

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRTY-SECOND—WEDNESDAY, FEBRUARY 28, 2018**

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The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“If I take the wings of the morning and dwell in the uttermost parts of the sea even there Your hand will lead me and your right hand hold me fast.” Psalm 139:8-9

Blessed Lord, Help us remember that where ever we may be and whatever the circumstances we find ourselves You are there for us, present in our lives, our joys and sorrows, our successes and failures. Help us remember that whatever our circumstances we are living through You are there, even when we are here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1420, regarding Florence Chestnutt Friedrichs, Pilot Grove, which was adopted.

Senator Rowden offered Senate Resolution No. 1421, regarding Shakira Cross, which was adopted.

Senator Emery offered Senate Resolution No. 1422, regarding Sawyer Lynn Crusha, Garden City, which was adopted.

Senator Wallingford offered Senate Resolution No. 1423, regarding Brice Jansen, Leopold, which was adopted.

Senator Sater offered Senate Resolution No. 1424, regarding Gale Huffmaster, Monett, which was adopted.

Senator Romine offered Senate Resolution No. 1425, regarding Girls A basketball team at Saint Paul Lutheran School, Farmington, which was adopted.

The Senate observed a moment of silence in memory of Carmen Schentrup.

**CONCURRENT RESOLUTIONS**

Senator Schupp offered the following concurrent resolution:

## SENATE CONCURRENT RESOLUTION NO. 47

Relating to the establishment of the task force on trauma-informed care for veterans.

Whereas, the state of Missouri has the fifteenth largest veteran population in the nation; and

Whereas, many veterans may experience trauma before, during, or following their military service, which can have a significant impact upon their health, treatment needs, employment, and home life; and

Whereas, trauma is associated with a multitude of mental health conditions including posttraumatic stress disorder, depression, anxiety, and substance use disorders; and

Whereas, trauma-informed care is framework for providing services to traumatized individuals that requires changes to the practices, policies, and cultures of an entire organization; and

Whereas, trauma-informed care approaches in workplaces, communities, and government programs can aid in preventing mental, emotional, physical, and social issues for veterans impacted by toxic stress or trauma; and

Whereas, all entities, public and private, serving veterans play a pivotal role in supporting their recovery from trauma; and

Whereas, it is in the public's interest for the state to establish a Task Force on Trauma-Informed Care for Veterans in order to promote the healthy recovery of and provide support for veterans and their families living in Missouri communities who have been affected by trauma:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Missouri Task Force on Trauma-Informed Care for Veterans; and

Be It Further Resolved that the mission of the Task Force shall be to fully consider and study:

(1) The current unmet needs of veterans and their families affected by trauma, and the accessibility of services for such service men and women;

(2) The number of service providers, public and private, in the state who have implemented trauma-informed approaches in veteran service settings;

(3) The development and implementation of education and training in providing trauma-informed care for staff in state-funded programs serving veterans and their families; and

(4) Ways to promote and facilitate interagency cooperation in addressing the needs of veterans and their families affected by trauma and providing resources regarding trauma-informed care to the public; and

Be It Further Resolved that the Task Force shall consist of the following members:

(1) Two members of the Senate, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Minority

Leader of the Senate;

(2) Two members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Minority Leader of the House of Representatives;

(3) The Executive Director of the Missouri Veterans Commission, or his or her designee;

(4) The Director of the Department of Health and Senior Services, or his or her designee;

(5) The Director of the Department of Mental Health, or his or her designee;

(6) The Director of the Department of Social Services, or his or her designee;

(7) The Director of the Veterans Center, University of Missouri, or his or her designee;

(8) One representative from the VA St. Louis Health Care System Hope Recovery Center, who specializes in the rehabilitation and recovery of veterans, appointed by the Speaker of the House of Representatives;

(9) Four members from the private sector with knowledge of trauma-informed care methods, one of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the Minority Leader of the House of Representatives, one of whom shall be appointed by the President Pro Tempore of the Senate, and one whom shall be appointed by the Minority Leader of the Senate; and

Be It Further Resolved that the members shall elect a chair from the members who are members of the General Assembly, and that the Task Force, its members, and any staff assigned to the committee shall be reimbursed for travel and other expenses actually and necessarily included in the performance of their duties; and

Be It Further Resolved that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

Be It Further Resolved that the Task Force shall terminate by either a majority of members voting for termination, or by December 31, 2020, whichever occurs first; and

Be It Further Resolved that on the date of termination, the Task Force shall deliver a report of findings and recommendations to the General Assembly and the Veterans Commission; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Veterans Commission, the Director of the Department of Health and Senior Services, the Director of the Department of Mental Health, and the Director of the Department of Social Services; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and,....with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

Whereas, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

Whereas, the Congress has latent but neglected powers to correct such judicial supremacy by means of Article III Section 2 regulations on appellate jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the several states, heeding Jefferson’s warnings that we not make the Constitution “a mere thing of wax in the hands of the judiciary” for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the states remain the closest and most representative voice of the people; and

Whereas, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1. Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in Congress.

