

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2332

AN ACT

To repeal sections 192.2260, 192.2405, 301.559, 339.100, 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and 632.520, 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 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 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 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, and to enact in lieu thereof thirty-one new sections relating to restructuring the Missouri criminal code, with penalty provisions 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 192.2260, 192.2405, 301.559, 339.100,
2 400.9-501, 562.014, 565.030, 565.032, 565.040, 571.020, 571.030,
3 571.060, 571.063, 571.070, 571.072, 578.007, 579.015, and
4 632.520, RSMo, section 192.2410 as enacted by house revision bill
5 no. 1299 merged with senate bill no. 491, ninety-seventh general
6 assembly, second regular session, section 192.2475 as enacted by
7 house revision bill no. 1299 merged with senate bill no. 491,
8 ninety-seventh general assembly, second regular session, section
9 192.2475 as enacted by house revision bill no. 1299, ninety-
10 seventh general assembly, second regular session, section 557.021
11 as enacted by senate bill no. 491, ninety-seventh general
12 assembly, second regular session, section 565.188 as enacted by
13 senate bills nos. 556 & 311, ninety-second general assembly,
14 first regular session, section 568.040 as enacted by senate bill
15 no. 491, ninety-seventh general assembly, second regular session,
16 section 569.090 as enacted by senate bill no. 491, ninety-seventh
17 general assembly, second regular session, section 577.001 as
18 enacted by senate bill no. 254, ninety-eighth general assembly,
19 first regular session, sections 577.010, 577.012, 577.013, and
20 577.014 as enacted by senate bill no. 491, ninety-seventh general
21 assembly, second regular session, section 577.037 as enacted by
22 house bill no. 1371, ninety-seventh general assembly, second
23 regular session, and section 577.060 as enacted by senate bill
24 no. 491, ninety-seventh general assembly, second regular session,
25 are repealed and thirty-one new sections enacted in lieu thereof,
26 to be known as sections 192.2260, 192.2405, 192.2410, 192.2475,

1 301.559, 339.100, 400.9-501, 557.021, 562.014, 565.030, 565.032,
2 565.040, 565.188, 568.040, 569.090, 571.020, 571.030, 571.060,
3 571.063, 571.070, 571.072, 577.001, 577.010, 577.012, 577.013,
4 577.014, 577.037, 577.060, 578.007, 579.015, and 632.520, to read
5 as follows:

6 192.2260. 1. Any person who violates any provision of
7 sections 192.2200 to 192.2260, or who, for himself or for any
8 other person, makes materially false statements in order to
9 obtain a certificate or license, or the renewal thereof, issued
10 pursuant to sections 192.2200 to 192.2260, shall be guilty of a
11 class A misdemeanor. Any person violating this subsection
12 wherein abuse or neglect of a participant of the program has
13 occurred is guilty of a class **[D]** E felony.

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

21 192.2405. 1. The following persons shall be required to
22 immediately report or cause a report to be made to the department
23 under sections 192.2400 to 192.2470:

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

27 (2) Any adult day care worker, chiropractor, Christian
28 Science practitioner, coroner, dentist, embalmer, employee of the

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

26 2. Any other person who becomes aware of circumstances that
27 may reasonably be expected to be the result of, or result in,
28 abuse or neglect of [a person sixty years of age or older] an

1 eligible adult may report to the department.

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

5 192.2410. 1. A report made under section 192.2405 shall be
6 made orally or in writing. It shall include, if known:

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

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

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

13 (4) Other relevant information.

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

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

19 192.2475. 1. When any adult day care worker; chiropractor;
20 Christian Science practitioner; coroner; dentist; embalmer;
21 emergency medical technician; employee of the departments of
22 social services, mental health, or health and senior services;
23 employee of a local area agency on aging or an organized area
24 agency on aging program; firefighter; first responder; funeral
25 director; home health agency or home health agency employee;
26 hospital and clinic personnel engaged in examination, care, or
27 treatment of persons; in-home services owner, provider, operator,
28 or employee; law enforcement officer; long-term care facility

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

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

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

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

1 [5.] 3. The report shall contain the names and addresses of
2 the in-home services provider agency, the in-home services
3 employee, the in-home services client, the home health agency,
4 the home health agency employee, information regarding the nature
5 of the abuse or neglect, the name of the complainant, and any
6 other information which might be helpful in an investigation.

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

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

1 to exceed thirty days.

2 [8.] 6. Reports shall be confidential, as provided under
3 section 192.2500.

4 [9.] 7. Anyone, except any person who has abused or
5 neglected an in-home services client or home health patient, who
6 makes a report pursuant to this section or who testifies in any
7 administrative or judicial proceeding arising from the report
8 shall be immune from any civil or criminal liability for making
9 such a report or for testifying except for liability for perjury,
10 unless such person acted negligently, recklessly, in bad faith,
11 or with malicious purpose.

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

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

27 [12.] 10. Any person who abuses or neglects an in-home
28 services client or home health patient is subject to criminal

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

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

23 [14.] 12. The department shall maintain the employee
24 disqualification list and place on the employee disqualification
25 list the names of any persons who have been finally determined by
26 the department, pursuant to section 192.2490, to have recklessly,
27 knowingly or purposely abused or neglected an in-home services
28 client or home health patient while employed by an in-home

1 services provider agency or home health agency. For purposes of
2 this section only, "knowingly" and "recklessly" shall have the
3 meanings that are ascribed to them in this section. A person
4 acts "knowingly" with respect to the person's conduct when a
5 reasonable person should be aware of the result caused by his or
6 her conduct. A person acts "recklessly" when the person
7 consciously disregards a substantial and unjustifiable risk that
8 the person's conduct will result in serious physical injury and
9 such disregard constitutes a gross deviation from the standard of
10 care that a reasonable person would exercise in the situation.

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

1 evaluation and treatment as necessary.

2 [16.] 14. Authorized nurse visits shall occur at least
3 twice annually to assess the client and the client's plan of
4 services. The provider nurse shall report the results of his or
5 her visits to the client's case manager. If the provider nurse
6 believes that the plan of service requires alteration, the
7 department shall be notified and the department shall make a
8 client evaluation. All authorized nurse visits shall be
9 reimbursed to the in-home services provider. All authorized
10 nurse visits shall be reimbursed outside of the nursing home cap
11 for in-home services clients whose services have reached one
12 hundred percent of the average statewide charge for care and
13 treatment in an intermediate care facility, provided that the
14 services have been preauthorized by the department.

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

24 [18.] 16. Subject to appropriations, all nurse visits
25 authorized in sections 192.2400 to 192.2475 shall be reimbursed
26 to the in-home services provider agency.

27 192.2475. 1. When any adult day care worker; chiropractor;
28 Christian Science practitioner; coroner; dentist; embalmer;

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

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

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

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

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

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

21 [7.] 5. If the investigation indicates possible abuse or
22 neglect of an in-home services client or home health patient, the
23 investigator shall refer the complaint together with his or her
24 report to the department director or his or her designee for
25 appropriate action. If, during the investigation or at its
26 completion, the department has reasonable cause to believe that
27 immediate action is necessary to protect the in-home services
28 client or home health patient from abuse or neglect, the

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

10 [8.] 6. Reports shall be confidential, as provided under
11 section 192.2500.

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

20 [10.] 8. Within five working days after a report required
21 to be made under this section is received, the person making the
22 report shall be notified in writing of its receipt and of the
23 initiation of the investigation.

24 [11.] 9. No person who directs or exercises any authority
25 in an in-home services provider agency or home health agency
26 shall harass, dismiss or retaliate against an in-home services
27 client or home health patient, or an in-home services employee or
28 a home health agency employee because he or she or any member of

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

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

26 [13.] 11. The department shall establish a quality
27 assurance and supervision process for clients that requires an
28 in-home services provider agency to conduct random visits to

1 verify compliance with program standards and verify the accuracy
2 of records kept by an in-home services employee.

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

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

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

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

23 [17.] 15. All in-home services clients shall be advised of
24 their rights by the department or the department's designee at
25 the initial evaluation. The rights shall include, but not be
26 limited to, the right to call the department for any reason,
27 including dissatisfaction with the provider or services. The
28 department may contract for services relating to receiving such

1 complaints. The department shall establish a process to receive
2 such nonabuse and neglect calls other than the elder abuse and
3 neglect hotline.

4 [18.] 16. Subject to appropriations, all nurse visits
5 authorized in sections 192.2400 to 192.2475 shall be reimbursed
6 to the in-home services provider agency.

