

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 34

AN ACT

To repeal sections 105.669, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 589.675, and 650.055, RSMo, and to enact in lieu thereof twenty-seven new sections relating to criminal offenses, with penalty provisions and an emergency clause for certain sections.

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

1 Section A. Sections 105.669, 479.170, 557.035, 565.002,
2 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010,
3 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001,
4 577.010, 577.060, 589.675, and 650.055, RSMo, are repealed and
5 twenty-seven new sections enacted in lieu thereof, to be known as
6 sections 105.669, 252.069, 479.170, 557.035, 565.024, 565.002,
7 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150,
8 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010,
9 577.060, 577.685, 589.664, 589.675, 610.145, 650.055, and
10 650.520, to read as follows:

11 105.669. 1. Any participant of a plan who is [found
12 guilty] convicted of a felony offense listed in subsection 3 of

1 this section, which is committed in direct connection with or
2 directly related to the participant's duties as an employee on or
3 after August 28, 2014, shall not be eligible to receive any
4 retirement benefits from the respective plan based on service
5 rendered on or after August 28, 2014, except a participant may
6 still request from the respective retirement system a refund of
7 the participant's plan contributions, including interest credited
8 to the participant's account.

9 2. [Upon a finding of guilt, the court shall forward a
10 notice of the court's finding to] The employer of any participant
11 who is charged or convicted of a felony offense listed in
12 subsection 3 of this section, which is committed in direct
13 connection with or directly related to the participant's duties
14 as an employee on or after August 28, 2014, shall notify the
15 appropriate retirement system in which the offender was a
16 participant[. The court shall also make a determination on the
17 value of the money, property, or services involved in committing
18 the offense] and provide information in connection with such
19 charge or conviction. The plans shall take all actions necessary
20 to implement the provisions of this section.

21 3. [The finding of guilt for] A felony conviction based on
22 any of the following offenses or a substantially similar offense
23 provided under federal law shall result in the ineligibility of
24 retirement benefits as provided in subsection 1 of this section:

25 (1) The offense of felony stealing under section 570.030
26 when such offense involved money, property, or services valued at
27 five thousand dollars or more [as determined by the court];

28 (2) The offense of felony receiving stolen property under

1 section 570.080, as it existed before January 1, 2017, when such
2 offense involved money, property, or services valued at five
3 thousand dollars or more [as determined by the court];

4 (3) The offense of forgery under section 570.090;

5 (4) The offense of felony counterfeiting under section
6 570.103;

7 (5) The offense of bribery of a public servant under
8 section 576.010; or

9 (6) The offense of acceding to corruption under section
10 576.020.

11 252.069. Any agent of the conservation commission may
12 enforce the provisions of sections 577.070 and 577.080 and arrest
13 violators only upon the water, the banks thereof, or upon public
14 land.

15 479.170. 1. If, in the progress of any trial before a
16 municipal judge, it shall appear to the judge that the accused
17 ought to be put upon trial for an offense against the criminal
18 laws of the state and not cognizable before him as municipal
19 judge, he shall immediately stop all further proceedings before
20 him as municipal judge and cause the complaint to be made before
21 some associate circuit judge within the county.

22 2. For purposes of this section, any offense involving the
23 operation of a motor vehicle in an intoxicated condition as
24 defined in section 577.001 shall not be cognizable in municipal
25 court, if the defendant has been convicted, found guilty, or pled
26 guilty to two or more previous intoxication-related traffic
27 offenses as defined in section [577.023] 577.001, or has had two
28 or more previous alcohol-related enforcement contacts as defined

1 in section 302.525.

2 557.035. 1. For all violations of section 565.054 or
3 565.090, subdivision (1) of subsection 1 of section 569.100, or
4 subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1
5 of section 571.030, which the state believes to be knowingly
6 motivated because of race, color, religion, national origin, sex,
7 sexual orientation or disability of the victim or victims, the
8 state may charge the offense or offenses under this section, and
9 the violation is a class D felony.

10 2. For all violations of section [~~565.054~~] 565.056;
11 [~~subdivisions (1), (3) and (4) of subsection 1 of section~~
12 ~~565.090;~~] subdivision (1) of subsection 1 of section 569.090;
13 subdivision (1) of subsection 1 of section 569.120; section
14 569.140; or section 574.050; which the state believes to be
15 knowingly motivated because of race, color, religion, national
16 origin, sex, sexual orientation or disability of the victim or
17 victims, the state may charge the offense or offenses under this
18 section, and the violation is a class E felony.

19 3. The court shall assess punishment in all of the cases in
20 which the state pleads and proves any of the motivating factors
21 listed in this section.

22 565.002. As used in this chapter, unless a different
23 meaning is otherwise plainly required the following terms mean:

24 (1) "Adequate cause", cause that would reasonably produce a
25 degree of passion in a person of ordinary temperament sufficient
26 to substantially impair an ordinary person's capacity for
27 self-control;

28 (2) "Child", a person under seventeen years of age;

- 1 (3) "Conduct", includes any act or omission;
- 2 (4) "Course of conduct", a pattern of conduct composed of
3 two or more acts, which may include communication by any means,
4 over a period of time, however short, evidencing a continuity of
5 purpose. Constitutionally protected activity is not included
6 within the meaning of course of conduct. Such constitutionally
7 protected activity includes picketing or other organized
8 protests;
- 9 (5) "Deliberation" [means], l cool reflection for any length
10 of time no matter how brief;
- 11 (6) "Domestic victim", a household or family member as the
12 term "family" or "household member" is defined in section
13 455.010, including any child who is a member of the household or
14 family;
- 15 (7) "Emotional distress", something markedly greater than
16 the level of uneasiness, nervousness, unhappiness, or the like
17 which are commonly experienced in day-to-day living;
- 18 (8) "Full or partial nudity", the showing of all or any
19 part of the human genitals, pubic area, buttock, or any part of
20 the nipple of the breast of any female person, with less than a
21 fully opaque covering;
- 22 (9) "Legal custody", the right to the care, custody and
23 control of a child;
- 24 (10) "Parent", either a biological parent or a parent by
25 adoption;
- 26 (11) "Person having a right of custody", a parent or legal
27 guardian of the child;
- 28 (12) "Photographs" or "films", the making of any

