assessment of the
4 client's condition and to establish a plan of services or care.
5 The department may use the expertise, services, or programs of
6 other departments and agencies on a case-by-case basis to
7 establish the plan of service or care. The department may, as
8 indicated by the safe at home evaluation, refer any client to a
9 mental health professional, as defined in 9 CSR 30-4.030, for
10 evaluation and treatment as necessary.

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

24 [17.] 15. All in-home services clients shall be advised of
25 their rights by the department or the department's designee at
26 the initial evaluation. The rights shall include, but not be
27 limited to, the right to call the department for any reason,
28 including dissatisfaction with the provider or services. The

1 department may contract for services relating to receiving such
2 complaints. The department shall establish a process to receive
3 such nonabuse and neglect calls other than the elder abuse and
4 neglect hotline.

5 [18.] 16. Subject to appropriations, all nurse visits
6 authorized in sections 192.2400 to 192.2475 shall be reimbursed
7 to the in-home services provider agency.

8 192.2475. 1. When any adult day care worker; chiropractor;
9 Christian Science practitioner; coroner; dentist; embalmer;
10 emergency medical technician; employee of the departments of
11 social services, mental health, or health and senior services;
12 employee of a local area agency on aging or an organized area
13 agency on aging program; firefighter; first responder; 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 or social worker has reasonable cause to believe that an in-home
24 services client has been abused or neglected, as a result of
25 in-home services, he or she shall immediately report or cause a
26 report to be made to the department. If the report is made by a
27 physician of the in-home services client, the department shall
28 maintain contact with the physician regarding the progress of the

1 investigation.

2 2. [When a report of deteriorating physical condition
3 resulting in possible abuse or neglect of an in-home services
4 client is received by the department, the client's case manager
5 and the department nurse shall be notified. The client's case
6 manager shall investigate and immediately report the results of
7 the investigation to the department nurse. The department may
8 authorize the in-home services provider nurse to assist the case
9 manager with the investigation.

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

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

18 [5.] 3. The report shall contain the names and addresses of
19 the in-home services provider agency, the in-home services
20 employee, the in-home services client, the home health agency,
21 the home health agency employee, information regarding the nature
22 of the abuse or neglect, the name of the complainant, and any
23 other information which might be helpful in an investigation.

24 [6.] 4. In addition to those persons required to report
25 under subsection 1 of this section, any other person having
26 reasonable cause to believe that an in-home services client or
27 home health patient has been abused or neglected by an in-home
28 services employee or home health agency employee may report such

1 information to the department.

2 [7.] 5. If the investigation indicates possible abuse or
3 neglect of an in-home services client or home health patient, the
4 investigator shall refer the complaint together with his or her
5 report to the department director or his or her designee for
6 appropriate action. If, during the investigation or at its
7 completion, the department has reasonable cause to believe that
8 immediate action is necessary to protect the in-home services
9 client or home health patient from abuse or neglect, the
10 department or the local prosecuting attorney may, or the attorney
11 general upon request of the department shall, file a petition for
12 temporary care and protection of the in-home services client or
13 home health patient in a circuit court of competent jurisdiction.
14 The circuit court in which the petition is filed shall have
15 equitable jurisdiction to issue an ex parte order granting the
16 department authority for the temporary care and protection of the
17 in-home services client or home health patient, for a period not
18 to exceed thirty days.

19 [8.] 6. Reports shall be confidential, as provided under
20 section 192.2500.

21 [9.] 7. Anyone, except any person who has abused or
22 neglected an in-home services client or home health patient, who
23 makes a report pursuant to this section or who testifies in any
24 administrative or judicial proceeding arising from the report
25 shall be immune from any civil or criminal liability for making
26 such a report or for testifying except for liability for perjury,
27 unless such person acted negligently, recklessly, in bad faith,
28 or with malicious purpose.

1 [10.] 8. Within five working days after a report required
2 to be made under this section is received, the person making the
3 report shall be notified in writing of its receipt and of the
4 initiation of the investigation.

5 [11.] 9. No person who directs or exercises any authority
6 in an in-home services provider agency or home health agency
7 shall harass, dismiss or retaliate against an in-home services
8 client or home health patient, or an in-home services employee or
9 a home health agency employee because he or she or any member of
10 his or her family has made a report of any violation or suspected
11 violation of laws, standards or regulations applying to the
12 in-home services provider agency or home health agency or any
13 in-home services employee or home health agency employee which he
14 or she has reasonable cause to believe has been committed or has
15 occurred.

16 [12.] 10. Any person who abuses or neglects an in-home
17 services client or home health patient is subject to criminal
18 prosecution under section 565.180, 565.182, or 565.184. If such
19 person is an in-home services employee and has been found guilty
20 by a court, and if the supervising in-home services provider
21 willfully and knowingly failed to report known abuse by such
22 employee to the department, the supervising in-home services
23 provider may be subject to administrative penalties of one
24 thousand dollars per violation to be collected by the department
25 and the money received therefor shall be paid to the director of
26 revenue and deposited in the state treasury to the credit of the
27 general revenue fund. Any in-home services provider which has
28 had administrative penalties imposed by the department or which

1 has had its contract terminated may seek an administrative review
2 of the department's action pursuant to chapter 621. Any decision
3 of the administrative hearing commission may be appealed to the
4 circuit court in the county where the violation occurred for a
5 trial de novo. For purposes of this subsection, the term
6 "violation" means a determination of guilt by a court.

7 [13.] 11. The department shall establish a quality
8 assurance and supervision process for clients that requires an
9 in-home services provider agency to conduct random visits to
10 verify compliance with program standards and verify the accuracy
11 of records kept by an in-home services employee.

12 [14.] 12. The department shall maintain the employee
13 disqualification list and place on the employee disqualification
14 list the names of any persons who have been finally determined by
15 the department, pursuant to section 192.2490, to have recklessly,
16 knowingly or purposely abused or neglected an in-home services
17 client or home health patient while employed by an in-home
18 services provider agency or home health agency. For purposes of
19 this section only, "knowingly" and "recklessly" shall have the
20 meanings that are ascribed to them in this section. A person
21 acts "knowingly" with respect to the person's conduct when a
22 reasonable person should be aware of the result caused by his or
23 her conduct. A person acts "recklessly" when the person
24 consciously disregards a substantial and unjustifiable risk that
25 the person's conduct will result in serious physical injury and
26 such disregard constitutes a gross deviation from the standard of
27 care that a reasonable person would exercise in the situation.

28 [15.] 13. At the time a client has been assessed to

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

19 [16.] 14. Authorized nurse visits shall occur at least
20 twice annually to assess the client and the client's plan of
21 services. The provider nurse shall report the results of his or
22 her visits to the client's case manager. If the provider nurse
23 believes that the plan of service requires alteration, the
24 department shall be notified and the department shall make a
25 client evaluation. All authorized nurse visits shall be
26 reimbursed to the in-home services provider. All authorized
27 nurse visits shall be reimbursed outside of the nursing home cap
28 for in-home services clients whose services have reached one

1 hundred percent of the average statewide charge for care and
2 treatment in an intermediate care facility, provided that the
3 services have been preauthorized by the department.

4 [17.] 15. All in-home services clients shall be advised of
5 their rights by the department or the department's designee at
6 the initial evaluation. The rights shall include, but not be
7 limited to, the right to call the department for any reason,
8 including dissatisfaction with the provider or services. The
9 department may contract for services relating to receiving such
10 complaints. The department shall establish a process to receive
11 such nonabuse and neglect calls other than the elder abuse and
12 neglect hotline.

13 [18.] 16. Subject to appropriations, all nurse visits
14 authorized in sections 192.2400 to 192.2475 shall be reimbursed
15 to the in-home services provider agency.

16 198.070. 1. When any adult day care worker; chiropractor;
17 Christian Science practitioner; coroner; dentist; embalmer;
18 employee of the departments of social services, mental health, or
19 health and senior services; employee of a local area agency on
20 aging or an organized area agency on aging program; 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 social worker; or other person with the care of a person sixty
3 years of age or older or an eligible adult has reasonable cause
4 to believe that a resident of a facility has been abused or
5 neglected, he or she shall immediately report or cause a report
6 to be made to the department.

7 2. (1) The report shall contain the name and address of
8 the facility, the name of the resident, information regarding the
9 nature of the abuse or neglect, the name of the complainant, and
10 any other information which might be helpful in an investigation.

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

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

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

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

28 6. Upon receipt of a report, the department shall initiate

1 an investigation within twenty-four hours and, as soon as
2 possible during the course of the investigation, shall notify the
3 resident's next of kin or responsible party of the report and the
4 investigation and further notify them whether the report was
5 substantiated or unsubstantiated unless such person is the
6 alleged perpetrator of the abuse or neglect. As provided in
7 section 192.2425, substantiated reports of elder abuse shall be
8 promptly reported by the department to the appropriate law
9 enforcement agency and prosecutor.

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

25 8. Reports shall be confidential, as provided pursuant to
26 section 192.2500.

27 9. Anyone, except any person who has abused or neglected a
28 resident in a facility, who makes a report pursuant to this

1 section or who testifies in any administrative or judicial
2 proceeding arising from the report shall be immune from any civil
3 or criminal liability for making such a report or for testifying
4 except for liability for perjury, unless such person acted
5 negligently, recklessly, in bad faith or with malicious purpose.
6 It is a crime under section 565.189 for any person to knowingly
7 file a false report of elder abuse or neglect.

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

25 12. Any person who abuses or neglects a resident of a
26 facility is subject to criminal prosecution under section
27 565.184.

28 13. The department shall maintain the employee

1 disqualification list and place on the employee disqualification
2 list the names of any persons who are or have been employed in
3 any facility and who have been finally determined by the
4 department pursuant to section 192.2490 to have knowingly or
5 recklessly abused or neglected a resident. For purposes of this
6 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 14. The timely self-reporting of incidents to the central
16 registry by a facility shall continue to be investigated in
17 accordance with department policy, and shall not be counted or
18 reported by the department as a hot-line call but rather a
19 self-reported incident. If the self-reported incident results in
20 a regulatory violation, such incident shall be reported as a
21 substantiated report.

22 198.070. 1. When any adult day care worker; chiropractor;
23 Christian Science practitioner; coroner; dentist; embalmer;
24 employee of the departments of social services, mental health, or
25 health and senior services; employee of a local area agency on
26 aging or an organized area agency on aging program; funeral
27 director; home health agency or home health agency employee;
28 hospital and clinic personnel engaged in examination, care, or

1 treatment of persons; in-home services owner, provider, operator,
2 or employee; law enforcement officer; long-term care facility
3 administrator or employee; medical examiner; medical resident or
4 intern; mental health professional; minister; nurse; nurse
5 practitioner; optometrist; other health practitioner; peace
6 officer; pharmacist; physical therapist; physician; physician's
7 assistant; podiatrist; probation or parole officer; psychologist;
8 social worker; or other person with the care of a person sixty
9 years of age or older or an eligible adult has reasonable cause
10 to believe that a resident of a facility has been abused or
11 neglected, he or she shall immediately report or cause a report
12 to be made to the department.

13 2. (1) The report shall contain the name and address of
14 the facility, the name of the resident, information regarding the
15 nature of the abuse or neglect, the name of the complainant, and
16 any other information which might be helpful in an investigation.

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

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

26 4. In addition to the penalties imposed by this section,
27 any administrator who knowingly conceals any act of abuse or
28 neglect resulting in death or serious physical injury, as defined

1 in section 565.002, is guilty of a class D felony.

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

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

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

1 and protection of the resident, for a period not to exceed thirty
2 days.

3 8. Reports shall be confidential, as provided pursuant to
4 section 660.320.

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

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

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

1 able to obtain information about their rights, protections and
2 options in cases of eviction, harassment, dismissal or
3 retaliation due to a report being made pursuant to this section.

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

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

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

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

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

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

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

13 (4) That he has a right to consult with an attorney and
14 that one will be appointed and paid for him if he cannot afford
15 one.

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

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

24 (1) If the child indicates in any manner at any stage
25 during questioning involving the alleged abuse and neglect that
26 the child does not wish to be questioned any further on the
27 allegations, or that the child wishes to have his or her parent,
28 legal guardian, or custodian if such parent, guardian, or

1 custodian is not the alleged perpetrator, or his or her attorney
2 present during questioning as to the alleged abuse, the
3 questioning of the child shall cease on the alleged abuse and
4 neglect until such a time that the child does not object to
5 talking about the alleged abuse and neglect unless the
6 interviewer has reason to believe that the parent, legal
7 guardian, or custodian is acting to protect the alleged
8 perpetrator. Nothing in this subdivision shall be construed to
9 prevent the asking of any questions necessary for the care,
10 treatment, or placement of a child; and

11 (2) Notwithstanding any prohibition of hearsay evidence,
12 all video or audio recordings of any meetings, interviews, or
13 interrogations of a child shall be presumed admissible as
14 evidence in any court or administrative proceeding involving the
15 child if the following conditions are met:

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

19 (b) Such video or audio recordings were made prior to the
20 adjudication hearing in the case. Nothing in this paragraph
21 shall be construed to prohibit the videotaping or audiotaping of
22 any such meetings, interviews, or interrogations of a child after
23 the adjudication hearing; and

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

27
28 The provisions of this subsection shall not apply to statements

1 admissible under section 491.075 or 492.304 in criminal
2 proceedings.

3 4. For the purposes of this section, any court recognized
4 exception from the required warnings given by law enforcement
5 concerning constitutional rights to an adult prior to custodial
6 interrogation shall also apply to a child taken into custody.
7 Any evidence obtained in violation of this section shall be
8 treated by the courts in the same manner as evidence collected in
9 violation of an adult's right to be given warnings concerning
10 constitutional rights prior to custodial interrogation.

11 211.436. 1. When a court of jurisdiction in juvenile cases
12 has a local court rule or otherwise mandates that a juvenile
13 shall be restrained during court proceedings using either
14 handcuffs, chains, irons, or a straitjacket, the juvenile's
15 attorney shall have the right to be heard on the issue of the
16 necessity of restraints on the juvenile and request that the
17 restraints on the juvenile not be used. The juvenile's attorney
18 may present evidence that the juvenile is not a flight risk,
19 poses no safety risk to himself or herself or others, or has no
20 history of disruptive courtroom behavior.

21 2. If the court orders that restraints shall be used on the
22 juvenile, the court shall make findings of fact in support of
23 such use.

24 217.151. 1. For purposes of this section, "extraordinary
25 circumstances" exist when a doctor treating the pregnant or
26 postpartum offender makes an individualized determination that
27 restraints are necessary to prevent a pregnant or postpartum
28 offender from escaping or seriously injuring herself, medical or

1 correctional personnel, or others.

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

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

9 (2) Pregnant and postpartum offenders shall be transported
10 to and from visits to health care providers and court proceedings
11 in vehicles with seatbelts;

12 (3) Any time restraints are used on a pregnant or
13 postpartum offender, the restraints shall be the least
14 restrictive available and the most reasonable under the
15 circumstances. In no case shall leg or waist restraints be used
16 on any pregnant or postpartum offender; and

17 (4) If a doctor, nurse, or other health care provider
18 treating the pregnant or postpartum offender requests that
19 restraints not be used, the corrections officer accompanying the
20 pregnant or postpartum offender shall immediately remove all
21 restraints.

22 3. In the event a doctor determines that extraordinary
23 circumstances exist and restraints are used, the doctor shall
24 fully document in writing within seven days of the incident the
25 reasons he or she determined such extraordinary circumstances
26 existed, the kind of restraints used, and the reasons those
27 restraints were considered the least restrictive available and
28 the most reasonable under the circumstances.

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

8 5. The chief administrative officer of each correctional
9 center shall:

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

14 (2) Inform female offenders of the policies and practices
15 developed in accordance with this section upon admission to the
16 correctional center, including the policies and practices in the
17 offender handbook, and post the policies and practices in
18 locations in the correctional center where such notices are
19 commonly posted and will be seen by female offenders, including
20 common housing areas and health care facilities.

21 217.360. 1. It shall be an offense for any person to
22 knowingly deliver, attempt to deliver, have in his possession,
23 deposit or conceal in or about the premises of any correctional
24 center, or city or county jail, or private prison or jail:

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

28 (2) Any other alkaloid of any controlled substance, any

1 spirituous or malt liquor, or any intoxicating liquor as defined
2 in section 311.020;

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

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

11 (5) Any two-way telecommunications device or its component
12 parts.

13 2. The violation of subdivision (1) of subsection 1 of this
14 section shall be a class C felony; the violation of subdivision
15 (2) or (5) of subsection 1 of this section shall be a class D
16 felony; the violation of subdivision (3) of subsection 1 of this
17 section shall be a class A misdemeanor; and the violation of
18 subdivision (4) of subsection 1 of this section shall be a class
19 B felony.

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

1 of any correctional center, or city or county jail, or private
2 prison or jail.

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

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

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

12 217.670. 1. The board shall adopt an official seal of
13 which the courts shall take official notice.

14 2. Decisions of the board regarding granting of paroles,
15 extensions of a conditional release date or revocations of a
16 parole or conditional release shall be by a majority vote of the
17 hearing panel members. The hearing panel shall consist of one
18 member of the board and two hearing officers appointed by the
19 board. A member of the board may remove the case from the
20 jurisdiction of the hearing panel and refer it to the full board
21 for a decision. Within thirty days of entry of the decision of
22 the hearing panel to deny parole or to revoke a parole or
23 conditional release, the offender may appeal the decision of the
24 hearing panel to the board. The board shall consider the appeal
25 within thirty days of receipt of the appeal. The decision of the
26 board shall be by majority vote of the board members and shall be
27 final.

28 3. The orders of the board shall not be reviewable except

1 as to compliance with the terms of sections 217.650 to 217.810 or
2 any rules promulgated pursuant to such section.

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

7 5. Notwithstanding any other provision of law, any meeting,
8 record, or vote, of proceedings involving probation, parole, or
9 pardon, may be a closed meeting, closed record, or closed vote.

10 6. Notwithstanding any other provision of law, when the
11 appearance or presence of an offender before the board or a
12 hearing panel is required for the purpose of deciding whether to
13 grant conditional release or parole, extend the date of
14 conditional release, revoke parole or conditional release, or for
15 any other purpose, such appearance or presence may occur by means
16 of a videoconference at the discretion of the board. Victims
17 having a right to attend parole hearings may testify either at
18 the site where the board is conducting the videoconference or at
19 the institution where the offender is located. The use of
20 videoconferencing in this section shall be at the discretion of
21 the board, and shall not be utilized if [either the offender,]
22 the victim or the victim's family objects to it.

23 217.690. 1. When in its opinion there is reasonable
24 probability that an offender of a correctional center can be
25 released without detriment to the community or to himself, the
26 board may in its discretion release or parole such person except
27 as otherwise prohibited by law. All paroles shall issue upon
28 order of the board, duly adopted.

1 2. Before ordering the parole of any offender, the board
2 shall have the offender appear before a hearing panel and shall
3 conduct [a personal] an interview with him, unless waived by the
4 offender. A parole shall be ordered only for the best interest
5 of society, not as an award of clemency; it shall not be
6 considered a reduction of sentence or a pardon. An offender
7 shall be placed on parole only when the board believes that he is
8 able and willing to fulfill the obligations of a law-abiding
9 citizen. Every offender while on parole shall remain in the
10 legal custody of the department but shall be subject to the
11 orders of the board.

12 3. The board has discretionary authority to require the
13 payment of a fee, not to exceed sixty dollars per month, from
14 every offender placed under board supervision on probation,
15 parole, or conditional release, to waive all or part of any fee,
16 to sanction offenders for willful nonpayment of fees, and to
17 contract with a private entity for fee collections services. All
18 fees collected shall be deposited in the inmate fund established
19 in section 217.430. Fees collected may be used to pay the costs
20 of contracted collections services. The fees collected may
21 otherwise be used to provide community corrections and
22 intervention services for offenders. Such services include
23 substance abuse assessment and treatment, mental health
24 assessment and treatment, electronic monitoring services,
25 residential facilities services, employment placement services,
26 and other offender community corrections or intervention services
27 designated by the board to assist offenders to successfully
28 complete probation, parole, or conditional release. The board

1 shall adopt rules not inconsistent with law, in accordance with
2 section 217.040, with respect to sanctioning offenders and with
3 respect to establishing, waiving, collecting, and using fees.

4 4. The board shall adopt rules not inconsistent with law,
5 in accordance with section 217.040, with respect to the
6 eligibility of offenders for parole, the conduct of parole
7 hearings or conditions to be imposed upon paroled offenders.
8 Whenever an order for parole is issued it shall recite the
9 conditions of such parole.

10 5. When considering parole for an offender with consecutive
11 sentences, the minimum term for eligibility for parole shall be
12 calculated by adding the minimum terms for parole eligibility for
13 each of the consecutive sentences, except the minimum term for
14 parole eligibility shall not exceed the minimum term for parole
15 eligibility for an ordinary life sentence.

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

22 7. Parole hearings shall, at a minimum, contain the
23 following procedures:

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

26 (2) The victim or person representing the victim who
27 attends a hearing shall have the option of giving testimony in
28 the presence of the inmate or to the hearing panel without the

1 inmate being present;

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

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

7 (5) The judge, prosecuting attorney or circuit attorney and
8 a representative of the local law enforcement agency
9 investigating the crime shall be allowed to attend the hearing or
10 provide information to the hearing panel in regard to the parole
11 consideration; and

12 (6) The board shall evaluate information listed in the
13 juvenile sex offender registry pursuant to section 211.425,
14 provided the offender is between the ages of seventeen and
15 twenty-one, as it impacts the safety of the community.

16 8. The board shall notify any person of the results of a
17 parole eligibility hearing if the person indicates to the board a
18 desire to be notified.

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

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

28 11. Beginning January 1, 2001, the board shall not order a

1 parole unless the offender has obtained a high school diploma or
2 its equivalent, or unless the board is satisfied that the
3 offender, while committed to the custody of the department, has
4 made an honest good-faith effort to obtain a high school diploma
5 or its equivalent; provided that the director may waive this
6 requirement by certifying in writing to the board that the
7 offender has actively participated in mandatory education
8 programs or is academically unable to obtain a high school
9 diploma or its equivalent.

10 12. Any rule or portion of a rule, as that term is defined
11 in section 536.010, that is created under the authority delegated
12 in this section shall become effective only if it complies with
13 and is subject to all of the provisions of chapter 536 and, if
14 applicable, section 536.028. This section and chapter 536 are
15 nonseverable and if any of the powers vested with the general
16 assembly pursuant to chapter 536 to review, to delay the
17 effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking
19 authority and any rule proposed or adopted after August 28, 2005,
20 shall be invalid and void.

21 217.722. 1. If any probation officer has probable cause to
22 believe that the person on probation has violated a condition of
23 probation, the probation officer shall immediately notify the
24 prosecuting or circuit attorney and may issue a warrant for the
25 arrest of the person on probation. The officer may effect the
26 arrest or may deputize any other officer with the power of arrest
27 to do so by giving the officer a copy of the warrant which will
28 outline the circumstances of the alleged violation and contain

1 the statement that the person on probation has, in the judgment
2 of the probation officer, violated the conditions of probation.
3 The warrant delivered with the offender by the arresting officer
4 to the official in charge of any jail or other detention facility
5 shall be sufficient authority for detaining the person on
6 probation pending a preliminary hearing on the alleged violation.
7 Other provisions of law relating to release on bail of persons
8 charged with criminal offenses shall be applicable to persons
9 detained on alleged probation violations.

