

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 663
98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Offered April 27, 2016.

Senate Substitute adopted, April 27, 2016.

Taken up for Perfection April, 27 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

4336S.08P

AN ACT

To repeal sections 57.111, 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 327.272, 339.100, 400.9-501, 476.083, 477.650, 488.2206, 541.033, 542.296, 544.250, 545.400, 545.490, 562.014, 563.031, 565.030, 565.032, 565.040, 566.210, 566.211, 566.212, 566.213, 569.132, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 578.416, 579.015, 595.226, 600.042, 600.090, 600.101, 610.026, 610.100, 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, 556.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 556.046

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

as enacted by senate bill no. 223, ninety-first general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 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 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighty-eight 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 57.111, 192.2260, 192.2405, 211.059, 217.360, 217.670,
2 217.690, 217.722, 301.559, 304.351, 311.310, 327.272, 339.100, 400.9-501, 476.083,

3 477.650, 488.2206, 541.033, 542.296, 544.250, 545.400, 545.490, 562.014, 563.031,
4 565.030, 565.032, 565.040, 566.210, 566.211, 566.212, 566.213, 569.132, 570.135,
5 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011,
6 578.022, 578.416, 579.015, 595.226, 600.042, 600.090, 600.101, 610.026, 610.100,
7 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill
8 no. 1299 merged with senate bill no. 491, ninety-seventh general assembly,
9 second regular session, section 192.2475 as enacted by house revision bill no.
10 1299 merged with senate bill no. 491, ninety-seventh general assembly, second
11 regular session, section 192.2475 as enacted by house revision bill no. 1299,
12 ninety-seventh general assembly, second regular session, section 198.070 as
13 enacted by senate bill no. 491, ninety-seventh general assembly, second regular
14 session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-
15 second general assembly, first regular session, section 221.111 as enacted by
16 senate bill no. 491, ninety-seventh general assembly, second regular session,
17 section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371,
18 ninety-seventh general assembly, second regular session, 556.046 as enacted by
19 senate bill no. 491, ninety-seventh general assembly, second regular session, and
20 section 556.046 as enacted by senate bill no. 223, ninety-first general assembly,
21 first regular session, section 557.021 as enacted by senate bill no. 491, ninety-
22 seventh general assembly, second regular session, section 565.188 as enacted by
23 senate bills nos. 556 & 311, ninety-second general assembly, first regular session,
24 section 563.046 as enacted by senate bill no. 491, ninety-seventh general
25 assembly, second regular session, section 563.046 as enacted by senate bill no. 60,
26 seventy-ninth general assembly, first regular session, section 565.225 as enacted
27 by senate bill no. 491, ninety-seventh general assembly, second regular session,
28 section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general
29 assembly, second regular session, section 566.209 as enacted by senate bill no.
30 491, ninety-seventh general assembly, second regular session, section 566.209 as
31 enacted by house bill no. 214, ninety-sixth general assembly, first regular session,
32 section 568.040 as enacted by senate bill no. 491, ninety-seventh general
33 assembly, second regular session, section 569.090 as enacted by senate bill no.
34 491, ninety-seventh general assembly, second regular session, section 569.140 as
35 enacted by senate bill no. 491, ninety-seventh general assembly, second regular
36 session, section 570.010 as enacted by house bill no. 1888, ninety-first general
37 assembly, second regular session, section 570.030 as enacted by senate bill no.
38 491, ninety-seventh general assembly, second regular session, section 570.030 as

39 enacted by senate bill no. 9, ninety-seventh general assembly, first regular
40 session, 574.010 as enacted by senate bill no. 491, ninety-seventh general
41 assembly, second regular session, section 577.001 as enacted by senate bill no.
42 254, ninety-eighth general assembly, first regular session, sections 577.010,
43 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh
44 general assembly, second regular session, section 577.037 as enacted by house bill
45 no. 1371, ninety-seventh general assembly, second regular session, and section
46 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly,
47 second regular session, section 577.037 as enacted by house bill nos. 302 & 38,
48 ninety-first general assembly, first regular session, are repealed and eighty-eight
49 new sections enacted in lieu thereof, to be known as sections 57.111, 192.2260,
50 192.2405, 192.2410, 192.2475, 198.070, 211.059, 211.436, 217.151, 217.360,
51 217.670, 217.690, 217.722, 221.111, 301.559, 304.351, 311.310, 327.272, 339.100,
52 400.9-501, 455.095, 476.055, 476.083, 477.650, 478.252, 488.2206, 510.035,
53 537.530, 537.570, 541.033, 542.296, 544.250, 545.400, 545.490, 545.950, 556.046,
54 557.021, 562.014, 563.031, 563.046, 565.030, 565.032, 565.040, 565.188, 565.225,
55 566.209, 566.210, 566.211, 566.212, 566.213, 568.040, 569.090, 569.132, 569.140,
56 570.010, 570.030, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072,
57 574.010, 577.001, 577.010, 577.011, 577.012, 577.013, 577.014, 577.037, 577.060,
58 577.685, 578.005, 578.007, 578.022, 578.040, 578.416, 579.015, 589.800, 595.226,
59 600.042, 600.090, 600.101, 610.026, 610.100, 632.520, and 650.055, to read as
60 follows:

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

192.2260. 1. Any person who violates any provision of sections 192.2200
2 to 192.2260, or who, for himself or for any other person, makes materially false
3 statements in order to obtain a certificate or license, or the renewal thereof,
4 issued pursuant to sections 192.2200 to 192.2260, shall be guilty of a class A

5 misdemeanor. Any person violating this subsection wherein abuse or neglect of
6 a participant of the program has occurred is guilty of a class [D] E felony.

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

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

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

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

29 2. Any other person who becomes aware of circumstances that may

30 reasonably be expected to be the result of, or result in, abuse or neglect of [a
31 person sixty years of age or older] **an eligible adult** may report to the
32 department.

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

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

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

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

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

9 (4) Other relevant information.

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

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

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

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

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

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

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

35 [6.] 4. In addition to those persons required to report under subsection
36 1 of this section, any other person having reasonable cause to believe that an
37 in-home services client or home health patient has been abused or neglected by
38 an in-home services employee or home health agency employee may report such
39 information to the department.

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

54 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55 [9.] 7. Anyone, except any person who has abused or neglected an
56 in-home services client or home health patient, who makes a report pursuant to
57 this section or who testifies in any administrative or judicial proceeding arising
58 from the report shall be immune from any civil or criminal liability for making
59 such a report or for testifying except for liability for perjury, unless such person
60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61 [10.] 8. Within five working days after a report required to be made
62 under this section is received, the person making the report shall be notified in
63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home
65 services provider agency or home health agency shall harass, dismiss or retaliate
66 against an in-home services client or home health patient, or an in-home services
67 employee or a home health agency employee because he or she or any member of
68 his or her family has made a report of any violation or suspected violation of
69 laws, standards or regulations applying to the in-home services provider agency
70 or home health agency or any in-home services employee or home health agency
71 employee which he or she has reasonable cause to believe has been committed or
72 has occurred.

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

88 [13.] 11. The department shall establish a quality assurance and
89 supervision process for clients that requires an in-home services provider agency

90 to conduct random visits to verify compliance with program standards and verify
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification
93 list and place on the employee disqualification list the names of any persons who
94 have been finally determined by the department, pursuant to section 192.2490,
95 to have recklessly, knowingly or purposely abused or neglected an in-home
96 services client or home health patient while employed by an in-home services
97 provider agency or home health agency. For purposes of this section only,
98 "knowingly" and "recklessly" shall have the meanings that are ascribed to them
99 in this section. A person acts "knowingly" with respect to the person's conduct
100 when a reasonable person should be aware of the result caused by his or her
101 conduct. A person acts "recklessly" when the person consciously disregards a
102 substantial and unjustifiable risk that the person's conduct will result in serious
103 physical injury and such disregard constitutes a gross deviation from the
104 standard of care that a reasonable person would exercise in the situation.

105 [15.] 13. At the time a client has been assessed to determine the level of
106 care as required by rule and is eligible for in-home services, the department shall
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,
108 and environmental capacity. The department shall develop the safe at home
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe
110 at home evaluation is to assure that each client has the appropriate level of
111 services and professionals involved in the client's care. The plan of service or
112 care for each in-home services client shall be authorized by a nurse. The
113 department may authorize the licensed in-home services nurse, in lieu of the
114 department nurse, to conduct the assessment of the client's condition and to
115 establish a plan of services or care. The department may use the expertise,
116 services, or programs of other departments and agencies on a case-by-case basis
117 to establish the plan of service or care. The department may, as indicated by the
118 safe at home evaluation, refer any client to a mental health professional, as
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 [16.] 14. Authorized nurse visits shall occur at least twice annually to
121 assess the client and the client's plan of services. The provider nurse shall report
122 the results of his or her visits to the client's case manager. If the provider nurse
123 believes that the plan of service requires alteration, the department shall be
124 notified and the department shall make a client evaluation. All authorized nurse
125 visits shall be reimbursed to the in-home services provider. All authorized nurse

126 visits shall be reimbursed outside of the nursing home cap for in-home services
127 clients whose services have reached one hundred percent of the average statewide
128 charge for care and treatment in an intermediate care facility, provided that the
129 services have been preauthorized by the department.

130 [17.] 15. All in-home services clients shall be advised of their rights by
131 the department or the department's designee at the initial evaluation. The rights
132 shall include, but not be limited to, the right to call the department for any
133 reason, including dissatisfaction with the provider or services. The department
134 may contract for services relating to receiving such complaints. The department
135 shall establish a process to receive such nonabuse and neglect calls other than the
136 elder abuse and neglect hotline.

137 [18.] 16. Subject to appropriations, all nurse visits authorized in sections
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

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

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

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

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

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

35 [6.] 4. In addition to those persons required to report under subsection
36 1 of this section, any other person having reasonable cause to believe that an
37 in-home services client or home health patient has been abused or neglected by
38 an in-home services employee or home health agency employee may report such
39 information to the department.

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

54 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55 [9.] 7. Anyone, except any person who has abused or neglected an
56 in-home services client or home health patient, who makes a report pursuant to
57 this section or who testifies in any administrative or judicial proceeding arising
58 from the report shall be immune from any civil or criminal liability for making
59 such a report or for testifying except for liability for perjury, unless such person

60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61 [10.] 8. Within five working days after a report required to be made
62 under this section is received, the person making the report shall be notified in
63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home
65 services provider agency or home health agency shall harass, dismiss or retaliate
66 against an in-home services client or home health patient, or an in-home services
67 employee or a home health agency employee because he or she or any member of
68 his or her family has made a report of any violation or suspected violation of
69 laws, standards or regulations applying to the in-home services provider agency
70 or home health agency or any in-home services employee or home health agency
71 employee which he or she has reasonable cause to believe has been committed or
72 has occurred.

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

88 [13.] 11. The department shall establish a quality assurance and
89 supervision process for clients that requires an in-home services provider agency
90 to conduct random visits to verify compliance with program standards and verify
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification
93 list and place on the employee disqualification list the names of any persons who
94 have been finally determined by the department, pursuant to section 192.2490,
95 to have recklessly, knowingly or purposely abused or neglected an in-home

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

105 [15.] 13. At the time a client has been assessed to determine the level of
106 care as required by rule and is eligible for in-home services, the department shall
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,
108 and environmental capacity. The department shall develop the safe at home
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe
110 at home evaluation is to assure that each client has the appropriate level of
111 services and professionals involved in the client's care. The plan of service or
112 care for each in-home services client shall be authorized by a nurse. The
113 department may authorize the licensed in-home services nurse, in lieu of the
114 department nurse, to conduct the assessment of the client's condition and to
115 establish a plan of services or care. The department may use the expertise,
116 services, or programs of other departments and agencies on a case-by-case basis
117 to establish the plan of service or care. The department may, as indicated by the
118 safe at home evaluation, refer any client to a mental health professional, as
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 [16.] 14. Authorized nurse visits shall occur at least twice annually to
121 assess the client and the client's plan of services. The provider nurse shall report
122 the results of his or her visits to the client's case manager. If the provider nurse
123 believes that the plan of service requires alteration, the department shall be
124 notified and the department shall make a client evaluation. All authorized nurse
125 visits shall be reimbursed to the in-home services provider. All authorized nurse
126 visits shall be reimbursed outside of the nursing home cap for in-home services
127 clients whose services have reached one hundred percent of the average statewide
128 charge for care and treatment in an intermediate care facility, provided that the
129 services have been preauthorized by the department.

130 [17.] 15. All in-home services clients shall be advised of their rights by
131 the department or the department's designee at the initial evaluation. The rights

132 shall include, but not be limited to, the right to call the department for any
133 reason, including dissatisfaction with the provider or services. The department
134 may contract for services relating to receiving such complaints. The department
135 shall establish a process to receive such nonabuse and neglect calls other than the
136 elder abuse and neglect hotline.

137 [18.] **16.** Subject to appropriations, all nurse visits authorized in sections
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

198.070. 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 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; funeral
5 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
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with the care of a person sixty years of age or older or an
13 eligible adult has reasonable cause to believe that a resident of a facility has been
14 abused or neglected, he or she shall immediately report or cause a report to be
15 made to the department.

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

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

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

28 4. In addition to the penalties imposed by this section, any administrator
29 who knowingly conceals any act of abuse or neglect resulting in death or serious

30 physical injury, as defined in section 556.061, is guilty of a class E felony.

31 5. In addition to those persons required to report pursuant to subsection
32 1 of this section, any other person having reasonable cause to believe that a
33 resident has been abused or neglected may report such information to the
34 department.

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

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

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

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

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

66 11. No person who directs or exercises any authority in a facility shall
67 evict, harass, dismiss or retaliate against a resident or employee because such
68 resident or employee or any member of such resident's or employee's family has
69 made a report of any violation or suspected violation of laws, ordinances or
70 regulations applying to the facility which the resident, the resident's family or an
71 employee has reasonable cause to believe has been committed or has
72 occurred. Through the existing department information and referral telephone
73 contact line, residents, their families and employees of a facility shall be able to
74 obtain information about their rights, protections and options in cases of eviction,
75 harassment, dismissal or retaliation due to a report being made pursuant to this
76 section.

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

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

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

198.070. 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 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; funeral
5 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

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

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

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

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

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

31 5. In addition to those persons required to report pursuant to subsection
32 1 of this section, any other person having reasonable cause to believe that a
33 resident has been abused or neglected may report such information to the
34 department.

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

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

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

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

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

67 11. No person who directs or exercises any authority in a facility shall
68 evict, harass, dismiss or retaliate against a resident or employee because such
69 resident or employee or any member of such resident's or employee's family has
70 made a report of any violation or suspected violation of laws, ordinances or
71 regulations applying to the facility which the resident, the resident's family or an
72 employee has reasonable cause to believe has been committed or has
73 occurred. Through the existing department information and referral telephone
74 contact line, residents, their families and employees of a facility shall be able to
75 obtain information about their rights, protections and options in cases of eviction,
76 harassment, dismissal or retaliation due to a report being made pursuant to this
77 section.

78 12. Any person who abuses or neglects a resident of a facility is subject

79 to criminal prosecution under section 565.180, 565.182, or 565.184.

80 13. The department shall maintain the employee disqualification list and
81 place on the employee disqualification list the names of any persons who are or
82 have been employed in any facility and who have been finally determined by the
83 department pursuant to section 660.315 to have knowingly or recklessly abused
84 or neglected a resident. For purposes of this section only, "knowingly" and
85 "recklessly" shall have the meanings that are ascribed to them in this section. A
86 person acts "knowingly" with respect to the person's conduct when a reasonable
87 person should be aware of the result caused by his or her conduct. A person acts
88 "recklessly" when the person consciously disregards a substantial and
89 unjustifiable risk that the person's conduct will result in serious physical injury
90 and such disregard constitutes a gross deviation from the standard of care that
91 a reasonable person would exercise in the situation.