1 photograph, motion picture film, videotape, or any other
2 recording or transmission of the image of a person;

3 (13) "Place where a person would have a reasonable
4 expectation of privacy", any place where a reasonable person
5 would believe that a person could disrobe in privacy, without
6 being concerned that the person's undressing was being viewed,
7 photographed or filmed by another;

8 (14) "Special victim", any of the following:

9 (a) A law enforcement officer assaulted in the performance
10 of his or her official duties or as a direct result of such
11 official duties;

12 (b) Emergency personnel, any paid or volunteer firefighter,
13 emergency room, hospital, or trauma center personnel, or
14 emergency medical technician, assaulted in the performance of his
15 or her official duties or as a direct result of such official
16 duties;

17 (c) A probation and parole officer assaulted in the
18 performance of his or her official duties or as a direct result
19 of such official duties;

20 (d) An elderly person;

21 (e) A person with a disability;

22 (f) A vulnerable person;

23 (g) Any jailer or corrections officer of the state or one
24 of its political subdivisions assaulted in the performance of his
25 or her official duties or as a direct result of such official
26 duties;

27 (h) A highway worker in a construction or work zone as the
28 terms "highway worker", "construction zone", and "work zone" are

1 defined under section 304.580;

2 (i) Any utility worker, meaning any employee of a utility
3 that provides gas, heat, electricity, water, steam,
4 telecommunications services, or sewer services, whether
5 privately, municipally, or cooperatively owned, while in the
6 performance of his or her job duties, including any person
7 employed under a contract;

8 (j) Any cable worker, meaning any employee of a cable
9 operator, as such term is defined in section 67.2677, including
10 any person employed under contract, while in the performance of
11 his or her job duties; and

12 (k) Any employee of a mass transit system, including any
13 employee of public bus or light rail companies, while in the
14 performance of his or her job duties;

15 (15) "Sudden passion", passion directly caused by and
16 arising out of provocation by the victim or another acting with
17 the victim which passion arises at the time of the offense and is
18 not solely the result of former provocation;

19 (16) "Trier", the judge or jurors to whom issues of fact,
20 guilt or innocence, or the assessment and declaration of
21 punishment are submitted for decision;

22 (17) "Views", the looking upon of another person, with the
23 unaided eye or with any device designed or intended to improve
24 visual acuity, for the purpose of arousing or gratifying the
25 sexual desire of any person.

26 565.024. 1. A person commits the offense of involuntary
27 manslaughter in the first degree if he or she recklessly causes
28 the death of another person.

1 2. The offense of involuntary manslaughter in the first
2 degree is a class C felony, unless the victim is intentionally
3 targeted as a law enforcement officer, as defined in section
4 556.061, or the victim is targeted because he or she is a
5 relative within the second degree of consanguinity or affinity to
6 a law enforcement officer, in which case it is a class B felony.

7 565.027. 1. A person commits the offense of involuntary
8 manslaughter in the second degree if he or she acts with criminal
9 negligence to cause the death of any person.

10 2. The offense of involuntary manslaughter in the second
11 degree is a class E felony, unless the victim is intentionally
12 targeted as a law enforcement officer, as defined in section
13 556.061, or the victim is targeted because he or she is a
14 relative within the second degree of consanguinity or affinity to
15 a law enforcement officer, in which case it is a class D felony.

16 565.076. 1. A person commits the offense of domestic
17 assault in the fourth degree if the act involves a domestic
18 victim, as the term "domestic victim" is defined under section
19 565.002, and:

20 (1) The person attempts to cause or recklessly causes
21 physical injury, physical pain, or illness to such domestic
22 victim;

23 (2) With criminal negligence the person causes physical
24 injury to such domestic victim by means of a deadly weapon or
25 dangerous instrument;

26 (3) The person purposely places such domestic victim in
27 apprehension of immediate physical injury by any means;

28 (4) The person recklessly engages in conduct which creates

1 a substantial risk of death or serious physical injury to such
2 domestic victim;

3 (5) The person knowingly causes physical contact with such
4 domestic victim knowing he or she will regard the contact as
5 offensive; or

6 (6) The person knowingly attempts to cause or causes the
7 isolation of such domestic victim by unreasonably and
8 substantially restricting or limiting his or her access to other
9 persons, telecommunication devices or transportation for the
10 purpose of isolation.

11 2. The offense of domestic assault in the fourth degree is
12 a class A misdemeanor, unless the person has previously been
13 found guilty of the offense of domestic assault [of a domestic
14 victim], of any assault offense under this chapter, or of any
15 offense against a domestic victim committed in violation of any
16 county or municipal ordinance in any state, any state law, any
17 federal law, or any military law which if committed in this state
18 two or more times would be a violation of this section, in which
19 case it is a class E felony. The offenses described in this
20 subsection may be against the same domestic victim or against
21 different domestic victims.

22 565.091. 1. A person commits the offense of harassment in
23 the second degree if he or she, without good cause, engages in
24 any act with the purpose to cause emotional distress to another
25 person.

26 2. The offense of harassment in the second degree is a
27 class A misdemeanor, unless the person has previously pleaded
28 guilty to or been found guilty of a violation of this section, of

1 any offense committed in violation of any county or municipal
2 ordinance in any state, any state law, any federal law, or any
3 military law which if committed in this state would be chargeable
4 or indictable as a violation of any offense listed in this
5 subsection, in which case it is a class E felony.

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

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

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

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

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

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

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

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

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

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

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

26 5. The offense of stalking in the first degree is a class E
27 felony, unless the defendant has previously been found guilty of
28 a violation of this section or section 565.227, or any offense

1 committed in another jurisdiction which, if committed in this
2 state, would be chargeable or indictable as a violation of any
3 offense listed in this section or section 565.227, or unless the
4 victim is intentionally targeted as a law enforcement officer, as
5 defined in section 556.061, or the victim is targeted because he
6 or she is a relative within the second degree of consanguinity or
7 affinity to a law enforcement officer, in which case stalking in
8 the first degree is a class D felony.

9 565.227. 1. A person commits the offense of stalking in
10 the second degree if he or she purposely, through his or her
11 course of conduct, disturbs, or follows with the intent to
12 disturb another person.