7 301.559. 1. It shall be unlawful for any person to engage
8 in business as or act as a motor vehicle dealer, boat dealer,
9 manufacturer, boat manufacturer, public motor vehicle auction,
10 wholesale motor vehicle auction or wholesale motor vehicle dealer
11 without first obtaining a license from the department as required
12 in sections 301.550 to 301.573. Any person who maintains or
13 operates any business wherein a license is required pursuant to
14 the provisions of sections 301.550 to 301.573, without such
15 license, is guilty of a class A misdemeanor. Any person
16 committing a second violation of sections 301.550 to 301.573
17 shall be guilty of a class [D] E felony.

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

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

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

26 (2) Whether the application is being made for registration
27 as a manufacturer, boat manufacturer, new motor vehicle franchise
28 dealer, used motor vehicle dealer, wholesale motor vehicle

1 dealer, boat dealer, wholesale motor vehicle auction or a public
2 motor vehicle auction;

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

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

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

27 5. No person shall be issued a license to conduct a public
28 motor vehicle auction or wholesale motor vehicle auction if such

1 person has a violation of sections 301.550 to 301.573 or other
2 violations of chapter 301, sections 407.511 to 407.556, or
3 section 578.120 which resulted in a felony conviction or finding
4 of guilt or a violation of any federal motor vehicle laws which
5 resulted in a felony conviction or finding of guilt.

6 339.100. 1. The commission may, upon its own motion, and
7 shall upon receipt of a written complaint filed by any person,
8 investigate any real estate-related activity of a licensee
9 licensed under sections 339.010 to 339.180 and sections 339.710
10 to 339.860 or an individual or entity acting as or representing
11 themselves as a real estate licensee. In conducting such
12 investigation, if the questioned activity or written complaint
13 involves an affiliated licensee, the commission may forward a
14 copy of the information received to the affiliated licensee's
15 designated broker. The commission shall have the power to hold
16 an investigatory hearing to determine whether there is a
17 probability of a violation of sections 339.010 to 339.180 and
18 sections 339.710 to 339.860. The commission shall have the power
19 to issue a subpoena to compel the production of records and
20 papers bearing on the complaint. The commission shall have the
21 power to issue a subpoena and to compel any person in this state
22 to come before the commission to offer testimony or any material
23 specified in the subpoena. Subpoenas and subpoenas duces tecum
24 issued pursuant to this section shall be served in the same
25 manner as subpoenas in a criminal case. The fees and mileage of
26 witnesses shall be the same as that allowed in the circuit court
27 in civil cases.

28 2. The commission may cause a complaint to be filed with

1 the administrative hearing commission as provided by the
2 provisions of chapter 621 against any person or entity licensed
3 under this chapter or any licensee who has failed to renew or has
4 surrendered his or her individual or entity license for any one
5 or any combination of the following acts:

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

13 (2) Making substantial misrepresentations or false promises
14 or suppression, concealment or omission of material facts in the
15 conduct of his or her business or pursuing a flagrant and
16 continued course of misrepresentation through agents,
17 salespersons, advertising or otherwise in any transaction;

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

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

26 (5) Failure to timely deliver a duplicate original of any
27 and all instruments to any party or parties executing the same
28 where the instruments have been prepared by the licensee or under

1 his or her supervision or are within his or her control,
2 including, but not limited to, the instruments relating to the
3 employment of the licensee or to any matter pertaining to the
4 consummation of a lease, listing agreement or the purchase, sale,
5 exchange or lease of property, or any type of real estate
6 transaction in which he or she may participate as a licensee;

7 (6) Acting for more than one party in a transaction without
8 the knowledge of all parties for whom he or she acts, or
9 accepting a commission or valuable consideration for services
10 from more than one party in a real estate transaction without the
11 knowledge of all parties to the transaction;

12 (7) Paying a commission or valuable consideration to any
13 person for acts or services performed in violation of sections
14 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

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

28 (12) Accepting a commission or valuable consideration for

1 the performance of any of the acts referred to in section 339.010
2 from any person except the broker with whom associated at the
3 time the commission or valuable consideration was earned;

4 (13) Using prizes, money, gifts or other valuable
5 consideration as inducement to secure customers or clients to
6 purchase, lease, sell or list property when the awarding of such
7 prizes, money, gifts or other valuable consideration is
8 conditioned upon the purchase, lease, sale or listing; or
9 soliciting, selling or offering for sale real property by
10 offering free lots, or conducting lotteries or contests, or
11 offering prizes for the purpose of influencing a purchaser or
12 prospective purchaser of real property;

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

16 (15) Violation of, or attempting to violate, directly or
17 indirectly, or assisting or enabling any person to violate, any
18 provision of sections 339.010 to 339.180 and sections 339.710 to
19 339.860, or of any lawful rule adopted pursuant to sections
20 339.010 to 339.180 and sections 339.710 to 339.860;

21 (16) Committing any act which would otherwise be grounds
22 for the commission to refuse to issue a license under section
23 339.040;

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

26 (18) Been finally adjudicated and found guilty, or entered
27 a plea of guilty or nolo contendere, in a criminal prosecution
28 under the laws of this state or any other state or of the United

1 States, for any offense reasonably related to the qualifications,
2 functions or duties of any profession licensed or regulated under
3 this chapter, for any offense an essential element of which is
4 fraud, dishonesty or an act of violence, or for any offense
5 involving moral turpitude, whether or not sentence is imposed;

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

9 (20) Disciplinary action against the holder of a license or
10 other right to practice any profession regulated under sections
11 339.010 to 339.180 and sections 339.710 to 339.860 granted by
12 another state, territory, federal agency, or country upon grounds
13 for which revocation, suspension, or probation is authorized in
14 this state;

15 (21) Been found by a court of competent jurisdiction of
16 having used any controlled substance, as defined in chapter 195,
17 to the extent that such use impairs a person's ability to perform
18 the work of any profession licensed or regulated by sections
19 339.010 to 339.180 and sections 339.710 to 339.860;

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

22 (23) Assisting or enabling any person to practice or offer
23 to practice any profession licensed or regulated under sections
24 339.010 to 339.180 and sections 339.710 to 339.860 who is not
25 registered and currently eligible to practice under sections
26 339.010 to 339.180 and sections 339.710 to 339.860;

27 (24) Use of any advertisement or solicitation which is
28 knowingly false, misleading or deceptive to the general public or

1 persons to whom the advertisement or solicitation is primarily
2 directed;

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

8 (26) Engaging in, committing, or assisting any person in
9 engaging in or committing mortgage fraud, as defined in section
10 443.930.

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

23 4. The commission may prepare a digest of the decisions of
24 the administrative hearing commission which concern complaints
25 against licensed brokers or salespersons and cause such digests
26 to be mailed to all licensees periodically. Such digests may
27 also contain reports as to new or changed rules adopted by the
28 commission and other information of significance to licensees.

1 5. Notwithstanding other provisions of this section, a
2 broker or salesperson's license shall be revoked, or in the case
3 of an applicant, shall not be issued, if the licensee or
4 applicant has pleaded guilty to, entered a plea of nolo
5 contendere to, or been found guilty of any of the following
6 offenses or offenses of a similar nature established under the
7 laws of this, any other state, the United States, or any other
8 country, notwithstanding whether sentence is imposed:

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

11 (2) Any of the following sexual offenses: rape in the
12 first degree, forcible rape, rape, statutory rape in the first
13 degree, statutory rape in the second degree, rape in the second
14 degree, sexual assault, sodomy in the first degree, forcible
15 sodomy, statutory sodomy in the first degree, statutory sodomy in
16 the second degree, child molestation in the first degree, child
17 molestation in the second degree, sodomy in the second degree,
18 deviate sexual assault, sexual misconduct involving a child,
19 sexual misconduct in the first degree under section 566.090 as it
20 existed prior to August 28, 2013, sexual abuse under section
21 566.100 as it existed prior to August 28, 2013, sexual abuse in
22 the first or second degree, enticement of a child, or attempting
23 to entice a child;

24 (3) Any of the following offenses against the family and
25 related offenses: incest, abandonment of a child in the first
26 degree, abandonment of a child in the second degree, endangering
27 the welfare of a child in the first degree, abuse of a child,
28 using a child in a sexual performance, promoting sexual

1 performance by a child, or trafficking in children;

2 (4) Any of the following offenses involving child
3 pornography and related offenses: promoting obscenity in the
4 first degree, promoting obscenity in the second degree when the
5 penalty is enhanced to a class [D] E felony, promoting child
6 pornography in the first degree, promoting child pornography in
7 the second degree, possession of child pornography in the first
8 degree, possession of child pornography in the second degree,
9 furnishing child pornography to a minor, furnishing pornographic
10 materials to minors, or coercing acceptance of obscene material;
11 and

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

13 6. A person whose license was revoked under subsection 5 of
14 this section may appeal such revocation to the administrative
15 hearing commission. Notice of such appeal must be received by
16 the administrative hearing commission within ninety days of
17 mailing, by certified mail, the notice of revocation. Failure of
18 a person whose license was revoked to notify the administrative
19 hearing commission of his or her intent to appeal waives all
20 rights to appeal the revocation. Upon notice of such person's
21 intent to appeal, a hearing shall be held before the
22 administrative hearing commission.

