

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 663
98TH GENERAL ASSEMBLY

4336H.10C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.545, 57.111, 192.2260, 192.2405, 211.059, 217.670, 217.690, 301.559, 302.440, 302.535, 304.351, 311.310, 327.272, 339.100, 400.9-501, 455.543, 455.545, 476.083, 477.650, 478.705, 479.020, 563.031, 565.030, 565.032, 565.040, 566.210, 566.211, 566.212, 566.213, 569.132, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 571.111, 577.013, 577.014, 578.005, 578.007, 578.011, 578.022, 578.416, 579.015, 595.209, 595.226, 600.042, 600.090, 600.101, 610.026, 610.100, 632.520, and 650.058, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 217.360 as enacted by senate bill no. 399, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section 302.309 as enacted by senate bill no. 23, ninety-seventh general assembly, first regular session, section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, section 556.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 556.046 as enacted by senate bill no. 223, ninety-first general assembly, first regular session, section 557.021 as enacted by senate

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 574.010 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010 and 577.012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof eighty-five new sections relating to the administration of justice, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.545, 57.111, 192.2260, 192.2405, 211.059, 217.670, 217.690,
 2 301.559, 302.440, 302.535, 304.351, 311.310, 327.272, 339.100, 400.9-501, 455.543, 455.545,
 3 476.083, 477.650, 478.705, 479.020, 563.031, 565.030, 565.032, 565.040, 566.210, 566.211,
 4 566.212, 566.213, 569.132, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 571.111,
 5 577.013, 577.014, 578.005, 578.007, 578.011, 578.022, 578.416, 579.015, 595.209, 595.226,
 6 600.042, 600.090, 600.101, 610.026, 610.100, 632.520, and 650.058, RSMo, section 192.2410
 7 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh
 8 general assembly, second regular session, section 192.2475 as enacted by house revision bill no.
 9 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session,
 10 section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly,
 11 second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general

12 assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311,
13 ninety-second general assembly, first regular session, section 217.360 as enacted by senate bill
14 no. 399, ninety-second general assembly, first regular session, section 221.111 as enacted by
15 senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as
16 enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section
17 302.309 as enacted by senate bill no. 23, ninety-seventh general assembly, first regular session,
18 section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-
19 seventh general assembly, second regular session, section 556.046 as enacted by senate bill no.
20 491, ninety-seventh general assembly, second regular session, and section 556.046 as enacted
21 by senate bill no. 223, ninety-first general assembly, first regular session, section 557.021 as
22 enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section
23 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular
24 session, section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first
25 regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general
26 assembly, first regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh
27 general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 &
28 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by
29 senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as
30 enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section
31 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular
32 session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly,
33 second regular session, section 574.010 as enacted by senate bill no. 491, ninety-seventh general
34 assembly, second regular session, section 574.010 as enacted by senate bill no. 180, eighty-
35 seventh general assembly, first regular session, section 577.001 as enacted by senate bill no. 254,
36 ninety-eighth general assembly, first regular session, sections 577.010 and 577.012 as enacted
37 by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.060
38 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and
39 section 577.060 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary
40 session, are repealed and eighty-five new sections enacted in lieu thereof, to be known as
41 sections 43.545, 57.111, 173.2050, 192.2260, 192.2405, 192.2410, 192.2475, 198.070, 211.059,
42 211.436, 217.151, 217.360, 217.670, 217.690, 221.111, 301.559, 302.309, 302.440, 302.441,
43 302.535, 304.351, 311.310, 327.272, 339.100, 400.9-501, 455.095, 455.543, 455.545, 476.055,
44 476.083, 477.650, 478.252, 478.330, 478.705, 479.020, 510.035, 545.950, 556.046, 557.021,
45 563.031, 563.046, 565.030, 565.032, 565.040, 565.188, 565.225, 566.209, 566.210, 566.211,
46 566.212, 566.213, 568.040, 569.090, 569.132, 571.020, 571.030, 571.060, 571.063, 571.070,
47 571.072, 571.111, 574.010, 577.001, 577.010, 577.011, 577.012, 577.013, 577.014, 577.060,

48 578.005, 578.007, 578.022, 578.040, 578.416, 579.015, 595.209, 595.226, 600.042, 600.090,
49 600.101, 610.026, 610.100, 610.205, 632.520, and 650.058, to read as follows:

43.545. The state highway patrol shall include [in its voluntary system of reporting for
2 compilation in the "Crime in Missouri"] all reported incidents of domestic violence as defined
3 in section 455.010, whether or not an arrest is made, **in its system of reporting for compilation**
4 **in the annual crime report published under section 43.505**. All incidents shall be reported
5 on forms provided by the highway patrol and in a manner prescribed by the patrol.

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

173.2050. 1. The governing board of each public institution of higher education in
2 this state shall engage in discussions with law enforcement agencies with jurisdiction over
3 the premises of an institution to develop and enter into a memorandum of understanding
4 concerning sexual assault, domestic violence, dating violence, and stalking, as defined in
5 the federal Higher Education Act of 1965, 20 U.S.C. Section 1092(f), involving students
6 both on and off campus.

7 2. The memorandum of understanding shall contain detailed policies and protocols
8 regarding sexual assault, domestic violence, dating violence, and stalking involving a
9 student that comport with best practices and current professional practices. At a
10 minimum, the memorandum shall set out procedural requirements for the reporting of an
11 offense, protocol for establishing who has jurisdiction over an offense, and criteria for
12 determining when an offense is to be reported to law enforcement.

13 3. The department of public safety, in cooperation with the department of higher
14 education, shall promulgate rules and regulations to facilitate the implementation of this
15 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
16 created under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
18 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the

21 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
22 **shall be invalid and void.**

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

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

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

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

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

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

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

 192.2410. 1. A report made under section 192.2405 shall be made orally or in writing.

2 It shall include, if known:

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

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

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

9 (4) Other relevant information.

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

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

 192.2475. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the
3 departments of social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; **firefighter**; **first**
5 **responder**; funeral director; home health agency or home health agency employee; hospital and
6 clinic personnel engaged in examination, care, or treatment of persons; in-home services owner,
7 provider, operator, or employee; law enforcement officer; long-term care facility administrator
8 or employee; medical examiner; medical resident or intern; mental health professional; minister;
9 nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist;
10 physical therapist; physician; physician's assistant; podiatrist; probation or parole officer;
11 psychologist; or social worker has reasonable cause to believe that an in-home services client has
12 been abused or neglected, as a result of in-home services, he or she shall immediately report or
13 cause a report to be made to the department. If the report is made by a physician of the in-home
14 services client, the department shall maintain contact with the physician regarding the progress
15 of the investigation.

16 2. [When a report of deteriorating physical condition resulting in possible abuse or
17 neglect of an in-home services client is received by the department, the client's case manager and
18 the department nurse shall be notified. The client's case manager shall investigate and

19 immediately report the results of the investigation to the department nurse. The department may
20 authorize the in-home services provider nurse to assist the case manager with the investigation.

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

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

27 [5.] 3. The report shall contain the names and addresses of the in-home services provider
28 agency, the in-home services employee, the in-home services client, the home health agency, the
29 home health agency employee, information regarding the nature of the abuse or neglect, the name
30 of the complainant, and any other information which might be helpful in an investigation.

31 [6.] 4. In addition to those persons required to report under subsection 1 of this section,
32 any other person having reasonable cause to believe that an in-home services client or home
33 health patient has been abused or neglected by an in-home services employee or home health
34 agency employee may report such information to the department.

35 [7.] 5. If the investigation indicates possible abuse or neglect of an in-home services
36 client or home health patient, the investigator shall refer the complaint together with his or her
37 report to the department director or his or her designee for appropriate action. If, during the
38 investigation or at its completion, the department has reasonable cause to believe that immediate
39 action is necessary to protect the in-home services client or home health patient from abuse or
40 neglect, the department or the local prosecuting attorney may, or the attorney general upon
41 request of the department shall, file a petition for temporary care and protection of the in-home
42 services client or home health patient in a circuit court of competent jurisdiction. The circuit
43 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order
44 granting the department authority for the temporary care and protection of the in-home services
45 client or home health patient, for a period not to exceed thirty days.

46 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

47 [9.] 7. Anyone, except any person who has abused or neglected an in-home services
48 client or home health patient, who makes a report pursuant to this section or who testifies in any
49 administrative or judicial proceeding arising from the report shall be immune from any civil or
50 criminal liability for making such a report or for testifying except for liability for perjury, unless
51 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

52 [10.] 8. Within five working days after a report required to be made under this section
53 is received, the person making the report shall be notified in writing of its receipt and of the
54 initiation of the investigation.

55 [11.] 9. No person who directs or exercises any authority in an in-home services
56 provider agency or home health agency shall harass, dismiss or retaliate against an in-home
57 services client or home health patient, or an in-home services employee or a home health agency
58 employee because he or she or any member of his or her family has made a report of any
59 violation or suspected violation of laws, standards or regulations applying to the in-home
60 services provider agency or home health agency or any in-home services employee or home
61 health agency employee which he or she has reasonable cause to believe has been committed or
62 has occurred.

63 [12.] 10. Any person who abuses or neglects an in-home services client or home health
64 patient is subject to criminal prosecution under section 565.184. If such person is an in-home
65 services employee and has been found guilty by a court, and if the supervising in-home services
66 provider willfully and knowingly failed to report known abuse by such employee to the
67 department, the supervising in-home services provider may be subject to administrative penalties
68 of one thousand dollars per violation to be collected by the department and the money received
69 therefor shall be paid to the director of revenue and deposited in the state treasury to the credit
70 of the general revenue fund. Any in-home services provider which has had administrative
71 penalties imposed by the department or which has had its contract terminated may seek an
72 administrative review of the department's action pursuant to chapter 621. Any decision of the
73 administrative hearing commission may be appealed to the circuit court in the county where the
74 violation occurred for a trial de novo. For purposes of this subsection, the term "violation"
75 means a determination of guilt by a court.

76 [13.] 11. The department shall establish a quality assurance and supervision process for
77 clients that requires an in-home services provider agency to conduct random visits to verify
78 compliance with program standards and verify the accuracy of records kept by an in-home
79 services employee.

80 [14.] 12. The department shall maintain the employee disqualification list and place on
81 the employee disqualification list the names of any persons who have been finally determined
82 by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely
83 abused or neglected an in-home services client or home health patient while employed by an
84 in-home services provider agency or home health agency. For purposes of this section only,
85 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
86 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
87 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
88 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
89 in serious physical injury and such disregard constitutes a gross deviation from the standard of
90 care that a reasonable person would exercise in the situation.

91 [15.] 13. At the time a client has been assessed to determine the level of care as required
92 by rule and is eligible for in-home services, the department shall conduct a "Safe at Home
93 Evaluation" to determine the client's physical, mental, and environmental capacity. The
94 department shall develop the safe at home evaluation tool by rule in accordance with chapter
95 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate
96 level of services and professionals involved in the client's care. The plan of service or care for
97 each in-home services client shall be authorized by a nurse. The department may authorize the
98 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of
99 the client's condition and to establish a plan of services or care. The department may use the
100 expertise, services, or programs of other departments and agencies on a case-by-case basis to
101 establish the plan of service or care. The department may, as indicated by the safe at home
102 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for
103 evaluation and treatment as necessary.

104 [16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client
105 and the client's plan of services. The provider nurse shall report the results of his or her visits
106 to the client's case manager. If the provider nurse believes that the plan of service requires
107 alteration, the department shall be notified and the department shall make a client evaluation.
108 All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized
109 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients
110 whose services have reached one hundred percent of the average statewide charge for care and
111 treatment in an intermediate care facility, provided that the services have been preauthorized by
112 the department.

113 [17.] 15. All in-home services clients shall be advised of their rights by the department
114 or the department's designee at the initial evaluation. The rights shall include, but not be limited
115 to, the right to call the department for any reason, including dissatisfaction with the provider or
116 services. The department may contract for services relating to receiving such complaints. The
117 department shall establish a process to receive such nonabuse and neglect calls other than the
118 elder abuse and neglect hotline.

119 [18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to
120 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the
3 departments of social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; **firefighter**; **first**
5 **responder**; funeral director; home health agency or home health agency employee; hospital and
6 clinic personnel engaged in examination, care, or treatment of persons; in-home services owner,

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

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

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

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

27 [5.] 3. The report shall contain the names and addresses of the in-home services provider
28 agency, the in-home services employee, the in-home services client, the home health agency, the
29 home health agency employee, information regarding the nature of the abuse or neglect, the name
30 of the complainant, and any other information which might be helpful in an investigation.

31 [6.] 4. In addition to those persons required to report under subsection 1 of this section,
32 any other person having reasonable cause to believe that an in-home services client or home
33 health patient has been abused or neglected by an in-home services employee or home health
34 agency employee may report such information to the department.

35 [7.] 5. If the investigation indicates possible abuse or neglect of an in-home services
36 client or home health patient, the investigator shall refer the complaint together with his or her
37 report to the department director or his or her designee for appropriate action. If, during the
38 investigation or at its completion, the department has reasonable cause to believe that immediate
39 action is necessary to protect the in-home services client or home health patient from abuse or
40 neglect, the department or the local prosecuting attorney may, or the attorney general upon
41 request of the department shall, file a petition for temporary care and protection of the in-home
42 services client or home health patient in a circuit court of competent jurisdiction. The circuit

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

46 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

47 [9.] 7. Anyone, except any person who has abused or neglected an in-home services
48 client or home health patient, who makes a report pursuant to this section or who testifies in any
49 administrative or judicial proceeding arising from the report shall be immune from any civil or
50 criminal liability for making such a report or for testifying except for liability for perjury, unless
51 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

52 [10.] 8. Within five working days after a report required to be made under this section
53 is received, the person making the report shall be notified in writing of its receipt and of the
54 initiation of the investigation.

55 [11.] 9. No person who directs or exercises any authority in an in-home services
56 provider agency or home health agency shall harass, dismiss or retaliate against an in-home
57 services client or home health patient, or an in-home services employee or a home health agency
58 employee because he or she or any member of his or her family has made a report of any
59 violation or suspected violation of laws, standards or regulations applying to the in-home
60 services provider agency or home health agency or any in-home services employee or home
61 health agency employee which he or she has reasonable cause to believe has been committed or
62 has occurred.

63 [12.] 10. Any person who abuses or neglects an in-home services client or home health
64 patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such
65 person is an in-home services employee and has been found guilty by a court, and if the
66 supervising in-home services provider willfully and knowingly failed to report known abuse by
67 such employee to the department, the supervising in-home services provider may be subject to
68 administrative penalties of one thousand dollars per violation to be collected by the department
69 and the money received therefor shall be paid to the director of revenue and deposited in the state
70 treasury to the credit of the general revenue fund. Any in-home services provider which has had
71 administrative penalties imposed by the department or which has had its contract terminated may
72 seek an administrative review of the department's action pursuant to chapter 621. Any decision
73 of the administrative hearing commission may be appealed to the circuit court in the county
74 where the violation occurred for a trial de novo. For purposes of this subsection, the term
75 "violation" means a determination of guilt by a court.

76 [13.] 11. The department shall establish a quality assurance and supervision process for
77 clients that requires an in-home services provider agency to conduct random visits to verify

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

80 [14.] **12.** The department shall maintain the employee disqualification list and place on
81 the employee disqualification list the names of any persons who have been finally determined
82 by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely
83 abused or neglected an in-home services client or home health patient while employed by an
84 in-home services provider agency or home health agency. For purposes of this section only,
85 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
86 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
87 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
88 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
89 in serious physical injury and such disregard constitutes a gross deviation from the standard of
90 care that a reasonable person would exercise in the situation.

