

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 113
100TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 18, 2019, with recommendation that the Senate Committee Substitute do pass.

0728S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, sections 217.195, 221.111, 337.068, 556.061, 558.019, and 567.050, RSMo, and to enact in lieu thereof thirteen new sections relating to public safety, with penalty provisions.

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

Section A. Section 211.071 as enacted by senate bill no. 793 merged with
2 senate bill no. 800, ninety-ninth general assembly, second regular session, section
3 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-
4 seventh general assembly, first regular session, sections 217.195, 221.111,
5 337.068, 556.061, 558.019, and 567.050, RSMo, are repealed and thirteen new
6 sections enacted in lieu thereof, to be known as sections 211.071, 211.071,
7 217.195, 217.850, 221.111, 337.068, 556.061, 558.019, 567.050, 569.086, 570.027,
8 577.800, and 632.460, to read as follows:

211.071. 1. If a petition alleges that a child between the ages of twelve
2 and seventeen has committed an offense which would be considered a felony if
3 committed by an adult, the court may, upon its own motion or upon motion by the
4 juvenile officer, the child or the child's custodian, order a hearing and may, in its
5 discretion, dismiss the petition and such child may be transferred to the court of
6 general jurisdiction and prosecuted under the general law; except that if a
7 petition alleges that any child has committed an offense which would be
8 considered first degree murder under section 565.020, second degree murder

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

9 under section 565.021, first degree assault under section 565.050, forcible rape
10 under section 566.030 as it existed prior to August 28, 2013, rape in the first
11 degree under section 566.030, forcible sodomy under section 566.060 as it existed
12 prior to August 28, 2013, sodomy in the first degree under section 566.060, first
13 degree robbery under section 570.023, [or] distribution of drugs under section
14 579.055, **or vehicle hijacking under section 570.027** or has committed two
15 or more prior unrelated offenses which would be felonies if committed by an
16 adult, the court shall order a hearing, and may in its discretion, dismiss the
17 petition and transfer the child to a court of general jurisdiction for prosecution
18 under the general law.

19 2. Upon apprehension and arrest, jurisdiction over the criminal offense
20 allegedly committed by any person between seventeen and twenty-one years of
21 age over whom the juvenile court has retained continuing jurisdiction shall
22 automatically terminate and that offense shall be dealt with in the court of
23 general jurisdiction as provided in section 211.041.

24 3. Knowing and willful age misrepresentation by a juvenile subject shall
25 not affect any action or proceeding which occurs based upon the
26 misrepresentation. Any evidence obtained during the period of time in which a
27 child misrepresents his or her age may be used against the child and will be
28 subject only to rules of evidence applicable in adult proceedings.

29 4. Written notification of a transfer hearing shall be given to the juvenile
30 and his or her custodian in the same manner as provided in sections 211.101 and
31 211.111. Notice of the hearing may be waived by the custodian. Notice shall
32 contain a statement that the purpose of the hearing is to determine whether the
33 child is a proper subject to be dealt with under the provisions of this chapter, and
34 that if the court finds that the child is not a proper subject to be dealt with under
35 the provisions of this chapter, the petition will be dismissed to allow for
36 prosecution of the child under the general law.

37 5. The juvenile officer may consult with the office of prosecuting attorney
38 concerning any offense for which the child could be certified as an adult under
39 this section. The prosecuting or circuit attorney shall have access to police
40 reports, reports of the juvenile or deputy juvenile officer, statements of witnesses
41 and all other records or reports relating to the offense alleged to have been
42 committed by the child. The prosecuting or circuit attorney shall have access to
43 the disposition records of the child when the child has been adjudicated pursuant
44 to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney

45 shall not divulge any information regarding the child and the offense until the
46 juvenile court at a judicial hearing has determined that the child is not a proper
47 subject to be dealt with under the provisions of this chapter.

48 6. A written report shall be prepared in accordance with this chapter
49 developing fully all available information relevant to the criteria which shall be
50 considered by the court in determining whether the child is a proper subject to
51 be dealt with under the provisions of this chapter and whether there are
52 reasonable prospects of rehabilitation within the juvenile justice system. These
53 criteria shall include but not be limited to:

54 (1) The seriousness of the offense alleged and whether the protection of
55 the community requires transfer to the court of general jurisdiction;

56 (2) Whether the offense alleged involved viciousness, force and violence;

57 (3) Whether the offense alleged was against persons or property with
58 greater weight being given to the offense against persons, especially if personal
59 injury resulted;

60 (4) Whether the offense alleged is a part of a repetitive pattern of offenses
61 which indicates that the child may be beyond rehabilitation under the juvenile
62 code;

63 (5) The record and history of the child, including experience with the
64 juvenile justice system, other courts, supervision, commitments to juvenile
65 institutions and other placements;

66 (6) The sophistication and maturity of the child as determined by
67 consideration of his home and environmental situation, emotional condition and
68 pattern of living;

69 (7) The age of the child;

70 (8) The program and facilities available to the juvenile court in
71 considering disposition;

72 (9) Whether or not the child can benefit from the treatment or
73 rehabilitative programs available to the juvenile court; and

74 (10) Racial disparity in certification.