23 400.9-501. (a) Except as otherwise provided in subsection
24 (b), if the local law of this state governs perfection of a
25 security interest or agricultural lien, the office in which to
26 file a financing statement to perfect the security interest or
27 agricultural lien is:

28 (1) The office designated for the filing or recording of a

1 record of a mortgage on the related real property, if:

2 (A) The collateral is as-extracted collateral or timber to
3 be cut; or

4 (B) The financing statement is filed as a fixture filing
5 and the collateral is goods that are or are to become fixtures;
6 or

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

11 (b) The office in which to file a financing statement to
12 perfect a security interest in collateral, including fixtures, of
13 a transmitting utility is the office of the secretary of state.
14 The financing statement also constitutes a fixture filing as to
15 the collateral indicated in the financing statement which is or
16 is to become fixtures.

17 (c) A person shall not knowingly or intentionally file,
18 attempt to file, or record any document related to real property
19 with a recorder of deeds under chapter 59 or a financing
20 statement with the secretary of state under subdivision (2) of
21 subsection (a) or subsection (b) of this section, with the intent
22 that such document or statement be used to harass or defraud any
23 other person or knowingly or intentionally file, attempt to file,
24 or record such a document or statement that is materially false
25 or fraudulent.

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

28 (2) If a person is convicted of a violation under this

1 subsection, the court may order restitution.

2 (d) In the alternative to the provisions of sections
3 428.105 through 428.135, if a person files a false or fraudulent
4 financing statement with the secretary of state under subdivision
5 (2) of subsection (a) or subsection (b) of this section, a debtor
6 named in that financing statement may file an action against the
7 person that filed the financing statement seeking appropriate
8 equitable relief, actual damages, or punitive damages, including,
9 but not limited to, reasonable attorney fees.

10 557.021. 1. Any offense defined outside this code which is
11 declared to be a misdemeanor without specification of the penalty
12 therefor is a class A misdemeanor.

13 2. Any offense defined outside this code which is declared
14 to be a felony without specification of the penalty therefor is a
15 class E felony.

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

21 (1) If the offense is a felony:

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

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

28 (c) It is a class C felony if the maximum term of

1 imprisonment authorized is ten years;

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

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

6 (2) If the offense is a misdemeanor:

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

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

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

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

16 (e) It is an infraction if there is no authorized
17 imprisonment.

18 562.014. 1. Guilt for an offense may be based upon a
19 conspiracy to commit an offense when a person, with the purpose
20 of promoting or facilitating the commission of an offense, agrees
21 with another person or persons that they or one or more of them
22 will engage in conduct which constitutes such offense.

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

28 3. If a person conspires to commit a number of offenses, he

1 or she can be found guilty of only one offense of conspiracy so
2 long as such multiple offenses are the object of the same
3 agreement.

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

8 5. (1) No person shall be convicted of an offense based
9 upon a conspiracy to commit an offense if, after conspiring to
10 commit the offense, he or she prevented the accomplishment of the
11 objectives of the conspiracy under circumstances manifesting a
12 renunciation of his or her criminal purpose.

13 (2) The defendant shall have the burden of injecting the
14 issue of renunciation of criminal purpose under subdivision (1)
15 of this subsection.

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

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

22 (2) If an individual abandons the agreement, the conspiracy
23 is terminated as to him or her only if he or she advises those
24 with whom he or she has conspired of his or her abandonment or he
25 or she informs the law enforcement authorities of the existence
26 of the conspiracy and of his or her participation in it.

27 7. A person shall not be charged, convicted or sentenced on
28 the basis of the same course of conduct of both the actual

1 commission of an offense and a conspiracy to commit that offense.

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

7 565.030. 1. Where murder in the first degree is charged
8 but not submitted or where the state waives the death penalty,
9 the submission to the trier and all subsequent proceedings in the
10 case shall proceed as in all other criminal cases [with a single
11 stage trial in which guilt and punishment are submitted
12 together].

13 2. Where murder in the first degree is submitted to the
14 trier without a waiver of the death penalty, the trial shall
15 proceed in two stages before the same trier. At the first stage
16 the trier shall decide only whether the defendant is guilty or
17 not guilty of any submitted offense. The issue of punishment
18 shall not be submitted to the trier at the first stage. If an
19 offense is charged other than murder in the first degree in a
20 count together with a count of murder in the first degree, the
21 trial judge shall assess punishment on any such offense according
22 to law, after the defendant is found guilty of such offense and
23 after he finds the defendant to be a prior offender pursuant to
24 chapter 558.

25 3. If murder in the first degree is submitted and the death
26 penalty was not waived but the trier finds the defendant guilty
27 of a lesser homicide, a second stage of the trial shall proceed
28 [at which the only issue shall be the punishment to be assessed

1 and declared. No further evidence shall be received. If the
2 trier is a jury it shall be instructed on the law] as in all
3 other criminal cases. The attorneys may then argue as in other
4 criminal cases the issue of punishment, after which the trier
5 shall assess and declare the punishment as in all other criminal
6 cases.

7 4. If the trier at the first stage of a trial where the
8 death penalty was not waived finds the defendant guilty of murder
9 in the first degree, a second stage of the trial shall proceed at
10 which the only issue shall be the punishment to be assessed and
11 declared. Evidence in aggravation and mitigation of punishment,
12 including but not limited to evidence supporting any of the
13 aggravating or mitigating circumstances listed in subsection 2 or
14 3 of section 565.032, may be presented subject to the rules of
15 evidence at criminal trials. Such evidence may include, within
16 the discretion of the court, evidence concerning the murder
17 victim and the impact of the [crime] offense upon the family of
18 the victim and others. Rebuttal and surrebuttal evidence may be
19 presented. The state shall be the first to proceed. If the
20 trier is a jury it shall be instructed on the law. The attorneys
21 may then argue the issue of punishment to the jury, and the state
22 shall have the right to open and close the argument. The trier
23 shall assess and declare the punishment at life imprisonment
24 without eligibility for probation, parole, or release except by
25 act of the governor:

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

28 (2) If the trier does not find beyond a reasonable doubt at

1 least one of the statutory aggravating circumstances set out in
2 subsection 2 of section 565.032; or

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

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

11
12 If the trier assesses and declares the punishment at death it
13 shall, in its findings or verdict, set out in writing the
14 aggravating circumstance or circumstances listed in subsection 2
15 of section 565.032 which it found beyond a reasonable doubt. If
16 the trier is a jury it shall be instructed before the case is
17 submitted that if it is unable to decide or agree upon the
18 punishment the court shall assess and declare the punishment at
19 life imprisonment without eligibility for probation, parole, or
20 release except by act of the governor or death. The court shall
21 follow the same procedure as set out in this section whenever it
22 is required to determine punishment for murder in the first
23 degree.

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

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

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

13 565.032. 1. In all cases of murder in the first degree for
14 which the death penalty is authorized, the judge in a jury-waived
15 trial shall consider, or [he] shall include in his or her
16 instructions to the jury for it to consider:

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

20 (2) If a statutory aggravating circumstance or
21 circumstances is proven beyond a reasonable doubt, whether the
22 evidence as a whole justifies a sentence of death or a sentence
23 of life imprisonment without eligibility for probation, parole,
24 or release except by act of the governor. In determining the
25 issues enumerated in subdivisions (1) and (2) of this subsection,
26 the trier shall consider all evidence which it finds to be in
27 aggravation or mitigation of punishment, including evidence
28 received during the first stage of the trial and evidence

1 supporting any of the statutory aggravating or mitigating
2 circumstances set out in subsections 2 and 3 of this section. If
3 the trier is a jury, it shall not be instructed upon any specific
4 evidence which may be in aggravation or mitigation of punishment,
5 but shall be instructed that each juror shall consider any
6 evidence which he or she considers to be aggravating or
7 mitigating.