91 [15.] **13.** At the time a client has been assessed to determine the level of care as required
92 by rule and is eligible for in-home services, the department shall conduct a "Safe at Home
93 Evaluation" to determine the client's physical, mental, and environmental capacity. The
94 department shall develop the safe at home evaluation tool by rule in accordance with chapter
95 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate
96 level of services and professionals involved in the client's care. The plan of service or care for
97 each in-home services client shall be authorized by a nurse. The department may authorize the
98 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of
99 the client's condition and to establish a plan of services or care. The department may use the
100 expertise, services, or programs of other departments and agencies on a case-by-case basis to
101 establish the plan of service or care. The department may, as indicated by the safe at home
102 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for
103 evaluation and treatment as necessary.

104 [16.] **14.** Authorized nurse visits shall occur at least twice annually to assess the client
105 and the client's plan of services. The provider nurse shall report the results of his or her visits
106 to the client's case manager. If the provider nurse believes that the plan of service requires
107 alteration, the department shall be notified and the department shall make a client evaluation.
108 All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized
109 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients
110 whose services have reached one hundred percent of the average statewide charge for care and
111 treatment in an intermediate care facility, provided that the services have been preauthorized by
112 the department.

113 [17.] 15. All in-home services clients shall be advised of their rights by the department
114 or the department's designee at the initial evaluation. The rights shall include, but not be limited
115 to, the right to call the department for any reason, including dissatisfaction with the provider or
116 services. The department may contract for services relating to receiving such complaints. The
117 department shall establish a process to receive such nonabuse and neglect calls other than the
118 elder abuse and neglect hotline.

119 [18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to
120 192.2475 shall be reimbursed to the in-home services provider agency.

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

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

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

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

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

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

29 6. Upon receipt of a report, the department shall initiate an investigation within
30 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
31 resident's next of kin or responsible party of the report and the investigation and further notify
32 them whether the report was substantiated or unsubstantiated unless such person is the alleged
33 perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of
34 elder abuse shall be promptly reported by the department to the appropriate law enforcement
35 agency and prosecutor.

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

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

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for
50 making such a report or for testifying except for liability for perjury, unless such person acted
51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section
52 565.189 for any person to knowingly file a false report of elder abuse or neglect.

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

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected
59 violation of laws, ordinances or regulations applying to the facility which the resident, the
60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

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

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 192.2490
70 to have knowingly or recklessly abused or neglected a resident. For purposes of this section
71 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this
72 section. A person acts "knowingly" with respect to the person's conduct when a reasonable
73 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
74 when the person consciously disregards a substantial and unjustifiable risk that the person's
75 conduct will result in serious physical injury and such disregard constitutes a gross deviation
76 from the standard of care that a reasonable person would exercise in the situation.

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

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

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

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

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

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

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

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

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

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

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for
50 making such a report or for testifying except for liability for perjury, unless such person acted
51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime pursuant to section
52 565.186 and 565.188 for any person to purposely file a false report of elder abuse or neglect.

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

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected
59 violation of laws, ordinances or regulations applying to the facility which the resident, the
60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

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

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 660.315 to
70 have knowingly or recklessly abused or neglected a resident. For purposes of this section only,
71 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
72 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
73 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
74 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
75 in serious physical injury and such disregard constitutes a gross deviation from the standard of
76 care that a reasonable person would exercise in the situation.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 The provisions of this subsection shall not apply to statements admissible under section 491.075
39 or 492.304 in criminal proceedings.

40 **4. For the purposes of this section, any court recognized exception from the**
41 **required warnings given by law enforcement concerning constitutional rights to an adult**
42 **prior to custodial interrogation shall also apply to a child taken into custody. Any evidence**
43 **obtained in violation of this section shall be treated by the courts in the same manner as**
44 **evidence collected in violation of an adult's right to be given warnings concerning**
45 **constitutional rights prior to custodial interrogation.**

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

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

217.151. 1. This section shall be known and may be cited as the Pregnant Offender Transportation, Evaluation, and Correctional Treatment Act, or the ProTECT Act.

2. For purposes of this section, "extraordinary circumstances" exist when a chief administrative officer or their designee makes a determination that restraints are necessary to prevent a pregnant or postpartum offender from escaping or seriously injuring herself, her unborn or newborn child, medical or correctional personnel, or others. For purposes of this section, "postpartum" is the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse.

3. The department shall establish by rule under section 217.040, policies and procedures for the transportation, evaluation, and treatment of pregnant and postpartum offenders consistent with the statutes of this state. The department shall consult with physicians, nursing, correctional, and other professional organizations in establishing such rules. Such rules shall include, but need not be limited to:

(1) Any time restraints are used on a pregnant offender during the second or third trimester or on a postpartum offender for forty-eight hours post-delivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. If wrist restraints are used on a pregnant offender, they shall be applied in the front so she is able to protect herself and her unborn child in the event of a forward fall. In no case shall leg, ankle, or waist restraints be used during examination and tests for symptoms of preterm labor, during labor and delivery, or during immediate post-delivery recuperation;

(2) Except in extraordinary circumstances, no restraints of any kind shall be used on offenders during the second or third trimester of pregnancy or for forty-eight hours post-delivery, whether during transportation to and from visits to health care providers outside of the correctional center, court proceedings, or other places, or during labor and delivery;

27 **(3) Pregnant and postpartum offenders shall be transported to and from visits to**
28 **health care providers outside of the correctional center, court proceedings, or other places**
29 **in vehicles with seatbelts;**

30 **(4) If a doctor, nurse, or other health care provider treating a pregnant or**
31 **postpartum offender requests that restraints not be used, the corrections officer**
32 **accompanying the pregnant or postpartum offender shall immediately remove all**
33 **restraints, unless there are extraordinary circumstances;**

34 **(5) Upon intake, a pregnant or postpartum offender shall be evaluated and treated**
35 **for:**

36 **(a) Overall maternal health, and if necessary, provided dietary supplements for**
37 **pregnant and breastfeeding offenders. Readily available and regularly scheduled obstetric**
38 **care, beginning in early pregnancy and continuing through the postpartum period, shall**
39 **be provided. The department shall, with the assistance of the department of social services**
40 **and consent of the pregnant offender, consider enrolling an unborn child in the show-me**
41 **healthy babies program under section 208.662;**

42 **(b) Substance abuse, and provided treatment, including, if necessary, provided**
43 **opioid-assisted therapy for offenders who are opioid-dependent;**

44 **(c) Infection with human immunodeficiency virus (HIV), and if HIV positive,**
45 **provided treatment for maternal health and to prevent perinatal HIV transmission; and**

46 **(d) Depression or mental stress during pregnancy and for postpartum depression**
47 **after delivery, and provided treatment as needed; and**

48 **(6) Required activities with a high risk of falling shall be avoided. Pregnant and**
49 **postpartum offenders shall be given a bottom bunk during pregnancy and the postpartum**
50 **period.**

51 **4. In the event a chief administrative officer or their designee determines that**
52 **extraordinary circumstances exist and restraints are used, the chief administrative officer**
53 **or their designee shall fully document in writing within seven days of the incident the**
54 **reasons he or she determined such extraordinary circumstances existed, the kind of**
55 **restraints used, and the reasons those restraints were considered the least restrictive**
56 **available and the most reasonable under the circumstances.**

57 **5. The sentencing and corrections oversight commission established under section**
58 **217.147, and the advisory committee established under section 217.015, shall conduct**
59 **biannual reviews of every report written on the use of restraints on a pregnant or**
60 **postpartum offender in accordance with subsection 4 of this section to determine**
61 **compliance with this section. The written reports shall be kept on file by the department**
62 **for five years.**

63 **6. The chief administrative officer of each correctional center that houses pregnant**
64 **and postpartum offenders shall:**

65 **(1) Ensure the employees of the correctional center who come in contact with**
66 **pregnant or postpartum offenders are provided with training, which may include online**
67 **training, on the provisions of this section; and**

68 **(2) Inform female offenders of the policies and procedures developed in accordance**
69 **with this section upon admission to the correctional center, including the policies and**
70 **procedures in the offender handbook, and post the policies and procedures in locations in**
71 **the correctional center where such notices are commonly posted and will be seen by female**
72 **offenders, including common housing areas and health care facilities.**

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

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

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

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

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

14 **(5) Any two-way telecommunications device or its component parts.**

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

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

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

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

30 **(2) Any other person who is authorized by the correctional center, city or county**
31 **jail, or private prison to possess or use a two-way telecommunications device in the**
32 **correctional center, or city or county jail, or private prison or jail.**

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

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

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

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

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

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

217.690. 1. When in its opinion there is reasonable probability that an offender of a
2 correctional center can be released without detriment to the community or to himself, the board

3 may in its discretion release or parole such person except as otherwise prohibited by law. All
4 paroles shall issue upon order of the board, duly adopted.

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

12 3. The board has discretionary authority to require the payment of a fee, not to exceed
13 sixty dollars per month, from every offender placed under board supervision on probation,
14 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful
15 nonpayment of fees, and to contract with a private entity for fee collections services. All fees
16 collected shall be deposited in the inmate fund established in section 217.430. Fees collected
17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,
20 electronic monitoring services, residential facilities services, employment placement services,
21 and other offender community corrections or intervention services designated by the board to
22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

25 4. The board shall adopt rules not inconsistent with law, in accordance with section
26 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
27 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
28 recite the conditions of such parole.

29 5. When considering parole for an offender with consecutive sentences, the minimum
30 term for eligibility for parole shall be calculated by adding the minimum terms for parole
31 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
32 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

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

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

61 11. Beginning January 1, 2001, the board shall not order a parole unless the offender has
62 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,
63 while committed to the custody of the department, has made an honest good-faith effort to obtain
64 a high school diploma or its equivalent; provided that the director may waive this requirement
65 by certifying in writing to the board that the offender has actively participated in mandatory
66 education programs or is academically unable to obtain a high school diploma or its equivalent.

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

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

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

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

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

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

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

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

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

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

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

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

40 **(2) Any other person who is authorized by the correctional center, or city, county,**
41 **or private jail to possess or use a two-way telecommunications device in the correctional**
42 **center, or city, county, or private jail.**

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

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

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

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each

31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

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

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

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

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.
10 Any application may be made in writing to the director of revenue and the person's reasons for
11 requesting the limited driving privilege shall be made therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

14 (a) A business, occupation, or employment;

15 (b) Seeking medical treatment for such operator;

16 (c) Attending school or other institution of higher education;

17 (d) Attending alcohol- or drug-treatment programs;

18 (e) Seeking the required services of a certified ignition interlock device provider; or

19 (f) Any other circumstance the court or director finds would create an undue hardship
20 on the operator,

21

22 the court or director may grant such limited driving privilege as the circumstances of the case
23 justify if the court or director finds undue hardship would result to the individual, and while so
24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such
27 operator resides or in the county in which is located the operator's principal place of business or
28 employment. Any application for a limited driving privilege made to a circuit court shall name
29 the director as a party defendant and shall be served upon the director prior to the grant of any
30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the
32 department of revenue proof of financial responsibility as required by chapter 303. Any
33 application by a person who transports persons or property as classified in section 302.015 may
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
35 financial responsibility does not accompany the application, or if the applicant does not have on
36 file with the department of revenue proof of financial responsibility, the court or the director has
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
39 privilege must state such restriction. When operating such vehicle under such restriction the
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under
42 the provisions of subdivision (6) of this subsection if such person has a license denial under
43 paragraph (a) or (b) of subdivision (8) of this subsection or on a license revocation resulting from
44 a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation
45 under subdivision (2) of subsection 2 of section 302.525, or section 302.574 or 577.041, until
46 the applicant has filed proof with the department of revenue that any motor vehicle operated by
47 the person is equipped with a functioning, certified ignition interlock device as a required

48 condition of limited driving privilege. The ignition interlock device required for obtaining a
49 limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall
50 have a photo identification technology feature, and a court may require a global positioning
51 system feature for such device.

52 (5) The court order or the director's grant of the limited or restricted driving privilege
53 shall indicate the termination date of the privilege, which shall be not later than the end of the
54 period of suspension or revocation. The court order or the director's grant of the limited or
55 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock
56 device is required as a condition of operating a motor vehicle with the limited driving privilege.
57 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall
58 be given to the driver which shall be carried by the driver whenever such driver operates a motor
59 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of
60 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited
61 driving privilege while operating a motor vehicle. A conviction which results in the assessment
62 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance
63 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited
64 driving privilege terminates the privilege, as of the date the points are assessed to the person's
65 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the
66 privilege shall not be terminated. Failure of the driver to maintain proof of financial
67 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,
68 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall
69 notify by ordinary mail the driver whose privilege is so terminated.

70 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
71 receive a limited driving privilege whose license at the time of application has been suspended
72 or revoked for the following reasons:

73 (a) A conviction of any felony in the commission of which a motor vehicle was used and
74 such conviction occurred within the five-year period prior to the date of application. However,
75 any felony conviction for leaving the scene of an accident under section 577.060 shall not render
76 the applicant ineligible for a limited driving privilege under this section;

77 (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
78 (6), (7), (8), (9), or (10) of subsection 1 of section 302.060; or

79 (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section
80 302.302 or subsection 2 of section 302.525.

81 (7) No person who possesses a commercial driver's license shall receive a limited driving
82 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
83 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall

84 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
85 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
86 otherwise ineligible for a limited driving privilege.

87 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
88 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
89 manner prescribed in this subsection, allow a person who has had such person's license to operate
90 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
91 as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
92 privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court
93 or the director that such person's habits and conduct show that the person no longer poses a threat
94 to the public safety of this state. A circuit court shall grant a limited driving privilege to any
95 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
96 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
97 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

98 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
99 ineligible for a limited driving privilege or convicted of acting with criminal negligence while
100 driving while intoxicated to cause the death of another person, a circuit court or the director may,
101 in the manner prescribed in this subsection, allow a person who has had such person's license to
102 operate a motor vehicle revoked where that person cannot obtain a new license for a period of
103 five years because of two convictions of driving while intoxicated, as prescribed in subdivision
104 (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this
105 subsection. Such person shall present evidence satisfactory to the court or the director that such
106 person's habits and conduct show that the person no longer poses a threat to the public safety of
107 this state. Any person who is denied a license permanently in this state because of an alcohol-
108 related conviction subsequent to a restoration of such person's driving privileges pursuant to
109 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to
110 the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
111 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
112 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
113 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

114 (9) A DWI docket or court established under section 478.007, **or a veterans treatment**
115 **court established under section 478.008**, may grant a limited driving privilege to a participant
116 in or graduate of the program who would otherwise be ineligible for such privilege under another
117 provision of law.

118 4. Any person who has received notice of denial of a request of limited driving privilege
119 by the director of revenue may make a request for a review of the director's determination in the

120 circuit court of the county in which the person resides or the county in which is located the
121 person's principal place of business or employment within thirty days of the date of mailing of
122 the notice of denial. Such review shall be based upon the records of the department of revenue
123 and other competent evidence and shall be limited to a review of whether the applicant was
124 statutorily entitled to the limited driving privilege.