Section 2. The several states shall have power to make regulations and exceptions to the appellate jurisdiction of the Supreme Court and all inferior courts and tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several states approve identical resolutions for this purpose no more than five years apart.”; and

Be It Further Resolved that should the Congress fail to act after two-thirds of the several states petition alike in substance for a State Powers Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

Be It Further Resolved that the state of Missouri reserves its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

Be It Further Resolved that copies of this resolution be forwarded to the legislatures of all the several states inviting them to likewise join in support of this petition; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

### INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 1049**—By Kehoe.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of memorial infrastructure.

**SB 1050**—By Schatz.

An Act to repeal sections 108.120, 137.555, 227.240, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 304.001, 304.005, 304.044, and 307.175, RSMo, and to enact in lieu thereof fifteen new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

**SB 1051**—By Walsh.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of a weapon, with an existing penalty provision.

**SB 1052**—By Schaaf.

An Act to repeal section 130.047, RSMo, and to enact in lieu thereof one new section relating to requiring reports of noncommittee independent expenditures.

**SB 1053**—By Koenig.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the limitation on the power to regulate a person’s activities on sidewalks, streets, avenues, alleys, and other public places.

**SB 1054**—By Nasheed and Hummel.

An Act to amend chapter 162, RSMo, by adding thereto two new sections relating to school districts.

**SB 1055**—By Hegeman.

An Act to repeal sections 334.104 and 334.735, RSMo, and to enact in lieu thereof two new sections

relating to physicians entering into supervisory agreements.

**SB 1056**—By Wasson.

An Act to repeal section 173.670, RSMo, and to enact in lieu thereof one new section relating to the science, technology, engineering and mathematics (STEM) initiative.

**SB 1057**—By Schupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to unanticipated out-of-network health care services.

**SB 1058**—By Schupp.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of a weapon, with an existing penalty provision.

**SB 1059**—By Hummel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a property tax for certain education broadcasting.

**SB 1060**—By Sifton.

An Act to amend chapter 34, RSMo, by adding thereto three new sections relating to disclosures required by entities entering into contracts with a public agency.

**SB 1061**—By Hoskins.

An Act to repeal sections 302.134 and 302.173, RSMo, and to enact in lieu thereof two new sections relating to motorcycle safety education programs.

**SB 1062**—By Cierpiot.

An Act to repeal section 198.082, RSMo, and to enact in lieu thereof one new section relating to certified nursing assistants.

**SB 1063**—By Rizzo.

An Act to repeal section 99.848, RSMo, and to enact in lieu thereof one new section relating to emergency service districts.

**SB 1064**—By Rizzo.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

**SB 1065**—By Eigel.

An Act to repeal sections 67.1153 and 67.1158, RSMo, and to enact in lieu thereof two new sections relating to certain county convention and sports facilities authorities.

**SB 1066**—By Eigel.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to hardening of the electric grid against certain storms.

**SB 1067**—By Eigel.

An Act to repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to the use of paper ballots, with an effective date.

**SB 1068**—By Sater.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to pharmacy technicians.

**SB 1069**—By Crawford.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to dogs.

**SB 1070**—By Crawford.

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to cemetery trust funds.

**SB 1071**—By Wieland.

An Act to repeal sections 376.960, 376.961, 376.962, 376.964, 376.966, 376.970, and 376.987, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri reinsurance plan.

**SB 1072**—By Wieland.

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof two new sections relating to payments for hospital-based health care services.

**SB 1073**—By Cunningham.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to civil penalties for violating certain provisions relating to eggs, with a penalty provision.

**SB 1074**—By Rowden.

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof two new sections relating to health care for persons with disabilities.

**SJR 36**—By Schatz.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SCS for **SB 769**; SS for SCS for **SB 600**; and SS for SCS for **SBs 603, 576 and 898**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1873**, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1428**, entitled:

An Act to repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in county elected offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Parson.