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

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

14 (2) The murder in the first degree offense was committed
15 while the offender was engaged in the commission or attempted
16 commission of another unlawful homicide;

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

21 (4) The offender committed the offense of murder in the
22 first degree for himself or herself or another, for the purpose
23 of receiving money or any other thing of monetary value from the
24 victim of the murder or another;

25 (5) The murder in the first degree was committed against a
26 judicial officer, former judicial officer, prosecuting attorney
27 or former prosecuting attorney, circuit attorney or former
28 circuit attorney, assistant prosecuting attorney or former

1 assistant prosecuting attorney, assistant circuit attorney or
2 former assistant circuit attorney, peace officer or former peace
3 officer, elected official or former elected official during or
4 because of the exercise of his official duty;

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

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

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

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

17 (10) The murder in the first degree was committed for the
18 purpose of avoiding, interfering with, or preventing a lawful
19 arrest or custody in a place of lawful confinement, of himself or
20 herself or another;

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

26 (12) The murdered individual was a witness or potential
27 witness in any past or pending investigation or past or pending
28 prosecution, and was killed as a result of his or her status as a

1 witness or potential witness;

2 (13) The murdered individual was an employee of an
3 institution or facility of the department of corrections of this
4 state or local correction agency and was killed in the course of
5 performing his or her official duties, or the murdered individual
6 was an inmate of such institution or facility;

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

10 (15) The murder was committed for the purpose of concealing
11 or attempting to conceal any felony offense defined in chapter
12 195 or 579;

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

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

20 3. Statutory mitigating circumstances shall include the
21 following:

22 (1) The defendant has no significant history of prior
23 criminal activity;

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

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

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

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

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

9 (7) The age of the defendant at the time of the [crime]
10 offense.

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

21 2. In the event that any death sentence imposed pursuant to
22 this chapter is held to be unconstitutional, the trial court
23 which previously sentenced the defendant to death shall cause the
24 defendant to be brought before the court and shall sentence the
25 defendant to life imprisonment without eligibility for probation,
26 parole, or release except by act of the governor, with the
27 exception that when a specific aggravating circumstance found in
28 a case is held to be inapplicable, unconstitutional or invalid

1 for another reason, the supreme court of Missouri is further
2 authorized to remand the case for retrial of the punishment
3 pursuant to subsection 5 of section 565.035.

4 565.188. 1. When any adult day care worker; chiropractor;
5 Christian Science practitioner; coroner; dentist; embalmer;
6 employee of the departments of social services, mental health, or
7 health and senior services; employee of a local area agency on
8 aging or an organized area agency on aging program; emergency
9 medical technician, firefighter, first responder; funeral
10 director; home health agency or home health agency employee;
11 hospital and clinic personnel engaged in examination, care, or
12 treatment of persons; in-home services owner, provider, operator,
13 or employee; law enforcement officer; long-term care facility
14 administrator or employee; medical examiner; medical resident or
15 intern; mental health professional; minister; nurse; nurse
16 practitioner; optometrist; other health practitioner; peace
17 officer; pharmacist; physical therapist; physician; physician's
18 assistant; podiatrist; probation or parole officer; psychologist;
19 social worker; or other person with responsibility for the care
20 of [a person sixty years of age or older] an eligible adult as
21 defined under section 192.2400 has reasonable cause to suspect
22 that [such a person] the eligible adult has been subjected to
23 abuse or neglect or observes [such a person] the eligible adult
24 being subjected to conditions or circumstances which would
25 reasonably result in abuse or neglect, he or she shall
26 immediately report or cause a report to be made to the department
27 in accordance with the provisions of sections 192.2400 to
28 192.2470. Any other person who becomes aware of circumstances

1 which may reasonably be expected to be the result of or result in
2 abuse or neglect may report to the department.

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

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

8 4. Every person who has been previously convicted of or
9 pled guilty to making a false report to the department and who is
10 subsequently convicted of making a false report under subsection
11 3 of this section is guilty of a class D felony.

12 5. Evidence of prior convictions of false reporting shall
13 be heard by the court, out of the hearing of the jury, prior to
14 the submission of the case to the jury, and the court shall
15 determine the existence of the prior convictions.

16 568.040. 1. A person commits the offense of nonsupport if
17 he or she knowingly fails to provide adequate support for his or
18 her spouse; a parent commits the offense of nonsupport if such
19 parent knowingly fails to provide adequate support which such
20 parent is legally obligated to provide for his or her child or
21 stepchild who is not otherwise emancipated by operation of law.

22 2. For purposes of this section:

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

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

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

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

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

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

14 4. The defendant shall have the burden of injecting the
15 issues raised by subdivision (4) of subsection 2 [and subsection
16 3] of this section.

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

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

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

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

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

1 of this section.

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

12 10. Persons accused of committing the offense of nonsupport
13 of the child shall be prosecuted:

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

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

18 569.090. 1. A person commits the offense of tampering in
19 the second degree if he or she:

20 (1) Tampers with property of another for the purpose of
21 causing substantial inconvenience to that person or to another;
22 or

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

26 (3) Tampers or makes connection with property of a utility;
27 or

28 (4) Tampers with, or causes to be tampered with, any meter

1 or other property of an electric, gas, steam or water utility,
2 the effect of which tampering is either:

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

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

7 2. In any prosecution under subdivision (4) of subsection
8 1, proof that a meter or any other property of a utility has been
9 tampered with, and the person or persons accused received the use
10 or direct benefit of the electric, gas, steam or water service,
11 with one or more of the effects described in subdivision (4) of
12 subsection 1, shall be sufficient to support an inference which
13 the trial court may submit to the trier of fact, from which the
14 trier of fact may conclude that there has been a violation of
15 such subdivision by the person or persons who use or receive the
16 direct benefit of the electric, gas, steam or water service.

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

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

22 (2) The defendant has a prior conviction or has previously
23 been found guilty pursuant to paragraph (a) of subdivision (3) of
24 subsection [3] 5 of section 570.030, or subdivision (2) of
25 subsection 1 of this section, in which case it is a class D
26 felony.

27 571.020. 1. A person commits [a crime] an offense if such
28 person knowingly possesses, manufactures, transports, repairs, or

1 sells:

2 (1) An explosive weapon;

3 (2) An explosive, incendiary or poison substance or
4 material with the purpose to possess, manufacture or sell an
5 explosive weapon;

6 (3) A gas gun;

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

10 (5) Knuckles; or

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

12 (a) A machine gun;

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

14 (c) A firearm silencer; or

15 (d) A switchblade knife.

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

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

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

27 (3) Was incident to using an explosive weapon in a manner
28 reasonably related to a lawful industrial or commercial

1 enterprise; or

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

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

6 3. [A crime] An offense pursuant to subdivision (1), (2),
7 (3) or (6) of subsection 1 of this section is a class [C] D
8 felony; a crime pursuant to subdivision (4) or (5) of subsection
9 1 of this section is a class A misdemeanor.

10 571.030. 1. A person commits the [crime] offense of
11 unlawful use of weapons if he or she knowingly:

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

15 (2) Sets a spring gun; or

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

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

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

28 (6) Discharges a firearm within one hundred yards of any

1 occupied schoolhouse, courthouse, or church building; or

2 (7) Discharges or shoots a firearm at a mark, at any
3 object, or at random, on, along or across a public highway or
4 discharges or shoots a firearm into any outbuilding; or

5 (8) Carries a firearm or any other weapon readily capable
6 of lethal use into any church or place where people have
7 assembled for worship, or into any election precinct on any
8 election day, or into any building owned or occupied by any
9 agency of the federal government, state government, or political
10 subdivision thereof; or

11 (9) Discharges or shoots a firearm at or from a motor
12 vehicle, as defined in section 301.010, discharges or shoots a
13 firearm at any person, or at any other motor vehicle, or at any
14 building or habitable structure, unless the person was lawfully
15 acting in self-defense; or

16 (10) Carries a firearm, whether loaded or unloaded, or any
17 other weapon readily capable of lethal use into any school, onto
18 any school bus, or onto the premises of any function or activity
19 sponsored or sanctioned by school officials or the district
20 school board; or

21 (11) Possesses a firearm while also knowingly in possession
22 of a controlled substance that is sufficient for a felony
23 violation of section 195.202.