10 2. Any person on probation arrested under the authority
11 granted in subsection 1 of this section shall have the right to a
12 preliminary hearing on the violation charged as long as the
13 person on probation remains in custody or unless the offender
14 waives such hearing. The person on probation shall be notified
15 immediately in writing of the alleged probation violation. If
16 arrested in the jurisdiction of the sentencing court, and the
17 court which placed the person on probation is immediately
18 available, the preliminary hearing shall be heard by the
19 sentencing court. Otherwise, the person on probation shall be
20 taken before a judge or associate circuit judge in the county of
21 the alleged violation or arrest having original jurisdiction to
22 try criminal offenses or before an impartial member of the staff
23 of the Missouri board of probation and parole, and the
24 preliminary hearing shall be held as soon as possible after the
25 arrest. Such preliminary hearings shall be conducted as provided
26 by rule of court or by rules of the Missouri board of probation
27 and parole. If it appears that there is probable cause to
28 believe that the person on probation has violated a condition of

1 probation, or if the person on probation waives the preliminary
2 hearing, the judge or associate circuit judge, or member of the
3 staff of the Missouri board of probation and parole shall order
4 the person on probation held for further proceedings in the
5 sentencing court. If probable cause is not found, the court
6 shall not be barred from holding a hearing on the question of the
7 alleged violation of a condition of probation nor from ordering
8 the person on probation to be present at such a hearing.

9 3. Upon such arrest and detention, the probation officer
10 shall immediately notify the sentencing court and shall submit to
11 the court a written report showing in what manner the person on
12 probation has violated the conditions of probation. Thereupon,
13 or upon arrest by warrant, the court shall cause the person on
14 probation to be brought before it without unnecessary delay for a
15 hearing on the violation charged. Revocation hearings shall be
16 conducted as provided by rule of court.

17 221.111. 1. A person commits the offense of possession of
18 unlawful items in a prison or jail if such person knowingly
19 delivers, attempts to deliver, possesses, deposits, or conceals
20 in or about the premises of any correctional center as the term
21 "correctional center" is defined under section 217.010, or any
22 city, county, or private jail:

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

26 (2) Any other alkaloid of any kind or any intoxicating
27 liquor as the term intoxicating liquor is defined in section
28 311.020;

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

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

9 (5) Any two-way telecommunications device or its component
10 parts.

11 2. The violation of subdivision (1) of subsection 1 of this
12 section shall be a class D felony; the violation of subdivision
13 (2) or (5) of subsection 1 of this section shall be a class E
14 felony; the violation of subdivision (3) of subsection 1 of this
15 section shall be a class A misdemeanor; and the violation of
16 subdivision (4) of subsection 1 of this section shall be a class
17 B felony.

18 3. The chief operating officer of a county or city jail or
19 other correctional facility or the administrator of a private
20 jail may deny visitation privileges to or refer to the county
21 prosecuting attorney for prosecution any person who knowingly
22 delivers, attempts to deliver, possesses, deposits, or conceals
23 in or about the premises of such jail or facility any personal
24 item which is prohibited by rule or regulation of such jail or
25 facility. Such rules or regulations, including a list of
26 personal items allowed in the jail or facility, shall be
27 prominently posted for viewing both inside and outside such jail
28 or facility in an area accessible to any visitor, and shall be

1 made available to any person requesting such rule or regulation.
2 Violation of this subsection shall be an infraction if not
3 covered by other statutes.

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

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

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

19 (2) Any other person who is authorized by the correctional
20 center, or city, county, or private jail to possess or use a two-
21 way telecommunications device in the correctional center, or
22 city, county, or private jail.

23 301.559. 1. It shall be unlawful for any person to engage
24 in business as or act as a motor vehicle dealer, boat dealer,
25 manufacturer, boat manufacturer, public motor vehicle auction,
26 wholesale motor vehicle auction or wholesale motor vehicle dealer
27 without first obtaining a license from the department as required
28 in sections 301.550 to 301.573. Any person who maintains or

1 operates any business wherein a license is required pursuant to
2 the provisions of sections 301.550 to 301.573, without such
3 license, is guilty of a class A misdemeanor. Any person
4 committing a second violation of sections 301.550 to 301.573
5 shall be guilty of a class ~~D~~ E felony.

6 2. All dealer licenses shall expire on December
7 thirty-first of the designated license period. The department
8 shall notify each person licensed under sections 301.550 to
9 301.573 of the date of license expiration and the amount of the
10 fee required for renewal. The notice shall be mailed at least
11 ninety days before the date of license expiration to the
12 licensee's last known business address. The director shall have
13 the authority to issue licenses valid for a period of up to two
14 years and to stagger the license periods for administrative
15 efficiency and equalization of workload, at the sole discretion
16 of the director.

17 3. Every manufacturer, boat manufacturer, motor vehicle
18 dealer, wholesale motor vehicle dealer, wholesale motor vehicle
19 auction, boat dealer or public motor vehicle auction shall make
20 application to the department for issuance of a license. The
21 application shall be on forms prescribed by the department and
22 shall be issued under the terms and provisions of sections
23 301.550 to 301.573 and require all applicants, as a condition
24 precedent to the issuance of a license, to provide such
25 information as the department may deem necessary to determine
26 that the applicant is bona fide and of good moral character,
27 except that every application for a license shall contain, in
28 addition to such information as the department may require, a

1 statement to the following facts:

2 (1) The name and business address, not a post office box,
3 of the applicant and the fictitious name, if any, under which he
4 intends to conduct his business; and if the applicant be a
5 partnership, the name and residence address of each partner, an
6 indication of whether the partner is a limited or general partner
7 and the name under which the partnership business is to be
8 conducted. In the event that the applicant is a corporation, the
9 application shall list the names of the principal officers of the
10 corporation and the state in which it is incorporated. Each
11 application shall be verified by the oath or affirmation of the
12 applicant, if an individual, or in the event an applicant is a
13 partnership or corporation, then by a partner or officer;

14 (2) Whether the application is being made for registration
15 as a manufacturer, boat manufacturer, new motor vehicle franchise
16 dealer, used motor vehicle dealer, wholesale motor vehicle
17 dealer, boat dealer, wholesale motor vehicle auction or a public
18 motor vehicle auction;

19 (3) When the application is for a new motor vehicle
20 franchise dealer, the application shall be accompanied by a copy
21 of the franchise agreement in the registered name of the
22 dealership setting out the appointment of the applicant as a
23 franchise holder and it shall be signed by the manufacturer, or
24 his authorized agent, or the distributor, or his authorized
25 agent, and shall include a description of the make of all motor
26 vehicles covered by the franchise. The department shall not
27 require a copy of the franchise agreement to be submitted with
28 each renewal application unless the applicant is now the holder

1 of a franchise from a different manufacturer or distributor from
2 that previously filed, or unless a new term of agreement has been
3 entered into;

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

7 4. No insurance company, finance company, credit union,
8 savings and loan association, bank or trust company shall be
9 required to obtain a license from the department in order to sell
10 any motor vehicle, trailer or vessel repossessed or purchased by
11 the company on the basis of total destruction or theft thereof
12 when the sale of the motor vehicle, trailer or vessel is in
13 conformance with applicable title and registration laws of this
14 state.

15 5. No person shall be issued a license to conduct a public
16 motor vehicle auction or wholesale motor vehicle auction if such
17 person has a violation of sections 301.550 to 301.573 or other
18 violations of chapter 301, sections 407.511 to 407.556, or
19 section 578.120 which resulted in a felony conviction or finding
20 of guilt or a violation of any federal motor vehicle laws which
21 resulted in a felony conviction or finding of guilt.

22 304.351. 1. The driver of a vehicle approaching an
23 intersection shall yield the right-of-way to a vehicle which has
24 entered the intersection from a different highway, provided,
25 however, there is no form of traffic control at such
26 intersection.

27 2. When two vehicles enter an intersection from different
28 highways at approximately the same time, the driver of the

1 vehicle on the left shall yield the right-of-way to the driver of
2 the vehicle on the right. This subsection shall not apply to
3 vehicles approaching each other from opposite directions when the
4 driver of one of such vehicles is attempting to or is making a
5 left turn.

6 3. The driver of a vehicle within an intersection intending
7 to turn to the left shall yield the right-of-way to any vehicle
8 approaching from the opposite direction which is within the
9 intersection or so close thereto as to constitute an immediate
10 hazard.

11 4. (1) The state highways and transportation commission
12 with reference to state highways and local authorities with
13 reference to other highways under their jurisdiction may
14 designate through highways and erect stop signs or yield signs at
15 specified entrances thereto, or may designate any intersection as
16 a stop intersection or as a yield intersection and erect stop
17 signs or yield signs at one or more entrances to such
18 intersection.

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

22 (a) Except when directed to proceed by a police officer or
23 traffic-control signal, every driver of a vehicle approaching a
24 stop intersection, indicated by a stop sign, shall stop at a
25 clearly marked stop line, but if none, before entering the
26 crosswalk on the near side of the intersection, or if none, then
27 at the point nearest the intersecting roadway where the driver
28 has a view of approaching traffic in the intersecting roadway

1 before entering the intersection. After having stopped, the
2 driver shall yield the right-of-way to any vehicle which has
3 entered the intersection from another highway or which is
4 approaching so closely on the highway as to constitute an
5 immediate hazard during the time when such driver is moving
6 across or within the intersection.

7 (b) The driver of a vehicle approaching a yield sign shall
8 in obedience to the sign slow down to a speed reasonable to the
9 existing conditions and, if required for safety to stop, shall
10 stop at a clearly marked stop line, but if none, then at the
11 point nearest the intersecting roadway where the driver has a
12 view of approaching traffic on the intersecting roadway. After
13 slowing or stopping the driver shall yield the right-of-way to
14 any vehicle in the intersection or approaching on another highway
15 so closely as to constitute an immediate hazard during the time
16 such traffic is moving across or within the intersection.

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

21 6. The driver of a vehicle intending to make a left turn
22 into an alley, private road or driveway shall yield the
23 right-of-way to any vehicle approaching from the opposite
24 direction when the making of such left turn would create a
25 traffic hazard.

26 7. The state highways and transportation commission or
27 local authorities with respect to roads under their respective
28 jurisdictions, on any section where construction or major

1 maintenance operations are being effected, may fix a speed limit
2 in such areas by posting of appropriate signs, and the operation
3 of a motor vehicle in excess of such speed limit in the area so
4 posted shall be deemed prima facie evidence of careless and
5 imprudent driving and a violation of section 304.010.

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

8 9. In addition to the penalty specified in subsection 8 of
9 this section, any person who pleads guilty to or is found guilty
10 of a violation of this section in which the offender is found to
11 have caused physical injury, there [shall] may be assessed a
12 penalty of up to [two hundred] five hundred dollars. The court
13 may issue an order of suspension of such person's driving
14 privilege for a period of thirty days.

15 10. In addition to the penalty specified in subsection 8 of
16 this section, any person who pleads guilty to or is found guilty
17 of a violation of this section in which the offender is found to
18 have caused serious physical injury, there [shall] may be
19 assessed a penalty of up to [five hundred] one thousand dollars.
20 The court may issue an order of suspension of such person's
21 driving privilege for a period of ninety days.

22 11. In addition to the penalty specified in subsection 8 of
23 this section, any person who pleads guilty to or is found guilty
24 of a violation of this section in which the offender is found to
25 have caused a fatality, there [shall] may be assessed a penalty
26 of up to [one] two thousand five hundred dollars. The court may
27 issue an order of suspension of such person's driving privilege
28 for a period of six months. Such person may also be required to

1 participate in and successfully complete a driver-improvement
2 program approved by the director of the department of revenue.

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

6 13. For any court-ordered suspension under subsection 9,
7 10, or 11 of this section, the director of the department shall
8 impose such suspension as set forth in the court order. The
9 order of suspension shall include the name of the offender, the
10 offender's driver's license number, Social Security number, and
11 the effective date of the suspension. Any appeal of a suspension
12 imposed under subsection 9, 10, or 11 of this section shall be a
13 direct appeal of the court order and subject to review by the
14 presiding judge of the circuit court or another judge within the
15 circuit other than the judge who issued the original order to
16 suspend the driver's license. The director of revenue's entry of
17 the court-ordered suspension on the driving record is not a
18 decision subject to review under section 302.311. Any suspension
19 of the driver's license ordered by the court under this section
20 shall be in addition to any other suspension that may occur as a
21 result of the conviction under other provisions of law.

22 311.310. 1. Any licensee under this chapter, or his
23 employee, who shall sell, vend, give away or otherwise supply any
24 intoxicating liquor in any quantity whatsoever to any person
25 under the age of twenty-one years, or to any person intoxicated
26 or appearing to be in a state of intoxication, or to a habitual
27 drunkard, and any person whomsoever except his parent or guardian
28 who shall procure for, sell, give away or otherwise supply

1 intoxicating liquor to any person under the age of twenty-one
2 years, or to any intoxicated person or any person appearing to be
3 in a state of intoxication, or to a habitual drunkard, shall be
4 deemed guilty of a misdemeanor, except that this section shall
5 not apply to the supplying of intoxicating liquor to a person
6 under the age of twenty-one years for medical purposes only, or
7 to the administering of such intoxicating liquor to any person by
8 a duly licensed physician. No person shall be denied a license
9 or renewal of a license issued under this chapter solely due to a
10 conviction for unlawful sale or supply to a minor when serving in
11 the capacity as an employee of a licensed establishment.

12 2. Any owner, occupant, or other person or legal entity
13 with a lawful right to the exclusive use and enjoyment of any
14 property who knowingly allows a person under the age of
15 twenty-one to drink or possess intoxicating liquor or knowingly
16 fails to stop a person under the age of twenty-one from drinking
17 or possessing intoxicating liquor on such property, unless such
18 person allowing the person under the age of twenty-one to drink
19 or possess intoxicating liquor is his or her parent or guardian,
20 is guilty of a class ~~[B]~~ A misdemeanor. Any second or subsequent
21 violation of this subsection is a class ~~[A misdemeanor]~~ E felony.

22 3. It shall be a defense to prosecution under this section
23 if:

24 (1) The defendant is a licensed retailer, club, drinking
25 establishment, or caterer or holds a temporary permit, or an
26 employee thereof;

27 (2) The defendant sold the intoxicating liquor to the minor
28 with reasonable cause to believe that the minor was twenty-one or

1 more years of age; and

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

8 327.272. 1. A professional land surveyor shall include any
9 person who practices in Missouri as a professional land surveyor
10 who uses the title of "surveyor" alone or in combination with any
11 other word or words including, but not limited to "registered",
12 "professional" or "land" indicating or implying that the person
13 is or holds himself or herself out to be a professional land
14 surveyor who by word or words, letters, figures, degrees, titles
15 or other descriptions indicates or implies that the person is a
16 professional land surveyor or is willing or able to practice
17 professional land surveying or who renders or offers to render,
18 or holds himself or herself out as willing or able to render, or
19 perform any service or work, the adequate performance of which
20 involves the special knowledge and application of the principles
21 of land surveying, mathematics, the related physical and applied
22 sciences, and the relevant requirements of law, all of which are
23 acquired by education, training, experience and examination, that
24 affect real property rights on, under or above the land and which
25 service or work involves:

26 (1) The determination, location, relocation, establishment,
27 reestablishment, layout, or retracing of land boundaries and
28 positions of the United States Public Land Survey System;

1 (2) The monumentation of land boundaries, land boundary
2 corners and corners of the United States Public Land Survey
3 System;

4 (3) The subdivision of land into smaller tracts and
5 preparation of property descriptions;

6 (4) The survey and location of rights-of-way and easements;

7 (5) Creating, preparing, or modifying electronic or
8 computerized data relative to the performance of the activities
9 in subdivisions (1) to (4) of this subsection;

10 (6) Consultation, investigation, design surveys,
11 evaluation, planning, design and execution of surveys;

12 (7) The preparation of any drawings showing the shape,
13 location, dimensions or area of tracts of land;

14 (8) Monumentation of geodetic control and the determination
15 of their horizontal and vertical positions;

16 (9) Establishment of state plane coordinates;

17 (10) Topographic surveys and the determination of the
18 horizontal and vertical location of any physical features on,
19 under or above the land;

20 (11) The preparation of plats, maps or other drawings
21 showing elevations and the locations of improvements and the
22 measurement and preparation of drawings showing existing
23 improvements after construction;

24 (12) Layout of proposed improvements;

25 (13) The determination of azimuths by astronomic
26 observations.

27 2. None of the specific duties listed in subdivisions (4)
28 to (13) of subsection 1 of this section are exclusive to

1 professional land surveyors unless they affect real property
2 rights. For the purposes of this section, the term "real
3 property rights" means a recordable interest in real estate as it
4 affects the location of land boundary lines. The validity of any
5 document prepared between August 27, 2014, and August 28, 2015,
6 by a provider of utility or communications services purporting to
7 affect real property rights shall remain valid and enforceable
8 notwithstanding that any legal description contained therein was
9 not prepared by a professional land surveyor.

10 3. Professional land surveyors shall be in responsible
11 charge of all drawings, maps, surveys, and other work product
12 that can affect the health, safety, and welfare of the public
13 within their scope of practice.

14 4. Nothing in this section shall be construed to preclude
15 the practice of architecture or professional engineering or
16 professional landscape architecture as provided in sections
17 327.091, 327.181, and 327.600.

18 5. Nothing in this section shall preclude a licensed
19 attorney in this state or a licensed title insurance company,
20 agent, or agency from preparing maps or other drawings,
21 conducting investigations into real estate titles and
22 descriptions, and preparing land or legal descriptions for
23 clients or customers.

24 339.100. 1. The commission may, upon its own motion, and
25 shall upon receipt of a written complaint filed by any person,
26 investigate any real estate-related activity of a licensee
27 licensed under sections 339.010 to 339.180 and sections 339.710
28 to 339.860 or an individual or entity acting as or representing

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

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

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

1 is consummated or terminated, unless all parties having an
2 interest in the funds have agreed otherwise in writing;

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

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

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

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

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

1 knowledge of all parties to the transaction;

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

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

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

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

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

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

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

1 offering prizes for the purpose of influencing a purchaser or
2 prospective purchaser of real property;

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

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

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

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

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

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

27 (20) Disciplinary action against the holder of a license or
28 other right to practice any profession regulated under sections

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

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

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

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

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

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

26 (26) Engaging in, committing, or assisting any person in
27 engaging in or committing mortgage fraud, as defined in section
28 443.930.

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

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

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

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

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

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

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

1 and

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

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

13 400.9-501. (a) Except as otherwise provided in subsection
14 (b), if the local law of this state governs perfection of a
15 security interest or agricultural lien, the office in which to
16 file a financing statement to perfect the security interest or
17 agricultural lien is:

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

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

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

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

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

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

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

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

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

28 455.095. 1. For purposes of this section, the following

1 terms mean:

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

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

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

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

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

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

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

27 (f) Identification of support services available to assist
28 the protected person in developing a safety plan to use if the

1 monitored person violates an order or if the electronic
2 monitoring equipment fails;

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

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

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

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

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

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

26 4. Electronic monitoring with victim notification shall be
27 ordered only with the protected person's informed consent. In
28 determining whether to place a person on electronic monitoring

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

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

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

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

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

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

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

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

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

1 determined by the department and shall seek reimbursement of such
2 costs.

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

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

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

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

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

26 11. The department of corrections shall promulgate rules
27 and regulations for the implementation of subsection 5 of this
28 section. Any rule or portion of a rule, as that term is defined

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

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

13 476.055. 1. There is hereby established in the state
14 treasury the "Statewide Court Automation Fund". All moneys
15 collected pursuant to section 488.027, as well as gifts,
16 contributions, devises, bequests, and grants received relating to
17 automation of judicial record keeping, and moneys received by the
18 judicial system for the dissemination of information and sales of
19 publications developed relating to automation of judicial record
20 keeping, shall be credited to the fund. Moneys credited to this
21 fund may only be used for the purposes set forth in this section
22 and as appropriated by the general assembly. Any unexpended
23 balance remaining in the statewide court automation fund at the
24 end of each biennium shall not be subject to the provisions of
25 section 33.080 requiring the transfer of such unexpended balance
26 to general revenue; except that, any unexpended balance remaining
27 in the fund on September 1, [2018] 2023, shall be transferred to
28 general revenue.

1 2. The statewide court automation fund shall be
2 administered by a court automation committee consisting of the
3 following: the chief justice of the supreme court, a judge from
4 the court of appeals, four circuit judges, four associate circuit
5 judges, four employees of the circuit court, the commissioner of
6 administration, two members of the house of representatives
7 appointed by the speaker of the house, two members of the senate
8 appointed by the president pro tem of the senate, the executive
9 director of the Missouri office of prosecution services, the
10 director of the state public defender system, and two members of
11 the Missouri Bar. The judge members and employee members shall
12 be appointed by the chief justice. The commissioner of
13 administration shall serve ex officio. The members of the
14 Missouri Bar shall be appointed by the board of governors of the
15 Missouri Bar. Any member of the committee may designate another
16 person to serve on the committee in place of the committee
17 member.

18 3. The committee shall develop and implement a plan for a
19 statewide court automation system. The committee shall have the
20 authority to hire consultants, review systems in other
21 jurisdictions and purchase goods and services to administer the
22 provisions of this section. The committee may implement one or
23 more pilot projects in the state for the purposes of determining
24 the feasibility of developing and implementing such plan. The
25 members of the committee shall be reimbursed from the court
26 automation fund for their actual expenses in performing their
27 official duties on the committee.

28 4. Any purchase of computer software or computer hardware

1 that exceeds five thousand dollars shall be made pursuant to the
2 requirements of the office of administration for lowest and best
3 bid. Such bids shall be subject to acceptance by the office of
4 administration. The court automation committee shall determine
5 the specifications for such bids.

6 5. The court automation committee shall not require any
7 circuit court to change any operating system in such court,
8 unless the committee provides all necessary personnel, funds and
9 equipment necessary to effectuate the required changes. No
10 judicial circuit or county may be reimbursed for any costs
11 incurred pursuant to this subsection unless such judicial circuit
12 or county has the approval of the court automation committee
13 prior to incurring the specific cost.

14 6. Any court automation system, including any pilot
15 project, shall be implemented, operated and maintained in
16 accordance with strict standards for the security and privacy of
17 confidential judicial records. Any person who knowingly releases
18 information from a confidential judicial record is guilty of a
19 class B misdemeanor. Any person who, knowing that a judicial
20 record is confidential, uses information from such confidential
21 record for financial gain is guilty of a class E felony.

22 7. On the first day of February, May, August and November
23 of each year, the court automation committee shall file a report
24 on the progress of the statewide automation system with:

- 25 (1) The chair of the house budget committee;
- 26 (2) The chair of the senate appropriations committee;
- 27 (3) The chair of the house judiciary committee; and
- 28 (4) The chair of the senate judiciary committee.

1 8. Section 488.027 shall expire on September 1, ~~2018~~
2 2023. The court automation committee established pursuant to
3 this section may continue to function until completion of its
4 duties prescribed by this section, but shall complete its duties
5 prior to September 1, ~~2020~~ 2025.

6 9. This section shall expire on September 1, ~~2020~~ 2025.

7 476.083. 1. In addition to any appointments made pursuant
8 to section 485.010, the presiding judge of each circuit
9 containing one or more facilities operated by the department of
10 corrections with an average total inmate population in all such
11 facilities in the circuit over the previous two years of more
12 than two thousand five hundred inmates or containing, as of
13 January 1, 2016, a diagnostic and reception center operated by
14 the department of corrections and a mental health facility
15 operated by the department of mental health which houses persons
16 found not guilty of a crime by reason of mental disease or defect
17 under chapter 552 and provides sex offender rehabilitation and
18 treatment services (SORTS) may appoint a circuit court marshal to
19 aid the presiding judge in the administration of the judicial
20 business of the circuit by overseeing the physical security of
21 the courthouse, serving court-generated papers and orders, and
22 assisting the judges of the circuit as the presiding judge
23 determines appropriate. Such circuit court marshal appointed
24 pursuant to the provisions of this section shall serve at the
25 pleasure of the presiding judge. The circuit court marshal
26 authorized by this section is in addition to staff support from
27 the circuit clerks, deputy circuit clerks, division clerks,
28 municipal clerks, and any other staff personnel which may

1 otherwise be provided by law.