### REFERRALS

President Pro Tem Richard referred **SS** for **SB 882**; **SS** for **SCS** for **SBs 603, 576 and 898**; **SS** for **SCS** for **SB 600**; and **SCS** for **SBs 632 and 675** to the Committee on Fiscal Oversight.

### SENATE BILLS FOR PERFECTION

Senator Koenig moved that **SB 860**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 860**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 860

An Act to repeal sections 191.671, 376.429, 376.452, 376.454, 376.779, 376.782, 376.811, 376.845, 376.1199, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1235, 376.1250, 376.1253, 376.1257, 376.1275, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof twenty-six new sections relating to short-term major medical insurance.

Was taken up.

Senator Koenig moved that **SCS** for **SB 860** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 860**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 860

An Act to repeal sections 191.671, 376.385, 376.429, 376.446, 376.452, 376.454, 376.779, 376.781, 376.782, 376.811, 376.845, 376.1199, 376.1200, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1232, 376.1235, 376.1250, 376.1253, 376.1257, 376.1275, 376.1290, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof thirty-two new sections relating to short-term major medical insurance.

Senator Koenig moved that **SS** for **SCS** for **SB 860** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 860, Pages 38-41, Section 376.1210, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Rizzo, Schaaf, Sifton and Walsh.

At the request Senator Koenig, **SCS** for **SB 860**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Hegeman moved that **SB 592**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 592**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 592

An Act to repeal sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, RSMo, and to enact in lieu thereof forty new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 592** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 592**, entitled;

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 592

An Act to repeal sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007,



115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

Senator Hegeman moved that **SS** for **SCS** for **SB 592** be adopted.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 592, Page 2, Section A, Line 6, by inserting after all of said line the following:

“21.110. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, he shall, [without delay] **within thirty days**, issue a writ of election to supply the vacancy.

**26.018. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor at any time prior to one hundred twenty days before the general election after the lieutenant governor’s term begins, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. If any vacancy from any cause occurs in the office of lieutenant governor after one hundred twenty days before the first general election after the lieutenant governor’s term begins, the office shall remain vacant for the remainder of the term in which such vacancy occurred and until a successor is elected, commissioned, and qualified.**

**27.016. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of attorney general at any time prior to one hundred twenty days before the first general election after the attorney general’s term begins, the governor shall immediately appoint a qualified person to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned, and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.**

28.190. In case of death, resignation, removal from office, impeachment or vacancy from any cause in the office of secretary of state **at any time prior to one hundred twenty days before the first general election after the secretary of state’s term begins**, the governor shall immediately appoint a qualified person to fill such vacancy [for the remainder of the term in which such vacancy occurred and until his]

**until a successor is duly elected [or appointed] at the next general election, commissioned and qualified to fill the office for the remainder of the term in which the vacancy occurred;** and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned and qualified; except that in case of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor [as in the case of other vacancies] **in the manner provided in this section.**

29.280. [When a vacancy occurs in the office of state auditor the governor shall immediately appoint an auditor to fill such vacancy for the residue of the term in which the vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.] **In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of state auditor at any time prior to one hundred twenty days before the first general election after the auditor's term begins, the governor shall immediately appoint a qualified state auditor to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.**

30.060. [In case of death, resignation, removal from office, impeachment or vacancy from any cause, in the office of the state treasurer, the governor shall take charge of such office and superintend the business thereof until a successor is appointed, commissioned and qualified except in case of impeachment, when no appointment shall be made until a determination of the matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in office.] **In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of state treasurer at any time prior to one hundred twenty days before the first general election after the state treasurer's term begins, the governor shall immediately appoint a qualified person to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned, and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.”; and**

Further amend said bill, section 94.900, page 12, line 16 by inserting after all of said line the following:

“105.050. If any vacancy shall happen from any cause in the office of [the attorney general, circuit attorney, prosecuting attorney or assistant] **circuit or** prosecuting attorney, the governor, upon being satisfied that such vacancy exists, shall appoint some competent person to fill the same until the next [regular] **general** election [for attorney general, prosecuting attorney or assistant prosecuting attorney, as the case may be]; provided, in the case of a vacancy in the office of prosecuting attorney, if there is no qualified person in the county who can or will accept such appointment, then the governor may appoint any

person who possesses all the qualifications set forth in section 56.010, except the qualification as to residence.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

At the request of Senator Hegeman, **SB 592**, with **SCS, SS for SCS and SA 1** (pending), was placed on the Informal Calendar.