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

211.059. 1. When a child is taken into custody by a juvenile officer or law
2 enforcement official, with or without a warrant for an offense in violation of the
3 juvenile code or the general law which would place the child under the
4 jurisdiction of the juvenile court pursuant to subdivision (2) or (3) of subsection
5 1 of section 211.031, the child shall be advised prior to 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
8 against him; and
- 9 (3) That he has a right to have a parent, guardian or custodian present
10 during questioning; and
- 11 (4) That he has a right to consult with an attorney and that one will be
12 appointed and paid for him if he cannot afford one.

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

16 3. When a child is taken into custody by a juvenile officer or law
17 enforcement official which places the child under the jurisdiction of the juvenile
18 court under subdivision (1) of subsection 1 of section 211.031, including any

19 interactions with the child by the children's division, the following shall apply:

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

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

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

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

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

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

46 **4. For the purposes of this section, any court recognized**
47 **exception from the required warnings given by law enforcement**
48 **concerning constitutional rights to an adult prior to custodial**
49 **interrogation shall also apply to a child taken into custody. Any**
50 **evidence obtained in violation of this section shall be treated by the**
51 **courts in the same manner as evidence collected in violation of an**
52 **adult's right to be given warnings concerning constitutional rights**
53 **prior to custodial interrogation.**

211.436. 1. When a court of jurisdiction in juvenile cases has a

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

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

217.151. 1. For purposes of this section, "extraordinary
2 circumstances" exist when a doctor treating the pregnant or
3 postpartum offender makes an individualized determination that
4 restraints are necessary to prevent a pregnant or postpartum offender
5 from escaping or seriously injuring herself, medical or correctional
6 personnel, or others.

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

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

14 (2) Pregnant and postpartum offenders shall be transported to
15 and from visits to health care providers and court proceedings in
16 vehicles with seatbelts;

17 (3) Any time restraints are used on a pregnant or postpartum
18 offender, the restraints shall be the least restrictive available and the
19 most reasonable under the circumstances. In no case shall leg or waist
20 restraints be used on any pregnant or postpartum offender; and

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

25 3. In the event a doctor determines that extraordinary
26 circumstances exist and restraints are used, the doctor shall fully
27 document in writing within seven days of the incident the reasons he

28 or she determined such extraordinary circumstances existed, the kind
29 of restraints used, and the reasons those restraints were considered the
30 least restrictive available and the most reasonable under the
31 circumstances.

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

39 5. The chief administrative officer of each correctional center
40 shall:

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

45 (2) Inform female offenders of the policies and practices
46 developed in accordance with this section upon admission to the
47 correctional center, including the policies and practices in the offender
48 handbook, and post the policies and practices in locations in the
49 correctional center where such notices are commonly posted and will
50 be seen by female offenders, including common housing areas and
51 health care facilities.

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

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

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

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

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

14 endanger the life or limb of any offender or employee of such a center;

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

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

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

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

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

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

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

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

12 the appeal. The decision of the board shall be by majority vote of the board
13 members and shall be final.

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

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

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

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

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

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

15 3. The board has discretionary authority to require the payment of a fee,

16 not to exceed sixty dollars per month, from every offender placed under board
17 supervision on probation, parole, or conditional release, to waive all or part of any
18 fee, to sanction offenders for willful nonpayment of fees, and to contract with a
19 private entity for fee collections services. All fees collected shall be deposited in
20 the inmate fund established in section 217.430. Fees collected may be used to
21 pay the costs of contracted collections services. The fees collected may otherwise
22 be used to provide community corrections and intervention services for
23 offenders. Such services include substance abuse assessment and treatment,
24 mental health assessment and treatment, electronic monitoring services,
25 residential facilities services, employment placement services, and other offender
26 community corrections or intervention services designated by the board to assist
27 offenders to successfully complete probation, parole, or conditional release. The
28 board shall adopt rules not inconsistent with law, in accordance with section
29 217.040, with respect to sanctioning offenders and with respect to establishing,
30 waiving, collecting, and using fees.

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

36 5. When considering parole for an offender with consecutive sentences, the
37 minimum term for eligibility for parole shall be calculated by adding the
38 minimum terms for parole eligibility for each of the consecutive sentences, except
39 the minimum term for parole eligibility shall not exceed the minimum term for
40 parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

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

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

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

81 12. Any rule or portion of a rule, as that term is defined in section
82 536.010, that is created under the authority delegated in this section shall
83 become effective only if it complies with and is subject to all of the provisions of
84 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
85 nonseverable and if any of the powers vested with the general assembly pursuant
86 to chapter 536 to review, to delay the effective date, or to disapprove and annul
87 a rule are subsequently held unconstitutional, then the grant of rulemaking

88 authority and any rule proposed or adopted after August 28, 2005, shall be
89 invalid and void.

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

15 2. Any person on probation arrested under the authority granted in
16 subsection 1 of this section shall have the right to a preliminary hearing on the
17 violation charged as long as the person on probation remains in custody or unless
18 the offender waives such hearing. The person on probation shall be notified
19 immediately in writing of the alleged probation violation. If arrested in the
20 jurisdiction of the sentencing court, and the court which placed the person on
21 probation is immediately available, the preliminary hearing shall be heard by the
22 sentencing court. Otherwise, the person on probation shall be taken before a
23 judge or associate circuit judge in the county of the alleged violation or arrest
24 having original jurisdiction to try criminal offenses or before an impartial
25 member of the staff of the Missouri board of probation and parole, and the
26 preliminary hearing shall be held as soon as possible after the arrest. Such
27 preliminary hearings shall be conducted as provided by rule of court or by rules
28 of the Missouri board of probation and parole. If it appears that there is probable
29 cause to believe that the person on probation has violated a condition of
30 probation, or if the person on probation waives the preliminary hearing, the judge
31 or associate circuit judge, or member of the staff of the Missouri board of
32 probation and parole shall order the person on probation held for further
33 proceedings in the sentencing court. If probable cause is not found, the court
34 shall not be barred from holding a hearing on the question of the alleged violation

35 of a condition of probation nor from ordering the person on probation to be
36 present at such a hearing.

37 3. Upon such arrest and detention, the probation officer shall immediately
38 notify the sentencing court and shall submit to the court a written report showing
39 in what manner the person on probation has violated the conditions of
40 probation. Thereupon, or upon arrest by warrant, the court shall cause the
41 person on probation to be brought before it without unnecessary delay for a
42 hearing on the violation charged. Revocation hearings shall be conducted as
43 provided by rule of court.

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

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

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

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

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

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

18 2. The violation of subdivision (1) of subsection 1 of this section shall be
19 a class D felony; the violation of subdivision (2) **or (5) of subsection 1** of this
20 section shall be a class E felony; the violation of subdivision (3) **of subsection**
21 **1** of this section shall be a class A misdemeanor; and the violation of subdivision
22 (4) **of subsection 1** of this section shall be a class B felony.

23 3. The chief operating officer of a county or city jail or other correctional
24 facility or the administrator of a private jail may deny visitation privileges to or
25 refer to the county prosecuting attorney for prosecution any person who
26 knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or
27 about the premises of such jail or facility any personal item which is prohibited

28 by rule or regulation of such jail or facility. Such rules or regulations, including
29 a list of personal items allowed in the jail or facility, shall be prominently posted
30 for viewing both inside and outside such jail or facility in an area accessible to
31 any visitor, and shall be made available to any person requesting such rule or
32 regulation. Violation of this subsection shall be an infraction if not covered by
33 other statutes.

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

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

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

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

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

10 2. All dealer licenses shall expire on December thirty-first of the
11 designated license period. The department shall notify each person licensed
12 under sections 301.550 to 301.573 of the date of license expiration and the
13 amount of the fee required for renewal. The notice shall be mailed at least ninety

14 days before the date of license expiration to the licensee's last known business
15 address. The director shall have the authority to issue licenses valid for a period
16 of up to two years and to stagger the license periods for administrative efficiency
17 and equalization of workload, at the sole discretion of the director.

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

29 (1) The name and business address, not a post office box, of the applicant
30 and the fictitious name, if any, under which he intends to conduct his business;
31 and if the applicant be a partnership, the name and residence address of each
32 partner, an indication of whether the partner is a limited or general partner and
33 the name under which the partnership business is to be conducted. In the event
34 that the applicant is a corporation, the application shall list the names of the
35 principal officers of the corporation and the state in which it is
36 incorporated. Each application shall be verified by the oath or affirmation of the
37 applicant, if an individual, or in the event an applicant is a partnership or
38 corporation, then by a partner or officer;

39 (2) Whether the application is being made for registration as a
40 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor
41 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor
42 vehicle auction or a public motor vehicle auction;

43 (3) When the application is for a new motor vehicle franchise dealer, the
44 application shall be accompanied by a copy of the franchise agreement in the
45 registered name of the dealership setting out the appointment of the applicant as
46 a franchise holder and it shall be signed by the manufacturer, or his authorized
47 agent, or the distributor, or his authorized agent, and shall include a description
48 of the make of all motor vehicles covered by the franchise. The department shall
49 not require a copy of the franchise agreement to be submitted with each renewal

50 application unless the applicant is now the holder of a franchise from a different
51 manufacturer or distributor from that previously filed, or unless a new term of
52 agreement has been entered into;

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

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

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

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

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

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

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

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

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

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

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

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

47 7. The state highways and transportation commission or local authorities
48 with respect to roads under their respective jurisdictions, on any section where
49 construction or major maintenance operations are being effected, may fix a speed
50 limit in such areas by posting of appropriate signs, and the operation of a motor
51 vehicle in excess of such speed limit in the area so posted shall be deemed prima
52 facie evidence of careless and imprudent driving and a violation of section
53 304.010.

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

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

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

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

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

79 13. For any court-ordered suspension under subsection 9, 10, or 11 of this
80 section, the director of the department shall impose such suspension as set forth
81 in the court order. The order of suspension shall include the name of the
82 offender, the offender's driver's license number, Social Security number, and the
83 effective date of the suspension. Any appeal of a suspension imposed under
84 subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
85 and subject to review by the presiding judge of the circuit court or another judge
86 within the circuit other than the judge who issued the original order to suspend
87 the driver's license. The director of revenue's entry of the court-ordered
88 suspension on the driving record is not a decision subject to review under section
89 302.311. Any suspension of the driver's license ordered by the court under this
90 section shall be in addition to any other suspension that may occur as a result of
91 the conviction under other provisions of law.

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

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

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

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

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

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

327.272. 1. A professional land surveyor shall include any person who
2 practices in Missouri as a professional land surveyor who uses the title of

3 "surveyor" alone or in combination with any other word or words including, but
4 not limited to "registered", "professional" or "land" indicating or implying that the
5 person is or holds himself or herself out to be a professional land surveyor who
6 by word or words, letters, figures, degrees, titles or other descriptions indicates
7 or implies that the person is a professional land surveyor or is willing or able to
8 practice professional land surveying or who renders or offers to render, or holds
9 himself or herself out as willing or able to render, or perform any service or work,
10 the adequate performance of which involves the special knowledge and
11 application of the principles of land surveying, mathematics, the related physical
12 and applied sciences, and the relevant requirements of law, all of which are
13 acquired by education, training, experience and examination, that affect real
14 property rights on, under or above the land and which service or work involves:

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

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

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

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

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

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

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

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

32 (9) Establishment of state plane coordinates;

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

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

38 (12) Layout of proposed improvements;

39 (13) The determination of azimuths by astronomic observations.

40 2. None of the specific duties listed in subdivisions (4) to (13) of subsection
41 1 of this section are exclusive to professional land surveyors unless they affect
42 real property rights. For the purposes of this section, the term "real property
43 rights" means a recordable interest in real estate as it affects the location of land
44 boundary lines. The validity of any document prepared between August 27, 2014,
45 and August 28, 2015, by a provider of utility or communications services
46 purporting to affect real property rights shall remain valid and enforceable
47 notwithstanding that any legal description contained therein was not prepared
48 by a professional land surveyor.

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

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

55 **5. Nothing in this section shall preclude a licensed attorney in**
56 **this state or a licensed title insurance company, agent, or agency from**
57 **preparing maps or other drawings, conducting investigations into real**
58 **estate titles and descriptions, and preparing land or legal descriptions**
59 **for clients or customers.**

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

16 shall be served in the same manner as subpoenas in a criminal case. The fees
17 and mileage of witnesses shall be the same as that allowed in the circuit court in
18 civil cases.

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

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

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

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

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

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

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

52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts
54 or services performed in violation of sections 339.010 to 339.180 and sections
55 339.710 to 339.860;

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

58 (9) Having been finally adjudicated and been found guilty of the violation
59 of any state or federal statute which governs the sale or rental of real property
60 or the conduct of the real estate business as defined in subsection 1 of section
61 339.010;

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

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

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

72 (13) Using prizes, money, gifts or other valuable consideration as
73 inducement to secure customers or clients to purchase, lease, sell or list property
74 when the awarding of such prizes, money, gifts or other valuable consideration
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or
76 offering for sale real property by offering free lots, or conducting lotteries or
77 contests, or offering prizes for the purpose of influencing a purchaser or
78 prospective purchaser of real property;

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

81 (15) Violation of, or attempting to violate, directly or indirectly, or
82 assisting or enabling any person to violate, any provision of sections 339.010 to
83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant
84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

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

87 (17) Failure to timely inform seller of all written offers unless otherwise

88 instructed in writing by the seller;

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

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

99 (20) Disciplinary action against the holder of a license or other right to
100 practice any profession regulated under sections 339.010 to 339.180 and sections
101 339.710 to 339.860 granted by another state, territory, federal agency, or country
102 upon grounds for which revocation, suspension, or probation is authorized in this
103 state;

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

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

110 (23) Assisting or enabling any person to practice or offer to practice any
111 profession licensed or regulated under sections 339.010 to 339.180 and sections
112 339.710 to 339.860 who is not registered and currently eligible to practice under
113 sections 339.010 to 339.180 and sections 339.710 to 339.860;

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

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

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

123 3. After the filing of such complaint, the proceedings will be conducted in

124 accordance with the provisions of law relating to the administrative hearing
125 commission. A finding of the administrative hearing commissioner that the
126 licensee has performed or attempted to perform one or more of the foregoing acts
127 shall be grounds for the suspension or revocation of his license by the
128 commission, or the placing of the licensee on probation on such terms and
129 conditions as the real estate commission shall deem appropriate, or the
130 imposition of a civil penalty by the commission not to exceed two thousand five
131 hundred dollars for each offense. Each day of a continued violation shall
132 constitute a separate offense.

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

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

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

146 (2) Any of the following sexual offenses: rape in the first degree, forcible
147 rape, rape, statutory rape in the first degree, statutory rape in the second degree,
148 rape in the second degree, sexual assault, sodomy in the first degree, forcible
149 sodomy, statutory sodomy in the first degree, statutory sodomy in the second
150 degree, child molestation in the first degree, child molestation in the second
151 degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
152 involving a child, sexual misconduct in the first degree under section 566.090 as
153 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it
154 existed prior to August 28, 2013, sexual abuse in the first or second degree,
155 enticement of a child, or attempting to entice a child;

156 (3) Any of the following offenses against the family and related offenses:
157 incest, abandonment of a child in the first degree, abandonment of a child in the
158 second degree, endangering the welfare of a child in the first degree, abuse of a
159 child, using a child in a sexual performance, promoting sexual performance by a

160 child, or trafficking in children;

161 (4) Any of the following offenses involving child pornography and related
162 offenses: promoting obscenity in the first degree, promoting obscenity in the
163 second degree when the penalty is enhanced to a class [D] E felony, promoting
164 child pornography in the first degree, promoting child pornography in the second
165 degree, possession of child pornography in the first degree, possession of child
166 pornography in the second degree, furnishing child pornography to a minor,
167 furnishing pornographic materials to minors, or coercing acceptance of obscene
168 material; and

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

170 6. A person whose license was revoked under subsection 5 of this section
171 may appeal such revocation to the administrative hearing commission. Notice of
172 such appeal must be received by the administrative hearing commission within
173 ninety days of mailing, by certified mail, the notice of revocation. Failure of a
174 person whose license was revoked to notify the administrative hearing
175 commission of his or her intent to appeal waives all rights to appeal the
176 revocation. Upon notice of such person's intent to appeal, a hearing shall be held
177 before the administrative hearing commission.