2 2. The salary of a circuit court marshal shall be
3 established by the presiding judge of the circuit within funds
4 made available for that purpose, but such salary shall not exceed
5 ninety percent of the salary of the highest paid sheriff serving
6 a county wholly or partially within that circuit. Personnel
7 authorized by this section shall be paid from state funds or
8 federal grant moneys which are available for that purpose and not
9 from county funds.

10 3. Any person appointed as a circuit court marshal pursuant
11 to this section shall have at least five years' prior experience
12 as a law enforcement officer. In addition, any such person shall
13 within one year after appointment, or as soon as practicable,
14 attend a court security school or training program operated by
15 the United States Marshal Service. In addition to all other
16 powers and duties prescribed in this section, a circuit court
17 marshal may:

18 (1) Serve process;

19 (2) Wear a concealable firearm; and

20 (3) Make an arrest based upon local court rules and state
21 law, and as directed by the presiding judge of the circuit.

22 477.650. 1. There is hereby created in the state treasury
23 the "Basic Civil Legal Services Fund", to be administered by, or
24 under the direction of, the Missouri supreme court. All moneys
25 collected under section 488.031 shall be credited to the fund.
26 In addition to the court filing surcharges, funds from other
27 public or private sources also may be deposited into the fund and
28 all earnings of the fund shall be credited to the fund. The

1 purpose of this section is to increase the funding available for
2 basic civil legal services to eligible low-income persons as such
3 persons are defined by the Federal Legal Services Corporation's
4 Income Eligibility Guidelines.

5 2. Funds in the basic civil legal services fund shall be
6 allocated annually and expended to provide legal representation
7 to eligible low-income persons in the state in civil matters.
8 Moneys, funds, or payments paid to the credit of the basic civil
9 legal services fund shall, at least as often as annually, be
10 distributed to the legal services organizations in this state
11 which qualify for Federal Legal Services Corporation funding.
12 The funds so distributed shall be used by legal services
13 organizations in this state solely to provide legal services to
14 eligible low-income persons as such persons are defined by the
15 Federal Legal Services Corporation's Income Eligibility
16 Guidelines. Fund money shall be subject to all restrictions
17 imposed on such legal services organizations by law. Funds shall
18 be allocated to the programs according to the funding formula
19 employed by the Federal Legal Services Corporation for the
20 distribution of funds to this state. Notwithstanding the
21 provisions of section 33.080, any balance remaining in the basic
22 civil legal services fund at the end of any year shall not be
23 transferred to the state's general revenue fund. Moneys in the
24 basic civil legal services fund shall not be used to pay any
25 portion of a refund mandated by Article X, Section 15 of the
26 Missouri Constitution. State legal services programs shall
27 represent individuals to secure lawful state benefits, but shall
28 not sue the state, its agencies, or its officials, with any state

1 funds.

2 3. Contracts for services with state legal services
3 programs shall provide eligible low-income Missouri citizens with
4 equal access to the civil justice system, with a high priority on
5 families and children, domestic violence, the elderly, and
6 qualification for benefits under the Social Security Act. State
7 legal services programs shall abide by all restrictions,
8 requirements, and regulations of the Legal Services Corporation
9 regarding their cases.

10 4. The Missouri supreme court, or a person or organization
11 designated by the court, is the administrator and shall
12 administer the fund in such manner as determined by the Missouri
13 supreme court, including in accordance with any rules and
14 policies adopted by the Missouri supreme court for such purpose.
15 Moneys from the fund shall be used to pay for the collection of
16 the fee and the implementation and administration of the fund.

17 5. Each recipient of funds from the basic civil legal
18 services fund shall maintain appropriate records accounting for
19 the receipt and expenditure of all funds distributed and received
20 pursuant to this section. These records must be maintained for a
21 period of five years from the close of the fiscal year in which
22 such funds are distributed or received or until audited,
23 whichever is sooner. All funds distributed or received pursuant
24 to this section are subject to audit by the Missouri supreme
25 court or the state auditor.

26 6. The Missouri supreme court, or a person or organization
27 designated by the court, shall, by January thirty-first of each
28 year, report to the general assembly on the moneys collected and

1 disbursed pursuant to this section and section 488.031 by
2 judicial circuit.

3 7. The provisions of this section shall expire on December
4 31, ~~[2018]~~ 2025.

5 478.252. 1. The circuit court of Jackson County may
6 establish the "Armed Offender Docket Pilot Project". The armed
7 offender docket shall have dedicated judges and other personnel
8 for all matters of hearing, setting of bail or other pretrial
9 matters, trial, sentencing, and supervision of the accused or
10 convicted in all actions in which the lead charge has been
11 brought under subdivision (2) of subsection 1 of section 569.020
12 prior to December 31, 2016, or, beginning January 1, 2017,
13 subdivision (1) of subsection 1 of section 569.160; subdivision
14 (2) of subsection 1 of section 570.023; section 571.015;
15 subdivisions (1), (2), (3), or (6) of subsection 1 of section
16 571.020; sections 571.030, 571.045, or 571.050; subdivision (1)
17 of subsection 1 of section 571.060; or sections 571.063, 571.070,
18 571.072, or 571.150. For purposes of this section, a "lead
19 charge" means the highest grade of a charge against a defendant.
20 Charges tried by the docket shall arise from lead charges brought
21 on or after the effective date of the creation of the docket.

22 2. The circuit court may impose a thirty-dollar surcharge
23 for each criminal case assigned to the armed offender docket.
24 Moneys from such surcharge shall be collected in the manner
25 provided in sections 488.010 to 488.020 and shall be used solely
26 to defray the costs of prosecution, pretrial supervision, and
27 statistical analysis of such cases. No such surcharge shall be
28 collected in any proceeding if the proceeding or the defendant

1 has been dismissed by the court or if costs are to be paid by the
2 state, county, or municipality.

3 3. The presiding judge of the circuit court, along with the
4 prosecuting attorney and all law enforcement agencies in such
5 circuit, shall assist in the coordinating and sharing of court
6 and law enforcement data and information that is relevant to the
7 operation and evaluation of the armed offender docket. Such
8 information shall include, but not be limited to, the following:

9 (1) The number of cases in which the court ordered the
10 defendant to be confined pretrial;

11 (2) The number of cases in which the court ordered release
12 of the defendant pretrial;

13 (3) The range of bond amounts in cases in which the
14 defendant was released pretrial;

15 (4) The number of cases in which the court revoked the
16 defendant's release prior to trial;

17 (5) The number of cases dismissed by the court;

18 (6) The number of cases disposed of by plea and the range
19 of sentences imposed in such cases;

20 (7) The number of cases resulting in jury verdicts,
21 including acquittals;

22 (8) The number of cases resulting in a sentence of
23 confinement and the range of sentences imposed;

24 (9) The number of cases in which the court granted
25 probation and release after a judgment of conviction either by
26 plea or verdict;

27 (10) The number of cases in which probation revocation was
28 sought and is pending;

1 (11) The number of cases in which probation revocation was
2 granted; and

3 (12) Any nonprivileged information reasonably requested by
4 such agencies or by a research university in Missouri with an
5 accredited program in criminology, criminal justice, public
6 health, or social work. Any information that is protected from
7 disclosure by a recognized privilege or statute shall be
8 disclosed only by court order or as provided by statute.

9 4. Within six months after each anniversary of the creation
10 of the armed offender docket, the circuit court shall provide and
11 publish a public report on the operations of the armed offender
12 docket during the year immediately preceding the anniversary,
13 including any commentary on such operations as may be offered by
14 a research university in Missouri, prosecuting attorney or public
15 defender in such circuit, or law enforcement agency in such
16 circuit.

17 5. The provisions of this section shall expire on December
18 31, 2022.

19 510.035. 1. Except as provided in subsection 2 of this
20 section, any visual or aural recordings or photographs of a minor
21 who is alleged to be the victim of an offense under chapter 566
22 created by or in the possession of a child assessment center,
23 health care provider, or multidisciplinary team member shall not
24 be copied or distributed to any person or entity, unless required
25 by supreme court rule 25.03 or if a court orders such copying or
26 distribution upon a showing of good cause after notice and a
27 hearing and after considering the safety and privacy interests of
28 any victim.

1 2. The following persons or entities may access or share
2 any copies of visual or aural recordings or photographs as
3 described in subsection 1 of this section for the following
4 purposes:

5 (1) Multidisciplinary team members as part of an
6 investigation, as well as for the provision of protective or
7 preventive social services for minors and their families. For
8 purposes of this section, multidisciplinary team members shall
9 consist of representatives of law enforcement, the children's
10 division, the prosecuting attorney, the child assessment center,
11 the juvenile office, and the health care provider;

12 (2) Department of social services employees and their legal
13 counsel as part of the provision of child protection as described
14 in section 210.109, as well as for use in administrative
15 proceedings as established by department regulations or through
16 the administrative hearing commission as provided under section
17 621.075;

18 (3) Department of mental health employees and their legal
19 counsel as part of an investigation conducted under section
20 630.167, as well as for use in administrative proceedings as
21 established by department regulations or through the
22 administrative hearing commission as provided under section
23 621.075;

24 (4) The office of child advocate as part of a review under
25 section 37.710;

26 (5) The child abuse and neglect review board as part of a
27 review under sections 210.152 and 210.153; and

28 (6) The attorney general as part of a legal proceeding.

1 3. If a court orders the copying or distribution of visual
2 or aural recordings or photographs as described in subsection 1
3 of this section, the order shall:

4 (1) Be limited solely to the use of the recordings or
5 photographs for the purposes of a pending court proceeding or in
6 preparation for a pending court proceeding;

7 (2) Prohibit further copying, reproduction, or distribution
8 of the recordings or photographs; and

9 (3) Require, upon the final disposition of the case, the
10 return of all copies to the health care provider, child
11 assessment center or multidisciplinary team member that
12 originally had possession of the recordings or photographs, or
13 provide an affidavit to the health care provider, child
14 assessment center, or multidisciplinary team member that
15 originally had possession of the recordings or photographs
16 certifying that all copies have been destroyed.

17 4. Nothing in this section shall prohibit multidisciplinary
18 team members from exercising discretion to grant access to
19 viewing, but not copying, the visual or aural recordings or
20 photographs.

21 537.530. 1. For purposes of this section, the term
22 "perishable food product" shall mean a food product of
23 agriculture or aquaculture that is sold or distributed in a form
24 that will perish or decay beyond marketability within a limited
25 period of time.

26 2. A person shall be liable as provided under subsection 3
27 of this section if:

28 (1) The person disseminates in any manner information

1 relating to a perishable food product to the public;

2 (2) The person knows the information is false; and

3 (3) The information states or implies that the perishable
4 food product is not safe for consumption by the public.

5 3. A person who is liable under subsection 2 of this
6 section is liable to the producer of the perishable food product
7 for damages and any other appropriate relief arising from the
8 person's dissemination of the information.

9 4. In determining if information is false, the trier of
10 fact shall consider whether the information was based on
11 reasonable and reliable scientific inquiry, facts, or data.

12 5. A person shall not be liable under this section for
13 marketing or labeling any agricultural product in a manner that
14 indicates that the product:

15 (1) Was grown or produced by using or not using a chemical
16 or drug;

17 (2) Was organically grown; or

18 (3) Was grown without the use of any synthetic additive.

19 541.033. 1. Persons accused of committing offenses against
20 the laws of this state, except as may be otherwise provided by
21 law, shall be prosecuted:

22 (1) In the county in which the offense is committed; or

23 (2) If the offense is committed partly in one county and
24 partly in another, or if the elements of the crime occur in more
25 than one county, then in any of the counties where any element of
26 the offense occurred.

27 2. Persons accused of committing [the] offenses [of
28 identity theft against the laws of this state in sections

1 570.223, 570.224, and 575.120] under chapter 570 shall be
2 prosecuted:

3 (1) In the county in which the offense is committed;

4 (2) If the offense is committed partly in one county and
5 partly in another, or if the elements of the offense occur in
6 more than one county, then in any of the counties where any
7 element of the offense occurred;

8 (3) In the county in which the victim resides or conducts
9 business; or

10 (4) In the county in which the property obtained or
11 attempted to be obtained was located.

12 542.296. 1. A person aggrieved by an unlawful seizure made
13 by an officer and against whom there is a pending criminal
14 proceeding growing out of the subject matter of the seizure may
15 file a motion to suppress the use in evidence of the property or
16 matter seized. For the purposes of this section, a pending
17 criminal proceeding shall mean [any criminal investigation being
18 conducted with the intention of using the seized subject matter
19 in seeking an indictment or information or] when an information
20 has been issued or an indictment returned.

21 2. The motion to suppress shall be in writing. It shall be
22 filed with the court in which there is pending against the moving
23 party a criminal proceeding growing out of the subject matter of
24 the seizure.

25 3. The motion shall be made before the commencement of the
26 trial of the moving party on the charge arising out of the
27 seizure unless he was unaware of the grounds or had no
28 opportunity to do so before the trial. In that event the motion

1 may be made during the trial. However, the trial judge may in
2 his discretion entertain a motion any time during trial.

3 4. Notice shall be given to the prosecuting attorney of the
4 date, time, place and nature of the hearing.

5 5. The motion to suppress may be based upon any one or more
6 of the following grounds:

7 (1) That the search and seizure were made without warrant
8 and without lawful authority;

9 (2) That the warrant was improper upon its face or was
10 illegally issued, including the issuance of a warrant without
11 proper showing of probable cause;

12 (3) That the property seized was not that described in the
13 warrant and that the officer was not otherwise lawfully
14 privileged to seize the same;

15 (4) That the warrant was illegally executed by the officer;

16 (5) That in any other manner the search and seizure
17 violated the rights of the movant under Section 15 of Article I
18 of the Constitution of Missouri, or the fourth and fourteenth
19 amendments of the Constitution of the United States.

20 6. The judge shall receive evidence on any issue of fact
21 necessary to the decision of the motion. The burden of going
22 forward with the evidence and the risk of nonpersuasion shall be
23 upon the state to show by a preponderance of the evidence that
24 the motion to suppress should be overruled.

25 7. If the motion is sustained, the judge shall order the
26 property or matter delivered to the moving party, unless its
27 retention is authorized or required by section 542.301, or by any
28 other law of this state.

1 544.250. 1. No prosecuting or circuit attorney in this
2 state shall file any information charging any person or persons
3 with any felony, until such person or persons shall first have
4 been accorded the right of a preliminary examination before some
5 associate circuit judge in the county where the offense is
6 alleged to have been committed in accordance with this chapter.
7 And if upon such hearing the associate circuit judge shall
8 determine that the alleged offense is one on which the accused
9 may be released, the associate circuit judge may release him as
10 provided in section 544.455 conditioned for his appearance at a
11 time certain before a circuit judge, or associate circuit judge
12 who is specially assigned, and thereafter as directed by the
13 court to answer such charges as may be preferred against him,
14 abide sentence and judgment therein, and not to depart the court
15 without leave; provided, a preliminary examination shall in no
16 case be required where same is waived by the person charged with
17 the crime, or in any case where an information has been
18 substituted for an indictment as authorized by section 545.300.

19 2. The findings of the court shall be based on evidence, in
20 whole or in part, in the following forms:

21 (1) Testimony of witnesses;

22 (2) Written reports of expert witnesses;

23 (3) Documentary evidence without a proper predicate;
24 provided, there is a substantial basis for believing such
25 predicate will be available at trial and that the document is
26 otherwise competent; or

27 (4) Testimony of a witness concerning the declarations of
28 another where such evidence is cumulative, or there is a

1 substantial basis for believing that the source of the hearsay is
2 credible and that a factual basis for the information furnished
3 exists and there is no reason for believing the declarant will
4 not be personally available for trial.

5 545.400. [The defendant] 1. A party in any [criminal]
6 felony cause may also have witnesses examined on his behalf,
7 conditionally, upon a commission issued by the clerk of the court
8 in which the cause is pending, in the same cases and upon the
9 like notice to the [prosecuting attorney] opposing party, with
10 the like effect and in all respects as is provided by law in
11 civil suits; provided, that the notice in such case to the
12 [prosecuting attorney] opposing party shall state the name or
13 names of the witness or witnesses whose depositions are desired
14 or will be taken. Depositions in misdemeanor causes may only be
15 taken upon a motion granted by the court for good cause shown.

16 2. The party who takes a deposition shall provide to the
17 other party one copy of the transcript and any video or audio
18 recording from the deposition. Any costs associated with
19 providing such copies to the other party shall be paid by the
20 party who takes the deposition.

21 545.490. [The petition of the applicant for a change of
22 venue shall set forth the facts or grounds upon which such change
23 is sought, and such petition shall be supported by the affidavit
24 of petitioner and the affidavit of at least two credible
25 disinterested citizens of the county where said cause is pending
26 and the truth of the allegations thereof shall be proved, to the
27 satisfaction of the court, by legal and competent evidence, and
28 the prosecuting attorney may in such case offer evidence in

1 rebuttal of that submitted in support of such application; the
2 court, or judge in vacation, shall fix the number of witnesses
3 for which the state or county may be liable; provided, in all
4 cases in counties in this state which now have or may hereafter
5 have a population of less than seventy-five thousand inhabitants
6 if such petition for change of venue is supported by the
7 affidavits of five or more credible disinterested citizens
8 residing in different neighborhoods of the county where said
9 cause is pending, then the court or judge in vacation, shall
10 grant such change of venue, as of course, without additional
11 proof; provided further, that reasonable previous notice of such
12 application shall in all cases be given to the prosecuting
13 attorney; and provided further, that if the facts alleged as the
14 ground of the application be within the knowledge of the court or
15 judge, he may order such removal of the cause without any formal
16 proof or the filing of affidavit; and provided further, that if
17 the application shall allege prejudice of the inhabitants of more
18 than one county in the circuit in which the case is pending, the
19 court may, upon proof of the allegations as herein provided for,
20 order the case sent to some county in the same or some other
21 circuit where such causes do not exist.] 1. Upon written

22 application of the defendant, a change of venue may be ordered in
23 any felony proceeding for the following reasons:

24 (1) The inhabitants of the county are prejudiced against
25 the defendant; or

26 (2) The state has an undue influence over the inhabitants
27 of the county.

28 2. The application shall be filed not later than thirty

1 days after arraignment.

2 3. A copy of the application and a notice of the time when
3 it will be presented to the court shall be served on all parties.

4 4. The application shall set forth the reason or reasons
5 for change of venue. It need not be verified and shall be signed
6 by the defendant or his or her attorney.

7 5. The state may, within five days after the filing of the
8 application for a change of venue, file a denial of the existence
9 of the reason or reasons alleged in the application. Such denial
10 need not be verified. If a denial is filed, the court shall hear
11 evidence and determine the issues. If the issues are determined
12 in favor of the defendant, or if the truth of the grounds alleged
13 is within the knowledge of the court, or if no denial is filed, a
14 change of venue shall be ordered to some other county convenient
15 to the parties and where the reason or reasons for the change of
16 venue do not exist.

17 6. All proceedings, except the trial by jury, shall occur
18 in the originating county, except as may be agreed upon by the
19 parties and the court.

20 7. In lieu of transferring the case to another county, the
21 court may secure a jury from another county as provided by law.

22 545.950. 1. Except as provided by subsection 2 of this
23 section, the defendant, the defendant's attorney, or an
24 investigator, expert, consulting legal counsel, or other agent of
25 the defendant's attorney shall not copy or distribute to a third
26 party any visual or aural recordings or photographs of a minor
27 who is alleged to be the victim of an offense under chapter 566
28 created by or in the possession of a child assessment center,

1 health care provider, or multidisciplinary team member unless a
2 court orders the copying or distribution upon a showing of good
3 cause after notice and a hearing and after considering the safety
4 and privacy interests of any victim.

5 2. The defendant's attorney or an investigator, expert,
6 consulting legal counsel, or agent for the defendant's attorney
7 may allow a defendant, witness, or prospective witness to view
8 the information provided under this section, but shall not allow
9 such person to have copies of the information provided.

10 3. If a court orders the copying or distribution of visual
11 or aural recordings or photographs as described in subsection 1
12 of this section, the order shall:

13 (1) Be limited solely to the use of the recordings or
14 photographs for the purposes of a pending court proceeding or in
15 preparation for a pending court proceeding;

16 (2) Prohibit further copying, reproduction, or distribution
17 of the recordings or photographs; and

18 (3) Require, upon the final disposition of the case, the
19 return of all copies to the health care provider, child
20 assessment center, or multidisciplinary team member that
21 originally had possession of the recordings or photographs, or
22 provide an affidavit to the health care provider, child
23 assessment center, or multidisciplinary team member that
24 originally had possession of the recordings or photographs
25 certifying that all copies have been destroyed.

26 556.046. 1. A person may be convicted of an offense
27 included in an offense charged in the indictment or information.
28 An offense is so included when:

1 (1) It is established by proof of the same or less than all
2 the facts required to establish the commission of the offense
3 charged; or

4 (2) It is specifically denominated by statute as a lesser
5 degree of the offense charged; or

6 (3) It consists of an attempt to commit the offense charged
7 or to commit an offense otherwise included therein.

8 2. The court shall not be obligated to charge the jury with
9 respect to an included offense unless there is a rational basis
10 for a verdict acquitting the person of the offense charged and
11 convicting him of the included offense. An offense is charged
12 for purposes of this section if:

13 (1) It is in an indictment or information; or

14 (2) It is an offense submitted to the jury because there is
15 a rational basis for a verdict acquitting the person of the
16 offense charged and convicting the person of the included
17 offense.

18 3. The court shall be obligated to instruct the jury with
19 respect to a particular included offense only if there is a
20 rational basis in the evidence for acquitting the person of the
21 immediately higher included offense and there is a rational basis
22 in the evidence for convicting the person of that particular
23 included offense.

24 4. For purposes of this section, "rational basis" means a
25 basis wherein a reasonable juror could draw inferences from the
26 evidence presented that an essential element of the greater
27 offense has not been established and that would warrant
28 convicting the defendant of the lesser offense.

1 5. It is the intent of the legislature to reject and
2 abrogate earlier case law relating to required lesser-included
3 offense instructions, including the holding in State v. Jackson,
4 433 S.W.3d 390 (Mo. banc 2014) and all cases citing,
5 interpreting, applying, or following that case. It is the intent
6 of the legislature to apply these provisions retroactively.

7 556.046. 1. A defendant may be convicted of an offense
8 included in an offense charged in the indictment or information.
9 An offense is so included when:

10 (1) It is established by proof of the same or less than all
11 the facts required to establish the commission of the offense
12 charged; or

13 (2) It is specifically denominated by statute as a lesser
14 degree of the offense charged; or

15 (3) It consists of an attempt to commit the offense charged
16 or to commit an offense otherwise included therein.

17 2. The court shall not be obligated to charge the jury with
18 respect to an included offense unless there is a rational basis
19 for a verdict acquitting the defendant of the offense charged and
20 convicting him of the included offense. An offense is charged
21 for purposes of this section if:

22 (1) It is in an indictment or information; or

23 (2) It is an offense submitted to the jury because there is
24 a rational basis for a verdict acquitting the defendant of the
25 offense charged and convicting the defendant of the included
26 offense.