125 5. The director of revenue shall promulgate rules and regulations necessary to carry out
126 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
127 536.010, that is created under the authority delegated in this section shall become effective only
128 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
129 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
130 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
131 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
132 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.
10 Any application may be made in writing to the director of revenue and the person's reasons for
11 requesting the limited driving privilege shall be made therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

- 14 (a) A business, occupation, or employment;
- 15 (b) Seeking medical treatment for such operator;
- 16 (c) Attending school or other institution of higher education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition interlock device provider; or
- 19 (f) Any other circumstance the court or director finds would create an undue hardship
20 on the operator,

21

22 the court or director may grant such limited driving privilege as the circumstances of the case
23 justify if the court or director finds undue hardship would result to the individual, and while so

24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such
27 operator resides or in the county in which is located the operator's principal place of business or
28 employment. Any application for a limited driving privilege made to a circuit court shall name
29 the director as a party defendant and shall be served upon the director prior to the grant of any
30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the
32 department of revenue proof of financial responsibility as required by chapter 303. Any
33 application by a person who transports persons or property as classified in section 302.015 may
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
35 financial responsibility does not accompany the application, or if the applicant does not have on
36 file with the department of revenue proof of financial responsibility, the court or the director has
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
39 privilege must state such restriction. When operating such vehicle under such restriction the
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under
42 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license
44 denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation
45 under paragraph (g) of subdivision (6) of this subsection, until the applicant has filed proof with
46 the department of revenue that any motor vehicle operated by the person is equipped with a
47 functioning, certified ignition interlock device as a required condition of limited driving
48 privilege. The ignition interlock device required for obtaining a limited driving privilege under
49 paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification
50 technology and global positioning system features.

51 (5) The court order or the director's grant of the limited or restricted driving privilege
52 shall indicate the termination date of the privilege, which shall be not later than the end of the
53 period of suspension or revocation. The court order or the director's grant of the limited or
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of
59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited

60 driving privilege while operating a motor vehicle. A conviction which results in the assessment
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial
66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall
68 notify by ordinary mail the driver whose privilege is so terminated.

69 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
70 receive a limited driving privilege whose license at the time of application has been suspended
71 or revoked for the following reasons:

72 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
73 provision of any federal or state law, or a municipal or county law where the judge in such case
74 was an attorney and the defendant was represented by or waived the right to an attorney in
75 writing, until the person has completed the first thirty days of a suspension or revocation imposed
76 pursuant to this chapter;

77 (b) A conviction of any felony in the commission of which a motor vehicle was used;

78 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
79 (6), (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

80 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
81 controlled substance as defined in chapter 195, or having left the scene of an accident as
82 provided in section 577.060;

83 (e) Due to a revocation for failure to submit to a chemical test pursuant to section
84 577.041 or due to a refusal to submit to a chemical test in any other state, unless such person has
85 completed the first ninety days of such revocation and files proof of installation with the
86 department of revenue that any vehicle operated by such person is equipped with a functioning,
87 certified ignition interlock device, provided the person is not otherwise ineligible for a limited
88 driving privilege;

89 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
90 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
91 for a limited driving privilege; or

92 (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has
93 not completed the first forty-five days of such revocation, provided the person is not otherwise
94 ineligible for a limited driving privilege.

95 (7) No person who possesses a commercial driver's license shall receive a limited driving
96 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
97 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall
98 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
99 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
100 otherwise ineligible for a limited driving privilege.

101 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
102 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
103 manner prescribed in this subsection, allow a person who has had such person's license to operate
104 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
105 as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
106 privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court
107 or the director that such person's habits and conduct show that the person no longer poses a threat
108 to the public safety of this state. A circuit court shall grant a limited driving privilege to any
109 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
110 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
111 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

112 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
113 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
114 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
115 manner prescribed in this subsection, allow a person who has had such person's license to operate
116 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
117 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
118 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this
119 subsection. Such person shall present evidence satisfactory to the court or the director that such
120 person's habits and conduct show that the person no longer poses a threat to the public safety of
121 this state. Any person who is denied a license permanently in this state because of an alcohol-
122 related conviction subsequent to a restoration of such person's driving privileges pursuant to
123 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to
124 the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
125 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
126 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
127 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

128 (9) A DWI docket or court established under section 478.007, **or a veterans treatment**
129 **court established under section 478.008**, may grant a limited driving privilege to a participant
130 in or graduate of the program who would otherwise be ineligible for such privilege under another

131 provision of law. The DWI docket or court, **or veterans treatment court**, shall not grant a
132 limited driving privilege to a participant during his or her initial forty-five days of participation.

133 4. Any person who has received notice of denial of a request of limited driving privilege
134 by the director of revenue may make a request for a review of the director's determination in the
135 circuit court of the county in which the person resides or the county in which is located the
136 person's principal place of business or employment within thirty days of the date of mailing of
137 the notice of denial. Such review shall be based upon the records of the department of revenue
138 and other competent evidence and shall be limited to a review of whether the applicant was
139 statutorily entitled to the limited driving privilege.

140 5. The director of revenue shall promulgate rules and regulations necessary to carry out
141 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
142 536.010, that is created under the authority delegated in this section shall become effective only
143 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
144 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
145 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
146 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
147 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.440. In addition to any other provisions of law, a court may require that any person
2 who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001,
3 and a court shall require that any person who is found guilty of a second or subsequent
4 intoxication-related traffic offense, as defined in section 577.001, shall not operate any motor
5 vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for
6 a period of not less than six months from the date of reinstatement of the person's driver's license.
7 In addition, any court authorized to grant a limited driving privilege under section 302.309 to any
8 person who is found guilty of a second or subsequent intoxication-related traffic offense shall
9 require the use of an ignition interlock device on all vehicles operated by the person as a required
10 condition of the limited driving privilege, **except as provided in section 302.441, and the court**
11 **may order the person to submit to continuous alcohol monitoring as defined in section**
12 **577.023, and beginning January 1, 2017, section 577.001, or random alcohol monitoring.**
13 These requirements shall be in addition to any other provisions of this chapter or chapter 577
14 requiring installation and maintenance of an ignition interlock device. Any person required to
15 use an ignition interlock device shall comply with such requirement subject to the penalties
16 provided by section 577.599.

302.441. 1. If a person is required to have an ignition interlock device installed on
2 **such person's vehicle, he or she may apply to the court for an employment exemption**
3 **variance to allow him or her to drive an employer-owned vehicle not equipped with an**

4 **ignition interlock device for employment purposes only. Such exemption shall not be**
5 **granted to a person who is self-employed or who wholly or partially owns an entity that**
6 **owns an employer-owned vehicle, except as provided in section 302.441, and the court may**
7 **order the person to submit to continuous alcohol monitoring as defined in section 577.023,**
8 **and beginning January 1, 2017, section 577.001, or random alcohol monitoring.**

9 **2. A person who is granted an employment exemption variance under subsection**
10 **1 of this section shall not drive, operate, or be in physical control of an employer-owned**
11 **vehicle used for transporting children under eighteen years of age or vulnerable persons,**
12 **as defined in section 630.005, or an employer-owned vehicle for personal use, except as**
13 **provided in section 302.441, and the court may order the person to submit to continuous**
14 **alcohol monitoring as defined in section 577.023, and beginning January 1, 2017, section**
15 **577.001, or random alcohol monitoring.**

302.535. 1. Any person aggrieved by a decision of the department may file a petition
2 for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the
3 evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not
4 as an appeal of an administrative decision pursuant to chapter 536. The petition shall be filed
5 in the circuit court of the county where the arrest occurred. The case shall be decided by the
6 judge sitting without a jury. Until January 1, 2002, the presiding judge of the circuit court may
7 assign a traffic judge, pursuant to section 479.500, RSMo 1994, a circuit judge or an associate
8 circuit judge to hear such petition. After January 1, 2002, pursuant to local court rule pursuant
9 to article V, section 15 of the Missouri Constitution, the case may be assigned to a circuit judge
10 or an associate circuit judge, or to a traffic judge pursuant to section 479.500.

11 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension
12 or revocation order **and the department shall issue a temporary driving permit which shall**
13 **be valid until a final order is issued following the date of the disposition of the petition for**
14 **a trial de novo.** [A restricted driving privilege as defined in section 302.010 shall be issued in
15 accordance with subsection 2 of section 302.525, if the person's driving record shows no prior
16 alcohol-related enforcement contact during the immediately preceding five years. Such restricted
17 driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

18 3. In addition to the restricted driving privilege as permitted in subsection 2 of this
19 section, the department may upon the filing of a petition for trial de novo issue a restricted
20 driving privilege as defined in section 302.010. In determining whether to issue such a restrictive
21 driving privilege, the department shall consider the number and the seriousness of prior
22 convictions and the entire driving record of the driver.

23 4. Such time of restricted driving privilege pending disposition of trial de novo shall be
24 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.

25 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted
26 driving privilege for an additional sixty days in order to meet the conditions imposed by section
27 302.540 for reinstating a person's driver's license.]

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

4 2. When two vehicles enter an intersection from different highways at approximately the
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left
8 turn.

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

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

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

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

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

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

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

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

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

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

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

58 11. In addition to the penalty specified in subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
60 have caused a fatality, there [shall] **may** be assessed a penalty of up to [one] **two thousand five**
61 **hundred** dollars. The court may issue an order of suspension of such person's driving privilege
62 for a period of six months. **Such person may also be required to participate in and**
63 **successfully complete a driver-improvement program approved by the director of the**
64 **department of revenue.**

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

67 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the
68 director of the department shall impose such suspension as set forth in the court order. The order
69 of suspension shall include the name of the offender, the offender's driver's license number,

70 Social Security number, and the effective date of the suspension. Any appeal of a suspension
71 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
72 and subject to review by the presiding judge of the circuit court or another judge within the
73 circuit other than the judge who issued the original order to suspend the driver's license. The
74 director of revenue's entry of the court-ordered suspension on the driving record is not a decision
75 subject to review under section 302.311. Any suspension of the driver's license ordered by the
76 court under this section shall be in addition to any other suspension that may occur as a result
77 of the conviction under other provisions of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Establishment of state plane coordinates;

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

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

(12) Layout of proposed improvements;

(13) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to (13) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For

37 the purposes of this section, the term "real property rights" means a recordable interest in real
38 estate as it affects the location of land boundary lines. The validity of any document prepared
39 between August 27, 2014, and August 28, 2015, by a provider of utility or communications
40 services purporting to affect real property rights shall remain valid and enforceable
41 notwithstanding that any legal description contained therein was not prepared by a professional
42 land surveyor.

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

46 4. Nothing in this section shall be construed to preclude the practice of architecture or
47 professional engineering or professional landscape architecture as provided in sections 327.091,
48 327.181, and 327.600.

49 **5. Nothing in this section shall be construed to preclude the practice of title**
50 **insurance business or the business of title insurance as provided in chapter 381, or to**
51 **preclude the practice of law or law business as governed by the Missouri supreme court**
52 **and as provided in chapter 484.**

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

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

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

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

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

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

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

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from
42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

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

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

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

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

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

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

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

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

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

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

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

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

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

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

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

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

91 (23) Assisting or enabling any person to practice or offer to practice any profession
92 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
93 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
94 339.710 to 339.860;

95 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
96 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
97 directed;

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

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

104 3. After the filing of such complaint, the proceedings will be conducted in accordance
105 with the provisions of law relating to the administrative hearing commission. A finding of the
106 administrative hearing commissioner that the licensee has performed or attempted to perform one
107 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
108 the commission, or the placing of the licensee on probation on such terms and conditions as the
109 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
110 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
111 continued violation shall constitute a separate offense.

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

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

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

122 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
123 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
124 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
125 statutory sodomy in the second degree, child molestation in the first degree, child molestation
126 in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct

127 involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior
128 to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,
129 sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

130 (3) Any of the following offenses against the family and related offenses: incest,
131 abandonment of a child in the first degree, abandonment of a child in the second degree,
132 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
133 performance, promoting sexual performance by a child, or trafficking in children;

134 (4) Any of the following offenses involving child pornography and related offenses:
135 promoting obscenity in the first degree, promoting obscenity in the second degree when the
136 penalty is enhanced to a class [D] E felony, promoting child pornography in the first degree,
137 promoting child pornography in the second degree, possession of child pornography in the first
138 degree, possession of child pornography in the second degree, furnishing child pornography to
139 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene
140 material; and

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

142 6. A person whose license was revoked under subsection 5 of this section may appeal
143 such revocation to the administrative hearing commission. Notice of such appeal must be
144 received by the administrative hearing commission within ninety days of mailing, by certified
145 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
146 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
147 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
148 administrative hearing commission.

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

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

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

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

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

12 (b) The office in which to file a financing statement to perfect a security interest in
13 collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The

14 financing statement also constitutes a fixture filing as to the collateral indicated in the financing
15 statement which is or is to become fixtures.

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

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

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

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

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

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

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

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

14 (b) **The manner in which the electronic monitoring technology functions and the**
15 **risks and limitations of that technology;**

16 (c) **The boundaries imposed on the person being monitored during the electronic**
17 **monitoring;**

18 (d) **The sanctions that the court may impose for violations of the order issued by**
19 **the court;**

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

22 (f) Identification of support services available to assist the protected person in
23 developing a safety plan to use if the monitored person violates an order or if the electronic
24 monitoring equipment fails;

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

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

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

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

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

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

41 4. Electronic monitoring with victim notification shall be ordered only with the
42 protected person's informed consent. In determining whether to place a person on
43 electronic monitoring with victim notification, the court may hold a hearing to consider the
44 likelihood that the person's participation in electronic monitoring will deter the person
45 from injuring the protected person. The court shall consider the following factors:

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

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

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

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

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

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

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

55 **5. Unless the person is determined to be indigent by the court, a person ordered to**
56 **be placed on electronic monitoring with victim notification shall be ordered to pay the**
57 **related costs and expenses. If the court determines the person is indigent, the person may**
58 **be placed on electronic monitoring with victim notification, and the clerk of the court in**
59 **which the case was determined shall notify the department of corrections that the person**
60 **was determined to be indigent and shall include in a bill to the department the costs**
61 **associated with the monitoring. The department shall establish by rule a procedure to**
62 **determine the portion of costs each indigent person is able to pay based on a person's**
63 **income, number of dependents, and other factors as determined by the department and**
64 **shall seek reimbursement of such costs.**

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

67 **7. The department of corrections, department of public safety, Missouri state**
68 **highway patrol, the circuit courts, and county and municipal law enforcement agencies**
69 **shall share information obtained via electronic monitoring conducted pursuant to this**
70 **section.**

71 **8. No supplier of a product, system, or service used for electronic monitoring with**
72 **victim notification shall be liable, directly or indirectly, for damages arising from any**
73 **injury or death associated with the use of the product, system, or service unless, and only**
74 **to the extent that, such action is based on a claim that the injury or death was proximately**
75 **caused by a manufacturing defect in the product or system.**

76 **9. Nothing in this section shall be construed as limiting a court's ability to place a**
77 **person on electronic monitoring without victim notification under sections 544.455 or**
78 **557.011.**

79 **10. A person shall be found guilty of the offense of tampering with electronic**
80 **monitoring equipment under section 575.205 if he or she commits the actions prohibited**
81 **under such section with any equipment that a court orders the person to wear under this**
82 **section.**

83 **11. The department of corrections shall promulgate rules and regulations for the**
84 **implementation of subsection 5 of this section. Any rule or portion of a rule, as that term**
85 **is defined in section 536.010 that is created under the authority delegated in this section**
86 **shall become effective only if it complies with and is subject to all of the provisions of**
87 **chapter 536, and, if applicable, section 536.028. This section and chapter 536 are**
88 **nonseverable and if any of the powers vested with the general assembly pursuant to**
89 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**

90 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
91 **proposed or adopted after August 28, 2016, shall be invalid and void.**

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

455.543. 1. In any incident investigated by a law enforcement agency involving a
2 homicide or suicide, the law enforcement agency shall make a determination as to whether the
3 homicide or suicide is related to domestic violence.