13 2. This section shall not apply to activities of federal,
14 state, county, or municipal law enforcement officers conducting
15 investigations of any violation of federal, state, county, or
16 municipal law.

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

20 4. The offense of stalking in the second degree is a class
21 A misdemeanor, unless the defendant has previously been found
22 guilty of a violation of this section or section 565.225, or of
23 any offense committed in another jurisdiction which, if committed
24 in this state, would be chargeable or indictable as a violation
25 of any offense listed in this section or section 565.225, or
26 unless the victim is intentionally targeted as a law enforcement
27 officer, as defined in section 556.061, or the victim is targeted
28 because he or she is a relative within the second degree of

1 consanguinity or affinity to a law enforcement officer, in which
2 case stalking in the second degree is a class E felony.

3 566.010. As used in this chapter and chapter 568, the
4 following terms mean:

5 (1) "Aggravated sexual offense", any sexual offense, in the
6 course of which, the actor:

7 (a) Inflicts serious physical injury on the victim; [or]

8 (b) Displays a deadly weapon or dangerous instrument in a
9 threatening manner; [or]

10 (c) Subjects the victim to sexual intercourse or deviate
11 sexual intercourse with more than one person; [or]

12 (d) Had previously been found guilty of an offense under
13 this chapter or under section 573.200, child used in sexual
14 performance; section 573.205, promoting sexual performance by a
15 child; section 573.023, sexual exploitation of a minor; section
16 573.025, promoting child pornography in the first degree; section
17 573.035, promoting child pornography in the second degree;
18 section 573.037, possession of child pornography; or section
19 573.040, furnishing pornographic materials to minors; or has
20 previously been found guilty of an offense in another
21 jurisdiction which would constitute an offense under this chapter
22 or said sections;

23 (e) Commits the offense as part of an act or series of acts
24 performed by two or more persons as part of an established or
25 prescribed pattern of activity; or

26 (f) Engages in the act that constitutes the offense with a
27 person the actor knows to be, without regard to legitimacy, the
28 actor's:

- 1 a. Ancestor or descendant by blood or adoption;
- 2 b. Stepchild while the marriage creating that relationship
3 exists;
- 4 c. Brother or sister of the whole or half blood; or
- 5 d. Uncle, aunt, nephew, or niece of the whole blood;
- 6 (2) "Commercial sex act", any sex act on account of which
7 anything of value is given to or received by any person;
- 8 (3) "Deviate sexual intercourse", any act involving the
9 genitals of one person and the hand, mouth, tongue, or anus of
10 another person or a sexual act involving the penetration, however
11 slight, of the penis, female genitalia, or the anus by a finger,
12 instrument or object done for the purpose of arousing or
13 gratifying the sexual desire of any person or for the purpose of
14 terrorizing the victim;
- 15 (4) "Forced labor", a condition of servitude induced by
16 means of:
- 17 (a) Any scheme, plan, or pattern of behavior intended to
18 cause a person to believe that, if the person does not enter into
19 or continue the servitude, such person or another person will
20 suffer substantial bodily harm or physical restraint; or
- 21 (b) The abuse or threatened abuse of the legal process;
- 22 (5) "Sexual conduct", sexual intercourse, deviate sexual
23 intercourse or sexual contact;
- 24 (6) "Sexual contact", any touching of another person with
25 the genitals or any touching of the genitals or anus of another
26 person, or the breast of a female person, or such touching
27 through the clothing, for the purpose of arousing or gratifying
28 the sexual desire of any person or for the purpose of terrorizing

1 the victim;

2 (7) "Sexual intercourse", any penetration, however slight,
3 of the female genitalia by the penis.

4 566.150. 1. Any person who has been found guilty of:

5 (1) Violating any of the provisions of this chapter or the
6 provisions of section 568.020, incest; section 568.045,
7 endangering the welfare of a child in the first degree; section
8 573.200, use of a child in a sexual performance; section 573.205,
9 promoting a sexual performance by a child; section 573.023,
10 sexual exploitation of a minor; section 573.025, promoting child
11 pornography; or section 573.040, furnishing pornographic material
12 to minors; or

13 (2) Any offense in any other jurisdiction which, if
14 committed in this state, would be a violation listed in this
15 section;

16

17 shall not knowingly be present in or loiter within five hundred
18 feet of any real property comprising any public park with
19 playground equipment [or], a public swimming pool, or any museum
20 if such museum holds itself out to the public as and exists with
21 the primary purpose of entertaining or educating children under
22 eighteen years of age.

23 2. The first violation of the provisions of this section is
24 a class E felony.

25 3. A second or subsequent violation of this section is a
26 class D felony.

27 568.040. 1. A person commits the offense of nonsupport if
28 he or she knowingly fails to provide adequate support for his or

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

5 2. For purposes of this section:

6 (1) "Arrearage":

7 (a) The amount of moneys created by a failure to provide
8 support to a child under an administrative or judicial support
9 order;

10 (b) Support to an estranged or former spouse if the
11 judgment or order requiring payment of spousal support also
12 requires payment of child support and such estranged or former
13 spouse is the custodial parent; or

14 (c) Both paragraphs (a) and (b) of this subdivision.

15
16 The arrearage shall reflect any retroactive support ordered under
17 a modification and any judgments entered by a court of competent
18 jurisdiction or any authorized agency and any satisfactions of
19 judgment filed by the custodial parent;

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

25 [(2)] (3) "Good cause" means any substantial reason why the
26 defendant is unable to provide adequate support. Good cause does
27 not exist if the defendant purposely maintains his inability to
28 support;

1 [(3)] (4) "Support" means food, clothing, lodging, and
2 medical or surgical attention;

3 [(4)] (5) It shall not constitute a failure to provide
4 medical and surgical attention, if nonmedical remedial treatment
5 recognized and permitted under the laws of this state is
6 provided.

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

11 4. The defendant shall have the burden of injecting the
12 issues raised by subdivision [(4)] (5) of subsection 2 of this
13 section.