75 7. If the court dismisses the petition to permit the child to be prosecuted
76 under the general law, the court shall enter a dismissal order containing:

77 (1) Findings showing that the court had jurisdiction of the cause and of
78 the parties;

79 (2) Findings showing that the child was represented by counsel;

80 (3) Findings showing that the hearing was held in the presence of the

81 child and his counsel; and

82 (4) Findings showing the reasons underlying the court's decision to
83 transfer jurisdiction.

84 8. A copy of the petition and order of the dismissal shall be sent to the
85 prosecuting attorney.

86 9. When a petition has been dismissed thereby permitting a child to be
87 prosecuted under the general law and the prosecution of the child results in a
88 conviction, the jurisdiction of the juvenile court over that child is forever
89 terminated, except as provided in subsection 10 of this section, for an act that
90 would be a violation of a state law or municipal ordinance.

91 10. If a petition has been dismissed thereby permitting a child to be
92 prosecuted under the general law and the child is found not guilty by a court of
93 general jurisdiction, the juvenile court shall have jurisdiction over any later
94 offense committed by that child which would be considered a misdemeanor or
95 felony if committed by an adult, subject to the certification provisions of this
96 section.

97 11. If the court does not dismiss the petition to permit the child to be
98 prosecuted under the general law, it shall set a date for the hearing upon the
99 petition as provided in section 211.171.

100 **12. The provisions of this section shall become effective on**
101 **January 1, 2021.**

211.071. 1. If a petition alleges that a child between the ages of twelve
2 and eighteen has committed an offense which would be considered a felony if
3 committed by an adult, the court may, upon its own motion or upon motion by the
4 juvenile officer, the child or the child's custodian, order a hearing and may, in its
5 discretion, dismiss the petition and such child may be transferred to the court of
6 general jurisdiction and prosecuted under the general law; except that if a
7 petition alleges that any child has committed an offense which would be
8 considered first degree murder under section 565.020, second degree murder
9 under section 565.021, first degree assault under section 565.050, forcible rape
10 under section 566.030 as it existed prior to August 28, 2013, rape in the first
11 degree under section 566.030, forcible sodomy under section 566.060 as it existed
12 prior to August 28, 2013, sodomy in the first degree under section 566.060, first
13 degree robbery under section 569.020 as it existed prior to January 1, 2017, or
14 robbery in the first degree under section 570.023, distribution of drugs under
15 section 195.211 as it existed prior to January 1, 2017, [or] the manufacturing of

16 a controlled substance under section 579.055, **or vehicle hijacking under**
17 **section 570.027**, or has committed two or more prior unrelated offenses which
18 would be felonies if committed by an adult, the court shall order a hearing, and
19 may in its discretion, dismiss the petition and transfer the child to a court of
20 general jurisdiction for prosecution under the general law.

21 2. Upon apprehension and arrest, jurisdiction over the criminal offense
22 allegedly committed by any person between eighteen and twenty-one years of age
23 over whom the juvenile court has retained continuing jurisdiction shall
24 automatically terminate and that offense shall be dealt with in the court of
25 general jurisdiction as provided in section 211.041.

26 3. Knowing and willful age misrepresentation by a juvenile subject shall
27 not affect any action or proceeding which occurs based upon the
28 misrepresentation. Any evidence obtained during the period of time in which a
29 child misrepresents his or her age may be used against the child and will be
30 subject only to rules of evidence applicable in adult proceedings.

31 4. Written notification of a transfer hearing shall be given to the juvenile
32 and his or her custodian in the same manner as provided in sections 211.101 and
33 211.111. Notice of the hearing may be waived by the custodian. Notice shall
34 contain a statement that the purpose of the hearing is to determine whether the
35 child is a proper subject to be dealt with under the provisions of this chapter, and
36 that if the court finds that the child is not a proper subject to be dealt with under
37 the provisions of this chapter, the petition will be dismissed to allow for
38 prosecution of the child under the general law.