24 2. Subdivisions (1), (8), and (10) of subsection 1 of this
25 section shall not apply to the persons described in this
26 subsection, regardless of whether such uses are reasonably
27 associated with or are necessary to the fulfillment of such
28 person's official duties except as otherwise provided in this

1 subsection. Subdivisions (3), (4), (6), (7), and (9) of
2 subsection 1 of this section shall not apply to or affect any of
3 the following persons, when such uses are reasonably associated
4 with or are necessary to the fulfillment of such person's
5 official duties, except as otherwise provided in this subsection:

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

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the detention of
21 persons accused or convicted of crime;

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

24 (4) Those persons vested by Article V, Section 1 of the
25 Constitution of Missouri with the judicial power of the state and
26 those persons vested by Article III of the Constitution of the
27 United States with the judicial power of the United States, the
28 members of the federal judiciary;

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

3 (6) Any federal probation officer or federal flight deck
4 officer as defined under the federal flight deck officer program,
5 49 U.S.C. Section 44921 regardless of whether such officers are
6 on duty, or within the law enforcement agency's jurisdiction;

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

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

12 (9) Any coroner, deputy coroner, medical examiner, or
13 assistant medical examiner;

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

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

26 (12) Upon the written approval of the governing body of a
27 fire department or fire protection district, any paid fire
28 department or fire protection district chief who is employed on a

1 full-time basis and who has a valid concealed carry endorsement
2 issued prior to August 28, 2013, or a valid concealed carry
3 permit, when such uses are reasonably associated with or are
4 necessary to the fulfillment of such person's official duties.

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

26 4. Subdivisions (1), (8), and (10) of subsection 1 of this
27 section shall not apply to any person who has a valid concealed
28 carry permit issued pursuant to sections 571.101 to 571.121, a

1 valid concealed carry endorsement issued before August 28, 2013,
2 or a valid permit or endorsement to carry concealed firearms
3 issued by another state or political subdivision of another
4 state.

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

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

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

1 8. Unlawful use of weapons is a class [D] E felony unless
2 committed pursuant to subdivision (6), (7), or (8) of subsection
3 1 of this section, in which cases it is a class B misdemeanor, or
4 subdivision (5) or (10) of subsection 1 of this section, in which
5 case it is a class A misdemeanor if the firearm is unloaded and a
6 class [D] E felony if the firearm is loaded, or subdivision (9)
7 of subsection 1 of this section, in which case it is a class B
8 felony, except that if the violation of subdivision (9) of
9 subsection 1 of this section results in injury or death to
10 another person, it is a class A felony.

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

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

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

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

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

27 10. Any person knowingly aiding or abetting any other
28 person in the violation of subdivision (9) of subsection 1 of

1 this section shall be subject to the same penalty as that
2 prescribed by this section for violations by other persons.

3 11. Notwithstanding any other provision of law, no person
4 who pleads guilty to or is found guilty of a felony violation of
5 subsection 1 of this section shall receive a suspended imposition
6 of sentence if such person has previously received a suspended
7 imposition of sentence for any other firearms- or weapons-related
8 felony offense.

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

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

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

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

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

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

28 (6) Is not under the influence of alcohol or another

1 intoxicating or hallucinatory drug or substance; and

2 (7) Is not prohibited by federal law from receiving a
3 firearm.

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

6 (1) A photographic identification issued by the agency from
7 which the individual retired from service as a peace officer that
8 indicates that the individual has, not less recently than one
9 year before the date the individual is carrying the concealed
10 firearm, been tested or otherwise found by the agency to meet the
11 standards established by the agency for training and
12 qualification for active peace officers to carry a firearm of the
13 same type as the concealed firearm; or

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

16 (3) A certification issued by the state in which the
17 individual resides that indicates that the individual has, not
18 less recently than one year before the date the individual is
19 carrying the concealed firearm, been tested or otherwise found by
20 the state to meet the standards established by the state for
21 training and qualification for active peace officers to carry a
22 firearm of the same type as the concealed firearm.

23 571.060. 1. A person commits the [crime] offense of
24 unlawful transfer of weapons if he:

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

1 (2) Knowingly sells, leases, loans, gives away or delivers
2 a blackjack to a person less than eighteen years old without the
3 consent of the child's custodial parent or guardian, or
4 recklessly, as defined in section 562.016, sells, leases, loans,
5 gives away or delivers any firearm to a person less than eighteen
6 years old without the consent of the child's custodial parent or
7 guardian; provided, that this does not prohibit the delivery of
8 such weapons to any peace officer or member of the Armed Forces
9 or National Guard while performing his official duty; or

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

13 2. Unlawful transfer of weapons under subdivision (1) of
14 subsection 1 of this section is a class [D] E felony; unlawful
15 transfer of weapons under subdivisions (2) and (3) of subsection
16 1 of this section is a class A misdemeanor.

17 571.063. 1. As used in this section the following terms
18 shall mean:

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

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

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

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

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

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

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

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

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

16 4. This section shall not apply to criminal investigations
17 conducted by the United States Bureau of Alcohol, Tobacco,
18 Firearms and Explosives, authorized agents of such
19 investigations, or to a peace officer, as defined in section
20 542.261, acting at the explicit direction of the United States
21 Bureau of Alcohol, Tobacco, Firearms and Explosives.

22 571.070. 1. A person commits the [crime] offense of
23 unlawful possession of a firearm if such person knowingly has any
24 firearm in his or her possession and:

25 (1) Such person has been convicted of a felony under the
26 laws of this state, or of a crime under the laws of any state or
27 of the United States which, if committed within this state, would
28 be a felony; or

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

4 2. Unlawful possession of a firearm is a class [C] D
5 felony.

6 3. The provisions of subdivision (1) of subsection 1 of
7 this section shall not apply to the possession of an antique
8 firearm.

9 571.072. 1. A person commits the [crime] offense of
10 unlawful possession of an explosive weapon if he or she has any
11 explosive weapon in his or her possession and:

12 (1) He or she has pled guilty to or has been convicted of a
13 dangerous felony, as defined in section 556.061, or of an attempt
14 to commit a dangerous felony, or of [a crime] an offense under
15 the laws of any state or of the United States which, if committed
16 within this state, would be a dangerous felony, or confined
17 therefor in this state or elsewhere during the five-year period
18 immediately preceding the date of such possession; or

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

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

24 577.001. As used in this chapter, the following terms mean:

25 (1) "Aggravated offender", a person who has been found
26 guilty of:

27 (a) Three or more intoxication-related traffic offenses
28 committed on separate occasions; or

1 (b) Two or more intoxication-related traffic offenses
2 committed on separate occasions where at least one of the
3 intoxication-related traffic offenses is an offense committed in
4 violation of any state law, county or municipal ordinance, any
5 federal offense, or any military offense in which the defendant
6 was operating a vehicle while intoxicated and another person was
7 injured or killed;

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

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

11 (b) [Has been found guilty of one] Two or more
12 intoxication-related boating offenses committed on separate
13 occasions where at least one of the intoxication-related
14 [traffic] boating offenses is an offense committed in violation
15 of any state law, county or municipal ordinance, any federal
16 offense, or any military offense in which the defendant was
17 operating a vessel while intoxicated and another person was
18 injured or killed;

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

26 (4) "Court", any circuit, associate circuit, or municipal
27 court, including traffic court, but not any juvenile court or
28 drug court;

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

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

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

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

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

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

22 (b) Three or more intoxication-related boating offenses
23 committed on separate occasions where at least one of the
24 intoxication-related boating offenses is an offense committed in
25 violation of any state law, county or municipal ordinance, any
26 federal offense, or any military offense in which the defendant
27 was operating a vessel while intoxicated and another person was
28 injured or killed; or

1 (c) Two or more intoxication-related boating offenses
2 committed on separate occasions where both intoxication-related
3 boating offenses were offenses committed in violation of any
4 state law, county or municipal ordinance, any federal offense, or
5 any military offense in which the defendant was operating a
6 vessel while intoxicated and another person was injured or
7 killed;

8 (7) "Continuous alcohol monitoring", automatically testing
9 breath, blood, or transdermal alcohol concentration levels and
10 tampering attempts at least once every hour, regardless of the
11 location of the person who is being monitored, and regularly
12 transmitting the data. Continuous alcohol monitoring shall be
13 considered an electronic monitoring service under subsection 3 of
14 section 217.690;

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

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

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

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

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

25 (b) Four or more intoxication-related traffic offenses
26 committed on separate occasions where at least one of the
27 intoxication-related traffic offenses is an offense committed in
28 violation of any state law, county or municipal ordinance, any

1 federal offense, or any military offense in which the defendant
2 was operating a vehicle while intoxicated and another person was
3 injured or killed; or