27 3. The court shall be obligated to instruct the jury with
28 respect to a particular included offense only if there is a

1 rational basis in the evidence for acquitting the defendant of
2 the immediately higher included offense and there is a rational
3 basis in the evidence for convicting the defendant of that
4 particular included offense.

5 4. For purposes of this section, "rational basis" means a
6 basis wherein a reasonable juror could draw inferences from the
7 evidence presented that an essential element of the greater
8 offense has not been established and that would warrant
9 convicting the defendant of the lesser offense.

10 5. It is the intent of the legislature to reject and
11 abrogate earlier case law relating to required lesser-included
12 offense instructions, including the holding in State v. Jackson,
13 433 S.W.3d 390 (Mo. banc 2014) and all cases citing,
14 interpreting, applying, or following that case. It is the intent
15 of the legislature to apply these provisions retroactively.

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

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

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

27 (1) If the offense is a felony:

28 (a) It is a class A felony if the authorized penalty

1 includes death, life imprisonment or imprisonment for a term of
2 twenty years or more;

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

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

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

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

12 (2) If the offense is a misdemeanor:

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

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

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

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

22 (e) It is an infraction if there is no authorized
23 imprisonment.

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

1 2. It is no defense to a prosecution for conspiring to
2 commit an offense that a person, who knows that a person with
3 whom he or she conspires to commit an offense has conspired with
4 another person or persons to commit the same offense, does not
5 know the identity of such other person or persons.

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

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

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

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

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

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

28 (2) If an individual abandons the agreement, the conspiracy

1 is terminated as to him or her only if he or she advises those
2 with whom he or she has conspired of his or her abandonment or he
3 or she informs the law enforcement authorities of the existence
4 of the conspiracy and of his or her participation in it.

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

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

13 565.030. 1. Where murder in the first degree is charged
14 but not submitted or where the state waives the death penalty,
15 the submission to the trier and all subsequent proceedings in the
16 case shall proceed as in all other criminal cases [with a single
17 stage trial in which guilt and punishment are submitted
18 together].

19 2. Where murder in the first degree is submitted to the
20 trier without a waiver of the death penalty, the trial shall
21 proceed in two stages before the same trier. At the first stage
22 the trier shall decide only whether the defendant is guilty or
23 not guilty of any submitted offense. The issue of punishment
24 shall not be submitted to the trier at the first stage. If an
25 offense is charged other than murder in the first degree in a
26 count together with a count of murder in the first degree, the
27 trial judge shall assess punishment on any such offense according
28 to law, after the defendant is found guilty of such offense and

1 after he finds the defendant to be a prior offender pursuant to
2 chapter 558.

3 3. If murder in the first degree is submitted and the death
4 penalty was not waived but the trier finds the defendant guilty
5 of a lesser homicide, a second stage of the trial shall proceed
6 [at which the only issue shall be the punishment to be assessed
7 and declared. No further evidence shall be received. If the
8 trier is a jury it shall be instructed on the law] as in all
9 other criminal cases. The attorneys may then argue as in other
10 criminal cases the issue of punishment, after which the trier
11 shall assess and declare the punishment as in all other criminal
12 cases.

13 4. If the trier at the first stage of a trial where the
14 death penalty was not waived finds the defendant guilty of murder
15 in the first degree, a second stage of the trial shall proceed at
16 which the only issue shall be the punishment to be assessed and
17 declared. Evidence in aggravation and mitigation of punishment,
18 including but not limited to evidence supporting any of the
19 aggravating or mitigating circumstances listed in subsection 2 or
20 3 of section 565.032, may be presented subject to the rules of
21 evidence at criminal trials. Such evidence may include, within
22 the discretion of the court, evidence concerning the murder
23 victim and the impact of the [crime] offense upon the family of
24 the victim and others. Rebuttal and surrebuttal evidence may be
25 presented. The state shall be the first to proceed. If the
26 trier is a jury it shall be instructed on the law. The attorneys
27 may then argue the issue of punishment to the jury, and the state
28 shall have the right to open and close the argument. The trier

1 shall assess and declare the punishment at life imprisonment
2 without eligibility for probation, parole, or release except by
3 act of the governor:

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

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

9 (3) If the trier concludes that there is evidence in
10 mitigation of punishment, including but not limited to evidence
11 supporting the statutory mitigating circumstances listed in
12 subsection 3 of section 565.032, which is sufficient to outweigh
13 the evidence in aggravation of punishment found by the trier; or

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

17
18 If the trier assesses and declares the punishment at death it
19 shall, in its findings or verdict, set out in writing the
20 aggravating circumstance or circumstances listed in subsection 2
21 of section 565.032 which it found beyond a reasonable doubt. If
22 the trier is a jury it shall be instructed before the case is
23 submitted that if it is unable to decide or agree upon the
24 punishment the court shall assess and declare the punishment at
25 life imprisonment without eligibility for probation, parole, or
26 release except by act of the governor or death. The court shall
27 follow the same procedure as set out in this section whenever it
28 is required to determine punishment for murder in the first

1 degree.

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

7 6. As used in this section, the terms "intellectual
8 disability" or "intellectually disabled" refer to a condition
9 involving substantial limitations in general functioning
10 characterized by significantly subaverage intellectual
11 functioning with continual extensive related deficits and
12 limitations in two or more adaptive behaviors such as
13 communication, self-care, home living, social skills, community
14 use, self-direction, health and safety, functional academics,
15 leisure and work, which conditions are manifested and documented
16 before eighteen years of age.

17 7. The provisions of this section shall only govern
18 offenses committed on or after August 28, 2001.

19 565.032. 1. In all cases of murder in the first degree for
20 which the death penalty is authorized, the judge in a jury-waived
21 trial shall consider, or [he] shall include in his or her
22 instructions to the jury for it to consider:

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

26 (2) If a statutory aggravating circumstance or
27 circumstances is proven beyond a reasonable doubt, whether the
28 evidence as a whole justifies a sentence of death or a sentence

1 of life imprisonment without eligibility for probation, parole,
2 or release except by act of the governor. In determining the
3 issues enumerated in subdivisions (1) and (2) of this subsection,
4 the trier shall consider all evidence which it finds to be in
5 aggravation or mitigation of punishment, including evidence
6 received during the first stage of the trial and evidence
7 supporting any of the statutory aggravating or mitigating
8 circumstances set out in subsections 2 and 3 of this section. If
9 the trier is a jury, it shall not be instructed upon any specific
10 evidence which may be in aggravation or mitigation of punishment,
11 but shall be instructed that each juror shall consider any
12 evidence which he or she considers to be aggravating or
13 mitigating.

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

16 (1) The offense was committed by a person with a prior
17 record of conviction for murder in the first degree, or the
18 offense was committed by a person who has one or more serious
19 assaultive criminal convictions;

20 (2) The murder in the first degree offense was committed
21 while the offender was engaged in the commission or attempted
22 commission of another unlawful homicide;

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

27 (4) The offender committed the offense of murder in the
28 first degree for himself or herself or another, for the purpose

1 of receiving money or any other thing of monetary value from the
2 victim of the murder or another;

3 (5) The murder in the first degree was committed against a
4 judicial officer, former judicial officer, prosecuting attorney
5 or former prosecuting attorney, circuit attorney or former
6 circuit attorney, assistant prosecuting attorney or former
7 assistant prosecuting attorney, assistant circuit attorney or
8 former assistant circuit attorney, peace officer or former peace
9 officer, elected official or former elected official during or
10 because of the exercise of his official duty;

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

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

17 (8) The murder in the first degree was committed against
18 any peace officer, or fireman while engaged in the performance of
19 his or her official duty;

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

23 (10) The murder in the first degree was committed for the
24 purpose of avoiding, interfering with, or preventing a lawful
25 arrest or custody in a place of lawful confinement, of himself or
26 herself or another;

27 (11) The murder in the first degree was committed while the
28 defendant was engaged in the perpetration or was aiding or

1 encouraging another person to perpetrate or attempt to perpetrate
2 a felony of any degree of rape, sodomy, burglary, robbery,
3 kidnapping, or any felony offense in chapter 195 or 579;

4 (12) The murdered individual was a witness or potential
5 witness in any past or pending investigation or past or pending
6 prosecution, and was killed as a result of his or her status as a
7 witness or potential witness;

8 (13) The murdered individual was an employee of an
9 institution or facility of the department of corrections of this
10 state or local correction agency and was killed in the course of
11 performing his or her official duties, or the murdered individual
12 was an inmate of such institution or facility;

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

16 (15) The murder was committed for the purpose of concealing
17 or attempting to conceal any felony offense defined in chapter
18 195 or 579;

19 (16) The murder was committed for the purpose of causing or
20 attempting to cause a person to refrain from initiating or aiding
21 in the prosecution of a felony offense defined in chapter 195 or
22 579;

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

26 3. Statutory mitigating circumstances shall include the
27 following:

28 (1) The defendant has no significant history of prior

1 criminal activity;

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

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

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

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

12 (6) The capacity of the defendant to appreciate the
13 criminality of his or her conduct or to conform his or her
14 conduct to the requirements of law was substantially impaired;

15 (7) The age of the defendant at the time of the [crime]
16 offense.

17 565.040. 1. In the event that the death penalty provided
18 in this chapter is held to be unconstitutional, any person
19 convicted of murder in the first degree shall be sentenced by the
20 court to life imprisonment without eligibility for probation,
21 parole, or release except by act of the governor, with the
22 exception that when a specific aggravating circumstance found in
23 a case is held to be unconstitutional or invalid for another
24 reason, the supreme court of Missouri is further authorized to
25 remand the case for resentencing or retrial of the punishment
26 pursuant to subsection 5 of section [565.036] 565.035.

27 2. In the event that any death sentence imposed pursuant to
28 this chapter is held to be unconstitutional, the trial court

1 which previously sentenced the defendant to death shall cause the
2 defendant to be brought before the court and shall sentence the
3 defendant to life imprisonment without eligibility for probation,
4 parole, or release except by act of the governor, with the
5 exception that when a specific aggravating circumstance found in
6 a case is held to be inapplicable, unconstitutional or invalid
7 for another reason, the supreme court of Missouri is further
8 authorized to remand the case for retrial of the punishment
9 pursuant to subsection 5 of section 565.035.

10 565.188. 1. When any adult day care worker; chiropractor;
11 Christian Science practitioner; coroner; dentist; embalmer;
12 employee of the departments of social services, mental health, or
13 health and senior services; employee of a local area agency on
14 aging or an organized area agency on aging program; emergency
15 medical technician, firefighter, first responder; funeral
16 director; home health agency or home health agency employee;
17 hospital and clinic personnel engaged in examination, care, or
18 treatment of persons; in-home services owner, provider, operator,
19 or employee; law enforcement officer; long-term care facility
20 administrator or employee; medical examiner; medical resident or
21 intern; mental health professional; minister; nurse; nurse
22 practitioner; optometrist; other health practitioner; peace
23 officer; pharmacist; physical therapist; physician; physician's
24 assistant; podiatrist; probation or parole officer; psychologist;
25 social worker; or other person with responsibility for the care
26 of [a person sixty years of age or older] an eligible adult as
27 defined under section 192.2400 has reasonable cause to suspect
28 that [such a person] the eligible adult has been subjected to

1 abuse or neglect or observes [such a person] the eligible adult
2 being subjected to conditions or circumstances which would
3 reasonably result in abuse or neglect, he or she shall
4 immediately report or cause a report to be made to the department
5 in accordance with the provisions of sections 192.2400 to
6 192.2470. Any other person who becomes aware of circumstances
7 which may reasonably be expected to be the result of or result in
8 abuse or neglect may report to the department.

9 2. Any person who knowingly fails to make a report as
10 required in subsection 1 of this section is guilty of a class A
11 misdemeanor.

12 3. Any person who purposely files a false report of elder
13 abuse or neglect is guilty of a class A misdemeanor.

14 4. Every person who has been previously convicted of or
15 pled guilty to making a false report to the department and who is
16 subsequently convicted of making a false report under subsection
17 3 of this section is guilty of a class D felony.

18 5. Evidence of prior convictions of false reporting shall
19 be heard by the court, out of the hearing of the jury, prior to
20 the submission of the case to the jury, and the court shall
21 determine the existence of the prior convictions.

22 565.225. 1. As used in this section and section 565.227,
23 the term "disturbs" shall mean to engage in a course of conduct
24 directed at a specific person that serves no legitimate purpose
25 and that would cause a reasonable person under the circumstances
26 to be frightened, intimidated, or emotionally distressed.

27 2. A person commits the offense of stalking in the first
28 degree if he or she purposely, through his or her course of

1 conduct, disturbs or follows with the intent of disturbing
2 another person and:

3 (1) Makes a threat communicated with the intent to cause
4 the person who is the target of the threat to reasonably fear for
5 his or her safety, the safety of his or her family or household
6 member, or the safety of domestic animals or livestock as defined
7 in section 276.606 kept at such person's residence or on such
8 person's property. The threat shall be against the life of, or a
9 threat to cause physical injury to, or the kidnapping of the
10 person, the person's family or household members, or the person's
11 domestic animals or livestock as defined in section 276.606 kept
12 at such person's residence or on such person's property; or

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

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

19 (4) At any time during the course of conduct, the other
20 person is seventeen years of age or younger and the person
21 disturbing the other person is twenty-one years of age or older;
22 or

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

26 (6) At any time during the course of conduct, the other
27 person is a participant of the address confidentiality program
28 under sections 589.660 to 589.681, and the person disturbing the

1 other person knowingly accesses or attempts to access the address
2 of the other person.

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

6 4. This section shall not apply to activities of federal,
7 state, county, or municipal law enforcement officers conducting
8 investigations of any violation of federal, state, county, or
9 municipal law.

10 5. The offense of stalking in the first degree is a class E
11 felony, unless the defendant has previously been found guilty of
12 a violation of this section or section 565.227, or any offense
13 committed in another jurisdiction which, if committed in this
14 state, would be chargeable or indictable as a violation of any
15 offense listed in this section or section 565.227, in which case
16 stalking in the first degree is a class D felony.

17 565.225. 1. As used in this section, the following terms
18 shall mean:

19 (1) "Course of conduct", a pattern of conduct composed of
20 two or more acts, which may include communication by any means,
21 over a period of time, however short, evidencing a continuity of
22 purpose. Constitutionally protected activity is not included
23 within the meaning of course of conduct. Such constitutionally
24 protected activity includes picketing or other organized
25 protests;

26 (2) "Credible threat", a threat communicated with the
27 intent to cause the person who is the target of the threat to
28 reasonably fear for his or her safety, or the safety of his or

1 her family, or household members or domestic animals or livestock
2 as defined in section 276.606 kept at such person's residence or
3 on such person's property. The threat must be against the life
4 of, or a threat to cause physical injury to, or the kidnapping
5 of, the person, the person's family, or the person's household
6 members or domestic animals or livestock as defined in section
7 276.606 kept at such person's residence or on such person's
8 property;

9 (3) "Harasses", to engage in a course of conduct directed
10 at a specific person that serves no legitimate purpose, that
11 would cause a reasonable person under the circumstances to be
12 frightened, intimidated, or emotionally distressed.

13 2. A person commits the crime of stalking if he or she
14 purposely, through his or her course of conduct, harasses or
15 follows with the intent of harassing another person.

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

19 (1) Makes a credible threat; or

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

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

26 (4) At any time during the course of conduct, the other
27 person is seventeen years of age or younger and the person
28 harassing the other person is twenty-one years of age or older;

1 or

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

6 (6) At any time during the course of conduct, the other
7 person is a participant of the address confidentiality program
8 under sections 589.660 to 589.681, and the person harassing the
9 other person knowingly accesses or attempts to access the address
10 of the other person.

11 4. The crime of stalking shall be a class A misdemeanor
12 unless the person has previously pleaded guilty to or been found
13 guilty of a violation of this section, or of any offense
14 committed in violation of any county or municipal ordinance in
15 any state, any state law, any federal law, or any military law
16 which, if committed in this state, would be chargeable or
17 indictable as a violation of any offense listed in this section,
18 in which case stalking shall be a class D felony.

19 5. The crime of aggravated stalking shall be a class D
20 felony unless the person has previously pleaded guilty to or been
21 found guilty of a violation of this section, or of any offense
22 committed in violation of any county or municipal ordinance in
23 any state, any state law, any federal law, or any military law
24 which, if committed in this state, would be chargeable or
25 indictable as a violation of any offense listed in this section,
26 aggravated stalking shall be a class C felony.

27 6. Any law enforcement officer may arrest, without a
28 warrant, any person he or she has probable cause to believe has

1 violated the provisions of this section.

2 7. This section shall not apply to activities of federal,
3 state, county, or municipal law enforcement officers conducting
4 investigations of violation of federal, state, county, or
5 municipal law.

6 566.209. 1. A person commits the crime of trafficking for
7 the purposes of sexual exploitation if a person knowingly
8 recruits, entices, harbors, transports, provides, advertises the
9 availability of or obtains by any means, including but not
10 limited to through the use of force, abduction, coercion, fraud,
11 deception, blackmail, or causing or threatening to cause
12 financial harm, another person for the use or employment of such
13 person in a commercial sex act, sexual conduct, a sexual
14 performance, or the production of explicit sexual material as
15 defined in section 573.010, without his or her consent, or
16 benefits, financially or by receiving anything of value, from
17 participation in such activities.

18 2. The crime of trafficking for the purposes of sexual
19 exploitation is a felony punishable by imprisonment for a term of
20 years not less than five years and not more than twenty years and
21 a fine not to exceed two hundred fifty thousand dollars. If a
22 violation of this section was effected by force, abduction, or
23 coercion, the crime of trafficking for the purposes of sexual
24 exploitation is a felony punishable by imprisonment for a term of
25 years not less than ten years or life and a fine not to exceed
26 two hundred fifty thousand dollars.

27 566.209. 1. A person commits the offense of trafficking
28 for the purposes of sexual exploitation if he or she knowingly

1 recruits, entices, harbors, transports, provides, advertises the
2 availability of or obtains by any means, including but not
3 limited to through the use of force, abduction, coercion, fraud,
4 deception, blackmail, or causing or threatening to cause
5 financial harm, another person for the use or employment of such
6 person in a commercial sex act, sexual conduct, a sexual
7 performance, or the production of explicit sexual material as
8 defined in section 573.010, without his or her consent, or
9 benefits, financially or by receiving anything of value, from
10 participation in such activities.

11 2. The offense of trafficking for the purposes of sexual
12 exploitation is a felony punishable by imprisonment for a term of
13 years not less than five years and not more than twenty years and
14 a fine not to exceed two hundred fifty thousand dollars. If a
15 violation of this section was effected by force, abduction, or
16 coercion, the offense of trafficking for the purposes of sexual
17 exploitation is a felony punishable by imprisonment for a term of
18 years not less than ten years or life and a fine not to exceed
19 two hundred fifty thousand dollars.

20 566.210. 1. A person commits the offense of sexual
21 trafficking of a child in the first degree if he or she
22 knowingly:

23 (1) Recruits, entices, harbors, transports, provides, or
24 obtains by any means, including but not limited to through the
25 use of force, abduction, coercion, fraud, deception, blackmail,
26 or causing or threatening to cause financial harm, a person under
27 the age of twelve to participate in a commercial sex act, a
28 sexual performance, or the production of explicit sexual material

1 as defined in section 573.010, or benefits, financially or by
2 receiving anything of value, from participation in such
3 activities; [or]

4 (2) Causes a person under the age of twelve to engage in a
5 commercial sex act, a sexual performance, or the production of
6 explicit sexual material as defined in section 573.010; or

7 (3) Advertises the availability of a person under the age
8 of twelve to participate in a commercial sex act, a sexual
9 performance, or the production of explicit sexual material as
10 defined in section 573.010.

11 2. It shall not be a defense that the defendant believed
12 that the person was twelve years of age or older.

13 3. The offense of sexual trafficking of a child in the
14 first degree is a felony for which the authorized term of
15 imprisonment is life imprisonment without eligibility for
16 probation or parole until the offender has served not less than
17 twenty-five years of such sentence. Subsection 4 of section
18 558.019 shall not apply to the sentence of a person who has been
19 found guilty of sexual trafficking of a child less than twelve
20 years of age, and "life imprisonment" shall mean imprisonment for
21 the duration of a person's natural life for the purposes of this
22 section.

23 566.211. 1. A person commits the offense of sexual
24 trafficking of a child in the second degree if he or she
25 knowingly:

26 (1) Recruits, entices, harbors, transports, provides, or
27 obtains by any means, including but not limited to through the
28 use of force, abduction, coercion, fraud, deception, blackmail,

1 or causing or threatening to cause financial harm, a person under
2 the age of eighteen to participate in a commercial sex act, a
3 sexual performance, or the production of explicit sexual material
4 as defined in section 573.010, or benefits, financially or by
5 receiving anything of value, from participation in such
6 activities; [or]

7 (2) Causes a person under the age of eighteen to engage in
8 a commercial sex act, a sexual performance, or the production of
9 explicit sexual material as defined in section 573.010; or

10 (3) Advertises the availability of a person under the age
11 of eighteen to participate in a commercial sex act, a sexual
12 performance, or the production of explicit sexual material as
13 defined in section 573.010.

14 2. It shall not be a defense that the defendant believed
15 that the person was eighteen years of age or older.

16 3. The offense sexual trafficking of a child in the second
17 degree is a felony punishable by imprisonment for a term of years
18 not less than ten years or life and a fine not to exceed two
19 hundred fifty thousand dollars if the child is under the age of
20 eighteen. If a violation of this section was effected by force,
21 abduction, or coercion, the crime of sexual trafficking of a
22 child shall be a felony for which the authorized term of
23 imprisonment is life imprisonment without eligibility for
24 probation or parole until the defendant has served not less than
25 twenty-five years of such sentence.

26 566.212. 1. A person commits the crime of sexual
27 trafficking of a child if the individual knowingly:

28 (1) Recruits, entices, harbors, transports, provides, or

1 obtains by any means, including but not limited to through the
2 use of force, abduction, coercion, fraud, deception, blackmail,
3 or causing or threatening to cause financial harm, a person under
4 the age of eighteen to participate in a commercial sex act, a
5 sexual performance, or the production of explicit sexual material
6 as defined in section 573.010, or benefits, financially or by
7 receiving anything of value, from participation in such
8 activities; [or]

9 (2) Causes a person under the age of eighteen to engage in
10 a commercial sex act, a sexual performance, or the production of
11 explicit sexual material as defined in section 573.010; or

12 (3) Advertises the availability of a person under the age
13 of eighteen to participate in a commercial sex act, a sexual
14 performance, or the production of explicit sexual material as
15 defined in section 573.010.

16 2. It shall not be a defense that the defendant believed
17 that the person was eighteen years of age or older.

18 3. Sexual trafficking of a child is a felony punishable by
19 imprisonment for a term of years not less than ten years or life
20 and a fine not to exceed two hundred fifty thousand dollars if
21 the child is under the age of eighteen. If a violation of this
22 section was effected by force, abduction, or coercion, the crime
23 of sexual trafficking of a child shall be a felony for which the
24 authorized term of imprisonment is life imprisonment without
25 eligibility for probation or parole until the defendant has
26 served not less than twenty-five years of such sentence.

27 566.213. 1. A person commits the crime of sexual
28 trafficking of a child under the age of twelve if the individual

1 knowingly:

2 (1) Recruits, entices, harbors, transports, provides, or
3 obtains by any means, including but not limited to through the
4 use of force, abduction, coercion, fraud, deception, blackmail,
5 or causing or threatening to cause financial harm, a person under
6 the age of twelve to participate in a commercial sex act, a
7 sexual performance, or the production of explicit sexual material
8 as defined in section 573.010, or benefits, financially or by
9 receiving anything of value, from participation in such
10 activities; [or]

11 (2) Causes a person under the age of twelve to engage in a
12 commercial sex act, a sexual performance, or the production of
13 explicit sexual material as defined in section 573.010; or

14 (3) Advertises the availability of a person under the age
15 of twelve to participate in a commercial sex act, a sexual
16 performance, or the production of explicit sexual material as
17 defined in section 573.010.