39 5. The juvenile officer may consult with the office of prosecuting attorney
40 concerning any offense for which the child could be certified as an adult under
41 this section. The prosecuting or circuit attorney shall have access to police
42 reports, reports of the juvenile or deputy juvenile officer, statements of witnesses
43 and all other records or reports relating to the offense alleged to have been
44 committed by the child. The prosecuting or circuit attorney shall have access to
45 the disposition records of the child when the child has been adjudicated pursuant
46 to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney
47 shall not divulge any information regarding the child and the offense until the
48 juvenile court at a judicial hearing has determined that the child is not a proper
49 subject to be dealt with under the provisions of this chapter.

50 6. A written report shall be prepared in accordance with this chapter
51 developing fully all available information relevant to the criteria which shall be

52 considered by the court in determining whether the child is a proper subject to
53 be dealt with under the provisions of this chapter and whether there are
54 reasonable prospects of rehabilitation within the juvenile justice system. These
55 criteria shall include but not be limited to:

56 (1) The seriousness of the offense alleged and whether the protection of
57 the community requires transfer to the court of general jurisdiction;

58 (2) Whether the offense alleged involved viciousness, force and violence;

59 (3) Whether the offense alleged was against persons or property with
60 greater weight being given to the offense against persons, especially if personal
61 injury resulted;

62 (4) Whether the offense alleged is a part of a repetitive pattern of offenses
63 which indicates that the child may be beyond rehabilitation under the juvenile
64 code;

65 (5) The record and history of the child, including experience with the
66 juvenile justice system, other courts, supervision, commitments to juvenile
67 institutions and other placements;

68 (6) The sophistication and maturity of the child as determined by
69 consideration of his or her home and environmental situation, emotional condition
70 and pattern of living;

71 (7) The age of the child;

72 (8) The program and facilities available to the juvenile court in
73 considering disposition;

74 (9) Whether or not the child can benefit from the treatment or
75 rehabilitative programs available to the juvenile court; and

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77 7. If the court dismisses the petition to permit the child to be prosecuted
78 under the general law, the court shall enter a dismissal order containing:

79 (1) Findings showing that the court had jurisdiction of the cause and of
80 the parties;

81 (2) Findings showing that the child was represented by counsel;

82 (3) Findings showing that the hearing was held in the presence of the
83 child and his or her counsel; and

84 (4) Findings showing the reasons underlying the court's decision to
85 transfer jurisdiction.

86 8. A copy of the petition and order of the dismissal shall be sent to the
87 prosecuting attorney.

88 9. When a petition has been dismissed thereby permitting a child to be
89 prosecuted under the general law and the prosecution of the child results in a
90 conviction, the jurisdiction of the juvenile court over that child is forever
91 terminated, except as provided in subsection 10 of this section, for an act that
92 would be a violation of a state law or municipal ordinance.

93 10. If a petition has been dismissed thereby permitting a child to be
94 prosecuted under the general law and the child is found not guilty by a court of
95 general jurisdiction, the juvenile court shall have jurisdiction over any later
96 offense committed by that child which would be considered a misdemeanor or
97 felony if committed by an adult, subject to the certification provisions of this
98 section.

99 11. If the court does not dismiss the petition to permit the child to be
100 prosecuted under the general law, it shall set a date for the hearing upon the
101 petition as provided in section 211.171.

102 **12. The provisions of this section shall expire on December 31,**
103 **2020.**

217.195. 1. With the approval of [his division director] **the director of**
2 **the department of corrections**, the chief administrative officer of any
3 correctional center operated by the division may establish and operate a canteen
4 or commissary for the use and benefit of the offenders.

5 2. [Each correctional center shall keep revenues received from the canteen
6 or commissary established and operated by the correctional center in a separate
7 account. The acquisition cost of goods sold and other expenses shall be paid from
8 this account.] **The "Inmate Canteen Fund" is hereby established in the**
9 **state treasury and shall consist of funds received from the operation of**
10 **the inmate canteens.** A minimum amount of money necessary to meet cash
11 flow needs and current operating expenses may be kept in this
12 [account] **fund.** The [remaining funds from sales of each commissary or canteen
13 shall be deposited monthly in a special fund to be known as the "Inmate Canteen
14 Fund" which is hereby created and shall be expended by the appropriate division,
15 for the benefit of] **proceeds generated from the operation of the inmate**
16 **canteens shall be expended solely for any of the following, or**
17 **combination thereof:** the offenders in the improvement of recreational,
18 religious, [or] educational services, **or reentry services. All interest earned**
19 **by the fund shall be credited to the fund and shall be used solely for**
20 **the purposes described in this section.** The provisions of section 33.080 to

21 the contrary notwithstanding, [the] **any money remaining** in the inmate canteen
22 **fund at the end of the biennium** shall be retained for the purposes specified
23 in this section and shall not revert **to the credit of** or be transferred to general
24 revenue. [The department shall keep accurate records of the source of money
25 deposited in the inmate canteen fund and shall allocate appropriations from the
26 fund to the appropriate correctional center.]