4 2. In making such determination, the local law enforcement agency may consider a
5 number of factors including, but not limited to, the following:

6 (1) If the relationship between the perpetrator and the victim is or was that of a family
7 or household member;

8 (2) Whether the victim or perpetrator had previously filed for an order of protection;

9 (3) Whether any of the subjects involved in the incident had previously been investigated
10 for incidents of domestic violence; and

11 (4) Any other evidence regarding the homicide or suicide that assists the agency in
12 making its determination.

13 3. After making a determination as to whether the homicide or suicide is related to
14 domestic violence, the law enforcement agency shall forward the information required [within
15 fifteen days] to the Missouri state highway patrol on a form or format approved by the patrol.
16 The required information shall include the gender and age of the victim, the type of incident
17 investigated, the disposition of the incident and the relationship of the victim to the perpetrator.
18 The state highway patrol shall develop a form for this purpose which shall be distributed by the
19 department of public safety to all law enforcement agencies by October 1, 2000. [Completed
20 forms shall be forwarded to the highway patrol without undue delay as required by section
21 43.500; except that all such reports shall be forwarded no later than seven days after an incident
22 is determined or identified as a homicide or suicide involving domestic violence.]

455.545. The highway patrol shall compile an annual report of homicides and suicides
2 related to domestic violence. Such report shall be presented by [February] **March** first of the
3 subsequent year to the governor, speaker of the house of representatives, and president pro
4 tempore of the senate.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining

8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general
10 revenue; except that, any unexpended balance remaining in the fund on September 1, [2018]
11 **2023**, shall be transferred to general revenue.

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

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

30 4. Any purchase of computer software or computer hardware that exceeds five thousand
31 dollars shall be made pursuant to the requirements of the office of administration for lowest and
32 best bid. Such bids shall be subject to acceptance by the office of administration. The court
33 automation committee shall determine the specifications for such bids.

34 5. The court automation committee shall not require any circuit court to change any
35 operating system in such court, unless the committee provides all necessary personnel, funds and
36 equipment necessary to effectuate the required changes. No judicial circuit or county may be
37 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
38 county has the approval of the court automation committee prior to incurring the specific cost.

39 6. Any court automation system, including any pilot project, shall be implemented,
40 operated and maintained in accordance with strict standards for the security and privacy of
41 confidential judicial records. Any person who knowingly releases information from a
42 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that

43 a judicial record is confidential, uses information from such confidential record for financial gain
44 is guilty of a class E felony.

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

- 48 (1) The chair of the house budget committee;
- 49 (2) The chair of the senate appropriations committee;
- 50 (3) The chair of the house judiciary committee; and
- 51 (4) The chair of the senate judiciary committee.

52 8. Section 488.027 shall expire on September 1, [2018] **2023**. The court automation
53 committee established pursuant to this section may continue to function until completion of its
54 duties prescribed by this section, but shall complete its duties prior to September 1, [2020] **2025**.

55 9. This section shall expire on September 1, [2020] **2025**.

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

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

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall

24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

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

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services
2 Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys
3 collected under section 488.031 shall be credited to the fund. In addition to the court filing
4 surcharges, funds from other public or private sources also may be deposited into the fund and
5 all earnings of the fund shall be credited to the fund. The purpose of this section is to increase
6 the funding available for basic civil legal services to eligible low-income persons as such persons
7 are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

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

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

29 4. The Missouri supreme court, or a person or organization designated by the court, is
30 the administrator and shall administer the fund in such manner as determined by the Missouri
31 supreme court, including in accordance with any rules and policies adopted by the Missouri
32 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection
33 of the fee and the implementation and administration of the fund.

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

40 6. The Missouri supreme court, or a person or organization designated by the court, shall,
41 by January thirty-first of each year, report to the general assembly on the moneys collected and
42 disbursed pursuant to this section and section 488.031 by judicial circuit.

43 7. The provisions of this section shall expire on December 31, [2018] **2025**.

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

14 **2. The circuit court may impose a thirty-dollar surcharge for each criminal case
15 assigned to the armed offender docket. Moneys from such surcharge shall be collected in
16 the manner provided in sections 488.010 to 488.020 and shall be used solely to defray the
17 costs of prosecution, pretrial supervision, and statistical analysis of such cases. No such
18 surcharge shall be collected in any proceeding if the proceeding or the defendant has been
19 dismissed by the court or if costs are to be paid by the state, county, or municipality.**

20 **3. The presiding judge of the circuit court, along with the prosecuting attorney and
21 all law enforcement agencies in such circuit, shall assist in the coordinating and sharing of**

22 court and law enforcement data and information that is relevant to the operation and
23 evaluation of the armed offender docket. Such information shall include, but not be
24 limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

48 4. Within six months after each anniversary of the creation of the armed offender
49 docket, the circuit court shall provide and publish a public report on the operations of the
50 armed offender docket during the year immediately preceding the anniversary, including
51 any commentary on such operations as may be offered by a research university in
52 Missouri, prosecuting attorney or public defender in such circuit, or law enforcement
53 agency in such circuit.

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

478.330. 1. When an annual judicial performance report submitted under section
2 477.405 indicates for three consecutive calendar years the need for two or more full-time

3 **judicial positions in any judicial circuit, there shall be one additional circuit judge position**
4 **authorized in such circuit, subject to appropriations made for that purpose.**

5 **2. Except in circuits where circuit judges are selected under the provisions of article**
6 **V of sections 25(a) to 25(g) of the Missouri Constitution, the election of circuit judges**
7 **authorized by this section shall be conducted in accordance with chapter 115.**

478.705. 1. There shall be [two] **three** circuit judges in the twenty-sixth judicial circuit
2 consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges
3 shall sit in divisions numbered one [and] , two, **and three.**

4 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
5 division one shall be elected in 1982. **The governor shall appoint a judge for division three**
6 **and, notwithstanding the provisions of section 105.030, that judge shall serve until January**
7 **1, 2021. A judge for division three shall be elected in 2020.**

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-
9 time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30 8. Within six months after selection for the position, each municipal judge who is not
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify
33 to the supreme court the names of those judges who satisfactorily complete the prescribed
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
35 months after the municipal judge's selection as municipal judge, the municipal judge's office
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
38 judge.

39 **9. No municipal judge shall serve as a municipal judge in more than five**
40 **municipalities at one time.**

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

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

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

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

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

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

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

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

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

30 **(1) Be limited solely to the use of the recordings or photographs for the purposes**
31 **of a pending court proceeding or in preparation for a pending court proceeding;**

32 **(2) Prohibit further copying, reproduction, or distribution of the recordings or**
33 **photographs; and**

34 **(3) Require, upon the final disposition of the case, the return of all copies to the**
35 **health care provider, child assessment center or multidisciplinary team member that**
36 **originally had possession of the recordings or photographs, or provide an affidavit to the**
37 **health care provider, child assessment center, or multidisciplinary team member that**
38 **originally had possession of the recordings or photographs certifying that all copies have**
39 **been destroyed.**

40 **4. Nothing in this section shall prohibit multidisciplinary team members from**
41 **exercising discretion to grant access to viewing, but not copying, the visual or aural**
42 **recordings or photographs.**

545.950. 1. Except as provided by subsection 2 of this section, the defendant, the
2 **defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of**
3 **the defendant's attorney shall not copy or distribute to a third party any visual or aural**
4 **recordings or photographs of a minor who is alleged to be the victim of an offense under**
5 **chapter 566 created by or in the possession of a child assessment center, health care**
6 **provider, or multidisciplinary team member unless a court orders the copying or**
7 **distribution upon a showing of good cause after notice and a hearing and after considering**
8 **the safety and privacy interests of any victim.**

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

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

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

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

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

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

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

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

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

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

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

12 (2) It is an offense submitted to the jury because there is a **rational** basis for a verdict
13 acquitting the person of the offense charged and convicting the person of the included offense.

14 3. The court shall be obligated to instruct the jury with respect to a particular included
15 offense only if there is a **rational** basis in the evidence for acquitting the person of the
16 immediately higher included offense and there is a **rational** basis in the evidence for convicting
17 the person of that particular included offense.

18 **4. For purposes of this section, "rational basis" means a basis wherein a reasonable**
19 **juror could draw inferences from the evidence presented that an essential element of the**
20 **greater offense has not been established and that would warrant convicting the defendant**
21 **of the lesser offense.**

22 **5. It is the intent of the legislature to reject and abrogate earlier case law relating**
23 **to required lesser-included offense instructions, including the holding in State v. Jackson,**

24 **433 S.W.3d 390 (Mo. banc 2014) and all cases citing, interpreting, applying, or following**
25 **that case. It is the intent of the legislature to apply these provisions retroactively.**

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

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

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

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

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

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

12 (2) It is an offense submitted to the jury because there is a **rational** basis for a verdict
13 acquitting the defendant of the offense charged and convicting the defendant of the included
14 offense.

15 3. The court shall be obligated to instruct the jury with respect to a particular included
16 offense only if there is a **rational** basis in the evidence for acquitting the defendant of the
17 immediately higher included offense and there is a **rational** basis in the evidence for convicting
18 the defendant of that particular included offense.

19 **4. For purposes of this section, "rational basis" means a basis wherein a reasonable**
20 **juror could draw inferences from the evidence presented that an essential element of the**
21 **greater offense has not been established and that would warrant convicting the defendant**
22 **of the lesser offense.**

23 **5. It is the intent of the legislature to reject and abrogate earlier case law relating**
24 **to required lesser-included offense instructions, including the holding in State v. Jackson,**
25 **433 S.W.3d 390 (Mo. banc 2014) and all cases citing, interpreting, applying, or following**
26 **that case. It is the intent of the legislature to apply these provisions retroactively.**

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

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

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

8 (1) If the offense is a felony:

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

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

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

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

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

17 (2) If the offense is a misdemeanor:

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

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

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

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

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

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
2 physical force upon another person when and to the extent he or she reasonably believes such
3 force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such
8 withdrawal to such other person but the latter persists in continuing the incident by the use or
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
11 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person
15 whom he or she seeks to protect would not be justified in using such protective force; **or**

16 (3) The actor was attempting to commit, committing, or escaping after the commission
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself,
21 or herself or her unborn child, or another against death, serious physical injury, or any forcible
22 felony;

23 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
24 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by
25 such person; or

26 (3) Such force is used against a person who unlawfully enters, remains after unlawfully
27 entering, or attempts to unlawfully enter private property that is owned or leased by an
28 individual, **or is occupied by an individual who has been given specific authority by the**
29 **property owner to occupy the property**, claiming a justification of using protective force under
30 this section.

31 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where
32 the person is not unlawfully entering or unlawfully remaining. A person does not have a duty
33 to retreat from private property that is owned or leased by such individual.

34 4. The justification afforded by this section extends to the use of physical restraint as
35 protective force provided that the actor takes all reasonable measures to terminate the restraint
36 as soon as it is reasonable to do so.

37 5. The defendant shall have the burden of injecting the issue of justification under this
38 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
39 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable
40 doubt that the defendant did not reasonably believe that the use of such force was necessary to
41 defend against what he or she reasonably believed was the use or imminent use of unlawful
42 force.

563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect
2 the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably
3 believes to have committed an offense because of resistance or threatened resistance of the
4 arrestee. In addition to the use of physical force authorized under other sections of this chapter,
5 a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use
6 of such physical force as he or she reasonably believes is immediately necessary to effect the
7 arrest or to prevent the escape from custody.

8 2. The use of any physical force in making an arrest is not justified under this section
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful,
10 **and the amount of physical force used was objectively reasonable in light of the totality of**
11 **the particular facts and circumstances confronting the officer on the scene, without regard**
12 **to the officer's underlying intent or motivation.**

13 3. **In effecting an arrest or in preventing an escape from custody**, a law enforcement
14 officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly
15 force only:

16 (1) When deadly force is authorized under other sections of this chapter; or

17 (2) When [he or she] **the officer** reasonably believes that such use of deadly force is
18 immediately necessary to effect the arrest **or prevent an escape from custody** and also
19 reasonably believes that the person to be arrested:

20 (a) Has committed or attempted to commit a felony **offense involving the infliction or**
21 **threatened infliction of serious physical injury**; or

22 (b) Is attempting to escape by use of a deadly weapon; or

23 (c) May otherwise endanger life or inflict serious physical injury **to the officer or others**
24 unless arrested without delay.

25 4. The defendant shall have the burden of injecting the issue of justification under this
26 section.

563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect
2 the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes
3 to have committed an offense because of resistance or threatened resistance of the arrestee. In
4 addition to the use of physical force authorized under other sections of this chapter, he is, subject
5 to the provisions of subsections 2 and 3, justified in the use of such physical force as he
6 reasonably believes is immediately necessary to effect the arrest or to prevent the escape from
7 custody.

8 2. The use of any physical force in making an arrest is not justified under this section
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful,
10 **and the amount of physical force used was objectively reasonable in light of the totality of**
11 **the particular facts and circumstances confronting the officer on the scene, without regard**
12 **to the officer's underlying intent or motivation.**

13 3. **In effecting an arrest or in preventing an escape from custody**, a law enforcement
14 officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly
15 force only:

16 (1) When such is authorized under other sections of this chapter; or

17 (2) When [he] **the officer** reasonably believes that such use of deadly force is
18 immediately necessary to effect the arrest **or prevent an escape from custody** and also
19 reasonably believes that the person to be arrested:

20 (a) Has committed or attempted to commit a felony **offense involving the infliction or**
21 **threatened infliction of serious physical injury**; or

22 (b) Is attempting to escape by use of a deadly weapon; or

23 (c) May otherwise endanger life or inflict serious physical injury **to the officer or others**
24 unless arrested without delay.

25 4. The defendant shall have the burden of injecting the issue of justification under this
26 section.

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

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

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

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

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

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

36 (3) If the trier concludes that there is evidence in mitigation of punishment, including
37 but not limited to evidence supporting the statutory mitigating circumstances listed in subsection
38 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment
39 found by the trier; or

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

42 If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out
43 in writing the aggravating circumstance or circumstances listed in subsection 2 of section
44 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed
45 before the case is submitted that if it is unable to decide or agree upon the punishment the court
46 shall assess and declare the punishment at life imprisonment without eligibility for probation,
47 parole, or release except by act of the governor or death. The court shall follow the same
48 procedure as set out in this section whenever it is required to determine punishment for murder
49 in the first degree.

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

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

60 7. The provisions of this section shall only govern offenses committed on or after August
61 28, 2001.

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

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

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

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

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

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

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

26 (4) The offender committed the offense of murder in the first degree for himself **or**
27 **herself** or another, for the purpose of receiving money or any other thing of monetary value from
28 the victim of the murder or another;

29 (5) The murder in the first degree was committed against a judicial officer, former
30 judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former
31 circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant
32 circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected
33 official or former elected official during or because of the exercise of his official duty;

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

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

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

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

42 (10) The murder in the first degree was committed for the purpose of avoiding,
43 interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of
44 himself **or herself** or another;

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

49 (12) The murdered individual was a witness or potential witness in any past or pending
50 investigation or past or pending prosecution, and was killed as a result of his **or her** status as a
51 witness or potential witness;

52 (13) The murdered individual was an employee of an institution or facility of the
53 department of corrections of this state or local correction agency and was killed in the course of
54 performing his **or her** official duties, or the murdered individual was an inmate of such
55 institution or facility;

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

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

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

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

65 3. Statutory mitigating circumstances shall include the following:

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

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

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

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

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

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

76 (7) The age of the defendant at the time of the [crime] **offense**.