4 (c) Three or more intoxication-related traffic offenses
5 committed on separate occasions where at least two of the
6 intoxication-related traffic offenses were offenses committed in
7 violation of any state law, county or municipal ordinance, any
8 federal offense, or any military offense in which the defendant
9 was operating a vehicle while intoxicated and another person was
10 injured or killed; or

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

13 a. Cause the death of any person not a passenger in the
14 vehicle operated by the defendant, including the death of an
15 individual that results from the defendant's vehicle leaving a
16 highway, as defined by section 301.010, or the highway's
17 right-of-way; or

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

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

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

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

25 (b) Four or more intoxication-related boating offenses
26 committed on separate occasions where at least one of the
27 intoxication-related boating offenses is an offense committed in
28 violation of any state law, county or municipal ordinance, any

1 federal offense, or any military offense in which the defendant
2 was operating a vessel while intoxicated and another person was
3 injured or killed; or

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

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

13 a. Cause the death of any person not a passenger in the
14 vessel operated by the defendant, including the death of an
15 individual that results from the defendant's vessel leaving the
16 water; or

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

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

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

24 (14) "Intoxication-related boating offense", operating a
25 vessel while intoxicated; boating while intoxicated; operating a
26 vessel with excessive blood alcohol content or an offense in
27 which the defendant was operating a vessel while intoxicated and
28 another person was injured or killed in violation of any state

1 law, county or municipal ordinance, any federal offense, or any
2 military offense;

3 (15) "Intoxication-related traffic offense", driving while
4 intoxicated, driving with excessive blood alcohol content,
5 driving under the influence of alcohol or drugs in violation of a
6 county or municipal ordinance, or an offense in which the
7 defendant was operating a vehicle while intoxicated and another
8 person was injured or killed in violation of any state law,
9 county or municipal ordinance, any federal offense, or any
10 military offense;

11 (16) "Law enforcement officer" or "arresting officer",
12 includes the definition of law enforcement officer in section
13 556.061 and military policemen conducting traffic enforcement
14 operations on a federal military installation under military
15 jurisdiction in the state of Missouri;

16 (17) "Operate a vessel", to physically control the movement
17 of a vessel in motion under mechanical or sail power in water;

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

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

22 (b) One intoxication-related traffic offense committed in
23 violation of any state law, county or municipal ordinance,
24 federal offense, or military offense in which the defendant was
25 operating a vehicle while intoxicated and another person was
26 injured or killed;

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

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

3 (b) One intoxication-related boating offense committed in
4 violation of any state law, county or municipal ordinance,
5 federal offense, or military offense in which the defendant was
6 operating a vessel while intoxicated and another person was
7 injured or killed;

8 (20) "Prior offender", a person who has been found guilty
9 of one intoxication-related traffic offense, where such prior
10 offense occurred within five years of the occurrence of the
11 intoxication-related traffic offense for which the person is
12 charged;

13 (21) "Prior boating offender", a person who has been found
14 guilty of one intoxication-related boating offense, where such
15 prior offense occurred within five years of the occurrence of the
16 intoxication-related boating offense for which the person is
17 charged.

18 577.010. 1. A person commits the offense of driving while
19 intoxicated if he or she operates a vehicle while in an
20 intoxicated condition.

21 2. The offense of driving while intoxicated is:

22 (1) A class B misdemeanor;

23 (2) A class A misdemeanor if:

24 (a) The defendant is a prior offender; or

25 (b) A person less than seventeen years of age is present in
26 the vehicle;

27 (3) A class E felony if:

28 (a) The defendant is a persistent offender; or

1 (b) While driving while intoxicated, the defendant acts
2 with criminal negligence to cause physical injury to another
3 person;

4 (4) A class D felony if:

5 (a) The defendant is an aggravated offender;

6 (b) While driving while intoxicated, the defendant acts
7 with criminal negligence to cause physical injury to a law
8 enforcement officer or emergency personnel; or

9 (c) While driving while intoxicated, the defendant acts
10 with criminal negligence to cause serious physical injury to
11 another person;

12 (5) A class C felony if:

13 (a) The defendant is a chronic offender;

14 (b) While driving while intoxicated, the defendant acts
15 with criminal negligence to cause serious physical injury to a
16 law enforcement officer or emergency personnel; or

17 (c) While driving while intoxicated, the defendant acts
18 with criminal negligence to cause the death of another person;

19 (6) A class B felony if:

20 (a) The defendant is a habitual offender; or

21 (b) While driving while intoxicated, the defendant acts
22 with criminal negligence to cause the death of a law enforcement
23 officer or emergency personnel;

24 (7) A class A felony if the defendant is a habitual
25 offender as a result of being found guilty of an act described
26 under paragraph (d) of subdivision (11) of section 577.001 and is
27 found guilty of a subsequent violation of such paragraph.

28 3. Notwithstanding the provisions of subsection 2 of this

1 section, a person found guilty of the offense of driving while
2 intoxicated as a first offense shall not be granted a suspended
3 imposition of sentence:

4 (1) Unless such person shall be placed on probation for a
5 minimum of two years; or

6 (2) In a circuit where a DWI court or docket created under
7 section 478.007 or other court-ordered treatment program is
8 available, and where the offense was committed with
9 fifteen-hundredths of one percent or more by weight of alcohol in
10 such person's blood, unless the individual participates and
11 successfully completes a program under such DWI court or docket
12 or other court-ordered treatment program.

13 4. If a person is found guilty of a second or subsequent
14 offense of driving while intoxicated, the court may order the
15 person to submit to a period of continuous alcohol monitoring or
16 verifiable breath alcohol testing performed a minimum of four
17 times per day as a condition of probation.

18 5. If a person is not granted a suspended imposition of
19 sentence for the reasons described in subsection 3 of this
20 section:

21 (1) If the individual operated the vehicle with
22 fifteen-hundredths to twenty-hundredths of one percent by weight
23 of alcohol in such person's blood, the required term of
24 imprisonment shall be not less than forty-eight hours;

25 (2) If the individual operated the vehicle with greater
26 than twenty-hundredths of one percent by weight of alcohol in
27 such person's blood, the required term of imprisonment shall be
28 not less than five days.

1 6. A person found guilty of the offense of driving while
2 intoxicated:

3 (1) As a prior offender, persistent offender, aggravated
4 offender, chronic offender, or habitual offender shall not be
5 granted a suspended imposition of sentence or be sentenced to pay
6 a fine in lieu of a term of imprisonment, section 557.011 to the
7 contrary notwithstanding;

8 (2) As a prior offender shall not be granted parole or
9 probation until he or she has served a minimum of ten days
10 imprisonment:

11 (a) Unless as a condition of such parole or probation such
12 person performs at least thirty days of community service under
13 the supervision of the court in those jurisdictions which have a
14 recognized program for community service; or

15 (b) The offender participates in and successfully completes
16 a program established under section 478.007 or other
17 court-ordered treatment program, if available, and as part of
18 either program, the offender performs at least thirty days of
19 community service under the supervision of the court;

20 (3) As a persistent offender shall not be eligible for
21 parole or probation until he or she has served a minimum of
22 thirty days imprisonment:

23 (a) Unless as a condition of such parole or probation such
24 person performs at least sixty 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 sixty days of
3 community service under the supervision of the court;

4 (4) As an aggravated offender shall not be eligible for
5 parole or probation until he or she has served a minimum of sixty
6 days imprisonment;

7 (5) As a chronic or habitual offender shall not be eligible
8 for parole or probation until he or she has served a minimum of
9 two years imprisonment; and

10 (6) Any probation or parole granted under this subsection
11 may include a period of continuous alcohol monitoring or
12 verifiable breath alcohol testing performed a minimum of four
13 times per day.

14 577.012. 1. A person commits the offense of driving with
15 excessive blood alcohol content if such person operates:

16 (1) A vehicle while having eight-hundredths of one percent
17 or more by weight of alcohol in his or her blood; or

18 (2) A commercial motor vehicle while having four
19 one-hundredths of one percent or more by weight of alcohol in his
20 or her blood.

21 2. As used in this section, percent by weight of alcohol in
22 the blood shall be based upon grams of alcohol per one hundred
23 milliliters of blood or two hundred ten liters of breath and may
24 be shown by chemical analysis of the person's blood, breath,
25 saliva or urine. For the purposes of determining the alcoholic
26 content of a person's blood under this section, the test shall be
27 conducted in accordance with the provisions of sections 577.020
28 to 577.041.