**217.850. 1. A person commits the offense of unlawful use of
2 unmanned aircraft over a correctional center if he or she purposely:**

3 **(1) Operates an unmanned aircraft within or over
4 the correctional center's secure perimeter fence; or**

5 **(2) Allows an unmanned aircraft to make contact with a
6 correctional center, including any person or object on the premises of
7 or within the facility.**

8 **2. For purposes of this section, "correctional center" shall
9 include:**

10 **(1) Any correctional center as defined in section 217.010;**

11 **(2) Any private jail as defined in section 221.095; and**

12 **(3) Any county or municipal jail.**

13 **3. The provisions of this section shall not prohibit the operation
14 of an unmanned aircraft by:**

15 **(1) An employee of the correctional center at the direction of the
16 chief administrative officer of the facility;**

17 **(2) A person who has written consent from the chief
18 administrative officer of the facility;**

19 **(3) An employee of a law enforcement agency, fire department,
20 or emergency medical service in the exercise of official duties;**

21 **(4) A government official or employee in the exercise of official
22 duties;**

23 **(5) A public utility or a rural electric cooperative if:**

24 **(a) The unmanned aircraft is used for the purpose of inspecting,
25 repairing, or maintaining utility transmission or distribution lines,
26 other utility equipment, or infrastructure;**

27 **(b) The utility notifies the correctional center at least
28 twenty-four hours before flying the unmanned aircraft, except during
29 an emergency; and**

30 **(c) The person operating the unmanned aircraft does not
31 physically enter the prohibited space without an escort provided by the**

32 **correctional center; or**

33 **(6) An employee of a railroad in the exercise of official duties on**
34 **any land owned or operated by a railroad corporation regulated by the**
35 **Federal Railroad Administration.**

36 **4. The offense of unlawful use of unmanned aircraft over a**
37 **correctional center shall be punishable as an infraction unless the**
38 **person uses an unmanned aircraft for the purpose of:**

39 **(1) Delivering a gun, knife, weapon, or other article that may be**
40 **used in such manner to endanger the life of an offender or correctional**
41 **center employee, in which case the offense is a class B felony;**

42 **(2) Facilitating an escape from confinement under section**
43 **575.210, in which case the offense is a class C felony; or**

44 **(3) Delivering a controlled substance, as that term is defined by**
45 **chapter 195, in which case the offense is a class D felony.**

46 **5. Each correctional center shall post a sign warning of the**
47 **provisions of this section. The sign shall be at least eleven inches by**
48 **fourteen inches and posted in a conspicuous place.**

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

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

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

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

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

17 **(5) Any two-way telecommunications device or the component**
18 **parts thereof.**

19 **2. The violation of subdivision (1) of subsection 1 of this section shall be**

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

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

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

43 5. **Subdivision (5) of subsection 1 of this section shall not apply**
44 **to any person who is not an inmate possessing a two-way**
45 **telecommunications device or the component parts thereof in a**
46 **correctional center or city, county, or private jail if such person**
47 **lawfully acts without intent to conceal and without intent to deliver to**
48 **another person or deposit for the use of another person; however, if**
49 **such person refuses to comply with orders to surrender such device or**
50 **its component parts, he or she shall be guilty of a class A misdemeanor.**

337.068. 1. If the board finds merit to a complaint by an individual
2 incarcerated or under the care and control of the department of corrections or who
3 has been ordered to be taken into custody, detained, or held under sections
4 632.480 to 632.513 **or who has been ordered to be evaluated under**
5 **chapter 552** and takes further investigative action, no documentation may

6 appear on file or disciplinary action may be taken in regards to the licensee's
7 license unless the provisions of subsection 2 of section 337.035 have been
8 violated. Any case file documentation that does not result in the board filing an
9 action pursuant to subsection 2 of section 337.035 shall be destroyed within three
10 months after the final case disposition by the board. No notification to any other
11 licensing board in another state or any national registry regarding any
12 investigative action shall be made unless the provisions of subsection 2 of section
13 337.035 have been violated.