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

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

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

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

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

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

18 (c) A person shall not knowingly or intentionally file, attempt to file, or

19 record any document related to real property with a recorder of deeds under
20 chapter 59 or a financing statement with the secretary of state under subdivision
21 (2) of subsection (a) or subsection (b) of this section, with the intent that such
22 document or statement be used to harass or defraud any other person or
23 knowingly or intentionally file, attempt to file, or record such a document or
24 statement that is materially false or fraudulent.

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

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

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

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

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

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

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

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

19 (c) The boundaries imposed on the person being monitored

20 **during the electronic monitoring;**

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

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

26 **(f) Identification of support services available to assist the**
27 **protected person in developing a safety plan to use if the monitored**
28 **person violates an order or if the electronic monitoring equipment**
29 **fails;**

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

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

37 **2. When a person is found guilty of violating the terms and**
38 **conditions of an ex parte or full order of protection under sections**
39 **455.085 or 455.538, the court may, in addition to or in lieu of any other**
40 **disposition:**

41 **(1) Sentence the person to electronic monitoring with victim**
42 **notification; or**

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

45 **3. When a person charged with violating the terms and**
46 **conditions of an ex parte or full order of protection under sections**
47 **455.085 or 455.538 is released from custody before trial pursuant to**
48 **section 544.455, the court may, as a condition of release, order**
49 **electronic monitoring of the person with victim notification.**

50 **4. Electronic monitoring with victim notification shall be**
51 **ordered only with the protected person's informed consent. In**
52 **determining whether to place a person on electronic monitoring with**
53 **victim notification, the court may hold a hearing to consider the**
54 **likelihood that the person's participation in electronic monitoring will**
55 **deter the person from injuring the protected person. The court shall**
56 **consider the following factors:**

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

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

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

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

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

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

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

68 5. Unless the person is determined to be indigent by the court,
69 a person ordered to be placed on electronic monitoring with victim
70 notification shall be ordered to pay the related costs and expenses. If
71 the court determines the person is indigent, the person may be placed
72 on electronic monitoring with victim notification, and the clerk of the
73 court in which the case was determined shall notify the department of
74 corrections that the person was determined to be indigent and shall
75 include in a bill to the department the costs associated with the
76 monitoring. The department shall establish by rule a procedure to
77 determine the portion of costs each indigent person is able to pay based
78 on a person's income, number of dependents, and other factors as
79 determined by the department and shall seek reimbursement of such
80 costs.

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

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

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

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

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

101 **11. The department of corrections shall promulgate rules and**
102 **regulations for the implementation of subsection 5 of this section. Any**
103 **rule or portion of a rule, as that term is defined in section 536.010 that**
104 **is created under the authority delegated in this section shall become**
105 **effective only if it complies with and is subject to all of the provisions**
106 **of chapter 536, and, if applicable, section 536.028. This section and**
107 **chapter 536 are nonseverable and if any of the powers vested with the**
108 **general assembly pursuant to chapter 536, to review, to delay the**
109 **effective date, or to disapprove and annul a rule are subsequently held**
110 **unconstitutional, then the grant of rulemaking authority and any rule**
111 **proposed or adopted after August 28, 2016, shall be invalid and void.**

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

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, as well as gifts, contributions, devises, bequests, and grants received
4 relating to automation of judicial record keeping, and moneys received by the
5 judicial system for the dissemination of information and sales of publications
6 developed relating to automation of judicial record keeping, shall be credited to
7 the fund. Moneys credited to this fund may only be used for the purposes set
8 forth in this section and as appropriated by the general assembly. Any
9 unexpended balance remaining in the statewide court automation fund at the end
10 of each biennium shall not be subject to the provisions of section 33.080 requiring
11 the transfer of such unexpended balance to general revenue; except that, any
12 unexpended balance remaining in the fund on September 1, [2018] **2023**, shall
13 be transferred to general revenue.

14 2. The statewide court automation fund shall be administered by a court
15 automation committee consisting of the following: the chief justice of the supreme
16 court, a judge from the court of appeals, four circuit judges, four associate circuit
17 judges, four employees of the circuit court, the commissioner of administration,

18 two members of the house of representatives appointed by the speaker of the
19 house, two members of the senate appointed by the president pro tem of the
20 senate, **the executive director of the Missouri office of prosecution**
21 **services, the director of the state public defender system**, and two
22 members of the Missouri Bar. The judge members and employee members shall
23 be appointed by the chief justice. The commissioner of administration shall serve
24 ex officio. The members of the Missouri Bar shall be appointed by the board of
25 governors of the Missouri Bar. Any member of the committee may designate
26 another person to serve on the committee in place of the committee member.

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

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

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

46 6. Any court automation system, including any pilot project, shall be
47 implemented, operated and maintained in accordance with strict standards for
48 the security and privacy of confidential judicial records. Any person who
49 knowingly releases information from a confidential judicial record is guilty of a
50 class B misdemeanor. Any person who, knowing that a judicial record is
51 confidential, uses information from such confidential record for financial gain is
52 guilty of a class E felony.

53 7. On the first day of February, May, August and November of each year,

54 the court automation committee shall file a report on the progress of the
55 statewide automation system with:

- 56 (1) The chair of the house budget committee;
- 57 (2) The chair of the senate appropriations committee;
- 58 (3) The chair of the house judiciary committee; and
- 59 (4) The chair of the senate judiciary committee.

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

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

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

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

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

32 (1) Serve process;

33 (2) Wear a concealable firearm; and

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

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

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

27 lawful state benefits, but shall not sue the state, its agencies, or its officials, with
28 any state funds.

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

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

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

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

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

**478.252. 1. The circuit court of Jackson County may establish the
2 "Armed Offender Docket Pilot Project". The armed offender docket
3 shall have dedicated judges and other personnel for all matters of
4 hearing, setting of bail or other pretrial matters, trial, sentencing, and
5 supervision of the accused or convicted in all actions in which the lead
6 charge has been brought under subdivision (2) of subsection 1 of
7 section 569.020 prior to December 31, 2016, or, beginning January 1,
8 2017, subdivision (1) of subsection 1 of section 569.160; subdivision (2)
9 of subsection 1 of section 570.023; section 571.015; subdivisions (1), (2),
10 (3), or (6) of subsection 1 of section 571.020; sections 571.030, 571.045, or**

11 571.050; subdivision (1) of subsection 1 of section 571.060; or sections
12 571.063, 571.070, 571.072, or 571.150. For purposes of this section, a
13 "lead charge" means the highest grade of a charge against a
14 defendant. Charges tried by the docket shall arise from lead charges
15 brought on or after the effective date of the creation of the docket.

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

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

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

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

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

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

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

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

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

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

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

47 (10) The number of cases in which probation revocation was

48 **sought and is pending;**

49 **(11) The number of cases in which probation revocation was**
50 **granted; and**

51 **(12) Any nonprivileged information reasonably requested by such**
52 **agencies or by a research university in Missouri with an accredited**
53 **program in criminology, criminal justice, public health, or social**
54 **work. Any information that is protected from disclosure by a**
55 **recognized privilege or statute shall be disclosed only by court order**
56 **or as provided by statute.**

57 **4. Within six months after each anniversary of the creation of the**
58 **armed offender docket, the circuit court shall provide and publish a**
59 **public report on the operations of the armed offender docket during**
60 **the year immediately preceding the anniversary, including any**
61 **commentary on such operations as may be offered by a research**
62 **university in Missouri, prosecuting attorney or public defender in such**
63 **circuit, or law enforcement agency in such circuit.**

64 **5. The provisions of this section shall expire on December 31,**
65 **2022.**

488.2206. 1. In addition to all court fees and costs prescribed by law, a
2 surcharge of up to ten dollars shall be assessed as costs in each court proceeding
3 filed in any court within [the thirty-first judicial circuit] **any judicial circuit**
4 **composed of a single noncharter county** in all **civil and** criminal cases
5 including violations of any county or municipal ordinance or any violation of a
6 criminal or traffic law of the state, including an infraction, except that no such
7 surcharge shall be collected in any proceeding in any court when the proceeding
8 or defendant has been dismissed by the court or when costs are to be paid by the
9 state, county, or municipality. For violations of the general criminal laws of the
10 state or county ordinances, no such surcharge shall be collected unless it is
11 authorized, by order, ordinance, or resolution by the county government where
12 the violation occurred. For violations of municipal ordinances, no such surcharge
13 shall be collected unless it is authorized by order, ordinance, or resolution by the
14 municipal government where the violation occurred. Such surcharges shall be
15 collected and disbursed by the clerk of each respective court responsible for
16 collecting court costs in the manner provided by sections 488.010 to 488.020, and
17 shall be payable to the treasurer of the political subdivision authorizing such
18 surcharge, **who shall deposit the funds in a separate account known as**

19 **the "justice center fund", to be established and maintained by the**
20 **political subdivision.**

21 2. Each county or municipality shall use all funds received pursuant to
22 this section only to pay for the costs associated with the land assemblage and
23 purchase, **planning**, construction, maintenance, and operation of any county or
24 municipal judicial facility **or justice center** including, but not limited to,
25 **architectural, engineering, and other plans and studies**, debt service,
26 utilities, maintenance, and building security. The county or municipality shall
27 maintain records identifying [such operating costs, and any moneys not needed
28 for the operating costs of the county or municipal judicial facility shall be
29 transmitted quarterly to the general revenue fund of the county or municipality
30 respectively] **all funds received and expenditures made from their**
31 **respective center funds.**

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

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

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

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

24 **(3) Department of mental health employees and their legal**

25 **counsel as part of an investigation conducted under section 630.167, as**
26 **well as for use in administrative proceedings as established by**
27 **department regulations or through the administrative hearing**
28 **commission as provided under section 621.075;**

29 **(4) The office of child advocate as part of a review under section**
30 **37.710;**

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

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

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

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

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

42 **(3) Require, upon the final disposition of the case, the return of**
43 **all copies to the health care provider, child assessment center or**
44 **multidisciplinary team member that originally had possession of the**
45 **recordings or photographs, or provide an affidavit to the health care**
46 **provider, child assessment center, or multidisciplinary team member**
47 **that originally had possession of the recordings or photographs**
48 **certifying that all copies have been destroyed.**

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

537.570. Every person who, under color of any statute, ordinance,
2 **regulation, custom, or usage, of the state of Missouri or any political**
3 **subdivision thereof subjects, or causes to be subjected, any citizen of**
4 **the United States or other person within the jurisdiction thereof to the**
5 **deprivation of any rights, privileges, or immunities secured by the**
6 **Missouri Constitution and laws of this state, or interferes or attempts**
7 **to interfere, by threats, intimidation or coercion, with the exercise or**
8 **enjoyment by any other person of rights secured by article I of the**
9 **Missouri Constitution, shall be liable to the party injured in an action**
10 **at law, suit in equity, or other proper proceeding for redress. A party**

11 **injured by a violation of this section may bring a private civil action to**
12 **enforce their rights under this section. The attorney general shall be**
13 **authorized to bring a civil action on behalf of a party injured pursuant**
14 **to this section.**

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

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

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

7 2. Persons accused of committing [the] offenses [of identity theft against
8 the laws of this state in sections 570.223, 570.224, and 575.120] **under chapter**
9 **570** shall be prosecuted:

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

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

14 (3) In the county in which the victim resides **or conducts business**; or

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

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

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

11 3. The motion shall be made before the commencement of the trial of the
12 moving party on the charge arising out of the seizure unless he was unaware of
13 the grounds or had no opportunity to do so before the trial. In that event the
14 motion may be made during the trial. However, the trial judge may in his
15 discretion entertain a motion any time during trial.

16 4. Notice shall be given to the prosecuting attorney of the date, time, place

17 and nature of the hearing.

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

20 (1) That the search and seizure were made without warrant and without
21 lawful authority;

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

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

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

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

30 6. The judge shall receive evidence on any issue of fact necessary to the
31 decision of the motion. The burden of going forward with the evidence and the
32 risk of nonpersuasion shall be upon the state to show by a preponderance of the
33 evidence that the motion to suppress should be overruled.

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

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

16 **2. The findings of the court shall be based on evidence, in whole**

17 **or in part, in the following forms:**

18 **(1) Testimony of witnesses;**

19 **(2) Written reports of expert witnesses;**

20 **(3) Documentary evidence without a proper predicate; provided,**
21 **there is a substantial basis for believing such predicate will be**
22 **available at trial and that the document is otherwise competent; or**

23 **(4) Testimony of a witness concerning the declarations of**
24 **another where such evidence is cumulative, or there is a substantial**
25 **basis for believing that the source of the hearsay is credible and that**
26 **a factual basis for the information furnished exists and there is no**
27 **reason for believing the declarant will not be personally available for**
28 **trial.**

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

10 **2. The party who takes a deposition shall provide to the other**
11 **party one copy of the transcript and any video or audio recording from**
12 **the deposition. Any costs associated with providing such copies to the**
13 **other party shall be paid by the party who takes the deposition.**

545.490. [The petition of the applicant for a change of venue shall set
2 forth the facts or grounds upon which such change is sought, and such petition
3 shall be supported by the affidavit of petitioner and the affidavit of at least two
4 credible disinterested citizens of the county where said cause is pending and the
5 truth of the allegations thereof shall be proved, to the satisfaction of the court,
6 by legal and competent evidence, and the prosecuting attorney may in such case
7 offer evidence in rebuttal of that submitted in support of such application; the
8 court, or judge in vacation, shall fix the number of witnesses for which the state
9 or county may be liable; provided, in all cases in counties in this state which now
10 have or may hereafter have a population of less than seventy-five thousand
11 inhabitants if such petition for change of venue is supported by the affidavits of

12 five or more credible disinterested citizens residing in different neighborhoods of
13 the county where said cause is pending, then the court or judge in vacation, shall
14 grant such change of venue, as of course, without additional proof; provided
15 further, that reasonable previous notice of such application shall in all cases be
16 given to the prosecuting attorney; and provided further, that if the facts alleged
17 as the ground of the application be within the knowledge of the court or judge, he
18 may order such removal of the cause without any formal proof or the filing of
19 affidavit; and provided further, that if the application shall allege prejudice of the
20 inhabitants of more than one county in the circuit in which the case is pending,
21 the court may, upon proof of the allegations as herein provided for, order the case
22 sent to some county in the same or some other circuit where such causes do not
23 exist.]

1. Upon written application of the defendant, a change of venue may be ordered in any felony proceeding for the following reasons:

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

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

2. The application shall be filed not later than thirty days after arraignment.

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

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

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

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

7. In lieu of transferring the case to another county, the court

49 may secure a jury from another county as provided by law.

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

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

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

19 (1) Be limited solely to the use of the recordings or photographs
20 for the purposes of a pending court proceeding or in preparation for a
21 pending court proceeding;

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

24 (3) Require, upon the final disposition of the case, the return of
25 all copies to the health care provider, child assessment center, or
26 multidisciplinary team member that originally had possession of the
27 recordings or photographs, or provide an affidavit to the health care
28 provider, child assessment center, or multidisciplinary team member
29 that originally had possession of the recordings or photographs
30 certifying that all copies have been destroyed.

556.046. 1. A person may be convicted of an offense included in an offense
2 charged 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
4 to establish the commission of the offense charged; or

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

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

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

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

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

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

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

27 5. **It is the intent of the legislature to reject and abrogate earlier**
28 **case law relating to required lesser-included offense instructions,**
29 **including the holding in State v. Jackson, 433 S.W.3d 390 (Mo. banc**
30 **2014) and all cases citing, interpreting, applying, or following that case.**
31 **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
2 offense charged 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
4 to establish the commission of the offense charged; or

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

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8 an offense otherwise included therein.

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

12 offense is charged for purposes of this section if:

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

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

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

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

27 5. **It is the intent of the legislature to reject and abrogate earlier**
28 **case law relating to required lesser-included offense instructions,**
29 **including the holding in State v. Jackson, 433 S.W.3d 390 (Mo. banc**
30 **2014) and all cases citing, interpreting, applying, or following that case.**
31 **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
2 a misdemeanor without specification of the penalty therefor is a class A
3 misdemeanor.