18 2. It shall not be a defense that the defendant believed
19 that the person was twelve years of age or older.

20 3. Sexual trafficking of a child less than twelve years of
21 age shall be a felony for which the authorized term of
22 imprisonment is life imprisonment without eligibility for
23 probation or parole until the defendant has served not less than
24 twenty-five years of such sentence. Subsection 4 of section
25 558.019 shall not apply to the sentence of a person who has
26 pleaded guilty to or been found guilty of sexual trafficking of a
27 child less than twelve years of age, and "life imprisonment"
28 shall mean imprisonment for the duration of a person's natural

1 life for the purposes of this section.

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

8 2. For purposes of this section:

9 (1) "Child" means any biological or adoptive child, or any
10 child whose paternity has been established under chapter 454, or
11 chapter 210, or any child whose relationship to the defendant has
12 been determined, by a court of law in a proceeding for
13 dissolution or legal separation, to be that of child to parent;

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

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

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

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

28 4. The defendant shall have the burden of injecting the

1 issues raised by subdivision (4) of subsection 2 [and subsection
2 3] of this section.

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

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

1 7. During any period that a nonviolent offender is
2 incarcerated for criminal nonsupport, if the offender is ready,
3 willing, and able to be gainfully employed during said period of
4 incarceration, the offender, if he or she meets the criteria
5 established by the department of corrections, may be placed on
6 work release to allow the offender to satisfy his or her
7 obligation to pay support. Arrearages shall be satisfied as
8 outlined in the collection agreement.

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

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

26 10. Persons accused of committing the offense of nonsupport
27 of the child shall be prosecuted:

28 (1) In any county in which the child resided during the

1 period of time for which the defendant is charged; or

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

4 569.090. 1. A person commits the offense of tampering in
5 the second degree if he or she:

6 (1) Tamper with property of another for the purpose of
7 causing substantial inconvenience to that person or to another;
8 or

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

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

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

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

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

21 2. In any prosecution under subdivision (4) of subsection
22 1, proof that a meter or any other property of a utility has been
23 tampered with, and the person or persons accused received the use
24 or direct benefit of the electric, gas, steam or water service,
25 with one or more of the effects described in subdivision (4) of
26 subsection 1, shall be sufficient to support an inference which
27 the trial court may submit to the trier of fact, from which the
28 trier of fact may conclude that there has been a violation of

1 such subdivision by the person or persons who use or receive the
2 direct benefit of the electric, gas, steam or water service.

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

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

8 (2) The defendant has a prior conviction or has previously
9 been found guilty pursuant to paragraph (a) of subdivision (3) of
10 subsection [3] 5 of section 570.030, or subdivision (2) of
11 subsection 1 of this section, in which case it is a class D
12 felony.

13 569.140. 1. A person commits the offense of trespass in
14 the first degree if he or she knowingly enters unlawfully or
15 knowingly remains unlawfully in a building or inhabitable
16 structure ~~[or]~~, upon real property, or upon a temporary or
17 permanent privately owned structure attached to the building,
18 structure, or property.

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

25 (1) Actual communication to the actor; or

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

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

1 misdemeanor.

2 570.010. As used in this chapter:

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

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

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

10 (a) To commit any crime; or

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

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

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

15 or

16 (e) To harm the credit or business repute of any person; or

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

19 (g) To inflict any other harm which would not benefit the
20 actor. A threat of accusation, lawsuit or other invocation of
21 official action is not coercion if the property sought to be
22 obtained by virtue of such threat was honestly claimed as
23 restitution or indemnification for harm done in the circumstances
24 to which the accusation, exposure, lawsuit or other official
25 action relates, or as compensation for property or lawful
26 service. The defendant shall have the burden of injecting the
27 issue of justification as to any threat;

28 (4) "Credit device" means a writing, number or other device

1 purporting to evidence an undertaking to pay for property or
2 services delivered or rendered to or upon the order of a
3 designated person or bearer;

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

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

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

20 (8) "Deprive" means:

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

22 (b) To restore property only upon payment of reward or
23 other compensation; or

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

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

28 (10) "Mislabeled" means varying from the standard of truth

1 or disclosure in labeling prescribed by statute or lawfully
2 promulgated administrative regulations of this state lawfully
3 filed, or if none, as set by commercial usage; or represented as
4 being another person's product, though otherwise accurately
5 labeled as to quality and quantity;

6 [(10)] (11) "New and unused property" means tangible
7 personal property that has never been used since its production
8 or manufacture and is in its original unopened package or
9 container if such property was packaged;

10 [(11)] (12) "Of another" property or services is that "of
11 another" if any natural person, corporation, partnership,
12 association, governmental subdivision or instrumentality, other
13 than the actor, has a possessory or proprietary interest therein,
14 except that property shall not be deemed property of another who
15 has only a security interest therein, even if legal title is in
16 the creditor pursuant to a conditional sales contract or other
17 security arrangement;

18 [(12)] (13) "Property" means anything of value, whether
19 real or personal, tangible or intangible, in possession or in
20 action, and shall include but not be limited to the evidence of a
21 debt actually executed but not delivered or issued as a valid
22 instrument;

23 [(13)] (14) "Receiving" means acquiring possession,
24 control or title or lending on the security of the property;

25 [(14)] (15) "Services" includes transportation, telephone,
26 electricity, gas, water, or other public service, accommodation
27 in hotels, restaurants or elsewhere, admission to exhibitions and
28 use of vehicles;

1 [(15)] (16) "Writing" includes printing, any other method
2 of recording information, money, coins, negotiable instruments,
3 tokens, stamps, seals, credit cards, badges, trademarks and any
4 other symbols of value, right, privilege or identification.

5 570.030. 1. A person commits the offense of stealing if he
6 or she:

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

10 (2) Attempts to appropriate anhydrous ammonia or liquid
11 nitrogen of another with the purpose to deprive him or her
12 thereof, either without his or her consent or by means of deceit
13 or coercion; or

14 (3) For the purpose of depriving the owner of a lawful
15 interest therein, receives, retains or disposes of property of
16 another knowing that it has been stolen, or believing that it has
17 been stolen.

18 2. The offense of stealing is a class A felony if the
19 property appropriated consists of any of the following containing
20 any amount of anhydrous ammonia: a tank truck, tank trailer,
21 rail tank car, bulk storage tank, field nurse, field tank or
22 field applicator.

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

24 (1) The property appropriated or attempted to be
25 appropriated consists of any amount of anhydrous ammonia or
26 liquid nitrogen;

27 (2) The property consists of any animal considered
28 livestock as the term livestock is defined in section 144.010, or

1 any captive wildlife held under permit issued by the conservation
2 commission, and the value of the animal or animals appropriated
3 exceeds three thousand dollars and that person has previously
4 been found guilty of appropriating any animal considered
5 livestock or captive wildlife held under permit issued by the
6 conservation commission. Notwithstanding any provision of law to
7 the contrary, such person shall serve a minimum prison term of
8 not less than eighty percent of his or her sentence before he or
9 she is eligible for probation, parole, conditional release, or
10 other early release by the department of corrections;

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

16 (4) The property appropriated or attempted to be
17 appropriated consists of any animal considered livestock as the
18 term is defined in section 144.010 if the value of the livestock
19 exceeds ten thousand dollars; or

20 (5) The property appropriated or attempted to be
21 appropriated is owned by or in the custody of a financial
22 institution and the property is taken or attempted to be taken
23 physically from an individual person to deprive the owner or
24 custodian of the property.

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

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

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

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

5 (3) The property appropriated consists of:

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

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

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

9 (d) Any firearms;

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

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

14 (g) Any original copy of an act, bill or resolution,
15 introduced or acted upon by the legislature of the state of
16 Missouri;

17 (h) Any pleading, notice, judgment or any other record or
18 entry of any court of this state, any other state or of the
19 United States;

20 (i) Any book of registration or list of voters required by
21 chapter 115;

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

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

26 (l) Any captive wildlife held under permit issued by the
27 conservation commission;

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

1 (n) Ammonium nitrate;

2 (o) Any wire, electrical transformer, or metallic wire
3 associated with transmitting telecommunications, video, internet,
4 or voice over internet protocol service, or any other device or
5 pipe that is associated with conducting electricity or
6 transporting natural gas or other combustible fuels; or

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

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

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

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

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

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

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

27 10. The appropriation of any property or services of a type
28 listed in subsection 2, 3, 5, or 6 of this section or of a value

1 of seven hundred fifty dollars or more may be considered a
2 separate felony and may be charged in separate counts.

3 11. The value of property or services appropriated pursuant
4 to one scheme or course of conduct, whether from the same or
5 several owners and whether at the same or different times,
6 constitutes a single criminal episode and may be aggregated in
7 determining the grade of the offense, except as set forth in
8 subsection 10 of this section.

9 570.030. 1. A person commits the crime of stealing if he
10 or she appropriates property or services of another with the
11 purpose to deprive him or her thereof, either without his or her
12 consent or by means of deceit or coercion.

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

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

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

21 (3) That he or she left the hotel, restaurant, inn or
22 boardinghouse with the intent to not pay for property or
23 services;

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

26 (5) That he or she, with intent to cheat or defraud a
27 retailer, possesses, uses, utters, transfers, makes, alters,
28 counterfeits, or reproduces a retail sales receipt, price tag, or

1 universal price code label, or possesses with intent to cheat or
2 defraud, the device that manufactures fraudulent receipts or
3 universal price code labels.

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

7 (1) The value of the property or services appropriated is
8 five hundred dollars or more but less than twenty-five thousand
9 dollars; or

10 (2) The actor physically takes the property appropriated
11 from the person of the victim; or

12 (3) The property appropriated consists of:

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

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

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

16 (d) Any firearms; or

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

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

21 (g) Any original copy of an act, bill or resolution,
22 introduced or acted upon by the legislature of the state of
23 Missouri; or

24 (h) Any pleading, notice, judgment or any other record or
25 entry of any court of this state, any other state or of the
26 United States; or

27 (i) Any book of registration or list of voters required by
28 chapter 115; or

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

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

5 (l) Captive wildlife held under permit issued by the
6 conservation commission; or

7 (m) Any controlled substance as defined by section 195.010;
8 or

9 (n) Anhydrous ammonia;

10 (o) Ammonium nitrate; or

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

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

17 5. If an actor appropriates any material with a value less
18 than five hundred dollars in violation of this section with the
19 intent to use such material to manufacture, compound, produce,
20 prepare, test or analyze amphetamine or methamphetamine or any of
21 their analogues, then such violation is a class C felony. The
22 theft of any amount of anhydrous ammonia or liquid nitrogen, or
23 any attempt to steal any amount of anhydrous ammonia or liquid
24 nitrogen, is a class B felony. The theft of any amount of
25 anhydrous ammonia by appropriation of a tank truck, tank trailer,
26 rail tank car, bulk storage tank, field (nurse) tank or field
27 applicator is a class A felony.

28 6. If the actor appropriates or attempts to appropriate

1 property that is owned by or in the custody of a financial
2 institution and the property is taken or attempted to be taken
3 physically from an individual person to deprive the owner or
4 custodian of the property, the theft is a class B felony.

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

9 [7.] 8. Any person with a prior conviction of paragraph
10 (j) or (l) of subdivision (3) of subsection 3 of this section and
11 who violates the provisions of paragraph (j) or (l) of
12 subdivision (3) of subsection 3 of this section when the value of
13 the animal or animals stolen exceeds three thousand dollars is
14 guilty of a class B felony. Notwithstanding any provision of law
15 to the contrary, such person shall serve a minimum prison term of
16 not less than eighty percent of his or her sentence before he or
17 she is eligible for probation, parole, conditional release, or
18 other early release by the department of corrections.

19 [8.] 9. Any offense in which the value of property or
20 services is an element is a class B felony if the value of the
21 property or services equals or exceeds twenty-five thousand
22 dollars.

23 [9.] 10. Any violation of this section for which no other
24 penalty is specified in this section is a class A misdemeanor.

25 570.135. 1. A person commits the offense of fraudulent
26 procurement of a credit or debit device if he or she:

27 (1) Knowingly makes or causes to be made, directly or
28 indirectly, a false statement regarding another person for the

1 purpose of fraudulently procuring the issuance of a credit or
2 debit device; [or]

3 (2) Knowingly obtains a means of identification of another
4 person without the authorization of that person and uses that
5 means of identification fraudulently to obtain, or attempt to
6 obtain, credit, goods or services in the name of the other person
7 without the consent of that person; or

8 (3) Knowingly possesses a fraudulently obtained credit or
9 debit device.

10 2. The offense of fraudulent procurement of a credit or
11 debit device is a class A misdemeanor.

12 3. Notwithstanding any other provision of this section, no
13 corporation, proprietorship, partnership, limited liability
14 company, limited liability partnership or other business entity
15 shall be criminally liable under this section for accepting
16 applications for credit or debit devices or for the use of a
17 credit or debit device in any transaction, absent clear and
18 convincing evidence that such business entity conspired with or
19 was a part of the fraudulent procuring of the issuance of a
20 credit or debit device.

21 571.020. 1. A person commits [a crime] an offense if such
22 person knowingly possesses, manufactures, transports, repairs, or
23 sells:

24 (1) An explosive weapon;

25 (2) An explosive, incendiary or poison substance or
26 material with the purpose to possess, manufacture or sell an
27 explosive weapon;

28 (3) A gas gun;

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

4 (5) Knuckles; or

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

6 (a) A machine gun;

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

8 (c) A firearm silencer; or

9 (d) A switchblade knife.

10 2. A person does not commit [a crime] an offense pursuant
11 to this section if his or her conduct involved any of the items
12 in subdivisions (1) to (5) of subsection 1, the item was
13 possessed in conformity with any applicable federal law, and the
14 conduct:

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

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

21 (3) Was incident to using an explosive weapon in a manner
22 reasonably related to a lawful industrial or commercial
23 enterprise; or

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

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

28 3. [A crime] An offense pursuant to subdivision (1), (2),

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

4 571.030. 1. A person commits the [crime] offense of
5 unlawful use of weapons if he or she knowingly:

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

9 (2) Sets a spring gun; or

10 (3) Discharges or shoots a firearm into a dwelling house, a
11 railroad train, boat, aircraft, or motor vehicle as defined in
12 section 302.010, or any building or structure used for the
13 assembling of people; or

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

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

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

24 (7) Discharges or shoots a firearm at a mark, at any
25 object, or at random, on, along or across a public highway or
26 discharges or shoots a firearm into any outbuilding; or

27 (8) Carries a firearm or any other weapon readily capable
28 of lethal use into any church or place where people have

1 assembled for worship, or into any election precinct on any
2 election day, or into any building owned or occupied by any
3 agency of the federal government, state government, or political
4 subdivision thereof; or

5 (9) Discharges or shoots a firearm at or from a motor
6 vehicle, as defined in section 301.010, discharges or shoots a
7 firearm at any person, or at any other motor vehicle, or at any
8 building or habitable structure, unless the person was lawfully
9 acting in self-defense; or

10 (10) Carries a firearm, whether loaded or unloaded, or any
11 other weapon readily capable of lethal use into any school, onto
12 any school bus, or onto the premises of any function or activity
13 sponsored or sanctioned by school officials or the district
14 school board; or

15 (11) Possesses a firearm while also knowingly in possession
16 of a controlled substance that is sufficient for a felony
17 violation of section 195.202.

18 2. Subdivisions (1), (8), and (10) of subsection 1 of this
19 section shall not apply to the persons described in this
20 subsection, regardless of whether such uses are reasonably
21 associated with or are necessary to the fulfillment of such
22 person's official duties except as otherwise provided in this
23 subsection. Subdivisions (3), (4), (6), (7), and (9) of
24 subsection 1 of this section shall not apply to or affect any of
25 the following persons, when such uses are reasonably associated
26 with or are necessary to the fulfillment of such person's
27 official duties, except as otherwise provided in this subsection:

28 (1) All state, county and municipal peace officers who have

1 completed the training required by the police officer standards
2 and training commission pursuant to sections 590.030 to 590.050
3 and who possess the duty and power of arrest for violation of the
4 general criminal laws of the state or for violation of ordinances
5 of counties or municipalities of the state, whether such officers
6 are on or off duty, and whether such officers are within or
7 outside of the law enforcement agency's jurisdiction, or all
8 qualified retired peace officers, as defined in subsection 12 of
9 this section, and who carry the identification defined in
10 subsection 13 of this section, or any person summoned by such
11 officers to assist in making arrests or preserving the peace
12 while actually engaged in assisting such officer;

13 (2) Wardens, superintendents and keepers of prisons,
14 penitentiaries, jails and other institutions for the detention of
15 persons accused or convicted of crime;

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

18 (4) Those persons vested by Article V, Section 1 of the
19 Constitution of Missouri with the judicial power of the state and
20 those persons vested by Article III of the Constitution of the
21 United States with the judicial power of the United States, the
22 members of the federal judiciary;

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

25 (6) Any federal probation officer or federal flight deck
26 officer as defined under the federal flight deck officer program,
27 49 U.S.C. Section 44921 regardless of whether such officers are
28 on duty, or within the law enforcement agency's jurisdiction;

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

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

6 (9) Any coroner, deputy coroner, medical examiner, or
7 assistant medical examiner;

8 (10) Any prosecuting attorney or assistant prosecuting
9 attorney, circuit attorney or assistant circuit attorney, or any
10 person appointed by a court to be a special prosecutor who has
11 completed the firearms safety training course required under
12 subsection 2 of section 571.111;

13 (11) Any member of a fire department or fire protection
14 district who is employed on a full-time basis as a fire
15 investigator and who has a valid concealed carry endorsement
16 issued prior to August 28, 2013, or a valid concealed carry
17 permit under section 571.111 when such uses are reasonably
18 associated with or are necessary to the fulfillment of such
19 person's official duties; and

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

27 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
28 this section do not apply when the actor is transporting such

1 weapons in a nonfunctioning state or in an unloaded state when
2 ammunition is not readily accessible or when such weapons are not
3 readily accessible. Subdivision (1) of subsection 1 of this
4 section does not apply to any person nineteen years of age or
5 older or eighteen years of age or older and a member of the
6 United States Armed Forces, or honorably discharged from the
7 United States Armed Forces, transporting a concealable firearm in
8 the passenger compartment of a motor vehicle, so long as such
9 concealable firearm is otherwise lawfully possessed, nor when the
10 actor is also in possession of an exposed firearm or projectile
11 weapon for the lawful pursuit of game, or is in his or her
12 dwelling unit or upon premises over which the actor has
13 possession, authority or control, or is traveling in a continuous
14 journey peaceably through this state. Subdivision (10) of
15 subsection 1 of this section does not apply if the firearm is
16 otherwise lawfully possessed by a person while traversing school
17 premises for the purposes of transporting a student to or from
18 school, or possessed by an adult for the purposes of facilitation
19 of a school-sanctioned firearm-related event or club event.

20 4. Subdivisions (1), (8), and (10) of subsection 1 of this
21 section shall not apply to any person who has a valid concealed
22 carry permit issued pursuant to sections 571.101 to 571.121, a
23 valid concealed carry endorsement issued before August 28, 2013,
24 or a valid permit or endorsement to carry concealed firearms
25 issued by another state or political subdivision of another
26 state.

27 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
28 of subsection 1 of this section shall not apply to persons who

1 are engaged in a lawful act of defense pursuant to section
2 563.031.

3 6. Notwithstanding any provision of this section to the
4 contrary, the state shall not prohibit any state employee from
5 having a firearm in the employee's vehicle on the state's
6 property provided that the vehicle is locked and the firearm is
7 not visible. This subsection shall only apply to the state as an
8 employer when the state employee's vehicle is on property owned
9 or leased by the state and the state employee is conducting
10 activities within the scope of his or her employment. For the
11 purposes of this subsection, "state employee" means an employee
12 of the executive, legislative, or judicial branch of the
13 government of the state of Missouri.

14 7. Nothing in this section shall make it unlawful for a
15 student to actually participate in school-sanctioned gun safety
16 courses, student military or ROTC courses, or other
17 school-sponsored or club-sponsored firearm-related events,
18 provided the student does not carry a firearm or other weapon
19 readily capable of lethal use into any school, onto any school
20 bus, or onto the premises of any other function or activity
21 sponsored or sanctioned by school officials or the district
22 school board.

23 8. Unlawful use of weapons is a class ~~[D]~~ E felony unless
24 committed pursuant to subdivision (6), (7), or (8) of subsection
25 1 of this section, in which cases it is a class B misdemeanor, or
26 subdivision (5) or (10) of subsection 1 of this section, in which
27 case it is a class A misdemeanor if the firearm is unloaded and a
28 class ~~[D]~~ E felony if the firearm is loaded, or subdivision (9)

1 of subsection 1 of this section, in which case it is a class B
2 felony, except that if the violation of subdivision (9) of
3 subsection 1 of this section results in injury or death to
4 another person, it is a class A felony.

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

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

9 (2) For any violation by a prior offender as defined in
10 section 558.016, a person shall be sentenced to the maximum
11 authorized term of imprisonment for a class B felony without the
12 possibility of parole, probation or conditional release for a
13 term of ten years;

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

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

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

25 11. Notwithstanding any other provision of law, no person
26 who pleads guilty to or is found guilty of a felony violation of
27 subsection 1 of this section shall receive a suspended imposition
28 of sentence if such person has previously received a suspended

1 imposition of sentence for any other firearms- or weapons-related
2 felony offense.

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

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

8 (2) Before such retirement, was authorized by law to engage
9 in or supervise the prevention, detection, investigation, or
10 prosecution of, or the incarceration of any person for, any
11 violation of law, and had statutory powers of arrest;

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

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

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

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

24 (7) Is not prohibited by federal law from receiving a
25 firearm.

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

28 (1) A photographic identification issued by the agency from

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

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

10 (3) A certification issued by the state in which the
11 individual resides that indicates that the individual has, not
12 less recently than one year before the date the individual is
13 carrying the concealed firearm, been tested or otherwise found by
14 the state to meet the standards established by the state for
15 training and qualification for active peace officers to carry a
16 firearm of the same type as the concealed firearm.

17 571.060. 1. A person commits the [crime] offense of
18 unlawful transfer of weapons if he:

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

23 (2) Knowingly sells, leases, loans, gives away or delivers
24 a blackjack to a person less than eighteen years old without the
25 consent of the child's custodial parent or guardian, or
26 recklessly, as defined in section 562.016, sells, leases, loans,
27 gives away or delivers any firearm to a person less than eighteen
28 years old without the consent of the child's custodial parent or

1 guardian; provided, that this does not prohibit the delivery of
2 such weapons to any peace officer or member of the Armed Forces
3 or National Guard while performing his official duty; or

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

7 2. Unlawful transfer of weapons under subdivision (1) of
8 subsection 1 of this section is a class [D] E felony; unlawful
9 transfer of weapons under subdivisions (2) and (3) of subsection
10 1 of this section is a class A misdemeanor.

11 571.063. 1. As used in this section the following terms
12 shall mean:

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

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

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

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

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

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

1 States; or

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

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

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

10 4. This section shall not apply to criminal investigations
11 conducted by the United States Bureau of Alcohol, Tobacco,
12 Firearms and Explosives, authorized agents of such
13 investigations, or to a peace officer, as defined in section
14 542.261, acting at the explicit direction of the United States
15 Bureau of Alcohol, Tobacco, Firearms and Explosives.