2 565.040. 1. In the event that the death penalty provided in this chapter is held to be
3 unconstitutional, any person convicted of murder in the first degree shall be sentenced by the
4 court to life imprisonment without eligibility for probation, parole, or release except by act of
5 the governor, with the exception that when a specific aggravating circumstance found in a case
6 is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is
7 further authorized to remand the case for resentencing or retrial of the punishment pursuant to
8 subsection 5 of section [565.036] **565.035**.

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

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

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

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

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

26 5. Evidence of prior convictions of false reporting shall be heard by the court, out of the
27 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
28 the existence of the prior convictions.

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

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

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

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

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

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

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

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

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

29 4. This section shall not apply to activities of federal, state, county, or municipal law
30 enforcement officers conducting investigations of any violation of federal, state, county, or
31 municipal law.

32 5. The offense of stalking in the first degree is a class E felony, unless the defendant has
33 previously been found guilty of a violation of this section or section 565.227, or any offense
34 committed in another jurisdiction which, if committed in this state, would be chargeable or
35 indictable as a violation of any offense listed in this section or section 565.227, in which case
36 stalking in the first degree is a class D felony.

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

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

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

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

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

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

21 (1) Makes a credible threat; or

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

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

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

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

30 (6) **At any time during the course of conduct, the other person is a participant of**
31 **the address confidentiality program under sections 589.660 to 589.681, and the person**
32 **harassing the other person knowingly accesses or attempts to access the address of the**
33 **other person.**

34 4. The crime of stalking shall be a class A misdemeanor unless the person has previously
35 pleaded guilty to or been found guilty of a violation of this section, or of any offense committed
36 in violation of any county or municipal ordinance in any state, any state law, any federal law, or
37 any military law which, if committed in this state, would be chargeable or indictable as a
38 violation of any offense listed in this section, in which case stalking shall be a class D felony.

39 5. The crime of aggravated stalking shall be a class D felony unless the person has
40 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense
41 committed in violation of any county or municipal ordinance in any state, any state law, any
42 federal law, or any military law which, if committed in this state, would be chargeable or
43 indictable as a violation of any offense listed in this section, aggravated stalking shall be a class
44 C felony.

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

47 7. This section shall not apply to activities of federal, state, county, or municipal law
48 enforcement officers conducting investigations of violation of federal, state, county, or municipal
49 law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 566.213. 1. A person commits the crime of sexual trafficking of a child under the age
2 of twelve if the individual knowingly:

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

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

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

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

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

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

5 2. For purposes of this section:

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

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

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

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

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

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

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

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

38 7. During any period that a nonviolent offender is incarcerated for criminal nonsupport,
39 if the offender is ready, willing, and able to be gainfully employed during said period of
40 incarceration, the offender, if he or she meets the criteria established by the department of

41 corrections, may be placed on work release to allow the offender to satisfy his or her obligation
42 to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

43 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then
44 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole
45 for conviction of criminal nonsupport, may be considered for parole, under the conditions set
46 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection
47 7 of this section.

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

54 10. Persons accused of committing the offense of nonsupport of the child shall be
55 prosecuted:

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

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

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

3 (1) Tamper with property of another for the purpose of causing substantial
4 inconvenience to that person or to another; or

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

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

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

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

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

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

17 that there has been a violation of such subdivision by the person or persons who use or receive
18 the direct benefit of the electric, gas, steam or water service.

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

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

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

569.132. 1. This section shall be known and may be cited as the "Crop Protection Act".

2 2. A person commits the offense of prohibited acts involving crops if he or she:

3 (1) Intentionally causes the loss of any crop;

4 (2) **Intentionally contaminates, weakens,** damages, vandalizes, or steals any property
5 in or on land on which a crop is located;

6 (3) Obtains access to a crop by false pretenses for the purpose of performing acts not
7 authorized by the landowner;

8 (4) Enters or otherwise interferes with a crop with the intent to destroy, alter, duplicate
9 or obtain unauthorized possession of such crop;

10 (5) Knowingly obtains, by theft or deception, control over a crop for the purpose of
11 depriving the rightful owner of such crop, or for the purpose of destroying such crop; or

12 (6) Enters or remains on land on which a crop is located with the intent to commit an act
13 prohibited by this section.

14 3. The offense of prohibited acts involving crops is a class A misdemeanor for each such
15 violation unless:

16 (1) The loss or damage to the crop is seven hundred fifty dollars or more, in which case
17 it is a class E felony;

18 (2) The loss or damage to the crop is one thousand dollars or more, in which case it is
19 a class D felony;

20 (3) The loss or damage to the crop is twenty-five thousand dollars or more, in which case
21 it is a class C felony;

22 (4) The loss or damage to the crop is seventy-five thousand dollars or more, in which
23 case it is a class B felony.

24 4. Any person who has been damaged by a violation of this section shall have a civil
25 cause of action under section 537.353.

26 5. Nothing in this section shall preclude any owner or operator injured in his or her
27 business or on his or her property by a violation of this section from seeking appropriate relief
28 under any other provision of law or remedy including the issuance of an injunction against any

29 person who violates this section. The owner or operator of the business may petition the court
30 to permanently enjoin such persons from violating this section, and the court shall provide such
31 relief.

32 6. The director of the department of agriculture shall have the authority to investigate
33 any alleged violation of this section, along with any other law enforcement agency, and may take
34 any action within the director's authority necessary for the enforcement of this section. The
35 attorney general, the highway patrol, and other law enforcement officials shall provide assistance
36 required for the investigation.

37 7. The director may promulgate rules and regulations necessary for the enforcement of
38 this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is
39 created under the authority delegated in this section shall become effective only if it complies
40 with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028.
41 This section and chapter 536 are nonseverable and if any of the powers vested with the general
42 assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul
43 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
44 proposed or adopted after January 1, 2017, shall be invalid and void.

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

3 (1) An explosive weapon;

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

6 (3) A gas gun;

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

9 (5) Knuckles; or

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

11 (a) A machine gun;

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

13 (c) A firearm silencer; or

14 (d) A switchblade knife.

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

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

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

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

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

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

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

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

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

5 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

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

31 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
32 persons described in this subsection, regardless of whether such uses are reasonably associated
33 with or are necessary to the fulfillment of such person's official duties except as otherwise
34 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
35 shall not apply to or affect any of the following persons, when such uses are reasonably
36 associated with or are necessary to the fulfillment of such person's official duties, except as
37 otherwise provided in this subsection:

38 (1) All state, county and municipal peace officers who have completed the training
39 required by the police officer standards and training commission pursuant to sections 590.030
40 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
41 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
42 such officers are on or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
44 12 of this section, and who carry the identification defined in subsection 13 of this section, or
45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

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

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

51 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
52 the judicial power of the state and those persons vested by Article III of the Constitution of the
53 United States with the judicial power of the United States, the members of the federal judiciary;

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

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

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

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

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

63 (10) Any **municipal or county** prosecuting attorney or assistant prosecuting attorney[,]
64 ; circuit attorney or assistant circuit attorney[,] ; **municipal, associate circuit, or circuit judge**;
65 or any person appointed by a court to be a special prosecutor who has completed the firearms
66 safety training course required under subsection 2 of section 571.111;

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

72 (12) Upon the written approval of the governing body of a fire department or fire
73 protection district, any paid fire department or fire protection district chief who is employed on
74 a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
75 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
76 necessary to the fulfillment of such person's official duties.

77 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
78 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
79 ammunition is not readily accessible or when such weapons are not readily accessible.
80 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
81 or older or eighteen years of age or older and a member of the United States Armed Forces, or
82 honorably discharged from the United States Armed Forces, transporting a concealable firearm
83 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
84 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
85 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
86 premises over which the actor has possession, authority or control, or is traveling in a continuous
87 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
88 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
89 for the purposes of transporting a student to or from school, or possessed by an adult for the
90 purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

98 6. Notwithstanding any provision of this section to the contrary, the state shall not
99 prohibit any state employee from having a firearm in the employee's vehicle on the state's
100 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
101 only apply to the state as an employer when the state employee's vehicle is on property owned
102 or leased by the state and the state employee is conducting activities within the scope of his or
103 her employment. For the purposes of this subsection, "state employee" means an employee of
104 the executive, legislative, or judicial branch of the government of the state of Missouri.

105 7. Nothing in this section shall make it unlawful for a student to actually participate in
106 school-sanctioned gun safety courses, student military or ROTC courses, or other school-
107 sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm
108 or other weapon readily capable of lethal use into any school, onto any school bus, or onto the
109 premises of any other function or activity sponsored or sanctioned by school officials or the
110 district school board.

111 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
112 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
113 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
114 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
115 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
116 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
117 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section
8 571.010, or ammunition.

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

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

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

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

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

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

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

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

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

8 2. Unlawful possession of a firearm is a class [C] **D** felony.

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

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

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

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

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

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of
2 firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed
3 carry permit:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms

17 training course, approved by the director of the Missouri department of corrections under the
18 authority granted to him or her, that includes instruction on the justifiable use of force as
19 prescribed in chapter 563; or

20 (7) Submits a photocopy of a certificate of firearms safety training course completion
21 that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of
22 subsection 2 of this section that were in effect on the date it was issued.

23 2. A certificate of firearms safety training course completion may be issued to any
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his
32 or her marksmanship with either firearm;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a concealed carry permit from the sheriff
37 of the individual's county of residence;

38 (7) The laws relating to firearms as prescribed in this chapter;

39 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

40 (9) A live firing exercise of sufficient duration for each applicant to fire either a revolver
41 or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty
42 rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an
43 equivalent target;

44 (10) A live-fire test administered to the applicant while the instructor was present of
45 twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its
46 equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

47 **3. A certificate of firearms safety training course completion may also be issued to**
48 **an applicant who presents proof to a qualified firearms safety instructor that the applicant**
49 **has passed a regular or online course on firearm safety conducted by an instructor certified**
50 **by the National Rifle Association that is at least one hour in length and who also passes the**
51 **requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section**

52 **in a course, not restricted by a period of hours, that is taught by a qualified firearms safety**
53 **instructor.**

54 **4.** A qualified firearms safety instructor shall not give a grade of passing to an applicant
55 for a concealed carry permit who:

56 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
57 officer; or

58 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
59 instructor, poses a danger to the applicant or to others; or

60 (3) During the live-fire testing portion of the course fails to hit the silhouette portion of
61 the targets with at least fifteen rounds.

62 [4.] **5.** Qualified firearms safety instructors who provide firearms safety instruction to
63 any person who applies for a concealed carry permit shall:

64 (1) Make the applicant's course records available upon request to the sheriff of the
65 county in which the applicant resides;

66 (2) Maintain all course records on students for a period of no less than four years from
67 course completion date; and

68 (3) Not have more than forty students per certified instructor in the classroom portion
69 of the course or more than five students per range officer engaged in range firing.

70 [5.] **6.** A firearms safety instructor shall be considered to be a qualified firearms safety
71 instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121
72 if the instructor:

73 (1) Is a valid firearms safety instructor certified by the National Rifle Association
74 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

75 (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's
76 course offered by a local, state, or federal governmental agency; or

77 (3) Submits a photocopy of a notarized certificate from a firearms safety instructor
78 course approved by the department of public safety; or

79 (4) Has successfully completed a firearms safety instructor course given by or under the
80 supervision of any state, county, municipal, or federal law enforcement agency; or

81 (5) Is a certified police officer firearms safety instructor.

82 [6.] **7.** Any firearms safety instructor qualified under subsection [5] **6** of this section may
83 submit a copy of a training instructor certificate, course outline bearing the notarized signature
84 of the instructor, and a recent photograph of the instructor to the sheriff of the county in which
85 the instructor resides. The sheriff shall review the training instructor certificate along with the
86 course outline and verify the firearms safety instructor is qualified and the course meets the
87 requirements provided under this section. If the sheriff verifies the firearms safety instructor is

88 qualified and the course meets the requirements provided under this section, the sheriff shall
89 collect an annual registration fee of ten dollars from each qualified instructor who chooses to
90 submit such information and submit the registration to the Missouri sheriff methamphetamine
91 relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent,
92 shall create and maintain a statewide database of qualified instructors. This information shall
93 be a closed record except for access by any sheriff. Firearms safety instructors may register
94 annually and the registration is only effective for the calendar year in which the instructor
95 registered. Any sheriff may access the statewide database maintained by the Missouri sheriff
96 methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the
97 course offered by the instructor meets the requirements provided under this section. Unless a
98 sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is
99 qualified to provide firearms safety instruction in counties throughout the state under this section
100 if the instructor is registered on the statewide database of qualified instructors.

101 [7.] 8. Any firearms safety instructor who knowingly provides any sheriff with any false
102 information concerning an applicant's performance on any portion of the required training and
103 qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this
104 section shall result in the person being prohibited from instructing concealed carry permit classes
105 and issuing certificates.

574.010. 1. A person commits the offense of peace disturbance if he or she:

2 (1) Unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
5 uttered under circumstances which are likely to produce an immediate violent response from a
6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) Is in a public place or on private property of another without consent and purposely
12 causes inconvenience to another person or persons by unreasonably and physically obstructing:

13 (a) Vehicular or pedestrian traffic; or

14 (b) The free ingress or egress to or from a public or private place.

15 2. **Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
16 **subsection 1 of this section, a person does not commit the offense of peace disturbance by**
17 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
18 **arises from or are attendant to:**

19 **(a) The raising, maintaining, or keeping livestock as defined in section 277.020**
 20 **including, but not limited to, any noise or odor made directly by or coming directly from**
 21 **any livestock; or**

22 **(b) The planting, caring, maintaining, or harvesting of crops or hay.**

23 **3.** The offense of peace disturbance is a class B misdemeanor upon the first conviction.
 24 Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a
 25 third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one
 26 thousand dollars and no more than five thousand dollars.

574.010. 1. A person commits the crime of peace disturbance if:

2 (1) He unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
 5 uttered under circumstances which are likely to produce an immediate violent response from a
 6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
 8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) He is in a public place or on private property of another without consent and
 12 purposely causes inconvenience to another person or persons by unreasonably and physically
 13 obstructing:

14 (a) Vehicular or pedestrian traffic; or

15 (b) The free ingress or egress to or from a public or private place.

16 **2. Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
 17 **subsection 1 of this section, a person does not commit the crime of peace disturbance by**
 18 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
 19 **arises from or are attendant to:**

20 **(a) The raising, maintaining, or keeping livestock as defined in section 277.020**
 21 **including, but not limited to, any noise or odor made directly by or coming directly from**
 22 **any livestock; or**

23 **(b) The planting, caring, maintaining, or harvesting of crops or hay.**

24 **3.** Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second
 25 or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or
 26 subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand
 27 dollars and no more than five thousand dollars.