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

20 6. (1) If at any time an offender convicted of criminal
21 nonsupport, or an offender who has plead guilty to a charge of
22 criminal nonsupport, is placed on probation or parole, there may
23 be ordered as a condition of probation or parole that the
24 offender commence payment of current support as well as satisfy
25 the arrearages. Arrearages may be satisfied first by making such
26 lump sum payment as the offender is capable of paying, if any, as
27 may be shown after examination of the offender's financial
28 resources or assets, both real, personal, and mixed, and second

1 by making periodic payments. Periodic payments toward
2 satisfaction of arrears when added to current payments due [may]
3 shall be in such aggregate sums as is not greater than fifty
4 percent of the offender's adjusted gross income after deduction
5 of payroll taxes, medical insurance that also covers a dependent
6 spouse or children, and any other court- or administrative-
7 ordered support, only.

8 (2) If the offender fails to pay the [current] support and
9 arrearages [as ordered] under the terms of his or her probation,
10 the court may revoke probation or parole and then impose an
11 appropriate sentence within the range for the class of offense
12 that the offender was convicted of as provided by law, unless the
13 offender proves good cause for the failure to pay as required
14 under subsection 3 of this section.

15 (3) (a) An individual whose children were the subject of a
16 child support order and the obligation of such individual to make
17 child support payments has been terminated under subsection 3 of
18 section 452.340, who has been found guilty of a felony offense
19 for criminal nonsupport under this section, and who has
20 successfully completed probation after a plea of guilty or
21 conviction may petition the court for expungement of all
22 recordations of his or her arrest, plea, trial, or conviction.
23 If the court determines after hearing that such person:

24 a. Has not been convicted of any subsequent offense, unless
25 such offense is eligible for expungement under a different
26 section;

27 b. Does not have any other felony pleas of guilt, findings
28 of guilt, or convictions, unless such felony pleas of guilt,

1 findings of guilt, or convictions are eligible for expungement
2 under a different section;

3 c. Has paid off all arrearages; and

4 d. Has no administrative child support actions pending at
5 the time of the hearing on the application for expungement with
6 respect to all children subject to orders of payment of child
7 support

8
9 the court shall enter an order of expungement. In addition, the
10 court may consider successful completion of a criminal nonsupport
11 court program under section 478.1000, or any other circumstances
12 or factors deemed relevant by the court.

13 (b) Upon granting the order of expungement, the records and
14 files maintained in any court proceeding in an associate or a
15 circuit division of the circuit court under this section shall be
16 confidential and only available to the parties or by order of the
17 court for good cause shown.

18 (c) The effect of such order shall be to restore such
19 person to the status he or she occupied prior to such arrest,
20 plea, or conviction, and as if such event had never taken place.
21 No person for whom such order has been entered shall be held
22 thereafter under any provision of any law to be guilty of perjury
23 or otherwise giving a false statement by reason of his or her
24 failure to recite or acknowledge such arrest, plea, trial,
25 conviction, or expungement in response to any inquiry made of him
26 or her for any purpose whatsoever and no such inquiry shall be
27 made for information relating to an expungement under this
28 section.

1 (d) A person shall only be entitled to one expungement
2 under this section. Nothing in this section shall prevent the
3 director of the department of social services from maintaining
4 such records as to ensure that an individual receives only one
5 expungement under this section for the purpose of informing the
6 proper authorities of the contents of any record maintained under
7 this section.

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

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

23 9. Beginning January 1, 1991, every prosecuting attorney in
24 any county which has entered into a cooperative agreement with
25 the [child support enforcement service of the] family support
26 division [of] within the department of social services regarding
27 child support enforcement services shall report to the division
28 on a quarterly basis the number of charges filed and the number

1 of convictions obtained under this section by the prosecuting
2 attorney's office on all IV-D cases. The division shall
3 consolidate the reported information into a statewide report by
4 county and make the report available to the general public.

5 10. Persons accused of committing the offense of nonsupport
6 of the child shall be prosecuted:

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

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

11 569.100. 1. A person commits the offense of property
12 damage in the first degree if such person:

13 (1) Knowingly damages property of another to an extent
14 exceeding seven hundred fifty dollars; or

15 (2) Damages property to an extent exceeding seven hundred
16 fifty dollars for the purpose of defrauding an insurer; or

17 (3) Knowingly damages a motor vehicle of another and the
18 damage occurs while such person is making entry into the motor
19 vehicle for the purpose of committing the crime of stealing
20 therein or the damage occurs while such person is committing the
21 crime of stealing within the motor vehicle.

22 2. The offense of property damage in the first degree
23 committed under subdivision (1) or (2) of subsection 1 of this
24 section is a class E felony, unless the offense of property
25 damage in the first degree was committed under subdivision (1) of
26 subsection 1 of this section and the victim was intentionally
27 targeted as a law enforcement officer, as defined in section
28 556.061, or the victim is targeted because he or she is a

1 relative within the second degree of consanguinity or affinity to
2 a law enforcement officer, in which case it is a class D felony.

3 The offense of property damage in the first degree committed
4 under subdivision (3) of subsection 1 of this section is a class
5 D felony unless committed as a second or subsequent violation of
6 subdivision (3) of subsection 1 of this section in which case it
7 is a class B felony.

8 569.120. 1. A person commits the offense of property
9 damage in the second degree if he or she:

10 (1) Knowingly damages property of another; or

11 (2) Damages property for the purpose of defrauding an
12 insurer.

13 2. The offense of property damage in the second degree is a
14 class B misdemeanor, unless the offense of property damage in the
15 second degree was committed under subdivision (1) of subsection 1
16 of this section and the victim was intentionally targeted as a
17 law enforcement officer, as defined in section 556.061, or the
18 victim is targeted because he or she is a relative within the
19 second degree of consanguinity or affinity to a law enforcement
20 officer, in which it is a class A misdemeanor.

21 569.140. 1. A person commits the offense of trespass in
22 the first degree if he or she knowingly enters unlawfully or
23 knowingly remains unlawfully in a building or inhabitable
24 structure or upon real property.

25 2. A person does not commit the offense of trespass in the
26 first degree by entering or remaining upon real property unless
27 the real property is fenced or otherwise enclosed in a manner
28 designed to exclude intruders or as to which notice against

1 trespass is given by:

2 (1) Actual communication to the actor; or

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

5 3. The offense of trespass in the first degree is a class B
6 misdemeanor, unless the victim is intentionally targeted as a law
7 enforcement officer, as defined in section 556.061, or the victim
8 is targeted because he or she is a relative within the second
9 degree of consanguinity or affinity to a law enforcement officer,
10 in which case it is a class A misdemeanor.