16 571.070. 1. A person commits the [crime] offense of
17 unlawful possession of a firearm if such person knowingly has any
18 firearm in his or her possession and:

19 (1) Such person has been convicted of a felony under the
20 laws of this state, or of a crime under the laws of any state or
21 of the United States which, if committed within this state, would
22 be a felony; or

23 (2) Such person is a fugitive from justice, is habitually
24 in an intoxicated or drugged condition, or is currently adjudged
25 mentally incompetent.

26 2. Unlawful possession of a firearm is a class [C] D
27 felony.

28 3. The provisions of subdivision (1) of subsection 1 of

1 this section shall not apply to the possession of an antique
2 firearm.

3 571.072. 1. A person commits the ~~[crime]~~ offense of
4 unlawful possession of an explosive weapon if he or she has any
5 explosive weapon in his or her possession and:

6 (1) He or she has pled guilty to or has been convicted of a
7 dangerous felony, as defined in section 556.061, or of an attempt
8 to commit a dangerous felony, or of ~~[a crime]~~ an offense under
9 the laws of any state or of the United States which, if committed
10 within this state, would be a dangerous felony, or confined
11 therefor in this state or elsewhere during the five-year period
12 immediately preceding the date of such possession; or

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

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

18 574.010. 1. A person commits the offense of peace
19 disturbance if he or she:

20 (1) Unreasonably and knowingly disturbs or alarms another
21 person or persons by:

22 (a) Loud noise; or

23 (b) Offensive language addressed in a face-to-face manner
24 to a specific individual and uttered under circumstances which
25 are likely to produce an immediate violent response from a
26 reasonable recipient; or

27 (c) Threatening to commit a felonious act against any
28 person under circumstances which are likely to cause a reasonable

1 person to fear that such threat may be carried out; or

2 (d) Fighting; or

3 (e) Creating a noxious and offensive odor;

4 (2) Is in a public place or on private property of another
5 without consent and purposely causes inconvenience to another
6 person or persons by unreasonably and physically obstructing:

7 (a) Vehicular or pedestrian traffic; or

8 (b) The free ingress or egress to or from a public or
9 private place.

10 2. Notwithstanding the provisions of paragraphs (a) to (e)
11 of subdivision (1) of subsection 1 of this section, a person does
12 not commit the offense of peace disturbance by creating a loud
13 noise or creating a noxious or offensive odor if such alleged
14 noise or odor arises from or are attendant to:

15 (a) The raising, maintaining, or keeping livestock as
16 defined in section 277.020, including but not limited to any
17 noise or odor made directly by or coming directly from any
18 livestock; or

19 (b) The planting, caring, maintaining, or harvesting of
20 crops or hay.

21 3. The offense of peace disturbance is a class B
22 misdemeanor upon the first conviction. Upon a second or
23 subsequent conviction, peace disturbance is a class A
24 misdemeanor. Upon a third or subsequent conviction, a person
25 shall be sentenced to pay a fine of no less than one thousand
26 dollars and no more than five thousand dollars.

27 574.010. 1. A person commits the crime of peace
28 disturbance if:

1 (1) He unreasonably and knowingly disturbs or alarms
2 another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner
5 to a specific individual and uttered under circumstances which
6 are likely to produce an immediate violent response from a
7 reasonable recipient; or

8 (c) Threatening to commit a felonious act against any
9 person under circumstances which are likely to cause a reasonable
10 person to fear that such threat may be carried out; or

11 (d) Fighting; or

12 (e) Creating a noxious and offensive odor;

13 (2) He is in a public place or on private property of
14 another without consent and purposely causes inconvenience to
15 another person or persons by unreasonably and physically
16 obstructing:

17 (a) Vehicular or pedestrian traffic; or

18 (b) The free ingress or egress to or from a public or
19 private place.

20 2. Notwithstanding the provisions of paragraphs (a) to (e)
21 of subdivision (1) of subsection 1 of this section, a person does
22 not commit the crime of peace disturbance by creating a loud
23 noise or creating a noxious or offensive odor if such alleged
24 noise or odor arises from or are attendant to:

25 (a) The raising, maintaining, or keeping livestock as
26 defined in section 277.020, including but not limited to any
27 noise or odor made directly by or coming directly from any
28 livestock; or

1 (b) The planting, caring, maintaining, or harvesting of
2 crops or hay.

3 3. Peace disturbance is a class B misdemeanor upon the
4 first conviction. Upon a second or subsequent conviction, peace
5 disturbance is a class A misdemeanor. Upon a third or subsequent
6 conviction, a person shall be sentenced to pay a fine of no less
7 than one thousand dollars and no more than five thousand dollars.

8 577.001. As used in this chapter, the following terms mean:

9 (1) "Aggravated offender", a person who has been found
10 guilty of:

11 (a) Three or more intoxication-related traffic offenses
12 committed on separate occasions; or

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

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

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

23 (b) **[Has been found guilty of one]** Two or more
24 intoxication-related boating offenses committed on separate
25 occasions where at least one of the intoxication-related
26 **[traffic]** boating offenses is an offense committed in violation
27 of any state law, county or municipal ordinance, any federal
28 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.

2 577.010. 1. A person commits the offense of driving while
3 intoxicated if he or she operates a vehicle while in an
4 intoxicated condition.

5 2. The offense of driving while intoxicated is:

6 (1) A class B misdemeanor;

7 (2) A class A misdemeanor if:

8 (a) The defendant is a prior offender; or

9 (b) A person less than seventeen years of age is present in
10 the vehicle;

11 (3) A class E felony if:

12 (a) The defendant is a persistent offender; or

13 (b) While driving while intoxicated, the defendant acts
14 with criminal negligence to cause physical injury to another
15 person;

16 (4) A class D felony if:

17 (a) The defendant is an aggravated offender;

18 (b) While driving while intoxicated, the defendant acts
19 with criminal negligence to cause physical injury to a law
20 enforcement officer or emergency personnel; or

21 (c) While driving while intoxicated, the defendant acts
22 with criminal negligence to cause serious physical injury to
23 another person;

24 (5) A class C felony if:

25 (a) The defendant is a chronic offender;

26 (b) While driving while intoxicated, the defendant acts
27 with criminal negligence to cause serious physical injury to a
28 law enforcement officer or emergency personnel; or

1 (c) While driving while intoxicated, the defendant acts
2 with criminal negligence to cause the death of another person;

3 (6) A class B felony if:

4 (a) The defendant is a habitual offender; or

5 (b) While driving while intoxicated, the defendant acts
6 with criminal negligence to cause the death of a law enforcement
7 officer or emergency personnel;

8 (7) A class A felony if the defendant is a habitual
9 offender as a result of being found guilty of an act described
10 under paragraph (d) of subdivision (11) of section 577.001 and is
11 found guilty of a subsequent violation of such paragraph.

12 3. Notwithstanding the provisions of subsection 2 of this
13 section, a person found guilty of the offense of driving while
14 intoxicated as a first offense shall not be granted a suspended
15 imposition of sentence:

16 (1) Unless such person shall be placed on probation for a
17 minimum of two years; or

18 (2) In a circuit where a DWI court or docket created under
19 section 478.007 or other court-ordered treatment program is
20 available, and where the offense was committed with
21 fifteen-hundredths of one percent or more by weight of alcohol in
22 such person's blood, unless the individual participates and
23 successfully completes a program under such DWI court or docket
24 or other court-ordered treatment program.

25 4. If a person is found guilty of a second or subsequent
26 offense of driving while intoxicated, the court may order the
27 person to submit to a period of continuous alcohol monitoring or
28 verifiable breath alcohol testing performed a minimum of four

1 times per day as a condition of probation.

2 5. If a person is not granted a suspended imposition of
3 sentence for the reasons described in subsection 3 of this
4 section:

5 (1) If the individual operated the vehicle with
6 fifteen-hundredths to twenty-hundredths of one percent by weight
7 of alcohol in such person's blood, the required term of
8 imprisonment shall be not less than forty-eight hours;

9 (2) If the individual operated the vehicle with greater
10 than twenty-hundredths of one percent by weight of alcohol in
11 such person's blood, the required term of imprisonment shall be
12 not less than five days.

13 6. A person found guilty of the offense of driving while
14 intoxicated:

15 (1) As a prior offender, persistent offender, aggravated
16 offender, chronic offender, or habitual offender shall not be
17 granted a suspended imposition of sentence or be sentenced to pay
18 a fine in lieu of a term of imprisonment, section 557.011 to the
19 contrary notwithstanding;

20 (2) As a prior offender shall not be granted parole or
21 probation until he or she has served a minimum of ten days
22 imprisonment:

23 (a) Unless as a condition of such parole or probation such
24 person performs at least thirty days of community service under
25 the supervision of the court in those jurisdictions which have a
26 recognized program for community service; or

27 (b) The offender participates in and successfully completes
28 a program established under section 478.007 or other

1 court-ordered treatment program, if available, and as part of
2 either program, the offender performs at least thirty days of
3 community service under the supervision of the court;

4 (3) As a persistent offender shall not be eligible for
5 parole or probation until he or she has served a minimum of
6 thirty days imprisonment:

7 (a) Unless as a condition of such parole or probation such
8 person performs at least sixty days of community service under
9 the supervision of the court in those jurisdictions which have a
10 recognized program for community service; or

11 (b) The offender participates in and successfully completes
12 a program established under section 478.007 or other
13 court-ordered treatment program, if available, and as part of
14 either program, the offender performs at least sixty days of
15 community service under the supervision of the court;

16 (4) As an aggravated offender shall not be eligible for
17 parole or probation until he or she has served a minimum of sixty
18 days imprisonment;

19 (5) As a chronic or habitual offender shall not be eligible
20 for parole or probation until he or she has served a minimum of
21 two years imprisonment; and

22 (6) Any probation or parole granted under this subsection
23 may include a period of continuous alcohol monitoring or
24 verifiable breath alcohol testing performed a minimum of four
25 times per day.

26 577.011. 1. This section shall be known and may be cited
27 as "Toby's Law".

28 2. In addition to other terms and conditions imposed on a

1 person who has been found guilty of driving while intoxicated
2 under section 577.010, such person shall complete a victim impact
3 program approved by the court. Attendance in such program shall
4 be in person unless there are extraordinary circumstances
5 preventing in-person attendance. Such person shall be
6 responsible for any charges imposed by the victim impact program.

7 577.012. 1. A person commits the offense of driving with
8 excessive blood alcohol content if such person operates:

9 (1) A vehicle while having eight-hundredths of one percent
10 or more by weight of alcohol in his or her blood; or

11 (2) A commercial motor vehicle while having four
12 one-hundredths of one percent or more by weight of alcohol in his
13 or her blood.

14 2. As used in this section, percent by weight of alcohol in
15 the blood shall be based upon grams of alcohol per one hundred
16 milliliters of blood or two hundred ten liters of breath and may
17 be shown by chemical analysis of the person's blood, breath,
18 saliva or urine. For the purposes of determining the alcoholic
19 content of a person's blood under this section, the test shall be
20 conducted in accordance with the provisions of sections 577.020
21 to 577.041.

22 3. The offense of driving with excessive blood alcohol
23 content is:

24 (1) A class B misdemeanor;

25 (2) A class A misdemeanor if the defendant is alleged and
26 proved to be a prior offender;

27 (3) A class E felony if the defendant is alleged and proved
28 to be a persistent offender;

1 (4) A class D felony if the defendant is alleged and proved
2 to be an aggravated offender;

3 (5) A class C felony if the defendant is alleged and proved
4 to be a chronic offender;

5 (6) A class B felony if the defendant is alleged and proved
6 to be a habitual offender.

7 4. A person found guilty of the offense of driving with an
8 excessive blood alcohol content as a first offense shall not be
9 granted a suspended imposition of sentence:

10 (1) Unless such person shall be placed on probation for a
11 minimum of two years; or

12 (2) In a circuit where a DWI court or docket created under
13 section 478.007 or other court-ordered treatment program is
14 available, and where the offense was committed with
15 fifteen-hundredths of one percent or more by weight of alcohol in
16 such person's blood, unless the individual participates in and
17 successfully completes a program under such DWI court or docket
18 or other court-ordered treatment program.

19 5. If a person is not granted a suspended imposition of
20 sentence for the reasons described in subsection 4 of this
21 section:

22 (1) If the individual operated the vehicle with
23 fifteen-hundredths to twenty-hundredths of one percent by weight
24 of alcohol in such person's blood, the required term of
25 imprisonment shall be not less than forty-eight hours;

26 (2) If the individual operated the vehicle with greater than
27 twenty-hundredths of one percent by weight of alcohol in such
28 person's blood, the required term of imprisonment shall be not

1 less than five days.

2 6. If a person is found guilty of a second or subsequent
3 offense of driving with an excessive blood alcohol content, the
4 court may order the person to submit to a period of continuous
5 alcohol monitoring or verifiable breath alcohol testing performed
6 a minimum of four times per day as a condition of probation.

7 7. A person found guilty of driving with excessive blood
8 alcohol content:

9 (1) As a prior offender, persistent offender, aggravated
10 offender, chronic offender or habitual offender shall not be
11 granted a suspended imposition of sentence or be sentenced to pay
12 a fine in lieu of a term of imprisonment, section 557.011 to the
13 contrary notwithstanding;

14 (2) As a prior offender shall not be granted parole or
15 probation until he or she has served a minimum of ten days
16 imprisonment:

17 (a) Unless as a condition of such parole or probation such
18 person performs at least thirty days of community service under
19 the supervision of the court in those jurisdictions which have a
20 recognized program for community service; or

21 (b) The offender participates in and successfully completes
22 a program established under section 478.007 or other
23 court-ordered treatment program, if available, and as part of
24 either program, the offender performs at least thirty days of
25 community service under the supervision of the court;

26 (3) As a persistent offender shall not be granted parole or
27 probation until he or she has served a minimum of thirty days
28 imprisonment:

1 (a) Unless as a condition of such parole or probation such
2 person performs at least sixty days of community service under
3 the supervision of the court in those jurisdictions which have a
4 recognized program for community service; or

5 (b) The offender participates in and successfully completes
6 a program established under section 478.007 or other
7 court-ordered treatment program, if available, and as part of
8 either program, the offender performs at least sixty days of
9 community service under the supervision of the court;

10 (4) As an aggravated offender shall not be eligible for
11 parole or probation until he or she has served a minimum of sixty
12 days imprisonment;

13 (5) As a chronic or habitual offender shall not be eligible
14 for parole or probation until he or she has served a minimum of
15 two years imprisonment; and

16 (6) Any probation or parole granted under this subsection
17 may include a period of continuous alcohol monitoring or
18 verifiable breath alcohol testing performed a minimum of four
19 times per day.

20 577.013. 1. A person commits the offense of boating while
21 intoxicated if he or she operates a vessel while in an
22 intoxicated condition.

23 2. The offense of boating while intoxicated is:

24 (1) A class B misdemeanor;

25 (2) A class A misdemeanor if:

26 (a) The defendant is a prior boating offender; or

27 (b) A person less than seventeen years of age is present in
28 the vessel;

1 (3) A class E felony if:

2 (a) The defendant is a persistent boating offender; or

3 (b) While boating while intoxicated, the defendant acts

4 with criminal negligence to cause physical injury to another

5 person;

6 (4) A class D felony if:

7 (a) The defendant is an aggravated boating offender;

8 (b) While boating while intoxicated, the defendant acts

9 with criminal negligence to cause physical injury to a law

10 enforcement officer or emergency personnel; or

11 (c) While boating while intoxicated, the defendant acts

12 with criminal negligence to cause serious physical injury to

13 another person;

14 (5) A class C felony if:

15 (a) The defendant is a chronic boating offender;

16 (b) While boating while intoxicated, the defendant acts

17 with criminal negligence to cause serious physical injury to a

18 law enforcement officer or emergency personnel; or

19 (c) While boating while intoxicated, the defendant acts

20 with criminal negligence to cause the death of another person;

21 (6) A class B felony if:

22 (a) The defendant is a habitual boating offender; or

23 (b) While boating while intoxicated, the defendant acts

24 with criminal negligence to cause the death of a law enforcement

25 officer or emergency personnel;

26 (7) A class A felony if the defendant is a habitual

27 offender as a result of being found guilty of an act described

28 under paragraph (d) of subdivision (12) of section 577.001 and is

1 found guilty of a subsequent violation of such paragraph.

2 3. Notwithstanding the provisions of subsection 2 of this
3 section, a person found guilty of the offense of boating while
4 intoxicated as a first offense shall not be granted a suspended
5 imposition of sentence:

6 (1) Unless such person shall be placed on probation for a
7 minimum of two years; or

8 (2) In a circuit where a DWI court or docket created under
9 section 478.007 or other court-ordered treatment program is
10 available, and where the offense was committed with
11 fifteen-hundredths of one percent or more by weight of alcohol in
12 such person's blood, unless the individual participates in and
13 successfully completes a program under such DWI court or docket
14 or other court-ordered treatment program.

15 4. If a person is found guilty of a second or subsequent
16 offense of boating while intoxicated, the court may order the
17 person to submit to a period of continuous alcohol monitoring or
18 verifiable breath alcohol testing performed a minimum of four
19 times per day as a condition of probation.

20 5. If a person is not granted a suspended imposition of
21 sentence for the reasons described in subsection 3 of this
22 section:

23 (1) If the individual operated the vessel with
24 fifteen-hundredths to twenty-hundredths of one percent by weight
25 of alcohol in such person's blood, the required term of
26 imprisonment shall be not less than forty-eight hours;

27 (2) If the individual operated the vessel with greater than
28 twenty-hundredths of one percent by weight of alcohol in such

1 person's blood, the required term of imprisonment shall be not
2 less than five days.

3 6. A person found guilty of the offense of boating while
4 intoxicated:

5 (1) As a prior boating offender, persistent boating
6 offender, aggravated boating offender, chronic boating offender
7 or habitual boating offender shall not be granted a suspended
8 imposition of sentence or be sentenced to pay a fine in lieu of a
9 term of imprisonment, section 557.011 to the contrary
10 notwithstanding;

11 (2) As a prior boating offender shall not be granted parole
12 or probation until he or she has served a minimum of ten days
13 imprisonment:

14 (a) Unless as a condition of such parole or probation such
15 person performs at least two hundred forty hours of community
16 service under the supervision of the court in those jurisdictions
17 which have a recognized program for community service; or

18 (b) The offender participates in and successfully completes
19 a program established under section 478.007 or other
20 court-ordered treatment program, if available;

21 (3) As a persistent offender shall not be eligible for
22 parole or probation until he or she has served a minimum of
23 thirty days imprisonment:

24 (a) Unless as a condition of such parole or probation such
25 person performs at least four hundred eighty hours of community
26 service under the supervision of the court in those jurisdictions
27 which have a recognized program for community service; or

28 (b) The offender participates in and successfully completes

1 a program established under section 478.007 or other
2 court-ordered treatment program, if available;

3 (4) As an aggravated boating offender shall not be eligible
4 for parole or probation until he or she has served a minimum of
5 sixty days imprisonment;

6 (5) As a chronic or habitual boating offender shall not be
7 eligible for parole or probation until he or she has served a
8 minimum of two years imprisonment; and

9 (6) Any probation or parole granted under this subsection
10 may include a period of continuous alcohol monitoring or
11 verifiable breath alcohol testing performed a minimum of four
12 times per day.

13 577.014. 1. A person commits the offense of boating with
14 excessive blood alcohol content if he or she operates a vessel
15 while having eight-hundredths of one percent or more by weight of
16 alcohol in his or her blood.

17 2. As used in this section, percent by weight of alcohol in
18 the blood shall be based upon grams of alcohol per one hundred
19 milliliters of blood or two hundred ten liters of breath and may
20 be shown by chemical analysis of the person's blood, breath,
21 saliva or urine. For the purposes of determining the alcoholic
22 content of a person's blood under this section, the test shall be
23 conducted in accordance with the provisions of sections 577.020
24 to 577.041.

25 3. The offense of boating with excessive blood alcohol
26 content is:

27 (1) A class B misdemeanor;

28 (2) A class A misdemeanor if the defendant is alleged and

1 proved to be a prior boating offender;

2 (3) A class E felony if the defendant is alleged and proved
3 to be a persistent boating offender;

4 (4) A class D felony if the defendant is alleged and proved
5 to be an aggravated boating offender;

6 (5) A class C felony if the defendant is alleged and proved
7 to be a chronic boating offender;

8 (6) A class B felony if the defendant is alleged and proved
9 to be a habitual boating offender.

10 4. A person found guilty of the offense of boating with
11 excessive blood alcohol content as a first offense shall not be
12 granted a suspended imposition of sentence:

13 (1) Unless such person shall be placed on probation for a
14 minimum of two years; or

15 (2) In a circuit where a DWI court or docket created under
16 section 478.007 or other court-ordered treatment program is
17 available, and where the offense was committed with
18 fifteen-hundredths of one percent or more by weight of alcohol in
19 such person's blood unless the individual participates in and
20 successfully completes a program under such DWI court or docket
21 or other court-ordered treatment program.

22 5. When a person is not granted a suspended imposition of
23 sentence for the reasons described in subsection 4 of this
24 section:

25 (1) If the individual operated the vessel with
26 fifteen-hundredths to twenty-hundredths of one percent by weight
27 of alcohol in such person's blood, the required term of
28 imprisonment shall be not less than forty-eight hours;

1 (2) If the individual operated the vessel with greater than
2 twenty-hundredths of one percent by weight of alcohol in such
3 person's blood, the required term of imprisonment shall be not
4 less than five days.

5 6. If a person is found guilty of a second or subsequent
6 offense of boating with an excessive blood alcohol content, the
7 court may order the person to submit to a period of continuous
8 alcohol monitoring or verifiable breath alcohol testing performed
9 a minimum of four times per day as a condition of probation.

10 7. A person found guilty of the offense of boating with
11 excessive blood alcohol content:

12 (1) As a prior boating offender, persistent boating
13 offender, aggravated boating offender, chronic boating offender
14 or habitual boating offender shall not be granted a suspended
15 imposition of sentence or be sentenced to pay a fine in lieu of a
16 term of imprisonment, section 557.011 to the contrary
17 notwithstanding;

18 (2) As a prior boating offender, shall not be granted
19 parole or probation until he or she has served a minimum of ten
20 days imprisonment:

21 (a) Unless as a condition of such parole or probation such
22 person performs at least two hundred forty hours of community
23 service under the supervision of the court in those jurisdictions
24 which have a recognized program for community service; or

25 (b) The offender participates in and successfully completes
26 a program established under section 478.007 or other
27 court-ordered treatment program, if available;

28 (3) As a persistent boating offender, shall not be granted

1 parole or probation until he or she has served a minimum of
2 thirty days imprisonment:

3 (a) Unless as a condition of such parole or probation such
4 person performs at least four hundred eighty hours of community
5 service under the supervision of the court in those jurisdictions
6 which have a recognized program for community service; or

7 (b) The offender participates in and successfully completes
8 a program established under section 478.007 or other
9 court-ordered treatment program, if available;

10 (4) As an aggravated boating offender, shall not be
11 eligible for parole or probation until he or she has served a
12 minimum of sixty days imprisonment;

13 (5) As a chronic or habitual boating offender, shall not be
14 eligible for parole or probation until he or she has served a
15 minimum of two years imprisonment; and

16 (6) Any probation or parole granted under this subsection
17 may include a period of continuous alcohol monitoring or
18 verifiable breath alcohol testing performed a minimum of four
19 times per day.