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

- 2 (1) "Aggravated offender", a person who has been found guilty of:
3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;
4 or
5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
6 where at least one of the intoxication-related traffic offenses is an offense committed in violation
7 of any state law, county or municipal ordinance, any federal offense, or any military offense in
8 which the defendant was operating a vehicle while intoxicated and another person was injured
9 or killed;
- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
11 (a) Three or more intoxication-related boating offenses; or
12 (b) [Has been found guilty of one] **Two** or more intoxication-related boating offenses
13 committed on separate occasions where at least one of the intoxication-related [traffic] **boating**
14 offenses is an offense committed in violation of any state law, county or municipal ordinance,
15 any federal offense, or any military offense in which the defendant was operating a vessel while
16 intoxicated and another person was injured or killed;
- 17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
18 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
19 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
20 to be straddled by the operator, or with a seat designed to carry more than one person, and
21 handlebars for steering control;
- 22 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but
23 not any juvenile court or drug court;
- 24 (5) "Chronic offender", a person who has been found guilty of:
25 (a) Four or more intoxication-related traffic offenses committed on separate occasions;
26 or
27 (b) Three or more intoxication-related traffic offenses committed on separate occasions
28 where at least one of the intoxication-related traffic offenses is an offense committed in violation
29 of any state law, county or municipal ordinance, any federal offense, or any military offense in
30 which the defendant was operating a vehicle while intoxicated and another person was injured
31 or killed; or
32 (c) Two or more intoxication-related traffic offenses committed on separate occasions
33 where both intoxication-related traffic offenses were offenses committed in violation of any state
34 law, county or municipal ordinance, any federal offense, or any military offense in which the
35 defendant was operating a vehicle while intoxicated and another person was injured or killed;
- 36 (6) "Chronic boating offender", a person who has been found guilty of:
37 (a) Four or more intoxication-related boating offenses; or

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

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

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

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

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

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

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

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

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

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

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

- 72 a. Cause the death of any person not a passenger in the vehicle operated by the
73 defendant, including the death of an individual that results from the defendant's vehicle leaving
74 a highway, as defined by section 301.010, or the highway's right-of-way; or
- 75 b. Cause the death of two or more persons; or
- 76 c. Cause the death of any person while he or she has a blood alcohol content of at least
77 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 78 (12) "Habitual boating offender", a person who has been found guilty of:
- 79 (a) Five or more intoxication-related boating offenses; or
- 80 (b) Four or more intoxication-related boating offenses committed on separate occasions
81 where at least one of the intoxication-related boating offenses is an offense committed in
82 violation of any state law, county or municipal ordinance, any federal offense, or any military
83 offense in which the defendant was operating a vessel while intoxicated and another person was
84 injured or killed; or
- 85 (c) Three or more intoxication-related boating offenses committed on separate occasions
86 where at least two of the intoxication-related boating offenses were offenses committed in
87 violation of any state law, county or municipal ordinance, any federal offense, or any military
88 offense in which the defendant was operating a vessel while intoxicated and another person was
89 injured or killed; or
- 90 (d) While boating while intoxicated, the defendant acted with criminal negligence to:
- 91 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
92 including the death of an individual that results from the defendant's vessel leaving the water;
93 or
- 94 b. Cause the death of two or more persons; or
- 95 c. Cause the death of any person while he or she has a blood alcohol content of at least
96 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 97 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
98 alcohol, a controlled substance, or drug, or any combination thereof;
- 99 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
100 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which
101 the defendant was operating a vessel while intoxicated and another person was injured or killed
102 in violation of any state law, county or municipal ordinance, any federal offense, or any military
103 offense;
- 104 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
105 excessive blood alcohol content, **driving under the influence of alcohol or drugs in violation**
106 **of a county or municipal ordinance**, or an offense in which the defendant was operating a

107 vehicle while intoxicated and another person was injured or killed in violation of any state law,
 108 county or municipal ordinance, any federal offense, or any military offense;

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

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

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

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

116 **or**

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

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

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

122 **or**

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

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

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

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

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

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

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

8 (3) A class E felony if:

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

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

- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated offender;
- 14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 15 physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 17 serious physical injury to another person;
- 18 (5) A class C felony if:
- 19 (a) The defendant is a chronic offender;
- 20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 21 serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 23 the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual offender; or
- 26 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 27 the death of a law enforcement officer or emergency personnel;
- 28 (7) A class A felony if the defendant is a habitual offender as a result of being found
- 29 guilty of an act described under paragraph (d) of subdivision (11) of section 577.001 and is found
- 30 guilty of a subsequent violation of such paragraph.
- 31 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
- 32 of the offense of driving while intoxicated as a first offense shall not be granted a suspended
- 33 imposition of sentence:
- 34 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 35 (2) In a circuit where a DWI court or docket created under section 478.007 or other
- 36 court-ordered treatment program is available, and where the offense was committed with
- 37 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
- 38 the individual participates and successfully completes a program under such DWI court or docket
- 39 or other court-ordered treatment program.
- 40 4. If a person is found guilty of a second or subsequent offense of driving while
- 41 intoxicated, the court may order the person to submit to a period of continuous alcohol
- 42 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
- 43 a condition of probation.
- 44 5. If a person is not granted a suspended imposition of sentence for the reasons described
- 45 in subsection 3 of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (1) A class B misdemeanor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 577.013. 1. A person commits the offense of boating while intoxicated if he or she
2 operates a vessel while in an intoxicated condition.
- 3 2. The offense of boating while intoxicated is:
- 4 (1) A class B misdemeanor;
- 5 (2) A class A misdemeanor if:
- 6 (a) The defendant is a prior boating offender; or
- 7 (b) A person less than seventeen years of age is present in 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 with criminal negligence to cause
11 physical injury to another person;
- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated boating offender;
- 14 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
15 physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
17 serious physical injury to another person;
- 18 (5) A class C felony if:
- 19 (a) The defendant is a chronic boating offender;
- 20 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
21 serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
23 the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual boating offender; or
- 26 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
27 the death of a law enforcement officer or emergency personnel;
- 28 (7) A class A felony if the defendant is a habitual offender as a result of being found
29 guilty of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found
30 guilty of a subsequent violation of such paragraph.
- 31 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
32 of the offense of boating while intoxicated as a first offense shall not be granted a suspended
33 imposition of sentence:
- 34 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 35 (2) In a circuit where a DWI court or docket created under section 478.007 or other
36 court-ordered treatment program is available, and where the offense was committed with

37 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
38 the individual participates in and successfully completes a program under such DWI court or
39 docket or other court-ordered treatment program.

40 4. If a person is found guilty of a second or subsequent offense of boating while
41 intoxicated, the court may order the person to submit to a period of continuous alcohol
42 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
43 a condition of probation.

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

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

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

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

53 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
54 chronic boating offender or habitual boating offender shall not be granted a suspended
55 imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
56 557.011 to the contrary notwithstanding;

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

59 (a) Unless as a condition of such parole or probation such person performs at least two
60 hundred forty hours of community service under the supervision of the court in those
61 jurisdictions which have a recognized program for community service; or

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

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

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

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

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

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

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

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

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

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

10 (1) A class B misdemeanor;

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
43 chronic boating offender or habitual boating offender shall not be granted a suspended
44 imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
45 557.011 to the contrary notwithstanding;

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

48 (a) Unless as a condition of such parole or probation such person performs at least two
49 hundred forty hours of community service under the supervision of the court in those
50 jurisdictions which have a recognized program for community service; or

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

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

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

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

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

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

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

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

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

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

8 (a) His or her name;

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

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

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

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

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

16 (1) A class A misdemeanor; [or]

17 (2) A class E felony if:

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

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

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

24 **(3) A class D felony if a death has occurred as a result of the accident.**

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

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

577.060. 1. A person commits the crime of leaving the scene of a motor vehicle accident
2 when being the operator or driver of a vehicle on the highway or on any publicly or privately
3 owned parking lot or parking facility generally open for use by the public and knowing that an
4 injury has been caused to a person or damage has been caused to property, due to his culpability
5 or to accident, he leaves the place of the injury, damage or accident without stopping and giving

6 his name, residence, including city and street number, motor vehicle number and driver's license
7 number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity,
8 then to the nearest police station or judicial officer.

9 2. For the purposes of this section, all peace officers shall have jurisdiction, when invited
10 by an injured person, to enter the premises of any privately owned parking lot or parking facility
11 for the purpose of investigating an accident and performing all necessary duties regarding such
12 accident.

13 3. Leaving the scene of a motor vehicle accident is a class A misdemeanor, except that
14 it shall be:

15 **(1) A class D felony if the accident resulted in:**

16 [(1)] **(a)** Physical injury to another party; [or]

17 [(2)] **(b)** Property damage in excess of one thousand dollars; or

18 [(3)] **(c)** If the defendant has previously pled guilty to or been found guilty of a violation
19 of this section; **or**

20 **(2) A class C felony if a death has occurred as a result of the accident.**

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

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

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

7 (3) "Animal", every living vertebrate except a human being;

8 [(4)] **(3)** "Animal shelter", a facility which is used to house or contain animals and
9 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare
10 society, society for the prevention of cruelty to animals, or other not-for-profit organization
11 devoted to the welfare, protection, and humane treatment of animals;

12 [(5)] **(4)** "Farm animal", an animal raised on a farm or ranch and used or intended for
13 use in farm or ranch production, or as food or fiber;

14 [(6)] **(5)** "Farm animal professional", any individual employed at a location where farm
15 animals are harbored;

16 [(7)] **(6)** "Harbor", to feed or shelter an animal at the same location for three or more
17 consecutive days;

18 [(8)] **(7)** "Humane killing", the destruction of an animal accomplished by a method
19 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:
20 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores
21 shall be considered humanely killed;

22 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors
23 an animal or professes to be owning, keeping, or harboring an animal;

24 [(10)] (9) "Person", any individual, partnership, firm, joint stock company, corporation,
25 association, trust, estate, or other legal entity;

26 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse
27 effect on the public health, but shall not include any endangered species listed by the United
28 States Department of the Interior nor any endangered species listed in the Wildlife Code of
29 Missouri.

 578.007. The provisions of **section 574.130**, sections 578.005 to 578.023, **and section**
2 **578.040** shall not apply to:

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 2. A person [is guilty] commits the offense of animal or livestock trespass if a person:

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

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

13 [2.] 3. The offense of animal or livestock trespass is an infraction [upon first conviction
14 and for each offense punishable by a fine not to exceed two hundred dollars, and] , unless the
15 person has previously been found guilty of a violation of this section in which case it is a
16 class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,
17 or both, upon the second and all subsequent convictions]. All fines for a first [conviction of
18 animal trespass] finding of guilt under this section may be waived by the court provided that
19 the person found guilty of animal or livestock trespass shows that adequate, permanent remedies
20 for the trespass have been made. [Reasonable costs incurred for the care and maintenance of
21 trespassing animals may not be waived.] This section shall not apply to the provisions of section
22 578.007 or sections 272.010 to 272.370.

578.416. No person shall:

2 (1) Intentionally cause the loss of any crop;

3 (2) Intentionally contaminate, weaken, damage, vandalize, or steal any property in or
4 on a crop;

5 (3) Obtain access to a crop by false pretenses for the purpose of performing acts not
6 authorized by the landowner;

7 (4) Enter or otherwise interfere with a crop with the intent to destroy, alter, duplicate or
8 obtain unauthorized possession of such crop;

9 (5) Knowingly obtain, by theft or deception, control over a crop for the purpose of
10 depriving the rightful owner of such crop, or for the purpose of destroying such crop;

11 (6) Enter or remain on land on which a crop is located with the intent to commit an act
12 prohibited by this section.

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

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

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

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

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

 595.209. 1. The following rights shall automatically be afforded to victims of dangerous
2 felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section
3 565.020, victims of voluntary manslaughter, as defined in section 565.023, [and] **victims of any**
4 **offense under chapter 566**, victims of an attempt to commit one of the preceding crimes, as
5 defined in section 564.011, **and victims of domestic assault, as defined in sections 565.072**
6 **to 565.074**; and, upon written request, the following rights shall be afforded to victims of all
7 other crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings at which the
9 defendant has such right, including juvenile proceedings where the offense would have been a
10 felony if committed by an adult, even if the victim is called to testify or may be called to testify
11 as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for in subdivision
13 (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
15 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final
16 disposition of the case. Final disposition information shall be provided within five days;

17 (4) For victims, the right to confer with and to be informed by the prosecutor regarding
18 bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and
19 probation revocation hearings and the right to be heard at such hearings, including juvenile
20 proceedings, unless in the determination of the court the interests of justice require otherwise;

21 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile
22 authorities or the custodial authority of the following:

23 (a) The status of any case concerning a crime against the victim, including juvenile
24 offenses;

25 (b) The right to be informed by local law enforcement agencies or the appropriate
26 juvenile authorities of the availability of victim compensation assistance, assistance in obtaining
27 documentation of the victim's losses, including, but not limited to and subject to existing law
28 concerning protected information or closed records, access to copies of complete, unaltered,
29 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon
30 request to the appropriate law enforcement agency by the victim or the victim's representative,
31 and emergency crisis intervention services available in the community;

32 (c) Any release of such person on bond or for any other reason;

33 (d) Within twenty-four hours, any escape by such person from a municipal detention
34 facility, county jail, a correctional facility operated by the department of corrections, mental
35 health facility, or the division of youth services or any agency thereof, and any subsequent
36 recapture of such person;

37 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
38 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
39 or to offer a written statement, video or audio tape, counsel or a representative designated by the
40 victim in lieu of a personal appearance, the right to be informed by the board of probation and
41 parole of probation revocation hearings initiated by the board and of parole hearings, the right
42 to be present at each and every phase of parole hearings, the right to be heard at probation
43 revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a
44 representative designated by the victim in lieu of a personal appearance, and the right to have,
45 upon written request of the victim, a partition set up in the probation or parole hearing room in
46 such a way that the victim is shielded from the view of the probationer or parolee, and the right
47 to be informed by the custodial mental health facility or agency thereof of any hearings for the
48 release of a person committed pursuant to the provisions of chapter 552, the right to be present
49 at such hearings, the right to be heard at such hearings or to offer a written statement, video or
50 audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

51 (7) For victims and witnesses, upon their written request, the right to be informed by the
52 appropriate custodial authority, including any municipal detention facility, juvenile detention
53 facility, county jail, correctional facility operated by the department of corrections, mental health
54 facility, division of youth services or agency thereof if the offense would have been a felony if
55 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552
56 of the following:

57 (a) The projected date of such person's release from confinement;

58 (b) Any release of such person on bond;

59 (c) Any release of such person on furlough, work release, trial release, electronic
60 monitoring program, or to a community correctional facility or program or release for any other
61 reason, in advance of such release;

62 (d) Any scheduled parole or release hearings, including hearings under section 217.362,
63 regarding such person and any changes in the scheduling of such hearings. No such hearing shall
64 be conducted without thirty days' advance notice;

65 (e) Within twenty-four hours, any escape by such person from a municipal detention
66 facility, county jail, a correctional facility operated by the department of corrections, mental
67 health facility, or the division of youth services or any agency thereof, and any subsequent
68 recapture of such person;

69 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
70 presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding
71 over releases under section 217.362, to release such person or any decision by the governor to
72 commute the sentence of such person or pardon such person;

73 (g) Notification within thirty days of the death of such person;

74 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,
75 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not
76 go on as scheduled;

77 (9) For victims and witnesses, the right to reasonable protection from the defendant or
78 any person acting on behalf of the defendant from harm and threats of harm arising out of their
79 cooperation with law enforcement and prosecution efforts;

80 (10) For victims and witnesses, on charged cases or submitted cases where no charge
81 decision has yet been made, to be informed by the prosecuting attorney of the status of the case
82 and of the availability of victim compensation assistance and of financial assistance and
83 emergency and crisis intervention services available within the community and information
84 relative to applying for such assistance or services, and of any final decision by the prosecuting
85 attorney not to file charges;

86 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
87 which shall be enforceable in the same manner as any other cause of action as otherwise
88 provided by law;

89 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney
90 of procedures to be followed in order to apply for and receive any witness fee to which they are
91 entitled;

92 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be
93 retained pending an appeal, the prosecuting attorney or any law enforcement agency having
94 possession of the property shall, upon request of the victim, return such property to the victim

95 within five working days unless the property is contraband or subject to forfeiture proceedings,
96 or provide written explanation of the reason why such property shall not be returned;

97 (14) An employer may not discharge or discipline any witness, victim or member of a
98 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending
99 a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require
100 any witness, victim, or member of a victim's immediate family to use vacation time, personal
101 time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a
102 criminal proceeding, or participating in the preparation of a criminal proceeding;

103 (15) For victims, to be provided with creditor intercession services by the prosecuting
104 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

105 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
106 victims, the right to speedy appellate review of their cases, provided that nothing in this
107 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's
108 defense. The attorney general shall provide victims, upon their written request, case status
109 information throughout the appellate process of their cases. The provisions of this subdivision
110 shall apply only to proceedings involving the particular case to which the person is a victim or
111 witness;

112 (17) For victims and witnesses, to be provided by the court, a secure waiting area during
113 court proceedings and to receive notification of the date, time and location of any hearing
114 conducted by the court for reconsideration of any sentence imposed, modification of such
115 sentence or recall and release of any defendant from incarceration;

116 (18) For victims, the right to receive upon request from the department of corrections
117 a photograph taken of the defendant prior to release from incarceration.