14 2. Upon written request of the psychologist subject to a complaint, prior
15 to August 28, 1999, by an individual incarcerated or under the care and control
16 of the department of corrections or prior to August 28, 2008, by an individual who
17 has been ordered to be taken into custody, detained, or held under sections
18 632.480 to 632.513, **or prior to August 28, 2019, by an individual who has**
19 **been ordered to be evaluated under chapter 552** that did not result in the
20 board filing an action pursuant to subsection 2 of section 337.035, the board and
21 the division of professional registration, shall in a timely fashion:

22 (1) Destroy all documentation regarding the complaint;

23 (2) Notify any other licensing board in another state or any national
24 registry regarding the board's actions if they have been previously notified of the
25 complaint; and

26 (3) Send a letter to the licensee that clearly states that the board found
27 the complaint to be unsubstantiated, that the board has taken the requested
28 action, and notify the licensee of the provisions of subsection 3 of this section.

29 3. Any person who has been the subject of an unsubstantiated complaint
30 as provided in subsection 1 or 2 of this section shall not be required to disclose
31 the existence of such complaint in subsequent applications or representations
32 relating to their psychology professions.

556.061. In this code, unless the context requires a different definition,
2 the following terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or
4 extract data from, or otherwise make any use of any resources of, a computer,
5 computer system, or computer network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless
8 supported by evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the

10 burden of persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless
13 supported by evidence; and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on
15 the issue requires a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who
17 develops exposed photographic film into negatives, slides or prints, or who makes
18 prints from negatives or slides, for compensation. The term commercial film and
19 photographic print processor shall include all employees of such persons but shall
20 not include a person who develops film or makes prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU),
22 along with any internal storage devices, such as internal hard drives, and
23 internal communication devices, such as internal modems capable of sending or
24 receiving electronic mail or fax cards, along with any other hardware stored or
25 housed internally. Thus, computer refers to hardware, software and data
26 contained in the main unit. Printers, external modems attached by cable to the
27 main unit, monitors, and other external attachments will be referred to
28 collectively as peripherals and discussed individually when appropriate. When
29 the computer and all peripherals are referred to as a package, the term "computer
30 system" is used. Information refers to all the information on a computer system
31 including both software applications and data;

32 (6) "Computer equipment", computers, terminals, data storage devices,
33 and all other computer hardware associated with a computer system or network;

34 (7) "Computer hardware", all equipment which can collect, analyze, create,
35 display, convert, store, conceal or transmit electronic, magnetic, optical or similar
36 computer impulses or data. Hardware includes, but is not limited to, any data
37 processing devices, such as central processing units, memory typewriters and
38 self-contained laptop or notebook computers; internal and peripheral storage
39 devices, transistor-like binary devices and other memory storage devices, such as
40 floppy disks, removable disks, compact disks, digital video disks, magnetic tape,
41 hard drive, optical disks and digital memory; local area networks, such as two or
42 more computers connected together to a central computer server via cable or
43 modem; peripheral input or output devices, such as keyboards, printers, scanners,
44 plotters, video display monitors and optical readers; and related communication
45 devices, such as modems, cables and connections, recording equipment, RAM or

46 ROM units, acoustic couplers, automatic dialers, speed dialers, programmable
47 telephone dialing or signaling devices and electronic tone-generating devices; as
48 well as any devices, mechanisms or parts that can be used to restrict access to
49 computer hardware, such as physical keys and locks;

50 (8) "Computer network", two or more interconnected computers or
51 computer systems;

52 (9) "Computer program", a set of instructions, statements, or related data
53 that directs or is intended to direct a computer to perform certain functions;

54 (10) "Computer software", digital information which can be interpreted by
55 a computer and any of its related components to direct the way they
56 work. Software is stored in electronic, magnetic, optical or other digital
57 form. The term commonly includes programs to run operating systems and
58 applications, such as word processing, graphic, or spreadsheet programs, utilities,
59 compilers, interpreters and communications programs;

60 (11) "Computer-related documentation", written, recorded, printed or
61 electronically stored material which explains or illustrates how to configure or
62 use computer hardware, software or other related items;

63 (12) "Computer system", a set of related, connected or unconnected,
64 computer equipment, data, or software;

65 (13) "Confinement":

66 (a) A person is in confinement when such person is held in a place of
67 confinement pursuant to arrest or order of a court, and remains in confinement
68 until:

69 a. A court orders the person's release; or

70 b. The person is released on bail, bond, or recognizance, personal or
71 otherwise; or

72 c. A public servant having the legal power and duty to confine the person
73 authorizes his release without guard and without condition that he return to
74 confinement;

75 (b) A person is not in confinement if:

76 a. The person is on probation or parole, temporary or otherwise; or

77 b. The person is under sentence to serve a term of confinement which is
78 not continuous, or is serving a sentence under a work-release program, and in
79 either such case is not being held in a place of confinement or is not being held
80 under guard by a person having the legal power and duty to transport the person
81 to or from a place of confinement;