11 575.280. 1. A person commits the offense of acceding to
12 corruption if he or she:

13 (1) Is a judge, juror, special master, referee or
14 arbitrator and knowingly solicits, accepts, or agrees to accept
15 any benefit, direct or indirect, on the representation or
16 understanding that it will influence his or her official action
17 in a judicial proceeding pending in any court or before such
18 official or juror;

19 (2) Is a witness or prospective witness in any official
20 proceeding and knowingly solicits, accepts, or agrees to accept
21 any benefit, direct or indirect, on the representation or
22 understanding that he or she will disobey a subpoena or other
23 legal process, absent himself or herself, avoid subpoena or other
24 legal process, withhold evidence, information or documents, or
25 testify falsely.

26 2. The offense of acceding to corruption under subdivision
27 [(2)] (1) of subsection 1 of this section [is a class A
28 misdemeanor. The offense, when committed under subdivision (1)

1 of subsection 1 of this section,] is a class C felony[; unless
2 the offense is committed in a felony prosecution, or on the
3 representation or understanding of testifying falsely, in which
4 case it is a class E felony]. The offense of acceding to
5 corruption under subdivision (2) of subsection 1 of this section
6 in a felony prosecution or on the representation or understanding
7 of testifying falsely is a class D felony. Otherwise acceding to
8 corruption is a class A misdemeanor.

9 577.001. As used in this chapter, the following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (7) "Continuous alcohol monitoring", automatically testing
21 breath, blood, or transdermal alcohol concentration levels and
22 tampering attempts at least once every hour, regardless of the
23 location of the person who is being monitored, and regularly
24 transmitting the data. Continuous alcohol monitoring shall be
25 considered an electronic monitoring service under subsection 3 of
26 section 217.690;

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

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

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

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

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

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

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

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

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

1 of-way; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 intoxication-related boating offense for which the person is
2 charged.

3 577.010. 1. A person commits the offense of driving while
4 intoxicated if he or she operates a vehicle while in an
5 intoxicated condition.

6 2. The offense of driving while intoxicated is:

7 (1) A class B misdemeanor;

8 (2) A class A misdemeanor if:

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

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

12 (3) A class E felony if:

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

14 (b) While driving while intoxicated, the defendant acts
15 with criminal negligence to cause physical injury to another
16 person;

17 (4) A class D felony if:

18 (a) The defendant is an aggravated offender;

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

22 (c) While driving while intoxicated, the defendant acts
23 with criminal negligence to cause serious physical injury to
24 another person;

25 (5) A class C felony if:

26 (a) The defendant is a chronic offender;

27 (b) While driving while intoxicated, the defendant acts
28 with criminal negligence to cause serious physical injury to a

1 law enforcement officer or emergency personnel; or

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

4 (6) A class B felony if:

5 (a) The defendant is a habitual offender; [or]

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

9 (c) While driving while intoxicated, the defendant acts
10 with criminal negligence to cause the death of any person not a
11 passenger in the vehicle operated by the defendant, including the
12 death of an individual that results from the defendant's vehicle
13 leaving a highway, as defined in section 301.010, or the
14 highway's right-of-way;

15 (d) While driving while intoxicated, the defendant acts
16 with criminal negligence to cause the death of two or more
17 persons; or

18 (e) While driving while intoxicated, the defendant acts
19 with criminal negligence to cause the death of any person while
20 he or she has a blood alcohol content of at least eighteen-
21 hundredths of one percent by weight of alcohol in such person's
22 blood;

23 (7) A class A felony if the defendant [is a habitual
24 offender as a result of being] has previously been found guilty
25 of an [act described under paragraph (d) of subdivision (11) of
26 section 577.001] offense under paragraphs (a) to (e) of
27 subdivision (6) of this subsection and is found guilty of a
28 subsequent violation of such [paragraph] paragraphs.

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

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

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

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

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

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

26 (2) If the individual operated the vehicle with greater
27 than twenty-hundredths of one percent by weight of alcohol in
28 such person's blood, the required term of imprisonment shall be

1 not less than five days.

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

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

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

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

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

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

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

28 (b) The offender participates in and successfully completes

1 a program established under section 478.007 or other court-
2 ordered treatment program, if available, and as part of either
3 program, the offender performs at least sixty days of community
4 service under the supervision of the court;

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

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

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

15 577.060. 1. A person commits the offense of leaving the
16 scene of an accident when:

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

20 (2) Having knowledge of such accident he or she leaves the
21 place of the injury, damage or accident without stopping and
22 giving the following information to the other party or to a law
23 enforcement officer, or if no law enforcement officer is in the
24 vicinity, then to the nearest law enforcement agency:

25 (a) His or her name;

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

27 (c) The registration or license number for his or her
28 vehicle or vessel; and

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

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

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

8 (1) A class A misdemeanor; **[or]**

9 (2) A class E felony if:

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

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

13 (c) The defendant has previously been found guilty of any
14 offense in violation of this section; or committed in another
15 jurisdiction which, if committed in this state, would be a
16 violation of an offense of this section; or

17 (3) A class D felony if a death has occurred as a result of
18 the accident.

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

27 5. The provisions of this section shall not apply to the
28 operation of all-terrain vehicles when property damage is

1 sustained in sanctioned all-terrain vehicle races, derbies and
2 rallies.

3 577.685. 1. A person commits the offense of illegal
4 reentry if he or she has been removed from the United States for
5 any of the reasons listed under 8 U.S.C. Section 1326(b) and
6 thereafter:

7 (1) Illegally enters this state and commits a misdemeanor
8 offense of assault or domestic assault under chapter 565, any
9 dangerous felony offense as the term "dangerous felony" is
10 defined section 556.061, any felony offense under chapter 579,
11 with the exception of any offense involving the possession of
12 marijuana, any offense under section 570.030, or any offense
13 under section 570.217; or

14 (2) Commits an offense in any other state that would be
15 considered a misdemeanor offense of assault or domestic assault
16 under chapter 565, any dangerous felony offense as the term
17 "dangerous felony" is defined in section 556.061, any felony
18 offense under chapter 579, with the exception of any offense
19 involving the possession of marijuana, any offense under section
20 570.030, or any offense under section 570.217 under the laws of
21 this state, and thereafter enters this state.