118 2. The provisions of subsection 1 of this section shall not be construed to imply any
119 victim who is incarcerated by the department of corrections or any local law enforcement agency
120 has a right to be released to attend any hearing or that the department of corrections or the local
121 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

122 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1
123 of this section shall provide the appropriate person or agency with their current addresses and
124 telephone numbers or the addresses or telephone numbers at which they wish notification to be
125 given.

126 4. Notification by the appropriate person or agency utilizing the statewide automated
127 crime victim notification system as established in section 650.310 shall constitute compliance
128 with the victim notification requirement of this section. If notification utilizing the statewide
129 automated crime victim notification system cannot be used, then written notification shall be sent
130 by certified mail to the most current address provided by the victim.

131 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution
132 or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced
133 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor
134 of the defendant to exclude victims or prevent their full participation in each and every phase of
135 parole hearings or probation revocation hearings. The rights of the victims granted in this
136 section are absolute and the policy of this state is that the victim's rights are paramount to the
137 defendant's rights. The victim has an absolute right to be present at any hearing in which the
138 defendant is present before a probation and parole hearing officer.

 595.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or published on the internet, **including any visual or aural recordings** that
3 could be used to identify or locate any victim of an offense under chapter 566 or a victim of
4 domestic assault or stalking shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary address,
6 telephone number, Social Security number, place of employment, or physical characteristics,
7 **including an unobstructed visual image of the victim's face or body.**

8 2. If the court determines that a person or entity who is requesting identifying
9 information of a victim has a legitimate interest in obtaining such information, the court may
10 allow access to the information, but only if the court determines that disclosure to the person or
11 entity would not compromise the welfare or safety of such victim, and only after providing
12 reasonable notice to the victim and after allowing the victim the right to respond to such request.

13 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
14 over a case under chapter 566, or a case of domestic assault or stalking shall have the discretion
15 to publicly disclose identifying information regarding the defendant which could be used to
16 identify or locate the victim of the crime. The victim may provide a statement to the court
17 regarding whether he or she desires such information to remain closed. When making the
18 decision to disclose such information, the judge shall consider the welfare and safety of the
19 victim and any statement to the court received from the victim regarding the disclosure.

 600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public defender
3 office personnel appointed pursuant to this chapter; and he or she and the deputy director or
4 directors may participate in the trial and appeal of criminal actions at the request of the defender;

5 (2) Submit to the commission, between August fifteenth and September fifteenth of each
6 year, a report which shall include all pertinent data on the operation of the state public defender
7 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
8 fifteenth of each year, the commission shall submit such report along with such
9 recommendations, comments, conclusions, or other pertinent information it chooses to make to

10 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
11 shall be maintained in the office of the state public defender, and shall be otherwise distributed
12 as the commission shall direct;

13 (3) With the approval of the commission, establish such divisions, facilities and offices
14 and select such professional, technical and other personnel, including investigators, as he deems
15 reasonably necessary for the efficient operation and discharge of the duties of the state public
16 defender system under this chapter;

17 (4) Administer and coordinate the operations of defender services and be responsible for
18 the overall supervision of all personnel, offices, divisions and facilities of the state public
19 defender system, except that the director shall have no authority to direct or control the legal
20 defense provided by a defender to any person served by the state public defender system;

21 (5) Develop programs and administer activities to achieve the purposes of this chapter;

22 (6) Keep and maintain proper financial records with respect to the provision of all public
23 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
24 operation of the state public defender system;

25 (7) Supervise the training of all public defenders and other personnel and establish such
26 training courses as shall be appropriate;

27 (8) With approval of the commission, promulgate necessary rules, regulations and
28 instructions consistent with this chapter defining the organization of the state public defender
29 system and the responsibilities of division directors, district defenders, deputy district defenders,
30 assistant public defenders and other personnel;

31 (9) With the approval of the commission, apply for and accept on behalf of the public
32 defender system any funds which may be offered or which may become available from
33 government grants, private gifts, donations or bequests or from any other source. Such moneys
34 shall be deposited in the state general revenue fund;

35 (10) Contract for legal services with private attorneys on a case-by-case basis and with
36 assigned counsel as the commission deems necessary considering the needs of the area, for fees
37 approved and established by the commission;

38 (11) With the approval and on behalf of the commission, contract with private attorneys
39 for the collection and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system;

41 (12) Prepare a plan to establish district offices, the boundaries of which shall coincide
42 with existing judicial circuits. Any district office may contain more than one judicial circuit
43 within its boundaries, but in no event shall any district office boundary include any geographic
44 region of a judicial circuit without including the entire judicial circuit. The director shall submit
45 the plan to the chair of the house judiciary committee and the chair of the senate judiciary

46 committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by
47 December 31, [2018] **2021**.

48 2. No rule or portion of a rule promulgated under the authority of this chapter shall
49 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

50 3. The director and defenders shall, within guidelines as established by the commission
51 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
52 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or
53 laws of the United States or of the state of Missouri and provide such persons with legal services
54 when, in the discretion of the director or the defenders, such provision of legal services is
55 appropriate.

56 4. The director and defenders shall provide legal services to an eligible person:

57 (1) Who is detained or charged with a felony, including appeals from a conviction in
58 such a case;

59 (2) Who is detained or charged with a misdemeanor which will probably result in
60 confinement in the county jail upon conviction, including appeals from a conviction in such a
61 case, unless the prosecuting or circuit attorney has waived a jail sentence;

62 (3) Who is charged with a violation of probation when it has been determined by a judge
63 that the appointment of counsel is necessary to protect the person's due process rights under
64 section 559.036;

65 (4) Who has been taken into custody pursuant to section 632.489, including appeals from
66 a determination that the person is a sexually violent predator and petitions for release,
67 notwithstanding any provisions of law to the contrary;

68 (5) For whom the federal constitution or the state constitution requires the appointment
69 of counsel; and

70 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and
71 in which the federal or the state constitution or any law of this state requires the appointment of
72 counsel; however, the director and the defenders shall not be required to provide legal services
73 to persons charged with violations of county or municipal ordinances, or misdemeanor offenses
74 except as provided in this section.

75 5. The director may:

76 (1) Delegate the legal representation of [any] **an eligible** person to any member of the
77 state bar of Missouri;

78 (2) Designate persons as representatives of the director for the purpose of making
79 indigency determinations and assigning counsel.

600.090. 1. (1) If a person is determined to be eligible for the services provided by the
2 state public defender system and if, at the time such determination is made, he is able to provide

3 a limited cash contribution toward the cost of his representation without imposing a substantial
4 hardship upon himself or his dependents, such contribution shall be required as a condition of
5 his representation by the state public defender system.

6 (2) If at any time, either during or after the disposition of his case, such defendant
7 becomes financially able to meet all or some part of the cost of services rendered to him, he shall
8 be required to reimburse the commission in such amounts as he can reasonably pay, either by a
9 single payment or by installments of reasonable amounts, in accordance with a schedule of
10 charges for public defender services prepared by the commission.

11 (3) No difficulty or failure in the making of such payment shall reduce or in any way
12 affect the rendering of public defender services to such persons.

13 2. (1) The reasonable value of the services rendered to a defendant pursuant to sections
14 600.011 to 600.048 and 600.086 to 600.096 may in all cases be a lien on any and all property to
15 which the defendant shall have or acquire an interest. The public defender shall effectuate such
16 lien whenever the reasonable value of the services rendered to a defendant appears to exceed one
17 hundred fifty dollars and may effectuate such lien where the reasonable value of those services
18 appears to be less than one hundred fifty dollars.

19 (2) To effectuate such a lien, the public defender shall, prior to the final disposition of
20 the case or within ten days thereafter, file a notice of lien setting forth the services rendered to
21 the defendant and a claim for the reasonable value of such services with the clerk of the circuit
22 court. The defendant shall be personally served with a copy of such notice of lien. The court
23 shall rule on whether all or any part of the claim shall be allowed. The portion of the claim
24 approved by the court as the value of defender services which has been provided to the defendant
25 shall be a judgment at law. The public defender shall not be required to pay filing or recording
26 fees for or relating to such claim.

27 (3) Such judgment shall be enforceable in the name of the state on behalf of the
28 commission by the prosecuting attorney of the circuit in which the judgment was entered.

29 (4) The prosecuting attorney may compromise and make settlement of, or, with the
30 concurrence of the director, forego any claims for services performed for any person pursuant
31 to this chapter whenever the financial circumstances of such person are such that the best
32 interests of the state will be served by such action.

33 3. The commission may contract with private attorneys for the collection and
34 enforcement of liens and other judgments owed to the state for services rendered by the state
35 public defender system.

36 4. The lien created by this section shall be from the time filed in the court by the
37 defender a charge or claim against any assets of the defendant; provided further that the same

38 shall be served upon the person in possession of the assets or shall be recorded in the office of
39 the recorder of deeds in the county in which the person resides or in which the assets are located.

40 5. Funds collected pursuant to this section and section 600.093 shall be credited to the
41 "Legal Defense and Defender Fund" which is hereby created. The moneys credited to the legal
42 defense and defender fund shall be used for the purpose of training public defenders, assistant
43 public defenders, deputy public defenders and other personnel pursuant to subdivision (7) of
44 subsection 1 of section 600.042, and may be used to pay for expert witness fees, the costs of
45 depositions, travel expenses incurred by witnesses in case preparation and trial, expenses
46 incurred for changes of venue and for other lawful expenses as authorized by the public defender
47 commission.

48 6. The state treasurer shall be the custodian of the legal defense and defender fund,
49 moneys in the legal defense and defender fund shall be deposited the same as are other state
50 funds, and any interest accruing to the legal defense and defender fund shall be added to the legal
51 defense and defender fund. The legal defense and defender fund shall be subject to audit, the
52 same as other state funds and accounts, and shall be protected by the general bond given by the
53 state treasurer.

54 7. Upon the request of the director of the office of state public defender, the
55 commissioner of administration shall approve disbursements from the legal defense and defender
56 fund. The legal defense and defender fund shall be funded annually by appropriation, but any
57 unexpended **remaining** balance in the fund at the end of the appropriation period [not in excess
58 of one hundred and fifty thousand dollars] shall be exempt from the provisions of section 33.080,
59 specifically as they relate to the transfer of fund balances to the general revenue, and shall be the
60 amount of the fund at the beginning of the appropriation period next immediately following.

600.101. Any dispute between any county or city not within a county and the state public
2 defender regarding office space and utility service provided or to be provided pursuant to section
3 600.040 may be submitted to the judicial finance commission established pursuant to section
4 477.600. [The commission on judicial resources established pursuant to section 476.415 shall
5 study and report its recommendations regarding provision of and payment for office space for
6 the state public defender to the chairs of the judiciary committees of the senate and house of
7 representatives, the chair of the senate appropriations committee and budget committee of the
8 house of representatives.]

610.026. 1. Except as otherwise provided by law, each public governmental body shall
2 provide access to and, upon request, furnish copies of public records subject to the following:

3 (1) Fees for copying public records, except those records restricted under section 32.091,
4 shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with
5 the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff

6 of the public governmental body. Research time required for fulfilling records requests **includes**
7 **time spent reviewing records to determine whether requested records shall be closed or are**
8 **authorized to be closed, and** may be charged at the actual cost of research time. Based on the
9 scope of the request, the public governmental body shall produce the copies using employees of
10 the body that result in the lowest amount of charges for search, research, and duplication time.
11 Prior to producing copies of the requested records, the person requesting the records may request
12 the public governmental body to provide an estimate of the cost to the person requesting the
13 records. Documents may be furnished without charge or at a reduced charge when the public
14 governmental body determines that waiver or reduction of the fee is in the public interest
15 because:

16 (a) It is likely to contribute significantly to public understanding of the operations or
17 activities of the public governmental body and is not primarily in the commercial interest of the
18 requester; **or**

19 (b) **The applicable fees are minimal and should be waived for administrative**
20 **efficiency.**

21 (2) Fees for providing access to public records maintained on computer facilities,
22 recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or
23 similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches
24 shall include only the cost of copies, **research time**, staff time, which shall not exceed the
25 average hourly rate of pay for staff of the public governmental body required for making copies
26 and programming, if necessary, and the cost of the disk, tape, or other medium used for the
27 duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may
28 include the actual rate of compensation for the trained personnel required to duplicate such maps,
29 blueprints, or plats. If programming is required beyond the customary and usual level to comply
30 with a request for records or information, the fees for compliance may include the actual costs
31 of such programming.

32 2. Payment of such copying, **search, research, and duplication** fees may be requested
33 prior to the making of copies **or production of records.**

34 3. Except as otherwise provided by law, each public governmental body of the state shall
35 remit all moneys received by or for it from fees charged pursuant to this section to the director
36 of revenue for deposit to the general revenue fund of the state.

37 4. Except as otherwise provided by law, each public governmental body of a political
38 subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant
39 to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for
40 deposit to the governmental body's accounts.

41 5. The term "tax, license or fees" as used in Section 22 of Article X of the Constitution
42 of the State of Missouri does not include copying charges and related fees that do not exceed the
43 level necessary to pay or to continue to pay the costs for providing a service, program, or activity
44 which was in existence on November 4, 1980, or which was approved by a vote of the people
45 subsequent to November 4, 1980.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases
2 shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his or her
4 submission to the custody of the officer, under authority of a warrant or otherwise for a criminal
5 violation which results in the issuance of a summons or the person being booked;

6 (2) "Arrest report", a record of a law enforcement agency of an arrest and of any
7 detention or confinement incident thereto together with the charge therefor;

8 (3) "Inactive", an investigation in which no further action will be taken by a law
9 enforcement agency or officer for any of the following reasons:

10 (a) A decision by the law enforcement agency not to pursue the case;

11 (b) Expiration of the time to file criminal charges pursuant to the applicable statute of
12 limitations, or ten years after the commission of the offense; whichever date earliest occurs;

13 (c) Finality of the convictions of all persons convicted on the basis of the information
14 contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such
15 persons;

16 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
17 specific location, name of the victim and immediate facts and circumstances surrounding the
18 initial report of a crime or incident, including any logs of reported crimes, accidents and
19 complaints maintained by that agency;

20 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
21 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in
22 response to an incident report or in response to evidence developed by law enforcement officers
23 in the course of their duties;

24 **(6) "Mobile video recorder", any system or device that captures visual signals that**
25 **is capable of installation in a vehicle or being worn or carried by personnel of a law**
26 **enforcement agency and that includes, at minimum, a camera and recording capabilities;**

27 **(7) "Mobile video recording", any data captured by a mobile video recorder,**
28 **including audio, video, and any metadata;**

29 **(8) "Nonpublic location", a place where one would have a reasonable expectation**
30 **of privacy including, but not limited to, a dwelling, school, or medical facility.**

31 2. Each law enforcement agency of this state, of any county, and of any municipality
32 shall maintain records of all incidents reported to the agency, investigations and arrests made by
33 such law enforcement agency. All incident reports and arrest reports shall be open records.