82 (14) "Consent": consent or lack of consent may be expressed or
83 implied. Assent does not constitute consent if:

84 (a) It is given by a person who lacks the mental capacity to authorize the
85 conduct charged to constitute the offense and such mental incapacity is manifest
86 or known to the actor; or

87 (b) It is given by a person who by reason of youth, mental disease or
88 defect, intoxication, a drug-induced state, or any other reason is manifestly
89 unable or known by the actor to be unable to make a reasonable judgment as to
90 the nature or harmfulness of the conduct charged to constitute the offense; or

91 (c) It is induced by force, duress or deception;

92 (15) "Controlled substance", a drug, substance, or immediate precursor in
93 schedules I through V as defined in chapter 195;

94 (16) "Criminal negligence", failure to be aware of a substantial and
95 unjustifiable risk that circumstances exist or a result will follow, and such failure
96 constitutes a gross deviation from the standard of care which a reasonable person
97 would exercise in the situation;

98 (17) "Custody", a person is in custody when he or she has been arrested
99 but has not been delivered to a place of confinement;

100 (18) "Damage", when used in relation to a computer system or network,
101 means any alteration, deletion, or destruction of any part of the computer system
102 or network;

103 (19) "Dangerous felony", the felonies of arson in the first degree, assault
104 in the first degree, attempted rape in the first degree if physical injury results,
105 attempted forcible rape if physical injury results, attempted sodomy in the first
106 degree if physical injury results, attempted forcible sodomy if physical injury
107 results, rape in the first degree, forcible rape, sodomy in the first degree, forcible
108 sodomy, assault in the second degree if the victim of such assault is a special
109 victim as defined in subdivision (14) of section 565.002, kidnapping in the first
110 degree, kidnapping, murder in the second degree, assault of a law enforcement
111 officer in the first degree, domestic assault in the first degree, elder abuse in the
112 first degree, robbery in the first degree, **vehicle hijacking punished as a class**
113 **A felony**, statutory rape in the first degree when the victim is a child less than
114 twelve years of age at the time of the commission of the act giving rise to the
115 offense, statutory sodomy in the first degree when the victim is a child less than
116 twelve years of age at the time of the commission of the act giving rise to the
117 offense, child molestation in the first or second degree, abuse of a child if the

118 child dies as a result of injuries sustained from conduct chargeable under section
119 568.060, child kidnapping, parental kidnapping committed by detaining or
120 concealing the whereabouts of the child for not less than one hundred twenty
121 days under section 565.153, and an "intoxication-related traffic offense" or
122 "intoxication-related boating offense" if the person is found to be a "habitual
123 offender" or "habitual boating offender" as such terms are defined in section
124 577.001;

125 (20) "Dangerous instrument", any instrument, article or substance, which,
126 under the circumstances in which it is used, is readily capable of causing death
127 or other serious physical injury;

128 (21) "Data", a representation of information, facts, knowledge, concepts,
129 or instructions prepared in a formalized or other manner and intended for use in
130 a computer or computer network. Data may be in any form including, but not
131 limited to, printouts, microfiche, magnetic storage media, punched cards and as
132 may be stored in the memory of a computer;

133 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon
134 from which a shot, readily capable of producing death or serious physical injury,
135 may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal
136 knuckles;

137 (23) "Digital camera", a camera that records images in a format which
138 enables the images to be downloaded into a computer;

139 (24) "Disability", a mental, physical, or developmental impairment that
140 substantially limits one or more major life activities or the ability to provide
141 adequately for one's care or protection, whether the impairment is congenital or
142 acquired by accident, injury or disease, where such impairment is verified by
143 medical findings;

144 (25) "Elderly person", a person sixty years of age or older;

145 (26) "Felony", an offense so designated or an offense for which persons
146 found guilty thereof may be sentenced to death or imprisonment for a term of
147 more than one year;

148 (27) "Forcible compulsion" either:

149 (a) Physical force that overcomes reasonable resistance; or

150 (b) A threat, express or implied, that places a person in reasonable fear
151 of death, serious physical injury or kidnapping of such person or another person;

152 (28) "Incapacitated", a temporary or permanent physical or mental
153 condition in which a person is unconscious, unable to appraise the nature of his

154 or her conduct, or unable to communicate unwillingness to an act;

155 (29) "Infraction", a violation defined by this code or by any other statute
156 of this state if it is so designated or if no sentence other than a fine, or fine and
157 forfeiture or other civil penalty, is authorized upon conviction;

158 (30) "Inhabitable structure", a vehicle, vessel or structure:

159 (a) Where any person lives or carries on business or other calling; or

160 (b) Where people assemble for purposes of business, government,
161 education, religion, entertainment, or public transportation; or

162 (c) Which is used for overnight accommodation of persons.