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

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

10 (1) If the offense is a felony:

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

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

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

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

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

21 (2) If the offense is a misdemeanor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) Such force is used against a person who unlawfully enters, remains
29 after unlawfully entering, or attempts to unlawfully enter private property that
30 is owned or leased by an individual claiming a justification of using protective
31 force under this section.

32 3. A person **who is not engaged in an unlawful activity** does not
33 have a duty to retreat from [a dwelling, residence, or vehicle where the person is
34 not unlawfully entering or unlawfully remaining. A person does not have a duty
35 to retreat from private property that is owned or leased by such individual] **any**
36 **place he or she has a right to be.**

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

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

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

9 2. The use of any physical force in making an arrest is not justified under
10 this section unless the arrest is lawful or the law enforcement officer reasonably
11 believes the arrest is lawful, **and the amount of physical force used was**

12 **objectively reasonable in light of the totality of the particular facts and**
13 **circumstances confronting the officer on the scene, without regard to**
14 **the officer's underlying intent or motivation.**

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

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

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

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

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

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

28 4. The defendant shall have the burden of injecting the issue of
29 justification under this section.

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

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

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

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

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

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

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

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

27 4. The defendant shall have the burden of injecting the issue of
28 justification under this section.

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

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

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

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

27 including but not limited to evidence supporting any of the aggravating or
28 mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be
29 presented subject to the rules of evidence at criminal trials. Such evidence may
30 include, within the discretion of the court, evidence concerning the murder victim
31 and the impact of the [crime] **offense** upon the family of the victim and
32 others. Rebuttal and surrebuttal evidence may be presented. The state shall be
33 the first to proceed. If the trier is a jury it shall be instructed on the law. The
34 attorneys may then argue the issue of punishment to the jury, and the state shall
35 have the right to open and close the argument. The trier shall assess and declare
36 the punishment at life imprisonment without eligibility for probation, parole, or
37 release except by act of the governor:

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

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

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

48 (4) If the trier decides under all of the circumstances not to assess and
49 declare the punishment at death. If the trier is a jury it shall be so instructed.
50 If the trier assesses and declares the punishment at death it shall, in its findings
51 or verdict, set out in writing the aggravating circumstance or circumstances listed
52 in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If
53 the trier is a jury it shall be instructed before the case is submitted that if it is
54 unable to decide or agree upon the punishment the court shall assess and declare
55 the punishment at life imprisonment without eligibility for probation, parole, or
56 release except by act of the governor or death. The court shall follow the same
57 procedure as set out in this section whenever it is required to determine
58 punishment for murder in the first degree.

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

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

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

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

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

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

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

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

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

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

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

33 (5) The murder in the first degree was committed against a judicial
34 officer, former judicial officer, prosecuting attorney or former prosecuting
35 attorney, circuit attorney or former circuit attorney, assistant prosecuting
36 attorney or former assistant prosecuting attorney, assistant circuit attorney or
37 former assistant circuit attorney, peace officer or former peace officer, elected
38 official or former elected official during or because of the exercise of his official
39 duty;

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

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

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

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

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

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

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

60 (13) The murdered individual was an employee of an institution or facility
61 of the department of corrections of this state or local correction agency and was
62 killed in the course of performing his **or her** official duties, or the murdered

63 individual was an inmate of such institution or facility;

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

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

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

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

74 **(18) The murder was committed as an act of terrorism in that it**
75 **was committed for the purpose of, or in a manner of, intimidating or**
76 **coercing a civilian population, influencing the policy of a government**
77 **by intimidation or coercion, or affecting the conduct of a government.**

78 3. Statutory mitigating circumstances shall include the following:

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

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

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

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

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

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

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

565.040. 1. In the event that the death penalty provided in this chapter
2 is held to be unconstitutional, any person convicted of murder in the first degree
3 shall be sentenced by the court to life imprisonment without eligibility for
4 probation, parole, or release except by act of the governor, with the exception that
5 when a specific aggravating circumstance found in a case is held to be
6 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

8 punishment pursuant to subsection 5 of section [565.036] **565.035**.

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

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

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

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

26 4. Every person who has been previously convicted of or pled guilty to

27 making a false report to the department and who is subsequently convicted of
28 making a false report under subsection 3 of this section is guilty of a class D
29 felony.

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

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

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

9 (1) Makes a threat communicated with the intent to cause the person who
10 is the target of the threat to reasonably fear for his or her safety, the safety of his
11 or her family or household member, or the safety of domestic animals or livestock
12 as defined in section 276.606 kept at such person's residence or on such person's
13 property. The threat shall be against the life of, or a threat to cause physical
14 injury to, or the kidnapping of the person, the person's family or household
15 members, or the person's domestic animals or livestock as defined in section
16 276.606 kept at such person's residence or on such person's property; or

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

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

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

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

29 **(6) At any time during the course of conduct, the other person is**
30 **a participant of the address confidentiality program under sections**

31 **589.660 to 589.681, and the person disturbing the other person**
32 **knowingly accesses or attempts to access the address of the other**
33 **person.**

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

36 4. This section shall not apply to activities of federal, state, county, or
37 municipal law enforcement officers conducting investigations of any violation of
38 federal, state, county, or municipal law.

39 5. The offense of stalking in the first degree is a class E felony, unless the
40 defendant has previously been found guilty of a violation of this section or section
41 565.227, or any offense committed in another jurisdiction which, if committed in
42 this state, would be chargeable or indictable as a violation of any offense listed
43 in this section or section 565.227, in which case stalking in the first degree is a
44 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,
3 which may include communication by any means, over a period of time, however
4 short, evidencing a continuity of purpose. Constitutionally protected activity is
5 not included within the meaning of course of conduct. Such constitutionally
6 protected activity includes picketing or other organized protests;

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

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

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

21 3. A person commits the crime of aggravated stalking if he or she
22 purposely, through his or her course of conduct, harasses or follows with the

23 intent of harassing another person, and:

24 (1) Makes a credible threat; or

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

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

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

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

37 **(6) At any time during the course of conduct, the other person is**
38 **a participant of the address confidentiality program under sections**
39 **589.660 to 589.681, and the person harassing the other person**
40 **knowingly accesses or attempts to access the address of the other**
41 **person.**

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

49 5. The crime of aggravated stalking shall be a class D felony unless the
50 person has previously pleaded guilty to or been found guilty of a violation of this
51 section, or of any offense committed in violation of any county or municipal
52 ordinance in any state, any state law, any federal law, or any military law which,
53 if committed in this state, would be chargeable or indictable as a violation of any
54 offense listed in this section, aggravated stalking shall be a class C felony.

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

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

59 federal, state, county, or municipal law.

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

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

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

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

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any

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

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

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

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

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

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

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

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

13 **(3) Advertises the availability of a person under the age of**
14 **eighteen to participate in a commercial sex act, a sexual performance,**

15 **or the production of explicit sexual material as defined in section**
16 **573.010.**

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

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

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

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

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

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

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

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

25 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
2 under the age of twelve if the individual knowingly:

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

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

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

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

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

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

6 2. For purposes of this section:

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

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

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

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

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

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

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

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

44 7. During any period that a nonviolent offender is incarcerated for
45 criminal nonsupport, if the offender is ready, willing, and able to be gainfully
46 employed during said period of incarceration, the offender, if he or she meets the

47 criteria established by the department of corrections, may be placed on work
48 release to allow the offender to satisfy his or her obligation to pay
49 support. Arrearages shall be satisfied as outlined in the collection agreement.

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

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

64 10. Persons accused of committing the offense of nonsupport of the child
65 shall be prosecuted:

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) The defendant has a prior conviction or has previously been found
26 guilty pursuant to paragraph (a) of subdivision (3) of subsection [3] 5 of section
27 570.030, or subdivision (2) of subsection 1 of this section, in which case it is a
28 class D felony.

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

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

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

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

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

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

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

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

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

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

21 (2) The loss or damage to the crop is one thousand dollars or more, in

22 which case it is a class D felony;

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

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

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

29 5. Nothing in this section shall preclude any owner or operator injured in
30 his or her business or on his or her property by a violation of this section from
31 seeking appropriate relief under any other provision of law or remedy including
32 the issuance of an injunction against any person who violates this section. The
33 owner or operator of the business may petition the court to permanently enjoin
34 such persons from violating this section, and the court shall provide such relief.

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

41 7. The director may promulgate rules and regulations necessary for the
42 enforcement of this section. Any rule or portion of a rule, as that term is defined
43 in section 536.010 that is created under the authority delegated in this section
44 shall become effective only if it complies with and is subject to all of the
45 provisions of chapter 536, and, if applicable, section 536.028. This section and
46 chapter 536 are nonseverable and if any of the powers vested with the general
47 assembly under chapter 536, to review, to delay the effective date, or to
48 disapprove and annul a rule are subsequently held unconstitutional, then the
49 grant of rulemaking authority and any rule proposed or adopted after January 1,
50 2017, shall be invalid and void.

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

6 2. A person does not commit the offense of trespass in the first degree by
7 entering or remaining upon real property **or attached structures as described**

8 **under subsection 1 of this section** unless the real property **or attached**
9 **structure** is fenced or otherwise enclosed in a manner designed to exclude
10 intruders or as to which notice against trespass is given by:

11 (1) Actual communication to the actor; or

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

14 3. The offense of trespass in the first degree is a class B misdemeanor.
570.010. As used in this chapter:

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

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

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

8 (a) To commit any crime; or

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

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

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

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

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

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

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

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

27 (6) "Debit device" means a card, code, number or other device, other than
28 a check, draft or similar paper instrument, by the use of which a person may
29 initiate an electronic fund transfer, including but not limited to devices that

30 enable electronic transfers of benefits to public assistance recipients;

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

38 (8) "Deprive" means:

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

40 (b) To restore property only upon payment of reward or other
41 compensation; or

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

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

46 (10) "Misabeled" means varying from the standard of truth or disclosure
47 in labeling prescribed by statute or lawfully promulgated administrative
48 regulations of this state lawfully filed, or if none, as set by commercial usage; or
49 represented as being another person's product, though otherwise accurately
50 labeled as to quality and quantity;

51 [(10)] (11) "New and unused property" means tangible personal property
52 that has never been used since its production or manufacture and is in its
53 original unopened package or container if such property was packaged;

54 [(11)] (12) "Of another" property or services is that "of another" if any
55 natural person, corporation, partnership, association, governmental subdivision
56 or instrumentality, other than the actor, has a possessory or proprietary interest
57 therein, except that property shall not be deemed property of another who has
58 only a security interest therein, even if legal title is in the creditor pursuant to
59 a conditional sales contract or other security arrangement;

60 [(12)] (13) "Property" means anything of value, whether real or personal,
61 tangible or intangible, in possession or in action, and shall include but not be
62 limited to the evidence of a debt actually executed but not delivered or issued as
63 a valid instrument;

64 [(13)] (14) "Receiving" means acquiring possession, control or title or
65 lending on the security of the property;

66 [(14)] **(15)** "Services" includes transportation, telephone, electricity, gas,
67 water, or other public service, accommodation in hotels, restaurants or elsewhere,
68 admission to exhibitions and use of vehicles;

69 [(15)] **(16)** "Writing" includes printing, any other method of recording
70 information, money, coins, negotiable instruments, tokens, stamps, seals, credit
71 cards, badges, trademarks and any other symbols of value, right, privilege or
72 identification.

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

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

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

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

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

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

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

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

28 (3) A person appropriates property consisting of a motor vehicle,
29 watercraft, or aircraft, and that person has previously been found guilty of two

30 stealing-related offenses committed on two separate occasions where such offenses
31 occurred within ten years of the date of occurrence of the present offense; [or]

32 (4) The property appropriated or attempted to be appropriated consists of
33 any animal considered livestock as the term is defined in section 144.010 if the
34 value of the livestock exceeds ten thousand dollars; **or**

35 **(5) The property appropriated or attempted to be appropriated**
36 **is owned by or in the custody of a financial institution and the property**
37 **is taken or attempted to be taken physically from an individual person**
38 **to deprive the owner or custodian of the property.**

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

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

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

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

46 (3) The property appropriated consists of:

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

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

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

50 (d) Any firearms;

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

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

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

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

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

59 (j) Any animal considered livestock as that term is defined in section
60 144.010;

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

63 (l) Any captive wildlife held under permit issued by the conservation
64 commission;

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

66 (n) Ammonium nitrate;

67 (o) Any wire, electrical transformer, or metallic wire associated with
68 transmitting telecommunications, video, internet, or voice over internet protocol
69 service, or any other device or pipe that is associated with conducting electricity
70 or transporting natural gas or other combustible fuels; or

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

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

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

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

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

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

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

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

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

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

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

6 alleged stealer:

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

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

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

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

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

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

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

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

27 (3) The property appropriated consists of:

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

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

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

31 (d) Any firearms; or

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

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

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

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

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

40 (j) Any animal considered livestock as that term is defined in section
41 144.010; or

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

44 (l) Captive wildlife held under permit issued by the conservation
45 commission; or

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

47 (n) Anhydrous ammonia;

48 (o) Ammonium nitrate; or

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

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

54 5. If an actor appropriates any material with a value less than five
55 hundred dollars in violation of this section with the intent to use such material
56 to manufacture, compound, produce, prepare, test or analyze amphetamine or
57 methamphetamine or any of their analogues, then such violation is a class C
58 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any
59 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
60 B felony. The theft of any amount of anhydrous ammonia by appropriation of a
61 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or
62 field applicator is a class A felony.

63 **6. If the actor appropriates or attempts to appropriate property**
64 **that is owned by or in the custody of a financial institution and the**
65 **property is taken or attempted to be taken physically from an**
66 **individual person to deprive the owner or custodian of the property,**
67 **the theft is a class B felony.**

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

71 [7.] 8. Any person with a prior conviction of paragraph (j) or (l) of
72 subdivision (3) of subsection 3 of this section and who violates the provisions of
73 paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the
74 value of the animal or animals stolen exceeds three thousand dollars is guilty of
75 a class B felony. Notwithstanding any provision of law to the contrary, such
76 person shall serve a minimum prison term of not less than eighty percent of his
77 or her sentence before he or she is eligible for probation, parole, conditional

78 release, or other early release by the department of corrections.

79 [8.] 9. Any offense in which the value of property or services is an
80 element is a class B felony if the value of the property or services equals or
81 exceeds twenty-five thousand dollars.

82 [9.] 10. Any violation of this section for which no other penalty is
83 specified in this section is a class A misdemeanor.

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

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

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

10 (3) **Knowingly possesses a fraudulently obtained credit or debit**
11 **device.**

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

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

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

3 (1) An explosive weapon;

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

6 (3) A gas gun;

7 (4) A bullet or projectile which explodes or detonates upon impact because
8 of an 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
16 section if his **or her** conduct involved any of the items in subdivisions (1) to (5)
17 of subsection 1, the item was possessed in conformity with any applicable federal
18 law, and the conduct:

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

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

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

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

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

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

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

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or 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,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

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

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

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

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

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

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

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

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

35 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
36 apply to the persons described in this subsection, regardless of whether such uses
37 are reasonably associated with or are necessary to the fulfillment of such person's
38 official duties except as otherwise provided in this subsection. Subdivisions (3),
39 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
40 of the following persons, when such uses are reasonably associated with or are
41 necessary to the fulfillment of such person's official duties, except as otherwise
42 provided in this subsection:

43 (1) All state, county and municipal peace officers who have completed the
44 training required by the police officer standards and training commission
45 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
46 arrest for violation of the general criminal laws of the state or for violation of
47 ordinances of counties or municipalities of the state, whether such officers are on
48 or off duty, and whether such officers are within or outside of the law
49 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
50 in subsection 12 of this section, and who carry the identification defined in

51 subsection 13 of this section, or any person summoned by such officers to assist
52 in making arrests or preserving the peace while actually engaged in assisting
53 such officer;

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

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

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

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

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

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

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

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

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

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

84 (12) Upon the written approval of the governing body of a fire department
85 or fire protection district, any paid fire department or fire protection district chief
86 who is employed on a full-time basis and who has a valid concealed carry

87 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,
88 when such uses are reasonably associated with or are necessary to the fulfillment
89 of such person's official duties.