20 577.037. 1. Upon the trial of any person for any criminal
21 offense or violations of county or municipal ordinances, or in
22 any license suspension or revocation proceeding pursuant to the
23 provisions of chapter 302, arising out of acts alleged to have
24 been committed by any person while operating a vehicle, vessel,
25 or aircraft, or acting as a flight crew member of any aircraft,
26 while in an intoxicated condition or with an excessive blood
27 alcohol content, the amount of alcohol in the person's blood at
28 the time of the act, as shown by any chemical analysis of the

1 person's blood, breath, saliva, or urine, is admissible in
2 evidence and the provisions of subdivision (5) of section 491.060
3 shall not prevent the admissibility or introduction of such
4 evidence if otherwise admissible.

5 2. If a chemical analysis of the defendant's breath, blood,
6 saliva, or urine demonstrates there was eight-hundredths of one
7 percent or more by weight of alcohol in the person's blood, this
8 shall be prima facie evidence that the person was intoxicated at
9 the time the specimen was taken. If a chemical analysis of the
10 defendant's breath, blood, saliva, or urine demonstrates that
11 there was less than eight-hundredths of one percent of alcohol in
12 the defendant's blood, any charge alleging a criminal offense
13 related to the operation of a vehicle, vessel, or aircraft while
14 in an intoxicated condition [or with an excessive blood alcohol
15 content] shall be dismissed with prejudice unless one or more of
16 the following considerations cause the court to find a dismissal
17 unwarranted:

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

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

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

28 3. Percent by weight of alcohol in the blood shall be based

1 upon grams of alcohol per one hundred milliliters of blood or
2 grams of alcohol per two hundred ten liters of breath.

3 4. The foregoing provisions of this section shall not be
4 construed as limiting the introduction of any other competent
5 evidence bearing upon the question of whether the person was
6 intoxicated.

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

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

27 (1) 0.10%;

28 (2) 0.08%; or

1 (3) 0.04%;

2
3 and otherwise was in accordance with methods and standards
4 approved by the state department of health and senior services.
5 This provision is a procedural rule and applies to all actions in
6 progress whether commenced before or after the effective date of
7 this act. Such chemical breath analysis shall be admissible in
8 all proceedings after the effective date of this act even if the
9 offense occurred before the effective date of this act.

10 7. It is the intent of the legislature to reverse, overturn
11 and abrogate earlier case law interpretations related to the
12 admissibility of chemical breath analyses to include, but not be
13 limited to, holdings in Stiers v. Dir. of Revenue, No. SC4840
14 (Mo. Jan. 12, 2016); and Stiers v. Dir. of Revenue, ED 101407,
15 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

16 577.037. 1. Upon the trial of any person for violation of
17 any of the provisions of section 565.024, or section 565.060, or
18 section 577.010 or 577.012, or upon the trial of any criminal
19 action or violations of county or municipal ordinances or in any
20 license suspension or revocation proceeding pursuant to the
21 provisions of chapter 302 arising out of acts alleged to have
22 been committed by any person while driving a motor vehicle while
23 in an intoxicated condition, the amount of alcohol in the
24 person's blood at the time of the act alleged as shown by any
25 chemical analysis of the person's blood, breath, saliva or urine
26 is admissible in evidence and the provisions of subdivision (5)
27 of section 491.060 shall not prevent the admissibility or
28 introduction of such evidence if otherwise admissible. If there

1 was eight-hundredths of one percent or more by weight of alcohol
2 in the person's blood, this shall be prima facie evidence that
3 the person was intoxicated at the time the specimen was taken.

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

7 3. The foregoing provisions of this section shall not be
8 construed as limiting the introduction of any other competent
9 evidence bearing upon the question whether the person was
10 intoxicated.

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

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

28 (1) There is evidence that the chemical analysis is

1 unreliable as evidence of the defendant's intoxication at the
2 time of the alleged violation due to the lapse of time between
3 the alleged violation and the obtaining of the specimen;

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

7 (3) There is substantial evidence of intoxication from
8 physical observations of witnesses or admissions of the
9 defendant.

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

24 (1) 0.10%;

25 (2) 0.08%; or

26 (3) 0.04%;

27
28 and otherwise was in accordance with methods and standards

1 approved by the state department of health and senior services.
2 This provision is a procedural rule and applies to all actions in
3 progress whether commenced before or after the effective date of
4 this act. Such chemical breath analysis shall be admissible in
5 all proceedings after the effective date of this act even if the
6 offense occurred before the effective date of this act.

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

13 577.060. 1. A person commits the offense of leaving the
14 scene of an accident when:

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

18 (2) Having knowledge of such accident he or she leaves the
19 place of the injury, damage or accident without stopping and
20 giving the following information to the other party or to a law
21 enforcement officer, or if no law enforcement officer is in the
22 vicinity, then to the nearest law enforcement agency:

23 (a) His or her name;

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

25 (c) The registration or license number for his or her
26 vehicle or vessel; and

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

28 2. For the purposes of this section, all law enforcement

1 officers shall have jurisdiction, when invited by an injured
2 person, to enter the premises of any privately owned property for
3 the purpose of investigating an accident and performing all
4 necessary duties regarding such accident.

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

6 (1) A class A misdemeanor; [or]

7 (2) A class E felony if:

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

9 (b) Damage in excess of one thousand dollars was caused to
10 the property of another person; or

11 (c) The defendant has previously been found guilty of any
12 offense in violation of this section; committed in another
13 jurisdiction which, if committed in this state, would be a
14 violation of an offense [in] of this section; or

15 (3) A class D felony if a death has occurred as a result of
16 the accident.

17 4. A law enforcement officer who investigates or receives
18 information of an accident involving an all-terrain vehicle and
19 also involving the loss of life or serious physical injury shall
20 make a written report of the investigation or information
21 received and such additional facts relating to the accident as
22 may come to his or her knowledge, mail the information to the
23 department of public safety, and keep a record thereof in his or
24 her office.

25 5. The provisions of this section shall not apply to the
26 operation of all-terrain vehicles when property damage is
27 sustained in sanctioned all-terrain vehicle races, derbies and
28 rallies.

1 577.060. 1. A person commits the crime of leaving the
2 scene of a motor vehicle accident when being the operator or
3 driver of a vehicle on the highway or on any publicly or
4 privately owned parking lot or parking facility generally open
5 for use by the public and knowing that an injury has been caused
6 to a person or damage has been caused to property, due to his
7 culpability or to accident, he leaves the place of the injury,
8 damage or accident without stopping and giving his name,
9 residence, including city and street number, motor vehicle number
10 and driver's license number, if any, to the injured party or to a
11 police officer, or if no police officer is in the vicinity, then
12 to the nearest police station or judicial officer.

13 2. For the purposes of this section, all peace officers
14 shall have jurisdiction, when invited by an injured person, to
15 enter the premises of any privately owned parking lot or parking
16 facility for the purpose of investigating an accident and
17 performing all necessary duties regarding such accident.

18 3. Leaving the scene of a motor vehicle accident is a class
19 A misdemeanor, except that it shall be:

20 (1) A class D felony if the accident resulted in:

21 [(1)] (a) Physical injury to another party; [or]

22 [(2)] (b) Property damage in excess of one thousand
23 dollars; or

24 [(3)] (c) If the defendant has previously pled guilty to or
25 been found guilty of a violation of this section; or

26 (2) A class C felony if a death has occurred as a result of
27 the accident.

28 577.685. 1. An illegal alien commits the offense of

1 illegal reentry if he or she has been removed from the United
2 States for any of the reasons listed under 8 U.S.C. Section
3 1326(b) and thereafter:

4 (1) Enters this state and commits a misdemeanor offense of
5 assault or domestic assault under chapter 565 or any felony
6 offense; or

7 (2) Commits an offense in any other state that would be
8 considered a misdemeanor offense of assault or domestic assault
9 under chapter 565 or a felony offense under the laws of this
10 state, and thereafter enters this state.

11 2. The offense of illegal reentry is a class C felony.

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

16 578.005. As used in sections 578.005 to 578.023, the
17 following terms shall mean:

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

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

25 (3)] "Animal", every living vertebrate except a human
26 being;

27 [(4)] (3) "Animal shelter", a facility which is used to
28 house or contain animals and which is owned, operated, or

1 maintained by a duly incorporated humane society, animal welfare
2 society, society for the prevention of cruelty to animals, or
3 other not-for-profit organization devoted to the welfare,
4 protection, and humane treatment of animals;

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

8 [(6)] (5) "Farm animal professional", any individual
9 employed at a location where farm animals are harbored;

10 [(7)] (6) "Harbor", to feed or shelter an animal at the
11 same location for three or more consecutive days;

12 [(8)] (7) "Humane killing", the destruction of an animal
13 accomplished by a method approved by the American Veterinary
14 Medical Association's Panel on Euthanasia (JAVMA 173: 59-72,
15 1978); or more recent editions, but animals killed during the
16 feeding of pet carnivores shall be considered humanely killed;

17 [(9)] (8) "Owner", in addition to its ordinary meaning, any
18 person who keeps or harbors an animal or professes to be owning,
19 keeping, or harboring an animal;

20 [(10)] (9) "Person", any individual, partnership, firm,
21 joint stock company, corporation, association, trust, estate, or
22 other legal entity;

23 [(11)] (10) "Pests", birds, rabbits, or rodents which
24 damage property or have an adverse effect on the public health,
25 but shall not include any endangered species listed by the United
26 States Department of the Interior nor any endangered species
27 listed in the Wildlife Code of Missouri.

28 578.007. The provisions of section 574.130, sections

1 578.005 to 578.023 and section 578.040 shall not apply to:

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

4 (2) Bona fide scientific experiments;

5 (3) Hunting, fishing, or trapping as allowed by chapter
6 252, including all practices and privileges as allowed under the
7 Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks
9 currently in compliance with the federal "Animal Welfare Act" as
10 amended;

11 (5) Rodeo practices currently accepted by the Professional
12 Rodeo Cowboy's Association;

13 (6) The killing of an animal by the owner thereof, the
14 agent of such owner, or by a veterinarian at the request of the
15 owner thereof;

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

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

21 (9) The killing of an animal by any person at any time if
22 such animal is outside of the owned or rented property of the
23 owner or custodian of such animal and the animal is injuring any
24 person or farm animal but this exemption shall not include
25 **[police or guard dogs]** the killing or injuring of a law
26 enforcement officer dog while working;

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

28 (11) Field trials, training and hunting practices as

1 accepted by the Professional Houndsmen of Missouri.

2 578.022. Any dog that is owned, or the service of which is
3 employed, by a law enforcement agency and that bites or injures
4 another animal or human in the course of their official duties is
5 exempt from the provisions of sections 273.033 [and], 273.036,
6 578.012, and section 578.024.

7 [578.011.] 578.040. 1. For purposes of this section, the
8 following terms shall mean:

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

12 (2) "Animal", any living vertebrate except a human being or
13 livestock as the term "livestock" is defined under section
14 265.300.

15 2. A person [is guilty] commits the offense of animal or
16 livestock trespass if a person:

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

21 (2) Having ownership or custody of livestock as the term
22 "livestock" is defined under section 265.300 knowingly fails to
23 provide adequate control of the livestock for a period of twelve
24 hours or more and the livestock trespasses onto another person's
25 property.

26 [2.] 3. The offense of animal or livestock trespass is an
27 infraction [upon first conviction and for each offense punishable
28 by a fine not to exceed two hundred dollars, and], unless the

1 person has previously been found guilty of a violation of this
2 section in which case it is a class C misdemeanor [punishable by
3 imprisonment or a fine not to exceed five hundred dollars, or
4 both, upon the second and all subsequent convictions]. All fines
5 for a first [conviction of animal trespass] finding of guilt
6 under this section may be waived by the court provided that the
7 person found guilty of animal or livestock trespass shows that
8 adequate, permanent remedies for the trespass have been made.
9 [Reasonable costs incurred for the care and maintenance of
10 trespassing animals may not be waived.] This section shall not
11 apply to the provisions of section 578.007 or sections 272.010 to
12 272.370.

13 579.015. 1. A person commits the offense of possession of
14 a controlled substance if he or she knowingly possesses a
15 controlled substance, except as authorized by this chapter or
16 chapter 195.

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

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

23 4. The offense of possession of not more than ten grams of
24 marijuana or any synthetic cannabinoid is a class D misdemeanor.
25 If the defendant has previously been found guilty of any offense
26 of the laws related to controlled substances of this state, or of
27 the United States, or any state, territory, or district, the
28 offense is a class A misdemeanor. Prior findings of guilt shall

1 be pleaded and proven in the same manner as required by section
2 558.021.

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

10 589.800. 1. The department of public safety shall
11 establish a pilot program in the city not within a county that
12 addresses the rising serious violent crime rate in neighborhoods
13 located in the city not within a county. The pilot program shall
14 be known and may be referred to as the "Intervention and
15 Compliance Unit Pilot Program" or the "ICU Pilot Program".

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

18 (1) Reducing and preventing violent crime and improving
19 safety within individual neighborhoods through collaboration of
20 the metropolitan police department and representatives of the
21 community within the city not within a county;

22 (2) The development of evidence-based procedures to reduce
23 violent crime and focus on early detection of violent criminal
24 behavior;

25 (3) The creation of policies and procedures to address
26 crime recidivism;

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

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

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

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

8 (2) City prosecutors;

9 (3) Local courts;

10 (4) The department of social services;

11 (5) Local government leaders;

12 (6) Civic organizations;

13 (7) Local schools; and

14 (8) Local probation and parole offices.

15 4. There is hereby created in the state treasury the
16 "Intervention and Compliance Unit Pilot Program Fund", which
17 shall consist of all gifts, bequests, transfers, and moneys
18 appropriated by the general assembly under this section. The
19 state treasurer shall be custodian of the fund. In accordance
20 with sections 30.170 and 30.180, the state treasurer may approve
21 disbursements. The fund shall be a dedicated fund and, upon
22 appropriation, moneys in the fund shall be used solely for the
23 pilot program established under this section. Notwithstanding
24 the provisions of section 33.080, to the contrary, any moneys
25 remaining in the fund at the end of the biennium shall not revert
26 to the credit of the general revenue fund. The state treasurer
27 shall invest moneys in the fund in the same manner as other funds
28 are invested. Any interest and moneys earned on such

1 investments shall be credited to the fund.

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

15 6. Pursuant to section 23.253:

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

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

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

26 595.226. 1. After August 28, 2007, any information
27 contained in any court record, whether written or published on
28 the internet, including any visual or aural recordings that could

1 be used to identify or locate any victim of an offense under
2 chapter 566 or a victim of domestic assault or stalking shall be
3 closed and redacted from such record prior to disclosure to the
4 public. Identifying information shall include the name, home or
5 temporary address, telephone number, Social Security number,
6 place of employment, or physical characteristics, including an
7 unobstructed visual image of the victim's face or body.

8 2. If the court determines that a person or entity who is
9 requesting identifying information of a victim has a legitimate
10 interest in obtaining such information, the court may allow
11 access to the information, but only if the court determines that
12 disclosure to the person or entity would not compromise the
13 welfare or safety of such victim, and only after providing
14 reasonable notice to the victim and after allowing the victim the
15 right to respond to such request.

16 3. Notwithstanding the provisions of subsection 1 of this
17 section, the judge presiding over a case under chapter 566, or a
18 case of domestic assault or stalking shall have the discretion to
19 publicly disclose identifying information regarding the defendant
20 which could be used to identify or locate the victim of the
21 crime. The victim may provide a statement to the court regarding
22 whether he or she desires such information to remain closed.
23 When making the decision to disclose such information, the judge
24 shall consider the welfare and safety of the victim and any
25 statement to the court received from the victim regarding the
26 disclosure.

27 600.042. 1. The director shall:

28 (1) Direct and supervise the work of the deputy directors

1 and other state public defender office personnel appointed
2 pursuant to this chapter; and he or she and the deputy director
3 or directors may participate in the trial and appeal of criminal
4 actions at the request of the defender;

5 (2) Submit to the commission, between August fifteenth and
6 September fifteenth of each year, a report which shall include
7 all pertinent data on the operation of the state public defender
8 system, the costs, projected needs, and recommendations for
9 statutory changes. Prior to October fifteenth of each year, the
10 commission shall submit such report along with such
11 recommendations, comments, conclusions, or other pertinent
12 information it chooses to make to the chief justice, the
13 governor, and the general assembly. Such reports shall be a
14 public record, shall be maintained in the office of the state
15 public defender, and shall be otherwise distributed as the
16 commission shall direct;

17 (3) With the approval of the commission, establish such
18 divisions, facilities and offices and select such professional,
19 technical and other personnel, including investigators, as he
20 deems reasonably necessary for the efficient operation and
21 discharge of the duties of the state public defender system under
22 this chapter;

23 (4) Administer and coordinate the operations of defender
24 services and be responsible for the overall supervision of all
25 personnel, offices, divisions and facilities of the state public
26 defender system, except that the director shall have no authority
27 to direct or control the legal defense provided by a defender to
28 any person served by the state public defender system;

1 (5) Develop programs and administer activities to achieve
2 the purposes of this chapter;

3 (6) Keep and maintain proper financial records with respect
4 to the provision of all public defender services for use in the
5 calculating of direct and indirect costs of any or all aspects of
6 the operation of the state public defender system;

7 (7) Supervise the training of all public defenders and
8 other personnel and establish such training courses as shall be
9 appropriate;

10 (8) With approval of the commission, promulgate necessary
11 rules, regulations and instructions consistent with this chapter
12 defining the organization of the state public defender system and
13 the responsibilities of division directors, district defenders,
14 deputy district defenders, assistant public defenders and other
15 personnel;

16 (9) With the approval of the commission, apply for and
17 accept on behalf of the public defender system any funds which
18 may be offered or which may become available from government
19 grants, private gifts, donations or bequests or from any other
20 source. Such moneys shall be deposited in the state general
21 revenue fund;

22 (10) Contract for legal services with private attorneys on
23 a case-by-case basis and with assigned counsel as the commission
24 deems necessary considering the needs of the area, for fees
25 approved and established by the commission;

26 (11) With the approval and on behalf of the commission,
27 contract with private attorneys for the collection and
28 enforcement of liens and other judgments owed to the state for

1 services rendered by the state public defender system;

2 (12) Prepare a plan to establish district offices, the
3 boundaries of which shall coincide with existing judicial
4 circuits. Any district office may contain more than one judicial
5 circuit within its boundaries, but in no event shall any district
6 office boundary include any geographic region of a judicial
7 circuit without including the entire judicial circuit. The
8 director shall submit the plan to the chair of the house
9 judiciary committee and the chair of the senate judiciary
10 committee, with fiscal estimates, by December 31, 2014. The plan
11 shall be implemented by December 31, ~~[2018]~~ 2021.

12 2. No rule or portion of a rule promulgated under the
13 authority of this chapter shall become effective unless it has
14 been promulgated pursuant to the provisions of section 536.024.

15 3. The director and defenders shall, within guidelines as
16 established by the commission and as set forth in subsection 4 of
17 this section, accept requests for legal services from eligible
18 persons entitled to counsel under this chapter or otherwise so
19 entitled under the constitution or laws of the United States or
20 of the state of Missouri and provide such persons with legal
21 services when, in the discretion of the director or the
22 defenders, such provision of legal services is appropriate.

23 4. The director and defenders shall provide legal services
24 to an eligible person:

25 (1) Who is detained or charged with a felony, including
26 appeals from a conviction in such a case;

27 (2) Who is detained or charged with a misdemeanor which
28 will probably result in confinement in the county jail upon

1 conviction, including appeals from a conviction in such a case,
2 unless the prosecuting or circuit attorney has waived a jail
3 sentence;

4 (3) Who is charged with a violation of probation when it
5 has been determined by a judge that the appointment of counsel is
6 necessary to protect the person's due process rights under
7 section 559.036;

8 (4) Who has been taken into custody pursuant to section
9 632.489, including appeals from a determination that the person
10 is a sexually violent predator and petitions for release,
11 notwithstanding any provisions of law to the contrary;

12 (5) For whom the federal constitution or the state
13 constitution requires the appointment of counsel; and

14 (6) Who is charged in a case in which he or she faces a
15 loss or deprivation of liberty, and in which the federal or the
16 state constitution or any law of this state requires the
17 appointment of counsel; however, the director and the defenders
18 shall not be required to provide legal services to persons
19 charged with violations of county or municipal ordinances, or
20 misdemeanor offenses except as provided in this section.

21 5. The director may:

22 (1) Delegate the legal representation of **[any]** an eligible
23 person to any member of the state bar of Missouri;

24 (2) Designate persons as representatives of the director
25 for the purpose of making indigency determinations and assigning
26 counsel.

27 600.090. 1. (1) If a person is determined to be eligible
28 for the services provided by the state public defender system and

1 if, at the time such determination is made, he is able to provide
2 a limited cash contribution toward the cost of his representation
3 without imposing a substantial hardship upon himself or his
4 dependents, such contribution shall be required as a condition of
5 his representation by the state public defender system.

6 (2) If at any time, either during or after the disposition
7 of his case, such defendant becomes financially able to meet all
8 or some part of the cost of services rendered to him, he shall be
9 required to reimburse the commission in such amounts as he can
10 reasonably pay, either by a single payment or by installments of
11 reasonable amounts, in accordance with a schedule of charges for
12 public defender services prepared by the commission.

13 (3) No difficulty or failure in the making of such payment
14 shall reduce or in any way affect the rendering of public
15 defender services to such persons.

16 2. (1) The reasonable value of the services rendered to a
17 defendant pursuant to sections 600.011 to 600.048 and 600.086 to
18 600.096 may in all cases be a lien on any and all property to
19 which the defendant shall have or acquire an interest. The
20 public defender shall effectuate such lien whenever the
21 reasonable value of the services rendered to a defendant appears
22 to exceed one hundred fifty dollars and may effectuate such lien
23 where the reasonable value of those services appears to be less
24 than one hundred fifty dollars.

25 (2) To effectuate such a lien, the public defender shall,
26 prior to the final disposition of the case or within ten days
27 thereafter, file a notice of lien setting forth the services
28 rendered to the defendant and a claim for the reasonable value of

1 such services with the clerk of the circuit court. The defendant
2 shall be personally served with a copy of such notice of lien.
3 The court shall rule on whether all or any part of the claim
4 shall be allowed. The portion of the claim approved by the court
5 as the value of defender services which has been provided to the
6 defendant shall be a judgment at law. The public defender shall
7 not be required to pay filing or recording fees for or relating
8 to such claim.

9 (3) Such judgment shall be enforceable in the name of the
10 state on behalf of the commission by the prosecuting attorney of
11 the circuit in which the judgment was entered.

12 (4) The prosecuting attorney may compromise and make
13 settlement of, or, with the concurrence of the director, forego
14 any claims for services performed for any person pursuant to this
15 chapter whenever the financial circumstances of such person are
16 such that the best interests of the state will be served by such
17 action.

18 3. The commission may contract with private attorneys for
19 the collection and enforcement of liens and other judgments owed
20 to the state for services rendered by the state public defender
21 system.

22 4. The lien created by this section shall be from the time
23 filed in the court by the defender a charge or claim against any
24 assets of the defendant; provided further that the same shall be
25 served upon the person in possession of the assets or shall be
26 recorded in the office of the recorder of deeds in the county in
27 which the person resides or in which the assets are located.

28 5. Funds collected pursuant to this section and section

1 600.093 shall be credited to the "Legal Defense and Defender
2 Fund" which is hereby created. The moneys credited to the legal
3 defense and defender fund shall be used for the purpose of
4 training public defenders, assistant public defenders, deputy
5 public defenders and other personnel pursuant to subdivision (7)
6 of subsection 1 of section 600.042, and may be used to pay for
7 expert witness fees, the costs of depositions, travel expenses
8 incurred by witnesses in case preparation and trial, expenses
9 incurred for changes of venue and for other lawful expenses as
10 authorized by the public defender commission.