163 Any such vehicle, vessel, or structure is inhabitable regardless of whether a
164 person is actually present. If a building or structure is divided into separately
165 occupied units, any unit not occupied by the actor is an inhabitable structure of
166 another;

167 (31) "Knowingly", when used with respect to:

168 (a) Conduct or attendant circumstances, means a person is aware of the
169 nature of his or her conduct or that those circumstances exist; or

170 (b) A result of conduct, means a person is aware that his or her conduct
171 is practically certain to cause that result;

172 (32) "Law enforcement officer", any public servant having both the power
173 and duty to make arrests for violations of the laws of this state, and federal law
174 enforcement officers authorized to carry firearms and to make arrests for
175 violations of the laws of the United States;

176 (33) "Misdemeanor", an offense so designated or an offense for which
177 persons found guilty thereof may be sentenced to imprisonment for a term of
178 which the maximum is one year or less;

179 (34) "Of another", property that any entity, including but not limited to
180 any natural person, corporation, limited liability company, partnership,
181 association, governmental subdivision or instrumentality, other than the actor,
182 has a possessory or proprietary interest therein, except that property shall not
183 be deemed property of another who has only a security interest therein, even if
184 legal title is in the creditor pursuant to a conditional sales contract or other
185 security arrangement;

186 (35) "Offense", any felony or misdemeanor;

187 (36) "Physical injury", slight impairment of any function of the body or
188 temporary loss of use of any part of the body;

189 (37) "Place of confinement", any building or facility and the grounds

190 thereof wherein a court is legally authorized to order that a person charged with
191 or convicted of a crime be held;

192 (38) "Possess" or "possessed", having actual or constructive possession of
193 an object with knowledge of its presence. A person has actual possession if such
194 person has the object on his or her person or within easy reach and convenient
195 control. A person has constructive possession if such person has the power and
196 the intention at a given time to exercise dominion or control over the object either
197 directly or through another person or persons. Possession may also be sole or
198 joint. If one person alone has possession of an object, possession is sole. If two
199 or more persons share possession of an object, possession is joint;

200 (39) "Property", anything of value, whether real or personal, tangible or
201 intangible, in possession or in action;

202 (40) "Public servant", any person employed in any way by a government
203 of this state who is compensated by the government by reason of such person's
204 employment, any person appointed to a position with any government of this
205 state, or any person elected to a position with any government of this state. It
206 includes, but is not limited to, legislators, jurors, members of the judiciary and
207 law enforcement officers. It does not include witnesses;

208 (41) "Purposely", when used with respect to a person's conduct or to a
209 result thereof, means when it is his or her conscious object to engage in that
210 conduct or to cause that result;

211 (42) "Recklessly", consciously disregarding a substantial and unjustifiable
212 risk that circumstances exist or that a result will follow, and such disregard
213 constitutes a gross deviation from the standard of care which a reasonable person
214 would exercise in the situation;

215 (43) "Serious emotional injury", an injury that creates a substantial risk
216 of temporary or permanent medical or psychological damage, manifested by
217 impairment of a behavioral, cognitive or physical condition. Serious emotional
218 injury shall be established by testimony of qualified experts upon the reasonable
219 expectation of probable harm to a reasonable degree of medical or psychological
220 certainty;

221 (44) "Serious physical injury", physical injury that creates a substantial
222 risk of death or that causes serious disfigurement or protracted loss or
223 impairment of the function of any part of the body;

224 (45) "Services", when used in relation to a computer system or network,
225 means use of a computer, computer system, or computer network and includes,

226 but is not limited to, computer time, data processing, and storage or retrieval
227 functions;

228 (46) "Sexual orientation", male or female heterosexuality, homosexuality
229 or bisexuality by inclination, practice, identity or expression, or having a
230 self-image or identity not traditionally associated with one's gender;

231 (47) "Vehicle", a self-propelled mechanical device designed to carry a
232 person or persons, excluding vessels or aircraft;

233 (48) "Vessel", any boat or craft propelled by a motor or by machinery,
234 whether or not such motor or machinery is a principal source of propulsion used
235 or capable of being used as a means of transportation on water, or any boat or
236 craft more than twelve feet in length which is powered by sail alone or by a
237 combination of sail and machinery, and used or capable of being used as a means
238 of transportation on water, but not any boat or craft having, as the only means
239 of propulsion, a paddle or oars;

240 (49) "Voluntary act":

241 (a) A bodily movement performed while conscious as a result of effort or
242 determination. Possession is a voluntary act if the possessor knowingly procures
243 or receives the thing possessed, or having acquired control of it was aware of his
244 or her control for a sufficient time to have enabled him or her to dispose of it or
245 terminate his or her control; or

246 (b) An omission to perform an act of which the actor is physically capable.
247 A person is not guilty of an offense based solely upon an omission to perform an
248 act unless the law defining the offense expressly so provides, or a duty to perform
249 the omitted act is otherwise imposed by law;

250 (50) "Vulnerable person", any person in the custody, care, or control of the
251 department of mental health who is receiving services from an operated, funded,
252 licensed, or certified program.