90 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
91 apply when the actor is transporting such weapons in a nonfunctioning state or
92 in an unloaded state when ammunition is not readily accessible or when such
93 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
94 does not apply to any person nineteen years of age or older or eighteen years of
95 age or older and a member of the United States Armed Forces, or honorably
96 discharged from the United States Armed Forces, transporting a concealable
97 firearm in the passenger compartment of a motor vehicle, so long as such
98 concealable firearm is otherwise lawfully possessed, nor when the actor is also in
99 possession of an exposed firearm or projectile weapon for the lawful pursuit of
100 game, or is in his or her dwelling unit or upon premises over which the actor has
101 possession, authority or control, or is traveling in a continuous journey peaceably
102 through this state. Subdivision (10) of subsection 1 of this section does not apply
103 if the firearm is otherwise lawfully possessed by a person while traversing school
104 premises for the purposes of transporting a student to or from school, or
105 possessed by an adult for the purposes of facilitation of a school-sanctioned
106 firearm-related event or club event.

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

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

115 6. Notwithstanding any provision of this section to the contrary, the state
116 shall not prohibit any state employee from having a firearm in the employee's
117 vehicle on the state's property provided that the vehicle is locked and the firearm
118 is not visible. This subsection shall only apply to the state as an employer when
119 the state employee's vehicle is on property owned or leased by the state and the
120 state employee is conducting activities within the scope of his or her
121 employment. For the purposes of this subsection, "state employee" means an
122 employee of the executive, legislative, or judicial branch of the government of the

123 state of Missouri.

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

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

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

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

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

147 (3) For any violation by a persistent offender as defined in section
148 558.016, a person shall be sentenced to the maximum authorized term of
149 imprisonment for a class B felony without the possibility of parole, probation, or
150 conditional release;

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

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

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

159 a suspended imposition of sentence for any other firearms- or weapons-related
160 felony offense.

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

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

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

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

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

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

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

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

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

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

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

191 (3) A certification issued by the state in which the individual resides that
192 indicates that the individual has, not less recently than one year before the date
193 the individual is carrying the concealed firearm, been tested or otherwise found
194 by the state to meet the standards established by the state for training and

195 qualification for active peace officers to carry a firearm of the same type as the
196 concealed firearm.

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

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

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

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

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

4 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section
5 923 to engage in the business of dealing in firearms;

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

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

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

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

16 (2) Provides to a licensed dealer or private seller of firearms or

17 ammunition what the person knows to be materially false information with intent
18 to deceive the dealer or seller about the legality of a transfer of a firearm or
19 ammunition; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) Loud noise; or

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

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

12 (d) Fighting; or

13 (e) Creating a noxious and offensive odor;

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

17 (a) Vehicular or pedestrian traffic; or

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

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

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

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

29 **3. The offense of peace disturbance is a class B misdemeanor upon the**
30 **first conviction. Upon a second or subsequent conviction, peace disturbance is a**
31 **class A misdemeanor. Upon a third or subsequent conviction, a person shall be**
32 **sentenced to pay a fine of no less than one thousand dollars and no more than**
33 **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
3 persons by:

4 (a) Loud noise; or

5 (b) Offensive language addressed in a face-to-face manner to a specific

6 individual and uttered under circumstances which are likely to produce an
7 immediate violent response from a reasonable recipient; or

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

11 (d) Fighting; or

12 (e) Creating a noxious and offensive odor;

13 (2) He is in a public place or on private property of another without
14 consent and purposely causes inconvenience to another person or persons by
15 unreasonably and physically obstructing:

16 (a) Vehicular or pedestrian traffic; or

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

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

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

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

28 **3.** Peace disturbance is a class B misdemeanor upon the first
29 conviction. Upon a second or subsequent conviction, peace disturbance is a class
30 A misdemeanor. Upon a third or subsequent conviction, a person shall be
31 sentenced to pay a fine of no less than one thousand dollars and no more than
32 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
4 separate occasions; or

5 (b) Two or more intoxication-related traffic offenses committed on separate
6 occasions where at least one of the intoxication-related traffic offenses is an
7 offense committed in violation of any state law, county or municipal ordinance,
8 any federal offense, or any military offense in which the defendant was operating
9 a vehicle while intoxicated and another person was injured 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
- 13 boating offenses committed on separate occasions where at least one of the
- 14 intoxication-related [traffic] **boating** offenses is an offense committed in violation
- 15 of any state law, county or municipal ordinance, any federal offense, or any
- 16 military offense in which the defendant was operating a vessel while intoxicated
- 17 and another person was injured or killed;
- 18 (3) "All-terrain vehicle", any motorized vehicle manufactured and used
- 19 exclusively for off-highway use which is fifty inches or less in width, with an
- 20 unladen dry weight of one thousand pounds or less, traveling on three, four or
- 21 more low pressure tires, with a seat designed to be straddled by the operator, or
- 22 with a seat designed to carry more than one person, and handlebars for steering
- 23 control;
- 24 (4) "Court", any circuit, associate circuit, or municipal court, including
- 25 traffic court, but not any juvenile court or drug court;
- 26 (5) "Chronic offender", a person who has been found guilty of:
- 27 (a) Four or more intoxication-related traffic offenses committed on
- 28 separate occasions; or
- 29 (b) Three or more intoxication-related traffic offenses committed on
- 30 separate occasions where at least one of the intoxication-related traffic offenses
- 31 is an offense committed in violation of any state law, county or municipal
- 32 ordinance, any federal offense, or any military offense in which the defendant was
- 33 operating a vehicle while intoxicated and another person was injured or killed;
- 34 or
- 35 (c) Two or more intoxication-related traffic offenses committed on separate
- 36 occasions where both intoxication-related traffic offenses were offenses committed
- 37 in violation of any state law, county or municipal ordinance, any federal offense,
- 38 or any military offense in which the defendant was operating a vehicle while
- 39 intoxicated and another person was injured or killed;
- 40 (6) "Chronic boating offender", a person who has been found guilty of:
- 41 (a) Four or more intoxication-related boating offenses; or
- 42 (b) Three or more intoxication-related boating offenses committed on
- 43 separate occasions where at least one of the intoxication-related boating offenses
- 44 is an offense committed in violation of any state law, county or municipal
- 45 ordinance, any federal offense, or any military offense in which the defendant was

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

47 (c) Two or more intoxication-related boating offenses committed on
48 separate occasions where both intoxication-related boating offenses were offenses
49 committed in violation of any state law, county or municipal ordinance, any
50 federal offense, or any military offense in which the defendant was operating a
51 vessel while intoxicated and another person was injured or killed;

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

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

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

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

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

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

66 (b) Four or more intoxication-related traffic offenses committed on
67 separate occasions where at least one of the intoxication-related traffic offenses
68 is an offense committed in violation of any state law, county or municipal
69 ordinance, any federal offense, or any military offense in which the defendant was
70 operating a vehicle while intoxicated and another person was injured or killed;
71 or

72 (c) Three or more intoxication-related traffic offenses committed on
73 separate occasions where at least two of the intoxication-related traffic offenses
74 were offenses committed in violation of any state law, county or municipal
75 ordinance, any federal offense, or any military offense in which the defendant was
76 operating a vehicle while intoxicated and another person was injured or killed;
77 or

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

80 a. Cause the death of any person not a passenger in the vehicle operated
81 by the defendant, including the death of an individual that results from the

82 defendant's vehicle leaving a highway, as defined by section 301.010, or the
83 highway's right-of-way; or

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

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

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

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

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

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

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

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

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

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

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

111 (14) "Intoxication-related boating offense", operating a vessel while
112 intoxicated; boating while intoxicated; operating a vessel with excessive blood
113 alcohol content or an offense in which the defendant was operating a vessel while
114 intoxicated and another person was injured or killed in violation of any state law,
115 county or municipal ordinance, any federal offense, or any military offense;

116 (15) "Intoxication-related traffic offense", driving while intoxicated,
117 driving with excessive blood alcohol content, **driving under the influence of**

118 **alcohol or drugs in violation of a county or municipal ordinance**, or an
119 offense in which the defendant was operating a vehicle while intoxicated and
120 another person was injured or killed in violation of any state law, county or
121 municipal ordinance, any federal offense, or any military offense;

122 (16) "Law enforcement officer" or "arresting officer", includes the
123 definition of law enforcement officer in section 556.061 and military policemen
124 conducting traffic enforcement operations on a federal military installation under
125 military jurisdiction in the state of Missouri;

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

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

129 (a) Two or more intoxication-related traffic offenses committed on
130 separate occasions; **or**

131 (b) **One intoxication-related traffic offense committed in**
132 **violation of any state law, county or municipal ordinance, federal**
133 **offense, or military offense in which the defendant was operating a**
134 **vehicle while intoxicated and another person was injured or killed;**

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

136 (a) Two or more intoxication-related boating offenses committed on
137 separate occasions; **or**

138 (b) **One intoxication-related boating offense committed in**
139 **violation of any state law, county or municipal ordinance, federal**
140 **offense, or military offense in which the defendant was operating a**
141 **vessel while intoxicated and another person was injured or killed;**

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

146 (21) "Prior boating offender", a person who has been found guilty of one
147 intoxication-related boating offense, where such prior offense occurred within five
148 years of the occurrence of the intoxication-related boating offense for which the
149 person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if
2 he or she 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
- 11 negligence to cause 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
- 15 negligence to cause physical injury to a law enforcement officer or emergency
- 16 personnel; or
- 17 (c) While driving while intoxicated, the defendant acts with criminal
- 18 negligence to cause serious physical injury to another person;
- 19 (5) A class C felony if:
- 20 (a) The defendant is a chronic offender;
- 21 (b) While driving while intoxicated, the defendant acts with criminal
- 22 negligence to cause serious physical injury to a law enforcement officer or
- 23 emergency personnel; or
- 24 (c) While driving while intoxicated, the defendant acts with criminal
- 25 negligence to cause the death of another person;
- 26 (6) A class B felony if:
- 27 (a) The defendant is a habitual offender; or
- 28 (b) While driving while intoxicated, the defendant acts with criminal
- 29 negligence to cause the death of a law enforcement officer or emergency
- 30 personnel;
- 31 (7) A class A felony if the defendant is a habitual offender as a result of
- 32 being found guilty of an act described under paragraph (d) of subdivision (11) of
- 33 section 577.001 and is found guilty of a subsequent violation of such paragraph.
- 34 3. Notwithstanding the provisions of subsection 2 of this section, a person
- 35 found guilty of the offense of driving while intoxicated as a first offense shall not
- 36 be granted a suspended imposition of sentence:
- 37 (1) Unless such person shall be placed on probation for a minimum of two
- 38 years; or
- 39 (2) In a circuit where a DWI court or docket created under section 478.007
- 40 or other court-ordered treatment program is available, and where the offense was

41 committed with fifteen-hundredths of one percent or more by weight of alcohol in
42 such person's blood, unless the individual participates and successfully completes
43 a program under such DWI court or docket or other court-ordered treatment
44 program.

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

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

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

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

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

58 (1) As a prior offender, persistent offender, aggravated offender, chronic
59 offender, or habitual offender shall not be granted a suspended imposition of
60 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
61 557.011 to the contrary notwithstanding;

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

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

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

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

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

76 (b) The offender participates in and successfully completes a program

77 established under section 478.007 or other court-ordered treatment program, if
78 available, and as part of either program, the offender performs at least sixty days
79 of community service under the supervision of the court;

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

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

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

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

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

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

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

5 (2) A commercial motor vehicle while having four one-hundredths of one
6 percent or 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
8 be based upon grams of alcohol per one hundred milliliters of blood or two
9 hundred ten liters of breath and may be shown by chemical analysis of the
10 person's blood, breath, saliva or urine. For the purposes of determining the
11 alcoholic content of a person's blood under this section, the test shall be
12 conducted in accordance with the provisions of sections 577.020 to 577.041.

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

14 (1) A class B misdemeanor;

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

17 (3) A class E felony if the defendant is alleged and proved to be a

18 persistent offender;

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

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

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

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

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

30 (2) In a circuit where a DWI court or docket created under section 478.007
31 or other court-ordered treatment program is available, and where the offense was
32 committed with fifteen-hundredths of one percent or more by weight of alcohol in
33 such person's blood, unless the individual participates in and successfully
34 completes a program under such DWI court or docket or other court-ordered
35 treatment program.

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

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

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

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

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

49 (1) As a prior offender, persistent offender, aggravated offender, chronic
50 offender or habitual offender shall not be granted a suspended imposition of
51 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
52 557.011 to the contrary notwithstanding;

53 (2) As a prior offender shall not be granted parole or probation until he

54 or she has served a minimum of ten days imprisonment:

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

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

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

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

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

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

73 (5) As a chronic **or habitual** 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
76 period of continuous alcohol monitoring or verifiable breath alcohol testing
77 performed a minimum of four times per day.

577.013. 1. A person commits the offense of boating while intoxicated if
2 he or she 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
11 negligence to cause 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
15 negligence to cause physical injury to a law enforcement officer or emergency
16 personnel; or
- 17 (c) While boating while intoxicated, the defendant acts with criminal
18 negligence to cause serious physical injury to another person;
- 19 (5) A class C felony if:
- 20 (a) The defendant is a chronic boating offender;
- 21 (b) While boating while intoxicated, the defendant acts with criminal
22 negligence to cause serious physical injury to a law enforcement officer or
23 emergency personnel; or
- 24 (c) While boating while intoxicated, the defendant acts with criminal
25 negligence to cause the death of another person;
- 26 (6) A class B felony if:
- 27 (a) The defendant is a habitual boating offender; or
- 28 (b) While boating while intoxicated, the defendant acts with criminal
29 negligence to cause the death of a law enforcement officer or emergency
30 personnel;
- 31 (7) A class A felony if the defendant is a habitual offender as a result of
32 being found guilty of an act described under paragraph (d) of subdivision (12) of
33 section 577.001 and is found guilty of a subsequent violation of such paragraph.
- 34 3. Notwithstanding the provisions of subsection 2 of this section, a person
35 found guilty of the offense of boating while intoxicated as a first offense shall not
36 be granted a suspended imposition of sentence:
- 37 (1) Unless such person shall be placed on probation for a minimum of two
38 years; or
- 39 (2) In a circuit where a DWI court or docket created under section 478.007
40 or other court-ordered treatment program is available, and where the offense was
41 committed with fifteen-hundredths of one percent or more by weight of alcohol in
42 such person's blood, unless the individual participates in and successfully
43 completes a program under such DWI court or docket or other court-ordered
44 treatment program.
- 45 4. If a person is found guilty of a second or subsequent offense of boating
46 while intoxicated, the court may order the person to submit to a period of
47 continuous alcohol monitoring or verifiable breath alcohol testing performed a
48 minimum of four times per day as a condition of probation.

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

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

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

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

58 (1) As a prior boating offender, persistent boating offender, aggravated
59 boating offender, chronic boating offender or habitual boating offender shall not
60 be granted a suspended imposition of sentence or be sentenced to pay a fine in
61 lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

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

64 (a) Unless as a condition of such parole or probation such person performs
65 at least two hundred forty hours of community service under the supervision of
66 the court in those jurisdictions which have a recognized program for community
67 service; or

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

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

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

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

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

82 (5) As a chronic **or habitual** boating offender shall not be eligible for
83 parole or probation until he or she has served a minimum of two years
84 imprisonment; and

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

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

4 2. As used in this section, percent by weight of alcohol in the blood shall
5 be based upon grams of alcohol per one hundred milliliters of blood or two
6 hundred ten liters of breath and may be shown by chemical analysis of the
7 person's blood, breath, saliva or urine. For the purposes of determining the
8 alcoholic content of a person's blood under this section, the test shall be
9 conducted in accordance with the provisions of sections 577.020 to 577.041.