Senator Wallingford moved that **SB 793** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 793, Page 25, Section 211.431, Line 4, by inserting after all of said line the following:

**“211.435. There is hereby created in the state treasury the “Juvenile Justice Preservation Fund”, which shall consist of moneys collected under section 488.315. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and**

Further amend said bill and page, section 221.044, line 6, by inserting after all of said line the following:

**“488.315. In addition to all other costs associated with civil actions, there shall be assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed in the state. The clerk responsible for collecting court costs in civil cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the juvenile justice preservation fund under section 211.435.”; and**

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 793, Page 25, Section 221.044, Line 6, by inserting after all of said line the following:

**“567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to**

engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

**5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the influence of an agent at the time of the offense charged.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class [A misdemeanor] **E felony**.

4. The offense of patronizing prostitution is a class [E] **D felony** if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.

567.060. 1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

(1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; **or**

(2) **Promotes prostitution of a person sixteen or seventeen years of age.**

2. The offense of promoting prostitution in the second degree is a class D felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; **patronizing prostitution if the individual the person patronizes is less than eighteen years of age;** or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241,

which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious

restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Nasheed offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Bill No. 793, Page 25, Section 221.044, Line 6, by inserting after all of said line the following:

“567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, “HIV” means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

**5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or



(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class [A misdemeanor] **E felony**.

4. The offense of patronizing prostitution is a class [E] **D felony** if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

- (1) Statutory rape in the first degree pursuant to section 566.032;
- (2) Statutory rape in the second degree pursuant to section 566.034;
- (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- (4) Statutory sodomy in the second degree pursuant to section 566.064.

567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

- (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or
- (2) Promotes prostitution of a person less than sixteen years of age.

2. The term “compelling” includes:

- (1) The use of forcible compulsion;
- (2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;
- (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. The offense of promoting prostitution in the first degree **under subdivision (1) of subsection 1 of this section** is a class B felony. **The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.**

567.060. 1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

(1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; **or**

**(2) Promotes prostitution of a person sixteen or seventeen years of age.**

2. The offense of promoting prostitution in the second degree is a class D felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; **patronizing prostitution if the individual the person patronizes is less than eighteen years of age**; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or

has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. “Part-time” in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of,

or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection

7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**610.131. 1. Notwithstanding the provisions of section 610.140 to the contrary, an individual who has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines, after a hearing, that such person was acting under the influence of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020, the court shall enter an order of expungement.**

**2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above substitute amendment be adopted.

Senator Riddle offered SA 1 to SSA 1 for SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Bill No. 793, Page 11, Section 610.131, Line 20, by striking the word “influence” and inserting in lieu of the following: **“coercion, as defined in section 566.200.”**

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered SA 2 to SSA 1 for SA 2, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Bill No. 793, Page 11, Section 610.131, Line 14, by inserting after the word “who” the following:

**“at the time of the offense was under the age of eighteen, and”**.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that **SSA 1** for **SA 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SB 793**, as amended, was declared perfected and ordered printed.

On motion of Senator Kehoe, the Senate recessed until 6:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Parson.

Photographers from Mooshido Productions/News 9 were given permission to take pictures in the Senate Chamber.

### SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 546**, with **SS No. 2**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Munzlinger, **SS No. 2** for **SB 546** was withdrawn, rendering **SA 1** and **SSA 2** for **SA 1** moot.

Senator Munzlinger offered **SS No. 3** for **SB 546**, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE BILL NO. 546

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS No. 3** for **SB 546** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Munzlinger offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 546, Page 2, Section 507.040, Line 12, by inserting after the word “plaintiff” the following: “, **except a plaintiff having proper venue in a county having a population of seventy-five thousand or less inhabitants may join in another action currently pending in a proper venue of another county with a population of seventy-five thousand inhabitants or less**”.

Senator Munzlinger moved that the above amendment be adopted.

Senator Schaaf offered **SA 1** to **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 3 for Senate Bill No. 546, Page 1, Line 4, by striking the words “seventy-five thousand” and inserting in lieu thereof the following: “Five million”;

And further amend line 6 by striking the words “seventy-five thousand” and inserting in lieu thereof the following: “Five million”.