1 3. The offense of driving with excessive blood alcohol
2 content is:

3 (1) A class B misdemeanor;

4 (2) A class A misdemeanor if the defendant is alleged and
5 proved to be a prior offender;

6 (3) A class E felony if the defendant is alleged and proved
7 to be a persistent offender;

8 (4) A class D felony if the defendant is alleged and proved
9 to be an aggravated offender;

10 (5) A class C felony if the defendant is alleged and proved
11 to be a chronic offender;

12 (6) A class B felony if the defendant is alleged and proved
13 to be a habitual offender.

14 4. A person found guilty of the offense of driving with an
15 excessive blood alcohol content as a first offense shall not be
16 granted a suspended imposition of sentence:

17 (1) Unless such person shall be placed on probation for a
18 minimum of two years; or

19 (2) In a circuit where a DWI court or docket created under
20 section 478.007 or other court-ordered treatment program is
21 available, and where the offense was committed with
22 fifteen-hundredths of one percent or more by weight of alcohol in
23 such person's blood, unless the individual participates in and
24 successfully completes a program under such DWI court or docket
25 or other court-ordered treatment program.

26 5. If a person is not granted a suspended imposition of
27 sentence for the reasons described in subsection 4 of this
28 section:

1 (1) If the individual operated the vehicle with
2 fifteen-hundredths to twenty-hundredths of one percent by weight
3 of alcohol in such person's blood, the required term of
4 imprisonment shall be not less than forty-eight hours;

5 (2) If the individual operated the vehicle with greater than
6 twenty-hundredths of one percent by weight of alcohol in such
7 person's blood, the required term of imprisonment shall be not
8 less than five days.

9 6. If a person is found guilty of a second or subsequent
10 offense of driving with an excessive blood alcohol content, the
11 court may order the person to submit to a period of continuous
12 alcohol monitoring or verifiable breath alcohol testing performed
13 a minimum of four times per day as a condition of probation.

14 7. A person found guilty of driving with excessive blood
15 alcohol content:

16 (1) As a prior offender, persistent offender, aggravated
17 offender, chronic offender or habitual offender shall not be
18 granted a suspended imposition of sentence or be sentenced to pay
19 a fine in lieu of a term of imprisonment, section 557.011 to the
20 contrary notwithstanding;

21 (2) As a prior offender shall not be granted parole or
22 probation until he or she has served a minimum of ten days
23 imprisonment:

24 (a) Unless as a condition of such parole or probation such
25 person performs at least thirty days of community service under
26 the supervision of the court in those jurisdictions which have a
27 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, and as part of
3 either program, the offender performs at least thirty days of
4 community service under the supervision of the court;

5 (3) As a persistent offender shall not be granted parole or
6 probation until he or she has served a minimum of thirty days
7 imprisonment:

8 (a) Unless as a condition of such parole or probation such
9 person performs at least sixty days of community service under
10 the supervision of the court in those jurisdictions which have a
11 recognized program for community service; or

12 (b) The offender participates in and successfully completes
13 a program established under section 478.007 or other
14 court-ordered treatment program, if available, and as part of
15 either program, the offender performs at least sixty days of
16 community service under the supervision of the court;

17 (4) As an aggravated offender shall not be eligible for
18 parole or probation until he or she has served a minimum of sixty
19 days imprisonment;

20 (5) As a chronic or habitual offender shall not be eligible
21 for parole or probation until he or she has served a minimum of
22 two years imprisonment; and

23 (6) Any probation or parole granted under this subsection
24 may include a period of continuous alcohol monitoring or
25 verifiable breath alcohol testing performed a minimum of four
26 times per day.

27 577.013. 1. A person commits the offense of boating while
28 intoxicated if he or she operates a vessel while in an

1 intoxicated condition.

2 2. The offense of boating while intoxicated is:

3 (1) A class B misdemeanor;

4 (2) A class A misdemeanor if:

5 (a) The defendant is a prior boating offender; or

6 (b) A person less than seventeen years of age is present in
7 the vessel;

8 (3) A class E felony if:

9 (a) The defendant is a persistent boating offender; or

10 (b) While boating while intoxicated, the defendant acts
11 with criminal negligence to cause physical injury to another
12 person;

13 (4) A class D felony if:

14 (a) The defendant is an aggravated boating offender;

15 (b) While boating while intoxicated, the defendant acts
16 with criminal negligence to cause physical injury to a law
17 enforcement officer or emergency personnel; or

18 (c) While boating while intoxicated, the defendant acts
19 with criminal negligence to cause serious physical injury to
20 another person;

21 (5) A class C felony if:

22 (a) The defendant is a chronic boating offender;

23 (b) While boating while intoxicated, the defendant acts
24 with criminal negligence to cause serious physical injury to a
25 law enforcement officer or emergency personnel; or

26 (c) While boating while intoxicated, the defendant acts
27 with criminal negligence to cause the death of another person;

28 (6) A class B felony if:

1 (a) The defendant is a habitual boating offender; or

2 (b) While boating while intoxicated, the defendant acts
3 with criminal negligence to cause the death of a law enforcement
4 officer or emergency personnel;

5 (7) A class A felony if the defendant is a habitual
6 offender as a result of being found guilty of an act described
7 under paragraph (d) of subdivision (12) of section 577.001 and is
8 found guilty of a subsequent violation of such paragraph.

9 3. Notwithstanding the provisions of subsection 2 of this
10 section, a person found guilty of the offense of boating while
11 intoxicated as a first offense shall not be granted a suspended
12 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 4. If a person is found guilty of a second or subsequent
23 offense of boating while intoxicated, the court may order the
24 person to submit to a period of continuous alcohol monitoring or
25 verifiable breath alcohol testing performed a minimum of four
26 times per day as a condition of probation.

27 5. If a person is not granted a suspended imposition of
28 sentence for the reasons described in subsection 3 of this

1 section:

2 (1) If the individual operated the vessel with
3 fifteen-hundredths to twenty-hundredths of one percent by weight
4 of alcohol in such person's blood, the required term of
5 imprisonment shall be not less than forty-eight hours;

6 (2) If the individual operated the vessel with greater than
7 twenty-hundredths of one percent by weight of alcohol in such
8 person's blood, the required term of imprisonment shall be not
9 less than five days.

10 6. A person found guilty of the offense of boating while
11 intoxicated:

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 parole
19 or probation until he or she has served a minimum of ten days
20 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 offender shall not be eligible for

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 eligible
11 for parole or probation until he or she has served a minimum of
12 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.

20 577.014. 1. A person commits the offense of boating with
21 excessive blood alcohol content if he or she operates a vessel
22 while having eight-hundredths of one percent or more by weight of
23 alcohol in his or her blood.

24 2. As used in this section, percent by weight of alcohol in
25 the blood shall be based upon grams of alcohol per one hundred
26 milliliters of blood or two hundred ten liters of breath and may
27 be shown by chemical analysis of the person's blood, breath,
28 saliva or urine. For the purposes of determining the alcoholic

1 content of a person's blood under this section, the test shall be
2 conducted in accordance with the provisions of sections 577.020
3 to 577.041.

4 3. The offense of boating with excessive blood alcohol
5 content is:

6 (1) A class B misdemeanor;

7 (2) A class A misdemeanor if the defendant is alleged and
8 proved to be a prior boating offender;

9 (3) A class E felony if the defendant is alleged and proved
10 to be a persistent boating offender;

11 (4) A class D felony if the defendant is alleged and proved
12 to be an aggravated boating offender;

13 (5) A class C felony if the defendant is alleged and proved
14 to be a chronic boating offender;

15 (6) A class B felony if the defendant is alleged and proved
16 to be a habitual boating offender.

17 4. A person found guilty of the offense of boating with
18 excessive blood alcohol content as a first offense shall not be
19 granted a suspended imposition of sentence:

20 (1) Unless such person shall be placed on probation for a
21 minimum of two years; or

22 (2) In a circuit where a DWI court or docket created under
23 section 478.007 or other court-ordered treatment program is
24 available, and where the offense was committed with
25 fifteen-hundredths of one percent or more by weight of alcohol in
26 such person's blood unless the individual participates in and
27 successfully completes a program under such DWI court or docket
28 or other court-ordered treatment program.

1 5. When a person is not granted a suspended imposition of
2 sentence for the reasons described in subsection 4 of this
3 section:

4 (1) If the individual operated the vessel with
5 fifteen-hundredths to twenty-hundredths of one percent by weight
6 of alcohol in such person's blood, the required term of
7 imprisonment shall be not less than forty-eight hours;

8 (2) If the individual operated the vessel with greater than
9 twenty-hundredths of one percent by weight of alcohol in such
10 person's blood, the required term of imprisonment shall be not
11 less than five days.