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

11 (1) A class B misdemeanor;

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

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

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

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

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

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

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

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

33 5. When a person is not granted a suspended imposition of sentence for

34 the reasons described in subsection 4 of this section:

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

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

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

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

47 (1) As a prior boating offender, persistent boating offender, aggravated
48 boating offender, chronic boating offender or habitual boating offender shall not
49 be granted a suspended imposition of sentence or be sentenced to pay a fine in
50 lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

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

53 (a) Unless as a condition of such parole or probation such person performs
54 at least two hundred forty hours of community service under the supervision of
55 the court in those jurisdictions which have a recognized program for community
56 service; or

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

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

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

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

69 (4) As an aggravated boating offender, shall not be eligible for parole or

70 probation until he or she has served a minimum of sixty days imprisonment;

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

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

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

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

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

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

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

29 3. Percent by weight of alcohol in the blood shall be based upon grams of

30 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred
31 ten liters of breath.

32 4. The foregoing provisions of this section shall not be construed as
33 limiting the introduction of any other competent evidence bearing upon the
34 question of whether the person was intoxicated.

35 5. A chemical analysis of a person's breath, blood, saliva or urine, in order
36 to give rise to the presumption or to have the effect provided for in subsection 2
37 of this section, shall have been performed as provided in sections 577.020 to
38 577.041 and in accordance with methods and standards approved by the state
39 department of health and senior services.

40 **6. For any criminal offense or violations of county or municipal**
41 **ordinances, or in any license suspension or revocation proceeding**
42 **pursuant to the provisions of chapter 302, arising out of acts alleged to**
43 **have been committed by any person while operating a vehicle, vessel,**
44 **or aircraft, or acting as a flight crew member of any aircraft, while in**
45 **an intoxicated condition or with an excessive blood alcohol content**
46 **occurring on or between the dates of December 30, 2012, and April 4,**
47 **2014, notwithstanding any other provision of law or regulation, a**
48 **relevant chemical analysis of a person's breath shall be admissible in**
49 **all proceedings after the effective date of this act, if the standard**
50 **simulator solutions used to verify and calibrate evidential breath**
51 **analyzers, had a vapor concentration within five percent of the**
52 **following values:**

53 (1) 0.10%;

54 (2) 0.08%; or

55 (3) 0.04%;

56 and otherwise was in accordance with methods and standards approved
57 by the state department of health and senior services. This provision
58 is a procedural rule and applies to all actions in progress whether
59 commenced before or after the effective date of this act. Such chemical
60 breath analysis shall be admissible in all proceedings after the effective
61 date of this act even if the offense occurred before the effective date of
62 this act.

63 7. It is the intent of the legislature to reverse, overturn and
64 abrogate earlier case law interpretations related to the admissibility
65 of chemical breath analyses to include, but not be limited to, holdings
66 in *Stiers v. Dir. of Revenue*, No. SC4840 (Mo. Jan. 12, 2016); and *Stiers*

67 **v. Dir. of Revenue, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27,**
68 **2015).**

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

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

17 3. The foregoing provisions of this section shall not be construed as
18 limiting the introduction of any other competent evidence bearing upon the
19 question whether the person was intoxicated.

20 4. A chemical analysis of a person's breath, blood, saliva or urine, in order
21 to give rise to the presumption or to have the effect provided for in subsection 1
22 of this section, shall have been performed as provided in sections 577.020 to
23 577.041 and in accordance with methods and standards approved by the state
24 department of health and senior services.

25 5. Any charge alleging a violation of section 577.010 or 577.012 or any
26 county or municipal ordinance prohibiting driving while intoxicated or driving
27 under the influence of alcohol shall be dismissed with prejudice if a chemical
28 analysis of the defendant's breath, blood, saliva, or urine performed in accordance
29 with sections 577.020 to 577.041 and rules promulgated thereunder by the state
30 department of health and senior services demonstrate that there was less than
31 eight-hundredths of one percent of alcohol in the defendant's blood unless one or
32 more of the following considerations cause the court to find a dismissal
33 unwarranted:

34 (1) There is evidence that the chemical analysis is unreliable as evidence

35 of the defendant's intoxication at the time of the alleged violation due to the lapse
36 of time between the alleged violation and the obtaining of the specimen;

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

40 (3) There is substantial evidence of intoxication from physical
41 observations of witnesses or admissions of the defendant.

42 **6. For any criminal offense or violations of county or municipal**
43 **ordinances, or in any license suspension or revocation proceeding**
44 **pursuant to the provisions of chapter 302, arising out of acts alleged to**
45 **have been committed by any person while operating a vehicle, vessel,**
46 **or aircraft, or acting as a flight crew member of any aircraft, while in**
47 **an intoxicated condition or with an excessive blood alcohol content**
48 **occurring on or between the dates of December 30, 2012, and April 4,**
49 **2014, notwithstanding any other provision of law or regulation, a**
50 **relevant chemical analysis of a person's breath shall be admissible in**
51 **all proceedings after the effective date of this act, if the standard**
52 **simulator solutions used to verify and calibrate evidential breath**
53 **analyzers, had a vapor concentration within five percent of the**
54 **following values:**

55 (1) 0.10%;

56 (2) 0.08%; or

57 (3) 0.04%;

58 and otherwise was in accordance with methods and standards approved
59 by the state department of health and senior services. This provision
60 is a procedural rule and applies to all actions in progress whether
61 commenced before or after the effective date of this act. Such chemical
62 breath analysis shall be admissible in all proceedings after the effective
63 date of this act even if the offense occurred before the effective date of
64 this act.

65 **7. It is the intent of the legislature to reverse, overturn and**
66 **abrogate earlier case law interpretations related to the admissibility**
67 **of chemical breath analyses to include, but not be limited to, holdings**
68 **in Stiers v. Dir. of Revenue, No. SC4840 (Mo. Jan. 12, 2016); and Stiers**
69 **v. Dir. of Revenue, ED 101407, 2015 WL 343310 (Mo.App. E.D. Jan. 27,**
70 **2015).**

577.060. 1. A person commits the offense of leaving the scene of an

2 accident when:

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

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

9 (a) His or her name;

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

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

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

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

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

18 (1) A class A misdemeanor; [or]

19 (2) A class E felony if:

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

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

23 (c) The defendant has previously been found guilty of any offense **in**
24 **violation of this section**; committed in another jurisdiction which, if committed
25 in this state, would be a violation of an offense [in] **of this section; or**

26 **(3) A class D felony if a death has occurred as a result of the**
27 **accident.**

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

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

577.060. 1. A person commits the crime of leaving the scene of a motor

2 vehicle accident when being the operator or driver of a vehicle on the highway or
 3 on any publicly or privately owned parking lot or parking facility generally open
 4 for use by the public and knowing that an injury has been caused to a person or
 5 damage has been caused to property, due to his culpability or to accident, he
 6 leaves the place of the injury, damage or accident without stopping and giving his
 7 name, residence, including city and street number, motor vehicle number and
 8 driver's license number, if any, to the injured party or to a police officer, or if no
 9 police officer is in the vicinity, then to the nearest police station or judicial officer.

10 2. For the purposes of this section, all peace officers shall have
 11 jurisdiction, when invited by an injured person, to enter the premises of any
 12 privately owned parking lot or parking facility for the purpose of investigating an
 13 accident and performing all necessary duties regarding such accident.

14 3. Leaving the scene of a motor vehicle accident is a class A misdemeanor,
 15 except that it shall be:

16 (1) A class D felony if the accident resulted in:

17 [(1)] (a) Physical injury to another party; [or]

18 [(2)] (b) Property damage in excess of one thousand dollars; or

19 [(3)] (c) If the defendant has previously pled guilty to or been found
 20 guilty of a violation of this section; or

21 (2) A class C felony if a death has occurred as a result of the
 22 accident.

**577.685. 1. An illegal alien commits the offense of illegal reentry
 2 if he or she has been removed from the United States for any of the
 3 reasons listed under 8 U.S.C. Section 1326(b) and thereafter:**

4 (1) Enters this state and commits a misdemeanor offense of
 5 assault or domestic assault under chapter 565 or any felony offense; or

6 (2) Commits an offense in any other state that would be
 7 considered a misdemeanor offense of assault or domestic assault under
 8 chapter 565 or a felony offense under the laws of this state, and
 9 thereafter enters this state.

10 2. The offense of illegal reentry is a class C felony.

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

578.005. As used in sections 578.005 to 578.023, the following terms shall

2 mean:

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

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

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

9 [(4)] (3) "Animal shelter", a facility which is used to house or contain
10 animals and which is owned, operated, or maintained by a duly incorporated
11 humane society, animal welfare society, society for the prevention of cruelty to
12 animals, or other not-for-profit organization devoted to the welfare, protection,
13 and humane treatment of animals;

14 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used
15 or intended for use in farm or ranch production, or as food or fiber;

16 [(6)] (5) "Farm animal professional", any individual employed at a
17 location where farm animals are harbored;

18 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for
19 three or more consecutive days;

20 [(8)] (7) "Humane killing", the destruction of an animal accomplished by
21 a method approved by the American Veterinary Medical Association's Panel on
22 Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
23 during the feeding of pet carnivores shall be considered humanely killed;

24 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who
25 keeps or harbors an animal or professes to be owning, keeping, or harboring an
26 animal;

27 [(10)] (9) "Person", any individual, partnership, firm, joint stock
28 company, corporation, association, trust, estate, or other legal entity;

29 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or
30 have an adverse effect on the public health, but shall not include any endangered
31 species listed by the United States Department of the Interior nor any
32 endangered species listed in the Wildlife Code of Missouri.

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

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

5 (2) Bona fide scientific experiments;

- 6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all
7 practices and privileges as allowed under the Missouri Wildlife Code;
- 8 (4) Facilities and publicly funded zoological parks currently in compliance
9 with the federal "Animal Welfare Act" as amended;
- 10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;
- 12 (6) The killing of an animal by the owner thereof, the agent of such owner,
13 or by a veterinarian at the request of the owner thereof;
- 14 (7) The lawful, humane killing of an animal by an animal control officer,
15 the operator of an animal shelter, a veterinarian, or law enforcement or health
16 official;
- 17 (8) With respect to farm animals, normal or accepted practices of animal
18 husbandry;
- 19 (9) The killing of an animal by any person at any time if such animal is
20 outside of the owned or rented property of the owner or custodian of such animal
21 and the animal is injuring any person or farm animal but **this exemption** shall
22 not include [police or guard dogs] **the killing or injuring of a law**
23 **enforcement officer dog** while working;
- 24 (10) The killing of house or garden pests; or
- 25 (11) Field trials, training and hunting practices as accepted by the
26 Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of which is employed, by
2 a law enforcement agency and that bites **or injures** another animal or human
3 in the course of their official duties is exempt from the provisions of sections
4 273.033 [and], 273.036, **578.012**, and section 578.024.

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

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

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

8 2. A person [is guilty] **commits the offense** of animal or livestock
9 trespass if a person:

10 (1) Having ownership or custody of an animal knowingly fails to provide
11 adequate control [for a period equal to or exceeding twelve hours] **and the**

12 **animal trespasses onto another person's property; or**

13 **(2) Having ownership or custody of livestock as the term**
14 **"livestock" is defined under section 265.300 knowingly fails to provide**
15 **adequate control of the livestock for a period of twelve hours or more**
16 **and the livestock trespasses onto another person's property.**

17 **[2.] 3. The offense of animal or livestock** trespass is an infraction
18 [upon first conviction and for each offense punishable by a fine not to exceed two
19 hundred dollars, and], **unless the person has previously been found guilty**
20 **of a violation of this section in which case it is** a class C misdemeanor
21 [punishable by imprisonment or a fine not to exceed five hundred dollars, or both,
22 upon the second and all subsequent convictions]. All fines for a first [conviction
23 of animal trespass] **finding of guilt under this section** may be waived by the
24 court provided that the person found guilty of animal **or livestock** trespass
25 shows that adequate, permanent remedies for **the** trespass have been
26 made. [Reasonable costs incurred for the care and maintenance of trespassing
27 animals may not be waived.] This section shall not apply to the provisions of
28 section 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
4 any property in or on a crop;
- 5 (3) Obtain access to a crop by false pretenses for the purpose of
6 performing acts not authorized by the landowner;
- 7 (4) Enter or otherwise interfere with a crop with the intent to destroy,
8 alter, duplicate or obtain unauthorized possession of such crop;
- 9 (5) Knowingly obtain, by theft or deception, control over a crop for the
10 purpose of depriving the rightful owner of such crop, or for the purpose of
11 destroying such crop;
- 12 (6) Enter or remain on land on which a crop is located with the intent to
13 commit an act prohibited by this section.

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

4 2. The offense of possession of any controlled substance except thirty-five
5 grams or less 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**

7 **grams or** less [than thirty-six grams] of marijuana or any synthetic cannabinoid
8 is a class A misdemeanor.

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

15 5. In any complaint, information, or indictment, and in any action or
16 proceeding brought for the enforcement of any provision of this chapter or chapter
17 195, it shall not be necessary to include any exception, excuse, proviso, or
18 exemption contained in this chapter or chapter 195, and the burden of proof of
19 any such exception, excuse, proviso or exemption shall be upon the defendant.

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

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

9 **(1) Reducing and preventing violent crime and improving safety
10 within individual neighborhoods through collaboration of the
11 metropolitan police department and representatives of the community
12 within the city not within a county;**

13 **(2) The development of evidence-based procedures to reduce
14 violent crime and focus on early detection of violent criminal behavior;**

15 **(3) The creation of policies and procedures to address crime
16 recidivism;**

17 **(4) The creation of policies and procedures regarding crime data
18 collection and methods for monitoring crime data; and**

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

22 **3. The intervention and compliance unit shall have a
23 membership of individuals including, but not limited to,**

24 representatives from the following entities:

- 25 (1) The St. Louis metropolitan police department;
- 26 (2) City prosecutors;
- 27 (3) Local courts;
- 28 (4) The department of social services;
- 29 (5) Local government leaders;
- 30 (6) Civic organizations;
- 31 (7) Local schools; and
- 32 (8) Local probation and parole offices.

33 4. There is hereby created in the state treasury the "Intervention
34 and Compliance Unit Pilot Program Fund", which shall consist of all
35 gifts, bequests, transfers, and moneys appropriated by the general
36 assembly under this section. The state treasurer shall be custodian of
37 the fund. In accordance with sections 30.170 and 30.180, the state
38 treasurer may approve disbursements. The fund shall be a dedicated
39 fund and, upon appropriation, moneys in the fund shall be used solely
40 for the pilot program established under this section. Notwithstanding
41 the provisions of section 33.080, to the contrary, any moneys remaining
42 in the fund at the end of the biennium shall not revert to the credit of
43 the general revenue fund. The state treasurer shall invest moneys in
44 the fund in the same manner as other funds are invested. Any interest
45 and moneys earned on such investments shall be credited to the fund.

46 5. The department of public safety shall promulgate rules to
47 implement the provisions of this section. Any rule or portion of a rule,
48 as that term is defined in section 536.010, that is created under the
49 authority delegated in this section shall become effective only if it
50 complies with and is subject to all of the provisions of chapter 536 and,
51 if applicable, section 536.028. This section and chapter 536 are
52 nonseverable, and if any of the powers vested with the general
53 assembly pursuant to chapter 536 to review, to delay the effective date,
54 or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule
56 proposed or adopted after August 28, 2016, shall be invalid and void.

57 6. Pursuant to section 23.253:

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

61 **(2) If such program is reauthorized, the program authorized**
62 **under this section shall automatically sunset twelve years after the**
63 **effective date of the reauthorization of this section; and**

64 **(3) This section shall terminate on September first of the**
65 **calendar year immediately following the calendar year in which the**
66 **program authorized under this section is sunset.**

595.226. 1. After August 28, 2007, any information contained in any court
2 record, whether written or published on the internet, **including any visual or**
3 **aural recordings** that could be used to identify or locate any victim of an
4 offense under chapter 566 or a victim of domestic assault or stalking shall be
5 closed and redacted from such record prior to disclosure to the public. Identifying
6 information shall include the name, home or temporary address, telephone
7 number, Social Security number, place of employment, or physical characteristics,
8 **including an unobstructed visual image of the victim's face or body.**

9 2. If the court determines that a person or entity who is requesting
10 identifying information of a victim has a legitimate interest in obtaining such
11 information, the court may allow access to the information, but only if the court
12 determines that disclosure to the person or entity would not compromise the
13 welfare or safety of such victim, and only after providing reasonable notice to the
14 victim and after allowing the victim the right to respond to such request.