Senator Schaaf moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

Absent—Senators

Hummel	Libla	Romine—3
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Munzlinger, **SS No. 3** for **SB 546** was withdrawn, rendering **SA 1** and **SA 1** to **SA 1** moot.

Senator Munzlinger offered **SS No. 4** for **SB 546**, entitled:

SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 546

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS No. 4** for **SB 546** be adopted.

At the request of Senator Munzlinger, **SB 546**, with **SS No. 4** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 793**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### RESOLUTIONS

Senator Crawford offered Senate Resolution No. 1426, regarding Mari-Ellin Witt, which was adopted.

Senator Eigel offered Senate Resolution No. 1427, regarding Brenda Rubach Thurmer, St. Peters, which was adopted.

Senator Crawford offered Senate Resolution No. 1428, regarding Eagle Scout Robert Benjamin Hillhouse, Lebanon, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Libla introduced to the Senate, Jeff Shawan, Poplar Bluff.

On behalf of Senator Crawford and himself, Senator Cunningham introduced to the Senate, 45 students, Junior Class, from Conway High School.

Senator Schupp introduced to the Senate, Will Kroeger, Debbie Johnson, Abby Buckhouse and Ellen O'Neill.

On behalf of the President and herself, Senator Crawford introduced to the Senate, Don Woods, Bolivar.

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Jonathan Patterson, Lee's Summit.

Senator Wasson introduced to the Senate, his sister, Hattie Carter and her husband, Collin, Nixa.

On behalf of the President and herself, Senator Crawford introduced to the Senate, Sue Entlicher, Addie Stewart and Audri Detlor, Bolivar.

On behalf of Senator Cunningham and himself, Senator Dixon introduced to the Senate, Ray Williams, West Plains.

Senator Nasheed introduced to the Senate, Marty Murray, Jr., St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**


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THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2018

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1021-Dixon and Wallingford  
 SB 1022-Dixon  
 SB 1023-Dixon  
 SRB 1024-Dixon  
 SB 1025-Dixon  
 SB 1026-Nasheed, et al  
 SB 1027-Cierpiot  
 SB 1028-Wieland  
 SB 1029-Curls  
 SB 1030-Curls  
 SB 1031-Curls  
 SB 1032-Wallingford  
 SB 1033-Riddle

SB 1034-Riddle  
 SB 1035-Koenig  
 SB 1036-Koenig  
 SB 1037-Wasson  
 SB 1038-Dixon  
 SB 1039-Hegeman  
 SB 1040-Cunningham  
 SB 1041-Schaaf  
 SB 1042-Onder  
 SB 1043-Cierpiot  
 SB 1044-Romine  
 SB 1045-Romine  
 SB 1046-Crawford



SB 1047-Sater	SB 1062-Cierpiot
SB 1048-Rowden	SB 1063-Rizzo
SB 1049-Kehoe	SB 1064-Rizzo
SB 1050-Schatz	SB 1065-Eigel
SB 1051-Walsh	SB 1066-Eigel
SB 1052-Schaaf	SB 1067-Eigel
SB 1053-Koenig	SB 1068-Sater
SB 1054-Nasheed and Hummel	SB 1069-Crawford
SB 1055-Hegeman	SB 1070-Crawford
SB 1056-Wasson	SB 1071-Wieland
SB 1057-Schupp	SB 1072-Wieland
SB 1058-Schupp	SB 1073-Cunningham
SB 1059-Hummel	SB 1074-Rowden
SB 1060-Sifton	SJR 35-Cierpiot
SB 1061-Hoskins	SJR 36-Schatz

#### HOUSE BILLS ON SECOND READING

HB 1620-Rehder	HB 1481-Wiemann
HB 1389-Fitzpatrick	HB 1552-Neely
HB 1460-Evans	HB 1351-Beard
HB 1409-Fitzpatrick	HCS for HB 1597
HCS for HB 1685	HB 1660-Swan
HCS for HB 1690	HCS for HB 1663
HB 1598-Fraker	HB 1675-Redmon
HB 1650-Cornejo	HB 1676-Redmon
HB 1329-Remole	HB 1905-Walker (3)
HB 1371-Sommer	HB 2044-Taylor
HB 1421-Pfautsch	HCS for HB 2034
HCS for HB 1455	HCS for HB 1300
HCS for HB 1606	HCS for HB 1572
HCS for HB 1940	HB 1887-Bahr
HB 1291-Henderson	HCS for HB 1366
HB 1858-Christofanelli	HB 1998-Bondon
HB 1630-Evans	HB 1383-Miller
HCS for HB 1796	HB 1558-Neely
HCS for HB 1710	HB 1809-Tate
HB 1608-Kelly (141)	HCS for HB 1268
HB 1247-Pike	HB 1464-Berry
HB 1349-Black	HCS for HBs 1288, 1377 & 2050
HB 1355-Phillips	HCS for HB 1873
HB 1375-Ruth	HB 1428-Muntzel

## THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SB 579-Libla (In Fiscal Oversight)            | 11. SB 681-Hummel  |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)           | 12. SB 806-Crawford (In Fiscal Oversight)                            |
| 3. SS for SB 597-Riddle (In Fiscal Oversight)           | 13. SCS for SB 787-Curls   |
| 4. SB 818-Brown (In Fiscal Oversight)                   | 14. SS for SCS for SB 918-Munzlinger                                 |
| 5. SCS for SB 574-Wallingford                           | 15. SB 951-Crawford  |
| 6. SCS for SB 644-Cunningham                            | 16. SCS for SB 769-Cunningham  |
| 7. SB 727-Emery   | 17. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            |
| 8. SB 695-Wallingford                                   | 18. SS for SCS for SBs 603, 576 &<br>898-Onder (In Fiscal Oversight) |
| 9. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight) | 19. SB 793-Wallingford   |
| 10. SS for SB 882-Hoskins (In Fiscal Oversight)         |  |

## SENATE BILLS FOR PERFECTION

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|---------------------------------------|--|
| 1. SB 774-Munzlinger                  | 20. SB 800-Libla                       |
| 2. SB 752-Schatz, with SCS            | 21. SB 796-Koenig                      |
| 3. SB 861-Hegeman, with SCS           | 22. SB 814-Riddle, with SCS            |
| 4. SB 596-Riddle, with SCS            | 23. SBs 627 & 925-Munzlinger, with SCS |
| 5. SB 849-Kehoe and Schupp, with SCS  | 24. SB 707-Schatz, with SCS            |
| 6. SBs 617, 611 & 667-Eigel, with SCS | 25. SB 683-Wasson                      |
| 7. SB 674-Koenig                      | 26. SB 773-Hoskins                     |
| 8. SB 767-Hoskins, with SCS           | 27. SB 768-Hoskins                     |
| 9. SB 881-Eigel                       | 28. SB 837-Rowden                      |
| 10. SB 840-Rowden                     | 29. SB 704-Hegeman                     |
| 11. SB 660-Riddle                     | 30. SB 870-Hegeman                     |
| 12. SB 892-Walsh, with SCS            | 31. SB 893-Sater, with SCS             |
| 13. SB 757-Schatz                     | 32. SB 953-Sater, with SCS             |
| 14. SB 909-Dixon                      | 33. SB 850-Wallingford                 |
| 15. SB 871-Romine                     | 34. SB 672-Koenig, with SCS            |
| 16. SB 865-Kehoe                      | 35. SB 578-Romine                      |
| 17. SBs 894 & 921-Libla, with SCS     | 36. SB 666-Onder                       |
| 18. SB 743-Sater                      | 37. SB 802-Nasheed, with SCS           |
| 19. SB 780-Curls                      |  |

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 547-Munzlinger, with SCS

SB 550-Wasson, with SCS	SB 663-Schatz, with SCS (pending)
SB 552-Dixon, with SS (pending)	SB 705-Riddle
SBs 555 & 609-Brown, with SCS	SB 730-Wallingford, with SCS & SA 1 (pending)
SB 561-Sater, with SA 1 (pending)	SB 751-Schatz
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 786-Schupp, with SA 3 (pending)
SB 590-Hegeman, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SB 813-Riddle, with SCS & SA 1 (pending)
SB 591-Hegeman, with SCS	SB 832-Rowden, with SCS
SB 592-Hegeman, with SCS, SS for SCS & SA 1 (pending)	SB 848-Riddle
SB 598-Riddle, with SCS	SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 599-Schatz	SB 907-Kehoe, with SCS
SB 602-Onder, with SCS	SB 912-Rowden, with SCS & SS#3 for SCS (pending)
SB 612-Koenig, with SCS, SS for SCS & SA 2 (pending)	

#### CONSENT CALENDAR

##### Senate Bills

##### Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

##### Reported 2/22

SB 819-Cunningham

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

##### To be Referred

SCR 47-Schupp

SCR 48-Eigel

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