34 **(1)** Notwithstanding any other provision of law other than the provisions of subsections
35 4, 5 and 6 of this section or section 320.083, **mobile video recordings and** investigative reports
36 of all law enforcement agencies are closed records until the investigation becomes inactive.

37 **(2)** If any person is arrested and not charged with an offense against the law within thirty
38 days of the person's arrest, the arrest report shall thereafter be a closed record except that the
39 disposition portion of the record may be accessed and except as provided in section 610.120.

40 **(3) Except as provided in subsections 3 and 5 of this section, a mobile video**
41 **recording that is recorded in a nonpublic location is authorized to be closed, except that**
42 **any person who is depicted in the recording or whose voice is in the recording, a legal**
43 **guardian or parent of such person if he or she is a minor, a family member of such person**
44 **within the first degree of consanguinity if he or she is deceased or incompetent, an attorney**
45 **for such person, or insurer of such person, upon written request, may obtain a complete,**
46 **unaltered, and unedited copy pursuant to this section.**

47 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a
48 record or document of a law enforcement officer or agency, other than an arrest report, which
49 would otherwise be open, contains information that is reasonably likely to pose a clear and
50 present danger to the safety of any victim, witness, undercover officer, or other person; or
51 jeopardize a criminal investigation, including records which would disclose the identity of a
52 source wishing to remain confidential or a suspect not in custody; or which would disclose
53 techniques, procedures or guidelines for law enforcement investigations or prosecutions, that
54 portion of the record shall be closed and shall be redacted from any record made available
55 pursuant to this chapter.

56 4. Any person, including a **legal guardian or parent of such person if he or she is a**
57 **minor**, family member of such person within the first degree of consanguinity if such person is
58 deceased or incompetent, attorney for a person, or insurer of a person involved in any incident
59 or whose property is involved in an incident, may obtain any records closed pursuant to this
60 section or section 610.150 for purposes of investigation of any civil claim or defense, as provided
61 by this subsection. Any individual, **legal guardian or parent of such person if he or she is a**
62 **minor**, his or her family member within the first degree of consanguinity if such individual is
63 deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property
64 is involved in an incident, upon written request, may obtain a complete unaltered and unedited
65 incident report concerning the incident, and may obtain access to other records closed by a law
66 enforcement agency pursuant to this section. Within thirty days of such request, the agency shall

67 provide the requested material or file a motion pursuant to this subsection with the circuit court
68 having jurisdiction over the law enforcement agency stating that the safety of the victim, witness
69 or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be
70 jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court
71 shall either order the record closed or order such portion of the record that should be closed to
72 be redacted from any record made available pursuant to this subsection.

73 5. Any person may bring an action pursuant to this section in the circuit court having
74 jurisdiction to authorize disclosure of **a mobile video recording or** the information contained
75 in an investigative report of any law enforcement agency, which would otherwise be closed
76 pursuant to this section. The court may order that all or part of **a mobile video recording or** the
77 information contained in an investigative report be released to the person bringing the action.

78 **(1)** In making the determination as to whether information contained in an investigative
79 report shall be disclosed, the court shall consider whether the benefit to the person bringing the
80 action or to the public outweighs any harm to the public, to the law enforcement agency or any
81 of its officers, or to any person identified in the investigative report in regard to the need for law
82 enforcement agencies to effectively investigate and prosecute criminal activity.

83 **(2) In making the determination as to whether a mobile video recording shall be**
84 **disclosed, the court shall consider:**

85 **(a) Whether the benefit to the person bringing the action or to the public outweighs**
86 **any harm to the public, to the law enforcement agency or any of its officers, or to any**
87 **person identified in the mobile video recording in regard to the need for law enforcement**
88 **agencies to effectively investigate and prosecute criminal activity;**

89 **(b) Whether the mobile video recording contains information that is reasonably**
90 **likely to disclose private matters in which the public has no legitimate concern;**

91 **(c) Whether the mobile video recording is reasonably likely to bring shame or**
92 **humiliation to a person of ordinary sensibilities; and**

93 **(d) Whether the mobile video recording was taken in a place where a person**
94 **recorded or depicted has a reasonable expectation of privacy.**

95 **(3)** The **mobile video recording or** investigative report in question may be examined
96 by the court in camera.

97 **(4) If the disclosure is authorized in whole or in part, the court may make any order**
98 **that justice requires, including one or more of the following:**

99 **(a) That the mobile video recording or investigative report may be disclosed only**
100 **on specified terms and conditions, including a designation of the time or place;**

101 **(b) That the mobile video recording or investigative report may be had only by a**
102 **method of disclosure other than that selected by the party seeking such disclosure;**

- 103 **(c) That the scope of the request be limited to certain matters;**
104 **(d) That the disclosure occur with no one present except persons designated by the**
105 **court;**
106 **(e) That the mobile video recording or investigative report be redacted to exclude,**
107 **for example, personally identifiable features or other sensitive information;**
108 **(f) That a trade secret or other confidential research, development, or commercial**
109 **information not be disclosed or be disclosed only in a designated way.**
110 **(5)** The court may find that the party seeking disclosure of **mobile video recording or**
111 the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both
112 parties, unless the court finds that the decision of the law enforcement agency not to open the
113 **mobile video recording or** investigative report was substantially unjustified under all relevant
114 circumstances, and in that event, the court may assess such reasonable and necessary costs and
115 attorneys' fees to the law enforcement agency.
- 116 6. Any person may apply pursuant to this subsection to the circuit court having
117 jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest
118 reports being unlawfully closed pursuant to this section. If the court finds by a preponderance
119 of the evidence that the law enforcement officer or agency has knowingly violated this section,
120 the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars.
121 If the court finds that there is a knowing violation of this section, the court may order payment
122 by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the
123 court finds by a preponderance of the evidence that the law enforcement officer or agency has
124 purposely violated this section, the officer or agency shall be subject to a civil penalty in an
125 amount up to five thousand dollars and the court shall order payment by such officer or agency
126 of all costs and attorney fees, as provided in section 610.027. The court shall determine the
127 amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the
128 offense, and whether the law enforcement officer or agency has violated this section previously.
- 129 7. The victim of an offense as provided in chapter 566 may request that his or her
130 identity be kept confidential until a charge relating to such incident is filed.
- 131 **8. Any person who requests and receives a mobile video recording that was**
132 **recorded in a nonpublic location pursuant to this section is prohibited from displaying or**
133 **disclosing the mobile video recording, including any description or account of any or all**
134 **of the mobile video recording, without first providing direct third party notice to each**
135 **nonlaw enforcement agency individual whose image or sound is contained in the recording**
136 **and affording each person whose image or sound is contained in the mobile video**
137 **recording no less than ten days to file and serve an action seeking an order from a court**
138 **of competent jurisdiction to enjoin all or some of the intended display, disclosure,**

139 description, or account of recording. Any person who fails to comply with the provisions
140 of this subsection is subject to damages in a civil action.

610.205. 1. Crime scene photographs and video recordings, including photographs
2 and video recordings created or produced by a state or local agency or by a perpetrator
3 or suspect at a crime scene that depict or describe a deceased person in a state of
4 dismemberment, decapitation, or similar mutilation including, without limitation, where
5 the deceased person's genitalia are exposed, may be designated closed by a law
6 enforcement agency; provided, however, that this section shall not prohibit disclosure of
7 such material to the deceased's next of kin or to an individual who has secured a written
8 release from the next of kin. It shall be the responsibility of the next of kin to show proof
9 of the familial relationship. For purposes of such access, the deceased's next of kin shall
10 be:

11 (1) The spouse of the deceased if living;

12 (2) If there is no living spouse of the deceased, an adult child of the deceased; or

13 (3) If there is no living spouse or adult child, a parent of the deceased.

14 2. Subject to the provisions of subsection 3 of this section, a circuit court judge may
15 order the disclosure of such photographs or video recordings upon findings in writing that
16 disclosure is in the public interest and outweighs any privacy interest that may be asserted
17 by the deceased person's next of kin. In making such determination, the court shall
18 consider whether such disclosure is necessary for public evaluation of governmental
19 performance, the seriousness of the intrusion into the family's right to privacy, and
20 whether such disclosure is the least intrusive means available considering the availability
21 of similar information in other public records. In any such action, the court shall review
22 the photographs or video recordings in question in camera with the custodian of the crime
23 scene materials present and may condition any disclosure on such condition as the court
24 may deem necessary to accommodate the interests of the parties.

25 3. Prior to releasing any crime scene material described in subsection 1 of this
26 section, the custodian of such material shall give the deceased person's next of kin at least
27 two weeks' notice. No court shall order a disclosure under subsection 2 of this section
28 which would disregard or shorten the duration of such notice requirement.

29 4. The provisions of this section shall apply to all undisclosed material, as described
30 in subsection 1 of this section, which is in the custody of a state or local agency on the
31 effective date of this section and to any such material which comes into the custody of a
32 state or local agency after such date.

33 5. The provisions of this section shall not apply to disclosure of crime scene material
34 to counsel representing a convicted defendant in a habeas corpus action, on a motion for

35 **new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the**
36 **purpose of preparing to file or litigating such proceedings. Counsel may disclose such**
37 **materials to his or her client and any expert or investigator assisting counsel but shall not**
38 **otherwise disseminate such materials, except to the extent they may be necessary exhibits**
39 **in court proceedings. A request under this subsection shall clearly state that such request**
40 **is being made for the purpose of preparing to file and litigate proceedings enumerated in**
41 **this subsection.**

42 **6. The director of the department of public safety shall promulgate rules and**
43 **regulations governing the viewing of materials described in subsection 1 of this section.**

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

2 (1) "Employee of the department of mental health", a person who is an employee of the
3 department of mental health, an employee or contracted employee of a subcontractor of the
4 department of mental health, or an employee or contracted employee of a subcontractor of an
5 entity responsible for confining offenders as authorized by section 632.495;

6 (2) "Offender", a person ordered to the department of mental health after a determination
7 by the court that the person meets the definition of a sexually violent predator, a person ordered
8 to the department of mental health after a finding of probable cause under section 632.489, or
9 a person committed for control, care, and treatment by the department of mental health under
10 sections 632.480 to 632.513;

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

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

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

650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who
2 was found guilty of a felony in a Missouri court and was later determined to be actually innocent
3 of such crime solely as a result of DNA profiling analysis may be paid restitution. The
4 individual may receive an amount of fifty dollars per day for each day of postconviction
5 incarceration for the crime for which the individual is determined to be actually innocent. The
6 petition for the payment of said restitution shall be filed with the sentencing court. For the
7 purposes of this section, the term "actually innocent" shall mean:

8 (1) The individual was convicted of a felony for which a final order of release was
9 entered by the court;

10 (2) All appeals of the order of release have been exhausted;

11 (3) The individual was not serving any term of a sentence for any other crime
12 concurrently with the sentence for which he or she is determined to be actually innocent, unless
13 such individual was serving another concurrent sentence because his or her parole was revoked
14 by a court or the board of probation and parole in connection with the crime for which the person
15 has been exonerated. **Regardless of whether any other basis may exist for the revocation of**
16 **the person's probation or parole at the time of conviction for the crime for which the**
17 **person is later determined to be actually innocent, when the court's or the board of**
18 **probation and parole's sole stated reason for the revocation in its order is the conviction**
19 **for the crime for which the person is later determined to be actually innocent, such order**
20 **shall, for purposes of this section only, be conclusive evidence that their probation or**
21 **parole was revoked in connection with the crime for which the person has been exonerated;**
22 and

23 (4) Testing ordered under section 547.035, or testing by the order of any state or federal
24 court, if such person was exonerated on or before August 28, 2004, or testing ordered under
25 section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a
26 person's innocence of the crime for which the person is in custody.

27

28 Any individual who receives restitution under this section shall be prohibited from seeking any
29 civil redress from the state, its departments and agencies, or any employee thereof, or any
30 political subdivision or its employees. This section shall not be construed as a waiver of
31 sovereign immunity for any purposes other than the restitution provided for herein. The
32 department of corrections shall determine the aggregate amount of restitution owed during a
33 fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such
34 persons, the department shall pay each individual who has received an order awarding restitution
35 a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the
36 department, the amounts owed to such individual shall be paid on June thirtieth of each
37 subsequent fiscal year, until such time as the restitution to the individual has been paid in full.
38 However, no individual awarded restitution under this subsection shall receive more than thirty-
39 six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall
40 be awarded to the individual. No individual who has been determined by the court to be actually
41 innocent shall be responsible for the costs of care under section 217.831.

42 2. If the results of the DNA testing confirm the person's guilt, then the person filing for
43 DNA testing under section 547.035, shall:

44 (1) Be liable for any reasonable costs incurred when conducting the DNA test, including
45 but not limited to the cost of the test. Such costs shall be determined by the court and shall be
46 included in the findings of fact and conclusions of law made by the court; and

47 (2) Be sanctioned under the provisions of section 217.262.

48 3. A petition for payment of restitution under this section may only be filed by the
49 individual determined to be actually innocent or the individual's legal guardian. No claim or
50 petition for restitution under this section may be filed by the individual's heirs or assigns. An
51 individual's right to receive restitution under this section is not assignable or otherwise
52 transferrable. The state's obligation to pay restitution under this section shall cease upon the
53 individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise
54 convey the right to receive such restitution shall be void and unenforceable.

55 4. An individual who is determined to be actually innocent of a crime under this chapter
56 shall automatically be granted an order of expungement from the court in which he or she pled
57 guilty or was sentenced to expunge from all official records all recordations of his or her arrest,
58 plea, trial or conviction. Upon granting of the order of expungement, the records and files
59 maintained in any administrative or court proceeding in an associate or circuit division of the
60 court shall be confidential and only available to the parties or by order of the court for good
61 cause shown. The effect of such order shall be to restore such person to the status he or she
62 occupied prior to such arrest, plea or conviction and as if such event had never taken place. No
63 person as to whom such order has been entered shall be held thereafter under any provision of
64 any law to be guilty of perjury or otherwise giving a false statement by reason of his or her
65 failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response
66 to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made
67 for information relating to an expungement under this section.

Section B. The repeal and reenactment of sections 192.2260, 301.559, 311.310, 339.100,
2 400.9-501, 565.032, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, and 632.520, and
3 the repeal and reenactment of the first occurrence of section 563.046 of this act shall become
4 effective on January 1, 2017.

Section C. Because of the need to clarify Missouri's deadly force statute to align with
2 supreme court precedent and because of the need to protect the public from the danger of
3 intoxication related offenses in this state and to hold accountable those who endanger their
4 fellow citizens, the repeal and reenactment of the second occurrence of section 563.046 of this
5 act and the repeal and reenactment of the second occurrence of section 577.037 of this act is
6 deemed necessary for the immediate preservation of the public health, welfare, peace and safety,
7 and is hereby declared to be an emergency act within the meaning of the constitution, and the
8 repeal and reenactment of the second occurrence of section 563.046 of this act and the repeal and

9 reenactment of the second occurrence of section 577.037 of this act shall be in full force and
10 effect upon its passage and approval.

✓