22 2. The offense of illegal reentry is a class C felony.

23 589.664. 1. If an individual is a participant in the
24 address confidentiality program under section 589.663, no person
25 or entity shall be compelled to disclose the participant's actual
26 address during the discovery phase of or during a proceeding
27 before a court or other tribunal unless the court or tribunal
28 first finds, on the record, that:

1 (1) There is a reasonable belief that the address is needed
2 to obtain information or evidence without which the
3 investigation, prosecution, or litigation cannot proceed; and

4 (2) There is no other practicable way of obtaining the
5 information or evidence.

6 2. The court shall first provide the program participant
7 and the secretary of state notice that address disclosure is
8 sought.

9 3. The program participant shall have an opportunity to
10 present evidence regarding the potential harm to the safety of
11 the program participant if the address is disclosed. In
12 determining whether to compel disclosure, the court shall
13 consider whether the potential harm to the safety of the
14 participant is outweighed by the interest in disclosure.

15 4. Notwithstanding any other provision of law to the
16 contrary, no court shall order an individual who has had his or
17 her application to the program accepted by the secretary to
18 disclose his or her actual address or the location of his or her
19 residence without giving the secretary proper notice. The
20 secretary shall have the right to intervene in any civil
21 proceeding in which a court is considering ordering a participant
22 to disclose his or her actual address.

23 5. Disclosure of a participant's actual address under this
24 section shall be limited under the terms of the order to ensure
25 that the disclosure and dissemination of the actual address will
26 be no greater than necessary for the purposes of the
27 investigation, prosecution, or litigation.

28 6. Nothing in this section shall be construed to prevent

1 the court or any other tribunal from issuing a protective order
2 to prevent the disclosure of information other than the
3 participant's actual address that could reasonably lead to the
4 discovery of the program participant's location.

5 589.675. If the secretary deems it appropriate, the
6 secretary [shall] may make a program participant's address and
7 mailing address available for inspection or copying [under the
8 following circumstances:

9 (1)] to a person identified in a court order, upon the
10 secretary's receipt of such court order that complies with
11 section 559.664 [specifically orders the disclosure of a
12 particular program participant's address and mailing address and
13 the reasons stated for the disclosure; or

14 (2) If the certification has been cancelled because the
15 applicant or program participant violated subdivision (2) of
16 section 589.663].

17 610.145. 1. (1) If a person is named in a charge for an
18 infraction or offense, whether a misdemeanor or a felony, as a
19 result of another person using the identifying information of the
20 named person or as a result of mistaken identity and the charges
21 were dismissed or such person was found not guilty, the named
22 person may apply by petition or written motion to the court where
23 the charge was last pending on a form approved by the office of
24 state courts administrator and supplied by the clerk of the court
25 for an order to expunge from all official records any entries
26 relating to the person's apprehension, charge, or trial. The
27 court, after providing notice to the prosecuting attorney, shall
28 hold a hearing on the motion or petition and, upon finding that

1 the person's identity was used without permission and the charges
2 were dismissed or the person was found not guilty, the court
3 shall order the expungement.

4 (2) If any person is named in a charge for an infraction or
5 offense, whether a misdemeanor or a felony, as a result of
6 another person using the identifying information of the named
7 person or mistaken identity, and the charge against the named
8 person is dismissed, the prosecutor or other judicial officer who
9 ordered the dismissal shall provide notice to the court of the
10 dismissal, and the court shall order the expungement of all
11 official records containing any entries relating to the person's
12 apprehension, charge, or trial.

13 2. No person as to whom such an order has been entered
14 under this section shall be held thereafter under any provision
15 of law to be guilty of perjury or to be guilty of otherwise
16 giving a false statement or response to any inquiry made for any
17 purpose, by reason of the person's failure to recite or
18 acknowledge any expunged entries concerning apprehension, charge,
19 or trial.

20 3. The court shall also order that such entries shall be
21 expunged from the records of the court and direct all law
22 enforcement agencies, the department of corrections, the
23 department of revenue, or any other state or local government
24 agency identified by the petitioner, or the person eligible for
25 automatic expungement under subdivision (2) of subsection 1 of
26 this section, as bearing record of the same to expunge their
27 records of the entries. The clerk shall notify state and local
28 agencies of the court's order. The costs of expunging the

1 records, as provided in this chapter, shall not be taxed against
2 the person eligible for expungement under this section.

3 4. The department of revenue shall expunge from its records
4 entries made as a result of the charge or conviction ordered
5 expunged under this section. The department of revenue shall
6 also reverse any administrative actions taken against a person
7 whose record is expunged under this section as a result of the
8 charges or convictions expunged, including the assessment of the
9 driver's license points and driver's license suspension or
10 revocation. Notwithstanding any other provision of this chapter
11 to the contrary, the department of revenue shall provide to the
12 person whose motor vehicle record is expunged under this section
13 a certified corrected driver history at no cost and shall
14 reinstate at no cost any driver's license suspended or revoked as
15 a result of a charge or conviction expunged under this section.

16 5. The department of corrections and any other applicable
17 state or local government agency shall expunge its records as
18 provided in subsection 3 of this section. The agency shall also
19 reverse any administrative actions taken against a person whose
20 record is expunged under this section as a result of the charges
21 or convictions being expunged. Notwithstanding any other
22 provision of law to the contrary, the normal fee for any
23 reinstatement of a license or privilege resulting under this
24 section shall be waived.

25 6. Any insurance company that charged any additional
26 premium based on insurance points assessed against a policyholder
27 as a result of a charge or conviction that was expunged under
28 this section shall refund such additional premiums for the three-

1 year period immediately prior to the entry of the expungement by
2 the court to the policyholder upon notification and verification
3 of the expungement.