11 6. The state treasurer shall be the custodian of the legal
12 defense and defender fund, moneys in the legal defense and
13 defender fund shall be deposited the same as are other state
14 funds, and any interest accruing to the legal defense and
15 defender fund shall be added to the legal defense and defender
16 fund. The legal defense and defender fund shall be subject to
17 audit, the same as other state funds and accounts, and shall be
18 protected by the general bond given by the state treasurer.

19 7. Upon the request of the director of the office of state
20 public defender, the commissioner of administration shall approve
21 disbursements from the legal defense and defender fund. The
22 legal defense and defender fund shall be funded annually by
23 appropriation, but any unexpended remaining balance in the fund
24 at the end of the appropriation period [not in excess of one
25 hundred and fifty thousand dollars] shall be exempt from the
26 provisions of section 33.080, specifically as they relate to the
27 transfer of fund balances to the general revenue, and shall be
28 the amount of the fund at the beginning of the appropriation

1 period next immediately following.

2 600.101. Any dispute between any county or city not within
3 a county and the state public defender regarding office space and
4 utility service provided or to be provided pursuant to section
5 600.040 may be submitted to the judicial finance commission
6 established pursuant to section 477.600. [The commission on
7 judicial resources established pursuant to section 476.415 shall
8 study and report its recommendations regarding provision of and
9 payment for office space for the state public defender to the
10 chairs of the judiciary committees of the senate and house of
11 representatives, the chair of the senate appropriations committee
12 and budget committee of the house of representatives.]

13 610.026. 1. Except as otherwise provided by law, each
14 public governmental body shall provide access to and, upon
15 request, furnish copies of public records subject to the
16 following:

17 (1) Fees for copying public records, except those records
18 restricted under section 32.091, shall not exceed ten cents per
19 page for a paper copy not larger than nine by fourteen inches,
20 with the hourly fee for duplicating time not to exceed the
21 average hourly rate of pay for clerical staff of the public
22 governmental body. Research time required for fulfilling records
23 requests includes time spent reviewing records to determine
24 whether requested records shall be closed or are authorized to be
25 closed, and may be charged at the actual cost of research time.
26 Based on the scope of the request, the public governmental body
27 shall produce the copies using employees of the body that result
28 in the lowest amount of charges for search, research, and

1 duplication time. Prior to producing copies of the requested
2 records, the person requesting the records may request the public
3 governmental body to provide an estimate of the cost to the
4 person requesting the records. Documents may be furnished
5 without charge or at a reduced charge when the public
6 governmental body determines that waiver or reduction of the fee
7 is in the public interest because:

8 (a) It is likely to contribute significantly to public
9 understanding of the operations or activities of the public
10 governmental body and is not primarily in the commercial interest
11 of the requester; or

12 (b) The applicable fees are minimal and should be waived
13 for administrative efficiency.

14 (2) Fees for providing access to public records maintained
15 on computer facilities, recording tapes or disks, videotapes or
16 films, pictures, maps, slides, graphics, illustrations or similar
17 audio or visual items or devices, and for paper copies larger
18 than nine by fourteen inches shall include only the cost of
19 copies, research time, staff time, which shall not exceed the
20 average hourly rate of pay for staff of the public governmental
21 body required for making copies and programming, if necessary,
22 and the cost of the disk, tape, or other medium used for the
23 duplication. Fees for maps, blueprints, or plats that require
24 special expertise to duplicate may include the actual rate of
25 compensation for the trained personnel required to duplicate such
26 maps, blueprints, or plats. If programming is required beyond
27 the customary and usual level to comply with a request for
28 records or information, the fees for compliance may include the

1 actual costs of such programming.

2 2. Payment of such copying, search, research, and
3 duplication fees may be requested prior to the making of copies
4 or production of records.

5 3. Except as otherwise provided by law, each public
6 governmental body of the state shall remit all moneys received by
7 or for it from fees charged pursuant to this section to the
8 director of revenue for deposit to the general revenue fund of
9 the state.

10 4. Except as otherwise provided by law, each public
11 governmental body of a political subdivision of the state shall
12 remit all moneys received by it or for it from fees charged
13 pursuant to sections 610.010 to 610.028 to the appropriate fiscal
14 officer of such political subdivision for deposit to the
15 governmental body's accounts.

16 5. The term "tax, license or fees" as used in Section 22 of
17 Article X of the Constitution of the State of Missouri does not
18 include copying charges and related fees that do not exceed the
19 level necessary to pay or to continue to pay the costs for
20 providing a service, program, or activity which was in existence
21 on November 4, 1980, or which was approved by a vote of the
22 people subsequent to November 4, 1980.

23 610.100. 1. As used in sections 610.100 to 610.150, the
24 following words and phrases shall mean:

25 (1) "Arrest", an actual restraint of the person of the
26 defendant, or by his or her submission to the custody of the
27 officer, under authority of a warrant or otherwise for a criminal
28 violation which results in the issuance of a summons or the

1 person being booked;

2 (2) "Arrest report", a record of a law enforcement agency
3 of an arrest and of any detention or confinement incident thereto
4 together with the charge therefor;

5 (3) "Inactive", an investigation in which no further action
6 will be taken by a law enforcement agency or officer for any of
7 the following reasons:

8 (a) A decision by the law enforcement agency not to pursue
9 the case;

10 (b) Expiration of the time to file criminal charges
11 pursuant to the applicable statute of limitations, or ten years
12 after the commission of the offense; whichever date earliest
13 occurs;

14 (c) Finality of the convictions of all persons convicted on
15 the basis of the information contained in the investigative
16 report, by exhaustion of or expiration of all rights of appeal of
17 such persons;

18 (4) "Incident report", a record of a law enforcement agency
19 consisting of the date, time, specific location, name of the
20 victim and immediate facts and circumstances surrounding the
21 initial report of a crime or incident, including any logs of
22 reported crimes, accidents and complaints maintained by that
23 agency;

24 (5) "Investigative report", a record, other than an arrest
25 or incident report, prepared by personnel of a law enforcement
26 agency, inquiring into a crime or suspected crime, either in
27 response to an incident report or in response to evidence
28 developed by law enforcement officers in the course of their

1 duties;

2 (6) "Mobile video recorder", any system or device that
3 captures visual signals that is capable of installation in a
4 vehicle or being worn or carried by personnel of a law
5 enforcement agency and that includes, at minimum, a camera and
6 recording capabilities;

7 (7) "Mobile video recording", any data captured by a mobile
8 video recorder, including audio, video, and any metadata;

9 (8) "Nonpublic location", a place where one would have a
10 reasonable expectation of privacy, including but not limited to a
11 dwelling, school, or medical facility.

12 2. Each law enforcement agency of this state, of any
13 county, and of any municipality shall maintain records of all
14 incidents reported to the agency, investigations and arrests made
15 by such law enforcement agency. All incident reports and arrest
16 reports shall be open records.

17 (1) Notwithstanding any other provision of law other than
18 the provisions of subsections 4, 5 and 6 of this section or
19 section 320.083, mobile video recordings and investigative
20 reports of all law enforcement agencies are closed records until
21 the investigation becomes inactive.

22 (2) If any person is arrested and not charged with an
23 offense against the law within thirty days of the person's
24 arrest, the arrest report shall thereafter be a closed record
25 except that the disposition portion of the record may be accessed
26 and except as provided in section 610.120.

27 (3) Except as provided in subsections 3 and 5 of this
28 section, a mobile video recording that is recorded in a nonpublic

1 location is authorized to be closed, except that any person who
2 is depicted in the recording or whose voice is in the recording,
3 a legal guardian or parent of such person if he or she is a
4 minor, a family member of such person within the first degree of
5 consanguinity if he or she is deceased or incompetent, an
6 attorney for such person, or insurer of such person, upon written
7 request, may obtain a complete, unaltered, and unedited copy
8 pursuant to this section.

9 3. Except as provided in subsections 4, 5, 6 and 7 of this
10 section, if any portion of a record or document of a law
11 enforcement officer or agency, other than an arrest report, which
12 would otherwise be open, contains information that is reasonably
13 likely to pose a clear and present danger to the safety of any
14 victim, witness, undercover officer, or other person; or
15 jeopardize a criminal investigation, including records which
16 would disclose the identity of a source wishing to remain
17 confidential or a suspect not in custody; or which would disclose
18 techniques, procedures or guidelines for law enforcement
19 investigations or prosecutions, that portion of the record shall
20 be closed and shall be redacted from any record made available
21 pursuant to this chapter.

22 4. Any person, including a legal guardian or parent of such
23 person if he or she is a minor, family member of such person
24 within the first degree of consanguinity if such person is
25 deceased or incompetent, attorney for a person, or insurer of a
26 person involved in any incident or whose property is involved in
27 an incident, may obtain any records closed pursuant to this
28 section or section 610.150 for purposes of investigation of any

1 civil claim or defense, as provided by this subsection. Any
2 individual, legal guardian or parent of such person if he or she
3 is a minor, his or her family member within the first degree of
4 consanguinity if such individual is deceased or incompetent, his
5 or her attorney or insurer, involved in an incident or whose
6 property is involved in an incident, upon written request, may
7 obtain a complete unaltered and unedited incident report
8 concerning the incident, and may obtain access to other records
9 closed by a law enforcement agency pursuant to this section.
10 Within thirty days of such request, the agency shall provide the
11 requested material or file a motion pursuant to this subsection
12 with the circuit court having jurisdiction over the law
13 enforcement agency stating that the safety of the victim, witness
14 or other individual cannot be reasonably ensured, or that a
15 criminal investigation is likely to be jeopardized. If, based on
16 such motion, the court finds for the law enforcement agency, the
17 court shall either order the record closed or order such portion
18 of the record that should be closed to be redacted from any
19 record made available pursuant to this subsection.

20 5. Any person may bring an action pursuant to this section
21 in the circuit court having jurisdiction to authorize disclosure
22 of a mobile video recording or the information contained in an
23 investigative report of any law enforcement agency, which would
24 otherwise be closed pursuant to this section. The court may
25 order that all or part of a mobile video recording or the
26 information contained in an investigative report be released to
27 the person bringing the action.

28 (1) In making the determination as to whether information

1 contained in an investigative report shall be disclosed, the
2 court shall consider whether the benefit to the person bringing
3 the action or to the public outweighs any harm to the public, to
4 the law enforcement agency or any of its officers, or to any
5 person identified in the investigative report in regard to the
6 need for law enforcement agencies to effectively investigate and
7 prosecute criminal activity.

8 (2) In making the determination as to whether a mobile
9 video recording shall be disclosed, the court shall consider:

10 (a) Whether the benefit to the person bringing the action
11 or to the public outweighs any harm to the public, to the law
12 enforcement agency or any of its officers, or to any person
13 identified in the mobile video recording in regard to the need
14 for law enforcement agencies to effectively investigate and
15 prosecute criminal activity;

16 (b) Whether the mobile video recording contains information
17 that is reasonably likely to disclose private matters in which
18 the public has no legitimate concern;

19 (c) Whether the mobile video recording is reasonably likely
20 to bring shame or humiliation to a person of ordinary
21 sensibilities; and

22 (d) Whether the mobile video recording was taken in a place
23 where a person recorded or depicted has a reasonable expectation
24 of privacy.

25 (3) The mobile video recording or investigative report in
26 question may be examined by the court in camera.

27 (4) If the disclosure is authorized in whole or in part,
28 the court may make any order that justice requires, including one

1 or more of the following:

2 (a) That the mobile video recording or investigative report
3 may be disclosed only on specified terms and conditions,
4 including a designation of the time or place;

5 (b) That the mobile video recording or investigative report
6 may be had only by a method of disclosure other than that
7 selected by the party seeking such disclosure;

8 (c) That the scope of the request be limited to certain
9 matters;

10 (d) That the disclosure occur with no one present except
11 persons designated by the court;

12 (e) That the mobile video recording or investigative report
13 be redacted to exclude, for example, personally identifiable
14 features or other sensitive information;

15 (f) That a trade secret or other confidential research,
16 development, or commercial information not be disclosed or be
17 disclosed only in a designated way.

18 (5) The court may find that the party seeking disclosure of
19 mobile video recording or the investigative report shall bear the
20 reasonable and necessary costs and attorneys' fees of both
21 parties, unless the court finds that the decision of the law
22 enforcement agency not to open the mobile video recording or
23 investigative report was substantially unjustified under all
24 relevant circumstances, and in that event, the court may assess
25 such reasonable and necessary costs and attorneys' fees to the
26 law enforcement agency.

27 6. Any person may apply pursuant to this subsection to the
28 circuit court having jurisdiction for an order requiring a law

1 enforcement agency to open incident reports and arrest reports
2 being unlawfully closed pursuant to this section. If the court
3 finds by a preponderance of the evidence that the law enforcement
4 officer or agency has knowingly violated this section, the
5 officer or agency shall be subject to a civil penalty in an
6 amount up to one thousand dollars. If the court finds that there
7 is a knowing violation of this section, the court may order
8 payment by such officer or agency of all costs and attorneys'
9 fees, as provided by section 610.027. If the court finds by a
10 preponderance of the evidence that the law enforcement officer or
11 agency has purposely violated this section, the officer or agency
12 shall be subject to a civil penalty in an amount up to five
13 thousand dollars and the court shall order payment by such
14 officer or agency of all costs and attorney fees, as provided in
15 section 610.027. The court shall determine the amount of the
16 penalty by taking into account the size of the jurisdiction, the
17 seriousness of the offense, and whether the law enforcement
18 officer or agency has violated this section previously.

19 7. The victim of an offense as provided in chapter 566 may
20 request that his or her identity be kept confidential until a
21 charge relating to such incident is filed.

22 8. Any person who requests and receives a mobile video
23 recording that was recorded in a nonpublic location pursuant to
24 this section is prohibited from displaying or disclosing the
25 mobile video recording, including any description or account of
26 any or all of the mobile video recording, without first providing
27 direct third party notice to each non law enforcement agency
28 individual whose image or sound is contained in the recording and

1 affording each person whose image or sound is contained in the
2 mobile video recording no less than ten days to file and serve an
3 action seeking an order from a court of competent jurisdiction to
4 enjoin all or some of the intended display, disclosure,
5 description, or account of recording. Any person who fails to
6 comply with the provisions of this subsection is subject to
7 damages in a civil action.

8 632.520. 1. For purposes of this section, the following
9 terms mean:

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

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

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

26 2. No offender shall knowingly commit violence to an
27 employee of the department of mental health or to another
28 offender housed in a secure facility. Violation of this

1 subsection shall be a class B felony.

2 3. No offender shall knowingly damage any building or other
3 property owned or operated by the department of mental health.
4 Violation of this subsection shall be a class **[C]** D felony.

5 650.055. 1. Every individual who:

6 (1) Is found guilty of a felony or any offense under
7 chapter 566; or

8 (2) Is seventeen years of age or older and arrested for
9 **[burglary in the first degree under section 569.160, or burglary**
10 **in the second degree under section 569.170, or]** a felony offense
11 **[under chapter 565, 566, 567, 568, or 573];** or

12 (3) Has been determined to be a sexually violent predator
13 pursuant to sections 632.480 to 632.513; or

14 (4) Is an individual required to register as a sexual
15 offender under sections 589.400 to 589.425; shall have a
16 fingerprint and blood or scientifically accepted biological
17 sample collected for purposes of DNA profiling analysis.

18 2. Any individual subject to DNA collection and profiling
19 analysis under this section shall provide a DNA sample:

20 (1) Upon booking at a county jail or detention facility; or

21 (2) Upon entering or before release from the department of
22 corrections reception and diagnostic centers; or

23 (3) Upon entering or before release from a county jail or
24 detention facility, state correctional facility, or any other
25 detention facility or institution, whether operated by a private,
26 local, or state agency, or any mental health facility if
27 committed as a sexually violent predator pursuant to sections
28 632.480 to 632.513; or

1 (4) When the state accepts a person from another state
2 under any interstate compact, or under any other reciprocal
3 agreement with any county, state, or federal agency, or any other
4 provision of law, whether or not the person is confined or
5 released, the acceptance is conditional on the person providing a
6 DNA sample if the person was found guilty of a felony offense in
7 any other jurisdiction; or

8 (5) If such individual is under the jurisdiction of the
9 department of corrections. Such jurisdiction includes persons
10 currently incarcerated, persons on probation, as defined in
11 section 217.650, and on parole, as also defined in section
12 217.650; or

13 (6) At the time of registering as a sex offender under
14 sections 589.400 to 589.425.

15 3. The Missouri state highway patrol and department of
16 corrections shall be responsible for ensuring adherence to the
17 law. Any person required to provide a DNA sample pursuant to
18 this section shall be required to provide such sample, without
19 the right of refusal, at a collection site designated by the
20 Missouri state highway patrol and the department of corrections.
21 Authorized personnel collecting or assisting in the collection of
22 samples shall not be liable in any civil or criminal action when
23 the act is performed in a reasonable manner. Such force may be
24 used as necessary to the effectual carrying out and application
25 of such processes and operations. The enforcement of these
26 provisions by the authorities in charge of state correctional
27 institutions and others having custody or jurisdiction over
28 individuals included in subsection 1 of this section which shall

1 not be set aside or reversed is hereby made mandatory. The board
2 of probation or parole shall recommend that an individual on
3 probation or parole who refuses to provide a DNA sample have his
4 or her probation or parole revoked. In the event that a person's
5 DNA sample is not adequate for any reason, the person shall
6 provide another sample for analysis.

7 4. The procedure and rules for the collection, analysis,
8 storage, expungement, use of DNA database records and privacy
9 concerns shall not conflict with procedures and rules applicable
10 to the Missouri DNA profiling system and the Federal Bureau of
11 Investigation's DNA databank system.

12 5. Unauthorized use or dissemination of individually
13 identifiable DNA information in a database for purposes other
14 than criminal justice or law enforcement is a class A
15 misdemeanor.

16 6. Implementation of sections 650.050 to 650.100 shall be
17 subject to future appropriations to keep Missouri's DNA system
18 compatible with the Federal Bureau of Investigation's DNA
19 databank system.

20 7. All DNA records and biological materials retained in the
21 DNA profiling system are considered closed records pursuant to
22 chapter 610. All records containing any information held or
23 maintained by any person or by any agency, department, or
24 political subdivision of the state concerning an individual's DNA
25 profile shall be strictly confidential and shall not be
26 disclosed, except to:

27 (1) Peace officers, as defined in section 590.010, and
28 other employees of law enforcement agencies who need to obtain

1 such records to perform their public duties;

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

4 (3) Prosecuting attorneys or circuit attorneys as defined
5 in chapter 56, and their employees who need to obtain such
6 records to perform their public duties;

7 (4) The individual whose DNA sample has been collected, or
8 his or her attorney; or

9 (5) Associate circuit judges, circuit judges, judges of the
10 courts of appeals, supreme court judges, and their employees who
11 need to obtain such records to perform their public duties.

12 8. Any person who obtains records pursuant to the
13 provisions of this section shall use such records only for
14 investigative and prosecutorial purposes, including but not
15 limited to use at any criminal trial, hearing, or proceeding; or
16 for law enforcement identification purposes, including
17 identification of human remains. Such records shall be
18 considered strictly confidential and shall only be released as
19 authorized by this section.

20 9. An individual may request expungement of his or her DNA
21 sample and DNA profile through the court issuing the reversal or
22 dismissal. A certified copy of the court order establishing that
23 such conviction has been reversed or guilty plea has been set
24 aside shall be sent to the Missouri state highway patrol crime
25 laboratory. Upon receipt of the court order, the laboratory will
26 determine that the requesting individual has no other qualifying
27 offense as a result of any separate plea or conviction and no
28 other qualifying arrest prior to expungement.

1 (1) A person whose DNA record or DNA profile has been
2 included in the state DNA database in accordance with this
3 section and sections 650.050, 650.052, and 650.100 may request
4 expungement on the grounds that the conviction has been reversed,
5 or the guilty plea on which the authority for including that
6 person's DNA record or DNA profile was based has been set aside.

7 (2) Upon receipt of a written request for expungement, a
8 certified copy of the final court order reversing the conviction
9 or setting aside the plea and any other information necessary to
10 ascertain the validity of the request, the Missouri state highway
11 patrol crime laboratory shall expunge all DNA records and
12 identifiable information in the state DNA database pertaining to
13 the person and destroy the DNA sample of the person, unless the
14 Missouri state highway patrol determines that the person is
15 otherwise obligated to submit a DNA sample. Within thirty days
16 after the receipt of the court order, the Missouri state highway
17 patrol shall notify the individual that it has expunged his or
18 her DNA sample and DNA profile, or the basis for its
19 determination that the person is otherwise obligated to submit a
20 DNA sample.

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

25 (4) Any identification, warrant, arrest, or evidentiary use
26 of a DNA match derived from the database shall not be excluded or
27 suppressed from evidence, nor shall any conviction be invalidated
28 or reversed or plea set aside due to the failure to expunge or a

1 delay in expunging DNA records.

2 10. When a DNA sample is taken from an individual pursuant
3 to subdivision (2) of subsection 1 of this section and the
4 prosecutor declines prosecution and notifies the arresting agency
5 of that decision, the arresting agency shall notify the Missouri
6 state highway patrol crime laboratory within ninety days of
7 receiving such notification. Within thirty days of being
8 notified by the arresting agency that the prosecutor has declined
9 prosecution, the Missouri state highway patrol crime laboratory
10 shall determine whether the individual has any other qualifying
11 offenses or arrests that would require a DNA sample to be taken
12 and retained. If the individual has no other qualifying offenses
13 or arrests, the crime laboratory shall expunge all DNA records in
14 the database taken at the arrest for which the prosecution was
15 declined pertaining to the person and destroy the DNA sample of
16 such person.

17 11. When a DNA sample is taken of an arrestee for any
18 offense listed under subsection 1 of this section and charges are
19 filed:

20 (1) If the charges are later withdrawn, the prosecutor
21 shall notify the state highway patrol crime laboratory that such
22 charges have been withdrawn;

23 (2) If the case is dismissed, the court shall notify the
24 state highway patrol crime laboratory of such dismissal;

25 (3) If the court finds at the preliminary hearing that
26 there is no probable cause that the defendant committed the
27 offense, the court shall notify the state highway patrol crime
28 laboratory of such finding;

1 (4) If the defendant is found not guilty, the court shall
2 notify the state highway patrol crime laboratory of such verdict.
3 If the state highway patrol crime laboratory receives notice
4 under this subsection, such crime laboratory shall determine,
5 within thirty days, whether the individual has any other
6 qualifying offenses or arrests that would require a DNA sample to
7 be taken. If the individual has no other qualifying arrests or
8 offenses, the crime laboratory shall expunge all DNA records in
9 the database pertaining to such person and destroy the person's
10 DNA sample.

11 Section B. The repeal and reenactment of sections 192.2260,
12 301.559, 311.310, 339.100, 400.9-501, 565.032, 571.020, 571.030,
13 571.060, 571.063, 571.070, 571.072, and 632.520, and the
14 enactment of section 577.685 of this act shall become effective
15 on January 1, 2017.

16 Section C. Because of the need to protect the public from
17 the danger of intoxication related offenses in this state and to
18 hold accountable those who endanger their fellow citizens, and
19 the repeal and reenactment of the second occurrence of section
20 577.037 of this act is deemed necessary for the immediate
21 preservation of the public health, welfare, peace and safety, and
22 is hereby declared to be an emergency act within the meaning of
23 the constitution, and the repeal and reenactment of the second
24 occurrence of section 577.037 of this act shall be in full force
25 and effect upon its passage and approval.