15 3. Notwithstanding the provisions of subsection 1 of this section, the judge
16 presiding over a case under chapter 566, or a case of domestic assault or stalking
17 shall have the discretion to publicly disclose identifying information regarding the
18 defendant which could be used to identify or locate the victim of the crime. The
19 victim may provide a statement to the court regarding whether he or she desires
20 such information to remain closed. When making the decision to disclose such
21 information, the judge shall consider the welfare and safety of the victim and any
22 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
3 public defender office personnel appointed pursuant to this chapter; and he or she
4 and the deputy director or directors may participate in the trial and appeal of
5 criminal actions at the request of the defender;

6 (2) Submit to the commission, between August fifteenth and September
7 fifteenth of each year, a report which shall include all pertinent data on the
8 operation of the state public defender system, the costs, projected needs, and

9 recommendations for statutory changes. Prior to October fifteenth of each year,
10 the commission shall submit such report along with such recommendations,
11 comments, conclusions, or other pertinent information it chooses to make to the
12 chief justice, the governor, and the general assembly. Such reports shall be a
13 public record, shall be maintained in the office of the state public defender, and
14 shall be otherwise distributed as the commission shall direct;

15 (3) With the approval of the commission, establish such divisions,
16 facilities and offices and select such professional, technical and other personnel,
17 including investigators, as he deems reasonably necessary for the efficient
18 operation and discharge of the duties of the state public defender system under
19 this chapter;

20 (4) Administer and coordinate the operations of defender services and be
21 responsible for the overall supervision of all personnel, offices, divisions and
22 facilities of the state public defender system, except that the director shall have
23 no authority to direct or control the legal defense provided by a defender to any
24 person served by the state public defender system;

25 (5) Develop programs and administer activities to achieve the purposes
26 of this chapter;

27 (6) Keep and maintain proper financial records with respect to the
28 provision of all public defender services for use in the calculating of direct and
29 indirect costs of any or all aspects of the operation of the state public defender
30 system;

31 (7) Supervise the training of all public defenders and other personnel and
32 establish such training courses as shall be appropriate;

33 (8) With approval of the commission, promulgate necessary rules,
34 regulations and instructions consistent with this chapter defining the
35 organization of the state public defender system and the responsibilities of
36 division directors, district defenders, deputy district defenders, assistant public
37 defenders and other personnel;

38 (9) With the approval of the commission, apply for and accept on behalf
39 of the public defender system any funds which may be offered or which may
40 become available from government grants, private gifts, donations or bequests or
41 from any other source. Such moneys shall be deposited in the state general
42 revenue fund;

43 (10) Contract for legal services with private attorneys on a case-by-case
44 basis and with assigned counsel as the commission deems necessary considering

45 the needs of the area, for fees approved and established by the commission;

46 (11) With the approval and on behalf of the commission, contract with
47 private attorneys for the collection and enforcement of liens and other judgments
48 owed to the state for services rendered by the state public defender system;

49 (12) Prepare a plan to establish district offices, the boundaries of which
50 shall coincide with existing judicial circuits. Any district office may contain more
51 than one judicial circuit within its boundaries, but in no event shall any district
52 office boundary include any geographic region of a judicial circuit without
53 including the entire judicial circuit. The director shall submit the plan to the
54 chair of the house judiciary committee and the chair of the senate judiciary
55 committee, with fiscal estimates, by December 31, 2014. The plan shall be
56 implemented by December 31, [2018] **2021**.

57 2. No rule or portion of a rule promulgated under the authority of this
58 chapter shall become effective unless it has been promulgated pursuant to the
59 provisions of section 536.024.

60 3. The director and defenders shall, within guidelines as established by
61 the commission and as set forth in subsection 4 of this section, accept requests
62 for legal services from eligible persons entitled to counsel under this chapter or
63 otherwise so entitled under the constitution or laws of the United States or of the
64 state of Missouri and provide such persons with legal services when, in the
65 discretion of the director or the defenders, such provision of legal services is
66 appropriate.

67 4. The director and defenders shall provide legal services to an eligible
68 person:

69 (1) Who is detained or charged with a felony, including appeals from a
70 conviction in such a case;

71 (2) Who is detained or charged with a misdemeanor which will probably
72 result in confinement in the county jail upon conviction, including appeals from
73 a conviction in such a case, unless the prosecuting or circuit attorney has waived
74 a jail sentence;

75 (3) Who is charged with a violation of probation when it has been
76 determined by a judge that the appointment of counsel is necessary to protect the
77 person's due process rights under section 559.036;

78 (4) Who has been taken into custody pursuant to section 632.489,
79 including appeals from a determination that the person is a sexually violent
80 predator and petitions for release, notwithstanding any provisions of law to the

81 contrary;

82 (5) For whom the federal constitution or the state constitution requires
83 the appointment of counsel; and

84 (6) Who is charged in a case in which he or she faces a loss or deprivation
85 of liberty, and in which the federal or the state constitution or any law of this
86 state requires the appointment of counsel; however, the director and the
87 defenders shall not be required to provide legal services to persons charged with
88 violations of county or municipal ordinances, or misdemeanor offenses except as
89 provided in this section.

90 5. The director may:

91 (1) Delegate the legal representation of [any] **an eligible** person to any
92 member of the state bar of Missouri;

93 (2) Designate persons as representatives of the director for the purpose
94 of making indigency determinations and assigning counsel.

600.090. 1. (1) If a person is determined to be eligible for the services
2 provided by the state public defender system and if, at the time such
3 determination is made, he is able to provide a limited cash contribution toward
4 the cost of his representation without imposing a substantial hardship upon
5 himself or his dependents, such contribution shall be required as a condition of
6 his representation by the state public defender system.

7 (2) If at any time, either during or after the disposition of his case, such
8 defendant becomes financially able to meet all or some part of the cost of services
9 rendered to him, he shall be required to reimburse the commission in such
10 amounts as he can reasonably pay, either by a single payment or by installments
11 of reasonable amounts, in accordance with a schedule of charges for public
12 defender services prepared by the commission.

13 (3) No difficulty or failure in the making of such payment shall reduce or
14 in any way affect the rendering of public defender services to such persons.

15 2. (1) The reasonable value of the services rendered to a defendant
16 pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases
17 be a lien on any and all property to which the defendant shall have or acquire an
18 interest. The public defender shall effectuate such lien whenever the reasonable
19 value of the services rendered to a defendant appears to exceed one hundred fifty
20 dollars and may effectuate such lien where the reasonable value of those services
21 appears to be less than one hundred fifty dollars.

22 (2) To effectuate such a lien, the public defender shall, prior to the final

23 disposition of the case or within ten days thereafter, file a notice of lien setting
24 forth the services rendered to the defendant and a claim for the reasonable value
25 of such services with the clerk of the circuit court. The defendant shall be
26 personally served with a copy of such notice of lien. The court shall rule on
27 whether all or any part of the claim shall be allowed. The portion of the claim
28 approved by the court as the value of defender services which has been provided
29 to the defendant shall be a judgment at law. The public defender shall not be
30 required to pay filing or recording fees for or relating to such claim.

31 (3) Such judgment shall be enforceable in the name of the state on behalf
32 of the commission by the prosecuting attorney of the circuit in which the
33 judgment was entered.

34 (4) The prosecuting attorney may compromise and make settlement of, or,
35 with the concurrence of the director, forego any claims for services performed for
36 any person pursuant to this chapter whenever the financial circumstances of such
37 person are such that the best interests of the state will be served by such action.

38 3. The commission may contract with private attorneys for the collection
39 and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system.

41 4. The lien created by this section shall be from the time filed in the court
42 by the defender a charge or claim against any assets of the defendant; provided
43 further that the same shall be served upon the person in possession of the assets
44 or shall be recorded in the office of the recorder of deeds in the county in which
45 the person resides or in which the assets are located.

46 5. Funds collected pursuant to this section and section 600.093 shall be
47 credited to the "Legal Defense and Defender Fund" which is hereby created. The
48 moneys credited to the legal defense and defender fund shall be used for the
49 purpose of training public defenders, assistant public defenders, deputy public
50 defenders and other personnel pursuant to subdivision (7) of subsection 1 of
51 section 600.042, and may be used to pay for expert witness fees, the costs of
52 depositions, travel expenses incurred by witnesses in case preparation and trial,
53 expenses incurred for changes of venue and for other lawful expenses as
54 authorized by the public defender commission.

55 6. The state treasurer shall be the custodian of the legal defense and
56 defender fund, moneys in the legal defense and defender fund shall be deposited
57 the same as are other state funds, and any interest accruing to the legal defense
58 and defender fund shall be added to the legal defense and defender fund. The

59 legal defense and defender fund shall be subject to audit, the same as other state
60 funds and accounts, and shall be protected by the general bond given by the state
61 treasurer.

62 7. Upon the request of the director of the office of state public defender,
63 the commissioner of administration shall approve disbursements from the legal
64 defense and defender fund. The legal defense and defender fund shall be funded
65 annually by appropriation, but any unexpended **remaining** balance in the fund
66 at the end of the appropriation period [not in excess of one hundred and fifty
67 thousand dollars] shall be exempt from the provisions of section 33.080,
68 specifically as they relate to the transfer of fund balances to the general revenue,
69 and shall be the amount of the fund at the beginning of the appropriation period
70 next immediately following.

600.101. Any dispute between any county or city not within a county and
2 the state public defender regarding office space and utility service provided or to
3 be provided pursuant to section 600.040 may be submitted to the judicial finance
4 commission established pursuant to section 477.600. [The commission on judicial
5 resources established pursuant to section 476.415 shall study and report its
6 recommendations regarding provision of and payment for office space for the state
7 public defender to the chairs of the judiciary committees of the senate and house
8 of representatives, the chair of the senate appropriations committee and budget
9 committee of the house of representatives.]

610.026. 1. Except as otherwise provided by law, each public
2 governmental body shall provide access to and, upon request, furnish copies of
3 public records subject to the following:

4 (1) Fees for copying public records, except those records restricted under
5 section 32.091, shall not exceed ten cents per page for a paper copy not larger
6 than nine by fourteen inches, with the hourly fee for duplicating time not to
7 exceed the average hourly rate of pay for clerical staff of the public governmental
8 body. Research time required for fulfilling records requests **includes time**
9 **spent reviewing records to determine whether requested records shall**
10 **be closed or are authorized to be closed, and** may be charged at the actual
11 cost of research time. Based on the scope of the request, the public governmental
12 body shall produce the copies using employees of the body that result in the
13 lowest amount of charges for search, research, and duplication time. Prior to
14 producing copies of the requested records, the person requesting the records may
15 request the public governmental body to provide an estimate of the cost to the

16 person requesting the records. Documents may be furnished without charge or
17 at a reduced charge when the public governmental body determines that waiver
18 or reduction of the fee is in the public interest because:

19 **(a)** It is likely to contribute significantly to public understanding of the
20 operations or activities of the public governmental body and is not primarily in
21 the commercial interest of the requester; **or**

22 **(b) The applicable fees are minimal and should be waived for**
23 **administrative efficiency.**

24 (2) Fees for providing access to public records maintained on computer
25 facilities, recording tapes or disks, videotapes or films, pictures, maps, slides,
26 graphics, illustrations or similar audio or visual items or devices, and for paper
27 copies larger than nine by fourteen inches shall include only the cost of copies,
28 **research time**, staff time, which shall not exceed the average hourly rate of pay
29 for staff of the public governmental body required for making copies and
30 programming, if necessary, and the cost of the disk, tape, or other medium used
31 for the duplication. Fees for maps, blueprints, or plats that require special
32 expertise to duplicate may include the actual rate of compensation for the trained
33 personnel required to duplicate such maps, blueprints, or plats. If programming
34 is required beyond the customary and usual level to comply with a request for
35 records or information, the fees for compliance may include the actual costs of
36 such programming.

37 2. Payment of such copying, **search, research, and duplication** fees
38 may be requested prior to the making of copies **or production of records**.

39 3. Except as otherwise provided by law, each public governmental body
40 of the state shall remit all moneys received by or for it from fees charged
41 pursuant to this section to the director of revenue for deposit to the general
42 revenue fund of the state.

43 4. Except as otherwise provided by law, each public governmental body
44 of a political subdivision of the state shall remit all moneys received by it or for
45 it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate
46 fiscal officer of such political subdivision for deposit to the governmental body's
47 accounts.

48 5. The term "tax, license or fees" as used in Section 22 of Article X of the
49 Constitution of the State of Missouri does not include copying charges and related
50 fees that do not exceed the level necessary to pay or to continue to pay the costs
51 for providing a service, program, or activity which was in existence on November

52 4, 1980, or which was approved by a vote of the people subsequent to November
53 4, 1980.

610.100. 1. As used in sections 610.100 to 610.150, the following words
2 and phrases shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his
4 or her submission to the custody of the officer, under authority of a warrant or
5 otherwise for a criminal violation which results in the issuance of a summons or
6 the person being booked;

7 (2) "Arrest report", a record of a law enforcement agency of an arrest and
8 of any detention or confinement incident thereto together with the charge
9 therefor;

10 (3) "Inactive", an investigation in which no further action will be taken
11 by a law enforcement agency or officer for any of the following reasons:

12 (a) A decision by the law enforcement agency not to pursue the case;

13 (b) Expiration of the time to file criminal charges pursuant to the
14 applicable statute of limitations, or ten years after the commission of the offense;
15 whichever date earliest occurs;

16 (c) Finality of the convictions of all persons convicted on the basis of the
17 information contained in the investigative report, by exhaustion of or expiration
18 of all rights of appeal of such persons;

19 (4) "Incident report", a record of a law enforcement agency consisting of
20 the date, time, specific location, name of the victim and immediate facts and
21 circumstances surrounding the initial report of a crime or incident, including any
22 logs of reported crimes, accidents and complaints maintained by that agency;

23 (5) "Investigative report", a record, other than an arrest or incident report,
24 prepared by personnel of a law enforcement agency, inquiring into a crime or
25 suspected crime, either in response to an incident report or in response to
26 evidence developed by law enforcement officers in the course of their duties;

27 **(6) "Mobile video recorder", any system or device that captures**
28 **visual signals that is capable of installation in a vehicle or being worn**
29 **or carried by personnel of a law enforcement agency and that includes,**
30 **at minimum, a camera and recording capabilities;**

31 **(7) "Mobile video recording", any data captured by a mobile video**
32 **recorder, including audio, video, and any metadata;**

33 **(8) "Nonpublic location", a place where one would have a**
34 **reasonable expectation of privacy, including but not limited to a**

35 **dwelling, school, or medical facility.**

36 2. Each law enforcement agency of this state, of any county, and of any
37 municipality shall maintain records of all incidents reported to the agency,
38 investigations and arrests made by such law enforcement agency. All incident
39 reports and arrest reports shall be open records.

40 (1) Notwithstanding any other provision of law other than the provisions
41 of subsections 4, 5 and 6 of this section or section 320.083, **mobile video**
42 **recordings and** investigative reports of all law enforcement agencies are closed
43 records until the investigation becomes inactive.

44 (2) If any person is arrested and not charged with an offense against the
45 law within thirty days of the person's arrest, the arrest report shall thereafter be
46 a closed record except that the disposition portion of the record may be accessed
47 and except as provided in section 610.120.

48 (3) **Except as provided in subsections 3 and 5 of this section, a**
49 **mobile video recording that is recorded in a nonpublic location is**
50 **authorized to be closed, except that any person who is depicted in the**
51 **recording or whose voice is in the recording, a legal guardian or parent**
52 **of such person if he or she is a minor, a family member of such person**
53 **within the first degree of consanguinity if he or she is deceased or**
54 **incompetent, an attorney for such person, or insurer of such person,**
55 **upon written request, may obtain a complete, unaltered, and unedited**
56 **copy pursuant to this section.**

57 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any
58 portion of a record or document of a law enforcement officer or agency, other than
59 an arrest report, which would otherwise be open, contains information that is
60 reasonably likely to pose a clear and present danger to the safety of any victim,
61 witness, undercover officer, or other person; or jeopardize a criminal
62 investigation, including records which would disclose the identity of a source
63 wishing to remain confidential or a suspect not in custody; or which would
64 disclose techniques, procedures or guidelines for law enforcement investigations
65 or prosecutions, that portion of the record shall be closed and shall be redacted
66 from any record made available pursuant to this chapter.