12 6. If a person is found guilty of a second or subsequent
13 offense of boating with an excessive blood alcohol content, the
14 court may order the person to submit to a period of continuous
15 alcohol monitoring or verifiable breath alcohol testing performed
16 a minimum of four times per day as a condition of probation.

17 7. A person found guilty of the offense of boating with
18 excessive blood alcohol content:

19 (1) As a prior boating offender, persistent boating
20 offender, aggravated boating offender, chronic boating offender
21 or habitual boating offender shall not be granted a suspended
22 imposition of sentence or be sentenced to pay a fine in lieu of a
23 term of imprisonment, section 557.011 to the contrary
24 notwithstanding;

25 (2) As a prior boating offender, shall not be granted
26 parole or probation until he or she has served a minimum of ten
27 days imprisonment:

28 (a) Unless as a condition of such parole or probation such

1 person performs at least two hundred forty hours of community
2 service under the supervision of the court in those jurisdictions
3 which have a recognized program for community service; or

4 (b) The offender participates in and successfully completes
5 a program established under section 478.007 or other
6 court-ordered treatment program, if available;

7 (3) As a persistent boating offender, shall not be granted
8 parole or probation until he or she has served a minimum of
9 thirty days imprisonment:

10 (a) Unless as a condition of such parole or probation such
11 person performs at least four hundred eighty hours of community
12 service under the supervision of the court in those jurisdictions
13 which have a recognized program for community service; or

14 (b) The offender participates in and successfully completes
15 a program established under section 478.007 or other
16 court-ordered treatment program, if available;

17 (4) As an aggravated boating offender, shall not be
18 eligible for parole or probation until he or she has served a
19 minimum of sixty days imprisonment;

20 (5) As a chronic or habitual boating offender, shall not be
21 eligible for parole or probation until he or she has served a
22 minimum of two years imprisonment; and

23 (6) Any probation or parole granted under this subsection
24 may include a period of continuous alcohol monitoring or
25 verifiable breath alcohol testing performed a minimum of four
26 times per day.

27 577.037. 1. Upon the trial of any person for any criminal
28 offense or violations of county or municipal ordinances, or in

1 any license suspension or revocation proceeding pursuant to the
2 provisions of chapter 302, arising out of acts alleged to have
3 been committed by any person while operating a vehicle, vessel,
4 or aircraft, or acting as a flight crew member of any aircraft,
5 while in an intoxicated condition or with an excessive blood
6 alcohol content, the amount of alcohol in the person's blood at
7 the time of the act, as shown by any chemical analysis of the
8 person's blood, breath, saliva, or urine, is admissible in
9 evidence and the provisions of subdivision (5) of section 491.060
10 shall not prevent the admissibility or introduction of such
11 evidence if otherwise admissible.

12 2. If a chemical analysis of the defendant's breath, blood,
13 saliva, or urine demonstrates there was eight-hundredths of one
14 percent or more by weight of alcohol in the person's blood, this
15 shall be prima facie evidence that the person was intoxicated at
16 the time the specimen was taken. If a chemical analysis of the
17 defendant's breath, blood, saliva, or urine demonstrates that
18 there was less than eight-hundredths of one percent of alcohol in
19 the defendant's blood, any charge alleging a criminal offense
20 related to the operation of a vehicle, vessel, or aircraft while
21 in an intoxicated condition [or with an excessive blood alcohol
22 content] shall be dismissed with prejudice unless one or more of
23 the following considerations cause the court to find a dismissal
24 unwarranted:

25 (1) There is evidence that the chemical analysis is
26 unreliable as evidence of the defendant's intoxication at the
27 time of the alleged violation due to the lapse of time between
28 the alleged violation and the obtaining of the specimen;

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

4 (3) There is substantial evidence of intoxication from
5 physical observations of witnesses or admissions of the
6 defendant.

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

10 4. The foregoing provisions of this section shall not be
11 construed as limiting the introduction of any other competent
12 evidence bearing upon the question of whether the person was
13 intoxicated.

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

20 577.060. 1. A person commits the offense of leaving the
21 scene of an accident when:

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

25 (2) Having knowledge of such accident he or she leaves the
26 place of the injury, damage or accident without stopping and
27 giving the following information to the other party or to a law
28 enforcement officer, or if no law enforcement officer is in the

1 vicinity, then to the nearest law enforcement agency:

2 (a) His or her name;

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

4 (c) The registration or license number for his or her
5 vehicle or vessel; and

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

7 2. For the purposes of this section, all law enforcement
8 officers shall have jurisdiction, when invited by an injured
9 person, to enter the premises of any privately owned property for
10 the purpose of investigating an accident and performing all
11 necessary duties regarding such accident.

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

13 (1) A class A misdemeanor; or

14 (2) A class E felony if:

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

16 (b) Damage in excess of one thousand dollars was caused to
17 the property of another person; or

18 (c) The defendant has previously been found guilty of any
19 offense in violation of this section; or committed in another
20 jurisdiction which, if committed in this state, would be a
21 violation of an offense [in] this section.

22 4. A law enforcement officer who investigates or receives
23 information of an accident involving an all-terrain vehicle and
24 also involving the loss of life or serious physical injury shall
25 make a written report of the investigation or information
26 received and such additional facts relating to the accident as
27 may come to his or her knowledge, mail the information to the
28 department of public safety, and keep a record thereof in his or

1 her office.

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

6 578.007. The provisions of section 574.130, sections
7 578.005 to 578.023 shall not apply to:

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

10 (2) Bona fide scientific experiments;

11 (3) Hunting, fishing, or trapping as allowed by chapter
12 252, including all practices and privileges as allowed under the
13 Missouri Wildlife Code;

14 (4) Facilities and publicly funded zoological parks
15 currently in compliance with the federal "Animal Welfare Act" as
16 amended;

17 (5) Rodeo practices currently accepted by the Professional
18 Rodeo Cowboy's Association;

19 (6) The killing of an animal by the owner thereof, the
20 agent of such owner, or by a veterinarian at the request of the
21 owner thereof;

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

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

27 (9) The killing of an animal by any person at any time if
28 such animal is outside of the owned or rented property of the

1 owner or custodian of such animal and the animal is injuring any
2 person or farm animal but shall not include police or guard dogs
3 while working;

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

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

7 579.015. 1. A person commits the offense of possession of
8 a controlled substance if he or she knowingly possesses a
9 controlled substance, except as authorized by this chapter or
10 chapter 195.

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

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

17 4. The offense of possession of not more than ten grams of
18 marijuana or any synthetic cannabinoid is a class D misdemeanor.
19 If the defendant has previously been found guilty of any offense
20 of the laws related to controlled substances of this state, or of
21 the United States, or any state, territory, or district, the
22 offense is a class A misdemeanor. Prior findings of guilt shall
23 be pleaded and proven in the same manner as required by section
24 558.021.

25 5. In any complaint, information, or indictment, and in any
26 action or proceeding brought for the enforcement of any provision
27 of this chapter or chapter 195, it shall not be necessary to
28 include any exception, excuse, proviso, or exemption contained in

1 this chapter or chapter 195, and the burden of proof of any such
2 exception, excuse, proviso or exemption shall be upon the
3 defendant.

4 632.520. 1. For purposes of this section, the following
5 terms mean:

6 (1) "Employee of the department of mental health", a person
7 who is an employee of the department of mental health, an
8 employee or contracted employee of a subcontractor of the
9 department of mental health, or an employee or contracted
10 employee of a subcontractor of an entity responsible for
11 confining offenders as authorized by section 632.495;

12 (2) "Offender", a person ordered to the department of
13 mental health after a determination by the court that the person
14 meets the definition of a sexually violent predator, a person
15 ordered to the department of mental health after a finding of
16 probable cause under section 632.489, or a person committed for
17 control, care, and treatment by the department of mental health
18 under sections 632.480 to 632.513;

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

22 2. No offender shall knowingly commit violence to an
23 employee of the department of mental health or to another
24 offender housed in a secure facility. Violation of this
25 subsection shall be a class B felony.

26 3. No offender shall knowingly damage any building or other
27 property owned or operated by the department of mental health.
28 Violation of this subsection shall be a class [C] D felony.

1 Section B. The repeal and reenactment of sections 192.2260,
2 301.559, 339.100, 400.9-501, 565.032, 571.020, 571.030, 571.060,
3 571.063, 571.070, 571.072, and 632.520 of this act shall become
4 effective on January 1, 2017.