4 7. For purposes of this section, the term "mistaken
5 identity" shall mean the erroneous arrest of a person for an
6 offense as a result of misidentification by a witness or law
7 enforcement, confusion on the part of a witness or law
8 enforcement as to the identity of the person who committed the
9 offense, misinformation provided to law enforcement as to the
10 identity of the person who committed the offense, or some other
11 mistake on the part of a witness or law enforcement as to the
12 identity of the person who committed the offense.

13 650.055. 1. Every individual who:

14 (1) Is found guilty of a felony or any offense under
15 chapter 566; or

16 (2) Is seventeen years of age or older and arrested for
17 burglary in the first degree under section 569.160, or burglary
18 in the second degree under section 569.170, or a felony offense
19 under chapter 565, 566, 567, 568, or 573; or

20 (3) Has been determined to be a sexually violent predator
21 pursuant to sections 632.480 to 632.513; or

22 (4) Is an individual required to register as a sexual
23 offender under sections 589.400 to 589.425;

24
25 shall have a fingerprint and blood or scientifically accepted
26 biological sample collected for purposes of DNA profiling
27 analysis.

28 2. Any individual subject to DNA collection and profiling

1 analysis under this section shall provide a DNA sample:

2 (1) Upon booking at a county jail or detention facility; or

3 (2) Upon entering or before release from the department of
4 corrections reception and diagnostic centers; or

5 (3) Upon entering or before release from a county jail or
6 detention facility, state correctional facility, or any other
7 detention facility or institution, whether operated by a private,
8 local, or state agency, or any mental health facility if
9 committed as a sexually violent predator pursuant to sections
10 632.480 to 632.513; or

11 (4) When the state accepts a person from another state
12 under any interstate compact, or under any other reciprocal
13 agreement with any county, state, or federal agency, or any other
14 provision of law, whether or not the person is confined or
15 released, the acceptance is conditional on the person providing a
16 DNA sample if the person was found guilty of a felony offense in
17 any other jurisdiction; or

18 (5) If such individual is under the jurisdiction of the
19 department of corrections. Such jurisdiction includes persons
20 currently incarcerated, persons on probation, as defined in
21 section 217.650, and on parole, as also defined in section
22 217.650; or

23 (6) At the time of registering as a sex offender under
24 sections 589.400 to 589.425.

25 3. The Missouri state highway patrol and department of
26 corrections shall be responsible for ensuring adherence to the
27 law. Any person required to provide a DNA sample pursuant to
28 this section shall be required to provide such sample, without

1 the right of refusal, at a collection site designated by the
2 Missouri state highway patrol and the department of corrections.
3 Authorized personnel collecting or assisting in the collection of
4 samples shall not be liable in any civil or criminal action when
5 the act is performed in a reasonable manner. Such force may be
6 used as necessary to the effectual carrying out and application
7 of such processes and operations. The enforcement of these
8 provisions by the authorities in charge of state correctional
9 institutions and others having custody or jurisdiction over
10 individuals included in subsection 1 of this section which shall
11 not be set aside or reversed is hereby made mandatory. The board
12 of probation or parole shall recommend that an individual on
13 probation or parole who refuses to provide a DNA sample have his
14 or her probation or parole revoked. In the event that a person's
15 DNA sample is not adequate for any reason, the person shall
16 provide another sample for analysis.

17 4. The procedure and rules for the collection, analysis,
18 storage, expungement, use of DNA database records and privacy
19 concerns shall not conflict with procedures and rules applicable
20 to the Missouri DNA profiling system and the Federal Bureau of
21 Investigation's DNA databank system.

22 5. Unauthorized use or dissemination of individually
23 identifiable DNA information in a database for purposes other
24 than criminal justice or law enforcement is a class A
25 misdemeanor.

26 6. Implementation of sections 650.050 to 650.100 shall be
27 subject to future appropriations to keep Missouri's DNA system
28 compatible with the Federal Bureau of Investigation's DNA

1 databank system.

2 7. All DNA records and biological materials retained in the
3 DNA profiling system are considered closed records pursuant to
4 chapter 610. All records containing any information held or
5 maintained by any person or by any agency, department, or
6 political subdivision of the state concerning an individual's DNA
7 profile shall be strictly confidential and shall not be
8 disclosed, except to:

9 (1) Peace officers, as defined in section 590.010, and
10 other employees of law enforcement agencies who need to obtain
11 such records to perform their public duties;

12 (2) The attorney general or any assistant attorneys general
13 acting on his or her behalf, as defined in chapter 27;

14 (3) Prosecuting attorneys or circuit attorneys as defined
15 in chapter 56, and their employees who need to obtain such
16 records to perform their public duties;

17 (4) The individual whose DNA sample has been collected, or
18 his or her attorney; or

19 (5) Associate circuit judges, circuit judges, judges of the
20 courts of appeals, supreme court judges, and their employees who
21 need to obtain such records to perform their public duties.

22 8. Any person who obtains records pursuant to the
23 provisions of this section shall use such records only for
24 investigative and prosecutorial purposes, including but not
25 limited to use at any criminal trial, hearing, or proceeding; or
26 for law enforcement identification purposes, including
27 identification of human remains. Such records shall be
28 considered strictly confidential and shall only be released as

1 authorized by this section.

2 9. (1) An individual may request expungement of his or her
3 DNA sample and DNA profile through the court issuing the reversal
4 or dismissal, or through the court granting an expungement of all
5 official records under section 568.040. A certified copy of the
6 court order establishing that such conviction has been reversed
7 [or], guilty plea has been set aside, or expungement has been
8 granted under section 568.040 shall be sent to the Missouri state
9 highway patrol crime laboratory. Upon receipt of the court
10 order, the laboratory will determine that the requesting
11 individual has no other qualifying offense as a result of any
12 separate plea or conviction and no other qualifying arrest prior
13 to expungement.

14 **[(1)]** (2) A person whose DNA record or DNA profile has been
15 included in the state DNA database in accordance with this
16 section and sections 650.050, 650.052, and 650.100 may request
17 expungement on the grounds that the conviction has been reversed,
18 [or] the guilty plea on which the authority for including that
19 person's DNA record or DNA profile was based has been set aside,
20 or an expungement of all official records has been granted by the
21 court under section 568.040.