67 4. Any person, including a **legal guardian or parent of such person**
68 **if he or she is a minor**, family member of such person within the first degree
69 of consanguinity if such person is deceased or incompetent, attorney for a person,
70 or insurer of a person involved in any incident or whose property is involved in

71 an incident, may obtain any records closed pursuant to this section or section
72 610.150 for purposes of investigation of any civil claim or defense, as provided by
73 this subsection. Any individual, **legal guardian or parent of such person if**
74 **he or she is a minor**, his or her family member within the first degree of
75 consanguinity if such individual is deceased or incompetent, his or her attorney
76 or insurer, involved in an incident or whose property is involved in an incident,
77 upon written request, may obtain a complete unaltered and unedited incident
78 report concerning the incident, and may obtain access to other records closed by
79 a law enforcement agency pursuant to this section. Within thirty days of such
80 request, the agency shall provide the requested material or file a motion pursuant
81 to this subsection with the circuit court having jurisdiction over the law
82 enforcement agency stating that the safety of the victim, witness or other
83 individual cannot be reasonably ensured, or that a criminal investigation is likely
84 to be jeopardized. If, based on such motion, the court finds for the law
85 enforcement agency, the court shall either order the record closed or order such
86 portion of the record that should be closed to be redacted from any record made
87 available pursuant to this subsection.

88 5. Any person may bring an action pursuant to this section in the circuit
89 court having jurisdiction to authorize disclosure of **a mobile video recording**
90 **or** the information contained in an investigative report of any law enforcement
91 agency, which would otherwise be closed pursuant to this section. The court may
92 order that all or part of **a mobile video recording or** the information contained
93 in an investigative report be released to the person bringing the action.

94 (1) In making the determination as to whether information contained in
95 an investigative report shall be disclosed, the court shall consider whether the
96 benefit to the person bringing the action or to the public outweighs any harm to
97 the public, to the law enforcement agency or any of its officers, or to any person
98 identified in the investigative report in regard to the need for law enforcement
99 agencies to effectively investigate and prosecute criminal activity.

100 (2) In making the determination as to whether a mobile video
101 recording shall be disclosed, the court shall consider:

102 (a) Whether the benefit to the person bringing the action or to
103 the public outweighs any harm to the public, to the law enforcement
104 agency or any of its officers, or to any person identified in the mobile
105 video recording in regard to the need for law enforcement agencies to
106 effectively investigate and prosecute criminal activity;

107 **(b) Whether the mobile video recording contains information**
108 **that is reasonably likely to disclose private matters in which the public**
109 **has no legitimate concern;**

110 **(c) Whether the mobile video recording is reasonably likely to**
111 **bring shame or humiliation to a person of ordinary sensibilities; and**

112 **(d) Whether the mobile video recording was taken in a place**
113 **where a person recorded or depicted has a reasonable expectation of**
114 **privacy.**

115 **(3) The mobile video recording or** investigative report in question may
116 be examined by the court in camera.

117 **(4) If the disclosure is authorized in whole or in part, the court**
118 **may make any order that justice requires, including one or more of the**
119 **following:**

120 **(a) That the mobile video recording or investigative report may**
121 **be disclosed only on specified terms and conditions, including a**
122 **designation of the time or place;**

123 **(b) That the mobile video recording or investigative report may**
124 **be had only by a method of disclosure other than that selected by the**
125 **party seeking such disclosure;**

126 **(c) That the scope of the request be limited to certain matters;**

127 **(d) That the disclosure occur with no one present except persons**
128 **designated by the court;**

129 **(e) That the mobile video recording or investigative report be**
130 **redacted to exclude, for example, personally identifiable features or**
131 **other sensitive information;**

132 **(f) That a trade secret or other confidential research,**
133 **development, or commercial information not be disclosed or be**
134 **disclosed only in a designated way.**

135 **(5) The court may find that the party seeking disclosure of mobile video**
136 **recording or** the investigative report shall bear the reasonable and necessary
137 costs and attorneys' fees of both parties, unless the court finds that the decision
138 of the law enforcement agency not to open the **mobile video recording or**
139 investigative report was substantially unjustified under all relevant
140 circumstances, and in that event, the court may assess such reasonable and
141 necessary costs and attorneys' fees to the law enforcement agency.

142 6. Any person may apply pursuant to this subsection to the circuit court
143 having jurisdiction for an order requiring a law enforcement agency to open

144 incident reports and arrest reports being unlawfully closed pursuant to this
145 section. If the court finds by a preponderance of the evidence that the law
146 enforcement officer or agency has knowingly violated this section, the officer or
147 agency shall be subject to a civil penalty in an amount up to one thousand
148 dollars. If the court finds that there is a knowing violation of this section, the
149 court may order payment by such officer or agency of all costs and attorneys' fees,
150 as provided by section 610.027. If the court finds by a preponderance of the
151 evidence that the law enforcement officer or agency has purposely violated this
152 section, the officer or agency shall be subject to a civil penalty in an amount up
153 to five thousand dollars and the court shall order payment by such officer or
154 agency of all costs and attorney fees, as provided in section 610.027. The court
155 shall determine the amount of the penalty by taking into account the size of the
156 jurisdiction, the seriousness of the offense, and whether the law enforcement
157 officer or agency has violated this section previously.

158 7. The victim of an offense as provided in chapter 566 may request that
159 his or her identity be kept confidential until a charge relating to such incident is
160 filed.

161 **8. Any person who requests and receives a mobile video**
162 **recording that was recorded in a nonpublic location pursuant to this**
163 **section is prohibited from displaying or disclosing the mobile video**
164 **recording, including any description or account of any or all of the**
165 **mobile video recording, without first providing direct third party**
166 **notice to each non law enforcement agency individual whose image or**
167 **sound is contained in the recording and affording each person whose**
168 **image or sound is contained in the mobile video recording no less than**
169 **ten days to file and serve an action seeking an order from a court of**
170 **competent jurisdiction to enjoin all or some of the intended display,**
171 **disclosure, description, or account of recording. Any person who fails**
172 **to comply with the provisions of this subsection is subject to damages**
173 **in a civil action.**

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
3 employee of the department of mental health, an employee or contracted employee
4 of a subcontractor of the department of mental health, or an employee or
5 contracted employee of a subcontractor of an entity responsible for confining
6 offenders as authorized by section 632.495;

7 (2) "Offender", a person ordered to the department of mental health after
8 a determination by the court that the person meets the definition of a sexually
9 violent predator, a person ordered to the department of mental health after a
10 finding of probable cause under section 632.489, or a person committed for
11 control, care, and treatment by the department of mental health under sections
12 632.480 to 632.513;

13 (3) "Secure facility", a facility operated by the department of mental
14 health or an entity responsible for confining offenders as authorized by section
15 632.495.

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

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

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

3 (2) Is seventeen years of age or older and arrested for [burglary in the
4 first degree under section 569.160, or burglary in the second degree under section
5 569.170, or] a felony offense [under chapter 565, 566, 567, 568, or 573]; or

6 (3) Has been determined to be a sexually violent predator pursuant to
7 sections 632.480 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under
9 sections 589.400 to 589.425; shall have a fingerprint and blood or scientifically
10 accepted biological sample collected for purposes of DNA profiling analysis.

11 2. Any individual subject to DNA collection and profiling analysis under
12 this section shall provide a DNA sample:

13 (1) Upon booking at a county jail or detention facility; or

14 (2) Upon entering or before release from the department of corrections
15 reception and diagnostic centers; or

16 (3) Upon entering or before release from a county jail or detention facility,
17 state correctional facility, or any other detention facility or institution, whether
18 operated by a private, local, or state agency, or any mental health facility if
19 committed as a sexually violent predator pursuant to sections 632.480 to 632.513;
20 or

21 (4) When the state accepts a person from another state under any

22 interstate compact, or under any other reciprocal agreement with any county,
23 state, or federal agency, or any other provision of law, whether or not the person
24 is confined or released, the acceptance is conditional on the person providing a
25 DNA sample if the person was found guilty of a felony offense in any other
26 jurisdiction; or

27 (5) If such individual is under the jurisdiction of the department of
28 corrections. Such jurisdiction includes persons currently incarcerated, persons
29 on probation, as defined in section 217.650, and on parole, as also defined in
30 section 217.650; or

31 (6) At the time of registering as a sex offender under sections 589.400 to
32 589.425.

33 3. The Missouri state highway patrol and department of corrections shall
34 be responsible for ensuring adherence to the law. Any person required to provide
35 a DNA sample pursuant to this section shall be required to provide such sample,
36 without the right of refusal, at a collection site designated by the Missouri state
37 highway patrol and the department of corrections. Authorized personnel
38 collecting or assisting in the collection of samples shall not be liable in any civil
39 or criminal action when the act is performed in a reasonable manner. Such force
40 may be used as necessary to the effectual carrying out and application of such
41 processes and operations. The enforcement of these provisions by the authorities
42 in charge of state correctional institutions and others having custody or
43 jurisdiction over individuals included in subsection 1 of this section which shall
44 not be set aside or reversed is hereby made mandatory. The board of probation
45 or parole shall recommend that an individual on probation or parole who refuses
46 to provide a DNA sample have his or her probation or parole revoked. In the
47 event that a person's DNA sample is not adequate for any reason, the person
48 shall provide another sample for analysis.

49 4. The procedure and rules for the collection, analysis, storage,
50 expungement, use of DNA database records and privacy concerns shall not
51 conflict with procedures and rules applicable to the Missouri DNA profiling
52 system and the Federal Bureau of Investigation's DNA databank system.

53 5. Unauthorized use or dissemination of individually identifiable DNA
54 information in a database for purposes other than criminal justice or law
55 enforcement is a class A misdemeanor.

56 6. Implementation of sections 650.050 to 650.100 shall be subject to future
57 appropriations to keep Missouri's DNA system compatible with the Federal

58 Bureau of Investigation's DNA databank system.

59 7. All DNA records and biological materials retained in the DNA profiling
60 system are considered closed records pursuant to chapter 610. All records
61 containing any information held or maintained by any person or by any agency,
62 department, or political subdivision of the state concerning an individual's DNA
63 profile shall be strictly confidential and shall not be disclosed, except to:

64 (1) Peace officers, as defined in section 590.010, and other employees of
65 law enforcement agencies who need to obtain such records to perform their public
66 duties;

67 (2) The attorney general or any assistant attorneys general acting on his
68 or her behalf, as defined in chapter 27;

69 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56,
70 and their employees who need to obtain such records to perform their public
71 duties;

72 (4) The individual whose DNA sample has been collected, or his or her
73 attorney; or

74 (5) Associate circuit judges, circuit judges, judges of the courts of appeals,
75 supreme court judges, and their employees who need to obtain such records to
76 perform their public duties.

77 8. Any person who obtains records pursuant to the provisions of this
78 section shall use such records only for investigative and prosecutorial purposes,
79 including but not limited to use at any criminal trial, hearing, or proceeding; or
80 for law enforcement identification purposes, including identification of human
81 remains. Such records shall be considered strictly confidential and shall only be
82 released as authorized by this section.

83 9. An individual may request expungement of his or her DNA sample and
84 DNA profile through the court issuing the reversal or dismissal. A certified copy
85 of the court order establishing that such conviction has been reversed or guilty
86 plea has been set aside shall be sent to the Missouri state highway patrol crime
87 laboratory. Upon receipt of the court order, the laboratory will determine that
88 the requesting individual has no other qualifying offense as a result of any
89 separate plea or conviction and no other qualifying arrest prior to expungement.

90 (1) A person whose DNA record or DNA profile has been included in the
91 state DNA database in accordance with this section and sections 650.050,
92 650.052, and 650.100 may request expungement on the grounds that the
93 conviction has been reversed, or the guilty plea on which the authority for

94 including that person's DNA record or DNA profile was based has been set aside.

95 (2) Upon receipt of a written request for expungement, a certified copy of
96 the final court order reversing the conviction or setting aside the plea and any
97 other information necessary to ascertain the validity of the request, the Missouri
98 state highway patrol crime laboratory shall expunge all DNA records and
99 identifiable information in the state DNA database pertaining to the person and
100 destroy the DNA sample of the person, unless the Missouri state highway patrol
101 determines that the person is otherwise obligated to submit a DNA
102 sample. Within thirty days after the receipt of the court order, the Missouri state
103 highway patrol shall notify the individual that it has expunged his or her DNA
104 sample and DNA profile, or the basis for its determination that the person is
105 otherwise obligated to submit a DNA sample.

106 (3) The Missouri state highway patrol is not required to destroy any item
107 of physical evidence obtained from a DNA sample if evidence relating to another
108 person would thereby be destroyed.

109 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match
110 derived from the database shall not be excluded or suppressed from evidence, nor
111 shall any conviction be invalidated or reversed or plea set aside due to the failure
112 to expunge or a delay in expunging DNA records.

113 10. When a DNA sample is taken from an individual pursuant to
114 subdivision (2) of subsection 1 of this section and the prosecutor declines
115 prosecution and notifies the arresting agency of that decision, the arresting
116 agency shall notify the Missouri state highway patrol crime laboratory within
117 ninety days of receiving such notification. Within thirty days of being notified by
118 the arresting agency that the prosecutor has declined prosecution, the Missouri
119 state highway patrol crime laboratory shall determine whether the individual has
120 any other qualifying offenses or arrests that would require a DNA sample to be
121 taken and retained. If the individual has no other qualifying offenses or arrests,
122 the crime laboratory shall expunge all DNA records in the database taken at the
123 arrest for which the prosecution was declined pertaining to the person and
124 destroy the DNA sample of such person.

125 11. When a DNA sample is taken of an arrestee for any offense listed
126 under subsection 1 of this section and charges are filed:

127 (1) If the charges are later withdrawn, the prosecutor shall notify the
128 state highway patrol crime laboratory that such charges have been withdrawn;

129 (2) If the case is dismissed, the court shall notify the state highway patrol

130 crime laboratory of such dismissal;

131 (3) If the court finds at the preliminary hearing that there is no probable
132 cause that the defendant committed the offense, the court shall notify the state
133 highway patrol crime laboratory of such finding;

134 (4) If the defendant is found not guilty, the court shall notify the state
135 highway patrol crime laboratory of such verdict. If the state highway patrol
136 crime laboratory receives notice under this subsection, such crime laboratory
137 shall determine, within thirty days, whether the individual has any other
138 qualifying offenses or arrests that would require a DNA sample to be taken. If
139 the individual has no other qualifying arrests or offenses, the crime laboratory
140 shall expunge all DNA records in the database pertaining to such person and
141 destroy the person's DNA sample.

Section B. The repeal and reenactment of sections 192.2260, 301.559,
2 311.310, 339.100, 400.9-501, 565.032, 571.020, 571.030, 571.060, 571.063, 571.070,
3 571.072, and 632.520, the repeal and reenactment of the first occurrence of
4 section 563.046, and the enactment of section 577.685 of this act shall become
5 effective on January 1, 2017.

Section C. Because of the need to clarify Missouri's deadly force statute
2 to align with supreme court precedent and because of the need to protect the
3 public from the danger of intoxication related offenses in this state and to hold
4 accountable those who endanger their fellow citizens, the repeal and reenactment
5 of the second occurrence of section 563.046 of this act and the repeal and
6 reenactment of the second occurrence of section 577.037 of this act is deemed
7 necessary for the immediate preservation of the public health, welfare, peace and
8 safety, and is hereby declared to be an emergency act within the meaning of the
9 constitution, and the repeal and reenactment of the second occurrence of section
10 563.046 of this act and the repeal and reenactment of the second occurrence of
11 section 577.037 of this act shall be in full force and effect upon its passage and
12 approval.

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