22 **[(2)]** (3) Upon receipt of a written request for
23 expungement, a certified copy of the final court order reversing
24 the conviction [or], setting aside the plea, or granting an
25 expungement of all official records under section 568.040, and
26 any other information necessary to ascertain the validity of the
27 request, the Missouri state highway patrol crime laboratory shall
28 expunge all DNA records and identifiable information in the state

1 DNA database pertaining to the person and destroy the DNA sample
2 of the person, unless the Missouri state highway patrol
3 determines that the person is otherwise obligated to submit a DNA
4 sample. Within thirty days after the receipt of the court order,
5 the Missouri state highway patrol shall notify the individual
6 that it has expunged his or her DNA sample and DNA profile, or
7 the basis for its determination that the person is otherwise
8 obligated to submit a DNA sample.

9 [(3)] (4) The Missouri state highway patrol is not required
10 to destroy any item of physical evidence obtained from a DNA
11 sample if evidence relating to another person would thereby be
12 destroyed.

13 [(4)] (5) Any identification, warrant, arrest, or
14 evidentiary use of a DNA match derived from the database shall
15 not be excluded or suppressed from evidence, nor shall any
16 conviction be invalidated or reversed or plea set aside due to
17 the failure to expunge or a delay in expunging DNA records.

18 10. When a DNA sample is taken from an individual pursuant
19 to subdivision (2) of subsection 1 of this section and the
20 prosecutor declines prosecution and notifies the arresting agency
21 of that decision, the arresting agency shall notify the Missouri
22 state highway patrol crime laboratory within ninety days of
23 receiving such notification. Within thirty days of being
24 notified by the arresting agency that the prosecutor has declined
25 prosecution, the Missouri state highway patrol crime laboratory
26 shall determine whether the individual has any other qualifying
27 offenses or arrests that would require a DNA sample to be taken
28 and retained. If the individual has no other qualifying offenses

1 or arrests, the crime laboratory shall expunge all DNA records in
2 the database taken at the arrest for which the prosecution was
3 declined pertaining to the person and destroy the DNA sample of
4 such person.

5 11. When a DNA sample is taken of an arrestee for any
6 offense listed under subsection 1 of this section and charges are
7 filed:

8 (1) If the charges are later withdrawn, the prosecutor
9 shall notify the state highway patrol crime laboratory that such
10 charges have been withdrawn;

11 (2) If the case is dismissed, the court shall notify the
12 state highway patrol crime laboratory of such dismissal;

13 (3) If the court finds at the preliminary hearing that
14 there is no probable cause that the defendant committed the
15 offense, the court shall notify the state highway patrol crime
16 laboratory of such finding;

17 (4) If the defendant is found not guilty, the court shall
18 notify the state highway patrol crime laboratory of such verdict.

19
20 If the state highway patrol crime laboratory receives notice
21 under this subsection, such crime laboratory shall determine,
22 within thirty days, whether the individual has any other
23 qualifying offenses or arrests that would require a DNA sample to
24 be taken. If the individual has no other qualifying arrests or
25 offenses, the crime laboratory shall expunge all DNA records in
26 the database pertaining to such person and destroy the person's
27 DNA sample.

28 650.520. 1. There is hereby created a statewide program

1 called the "Blue Alert System" referred to in this section as the
2 "system" to aid in the identification, location, and apprehension
3 of any individual or individuals suspected of killing or
4 seriously wounding any local, state, or federal law enforcement
5 officer.

6 2. For the purposes of this section, "law enforcement
7 officer" means any public servant having both the power and duty
8 to make arrests for violations of the laws of this state, and
9 federal law enforcement officers authorized to carry firearms and
10 to make arrests for violations of the laws of the United States.

11 3. The department of public safety shall develop regions to
12 provide the system. The department of public safety shall
13 coordinate local law enforcement agencies and public commercial
14 television and radio broadcasters to provide an effective system.
15 In the event that a local law enforcement agency opts not to set
16 up a system and a killing or serious wounding of a law
17 enforcement officer occurs within the jurisdiction, it shall
18 notify the department of public safety who will notify local
19 media in the region.

20 4. The blue alert system shall include all state agencies
21 capable of providing urgent and timely information to the public
22 together with broadcasters and other private entities that
23 volunteer to participate in the dissemination of urgent public
24 information. At a minimum, the blue alert system shall include
25 the department of public safety, highway patrol, department of
26 transportation, and Missouri lottery.

27 5. The department of public safety shall have the authority
28 to develop, implement, and manage the blue alert system.

1 6. Participation in a blue alert system is entirely at the
2 option of local law enforcement agencies, federally licensed
3 radio and television broadcasters, and other private entities
4 that volunteer to participate in the dissemination of urgent
5 public information.

6 7. Any person who knowingly makes a false report that
7 triggers an alert under this section is guilty of a class A
8 misdemeanor; except that, if the false report results in serious
9 physical injury or death, such person is guilty of a class E
10 felony.

11 8. The department of public safety may promulgate rules for
12 the implementation of the blue alert system. Any rule or portion
13 of a rule, as that term is defined in section 536.010, that is
14 created under the authority delegated in this section shall
15 become effective only if it complies with and is subject to all
16 of the provisions of chapter 536 and, if applicable, section
17 536.028. This section and chapter 536 are nonseverable, and if
18 any of the powers vested with the general assembly pursuant to
19 chapter 536 to review, to delay the effective date, or to
20 disapprove and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking authority and any
22 rule proposed or adopted after August 28, 2017, shall be invalid
23 and void.

24 Section B. Because immediate action is necessary to protect
25 the citizens of Missouri from criminal offenses, the enactment of
26 sections 252.069 and 589.664 of this act and the repeal and
27 reenactment of sections 479.170, 557.035, 565.076, 565.091,
28 566.010, 575.280, 577.001, and 577.010 of this act is deemed

1 necessary for the immediate preservation of the public health,
2 welfare, peace, and safety, and is hereby declared to be an
3 emergency act within the meaning of the constitution, and the
4 enactment of sections 252.069 and 589.664 of this act and the
5 repeal and reenactment of sections 479.170, 557.035, 565.076,
6 565.091, 566.010, 575.280, 577.001, and 577.010 of this act shall
7 be in full force and effect upon its passage and approval.

8 ✓

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11
12
13
14 _____

15 Mike Cunningham

Shawn Rhoads