558.019. 1. This section shall not be construed to affect the powers of the
2 governor under Article IV, Section 7, of the Missouri Constitution. This statute
3 shall not affect those provisions of section 565.020, section 566.125, or section
4 571.015, which set minimum terms of sentences, or the provisions of section
5 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall **only** be
7 applicable to [all classes of felonies except those set forth in chapter 579, or in
8 chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection
9 1 of this section] **the offenses contained in sections 565.020, 565.021,**

10 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073,
11 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
12 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062,
13 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100,
14 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
15 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060,
16 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when
17 punished as a class A, B, or C felony, 570.145 when punished as a class
18 A or B felony, 570.223 when punished as a class B or C felony, 571.020,
19 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205,
20 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157,
21 575.200 when punished as a class A felony, 575.210, 575.230 when
22 punished as a class B felony, 575.240 when punished as a class B felony,
23 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and
24 579.068 when punished as a class A or B felony. For the purposes of this
25 section, "prison commitment" means and is the receipt by the department of
26 corrections of an offender after sentencing. For purposes of this section, prior
27 prison commitments to the department of corrections shall not include an
28 offender's first incarceration prior to release on probation under section 217.362
29 or 559.115. Other provisions of the law to the contrary notwithstanding, any
30 offender who has been found guilty of a felony other than a dangerous felony as
31 defined in section 556.061 and is committed to the department of corrections shall
32 be required to serve the following minimum prison terms:

33 (1) If the offender has one previous prison commitment to the department
34 of corrections for a felony offense, the minimum prison term which the offender
35 must serve shall be forty percent of his or her sentence or until the offender
36 attains seventy years of age, and has served at least thirty percent of the
37 sentence imposed, whichever occurs first;

38 (2) If the offender has two previous prison commitments to the
39 department of corrections for felonies unrelated to the present offense, the
40 minimum prison term which the offender must serve shall be fifty percent of his
41 or her sentence or until the offender attains seventy years of age, and has served
42 at least forty percent of the sentence imposed, whichever occurs first;

43 (3) If the offender has three or more previous prison commitments to the
44 department of corrections for felonies unrelated to the present offense, the
45 minimum prison term which the offender must serve shall be eighty percent of

46 his or her sentence or until the offender attains seventy years of age, and has
47 served at least forty percent of the sentence imposed, whichever occurs first.

48 3. Other provisions of the law to the contrary notwithstanding, any
49 offender who has been found guilty of a dangerous felony as defined in section
50 556.061 and is committed to the department of corrections shall be required to
51 serve a minimum prison term of eighty-five percent of the sentence imposed by
52 the court or until the offender attains seventy years of age, and has served at
53 least forty percent of the sentence imposed, whichever occurs first.

54 4. For the purpose of determining the minimum prison term to be served,
55 the following calculations shall apply:

56 (1) A sentence of life shall be calculated to be thirty years;

57 (2) Any sentence either alone or in the aggregate with other consecutive
58 sentences for offenses committed at or near the same time which is over
59 seventy-five years shall be calculated to be seventy-five years.

60 5. For purposes of this section, the term "minimum prison term" shall
61 mean time required to be served by the offender before he or she is eligible for
62 parole, conditional release or other early release by the department of corrections.

63 6. **The provisions of subsections 2 to 5 of this section shall also**
64 **apply to any offense which a person pled guilty to, or was convicted of,**
65 **on or before August 28, 2019.**

66 7. (1) A sentencing advisory commission is hereby created to consist of
67 eleven members. One member shall be appointed by the speaker of the
68 house. One member shall be appointed by the president pro tem of the
69 senate. One member shall be the director of the department of corrections. Six
70 members shall be appointed by and serve at the pleasure of the governor from
71 among the following: the public defender commission; private citizens; a private
72 member of the Missouri Bar; the board of probation and parole; and a
73 prosecutor. Two members shall be appointed by the supreme court, one from a
74 metropolitan area and one from a rural area. All members shall be appointed to
75 a four-year term. All members of the sentencing commission appointed prior to
76 August 28, 1994, shall continue to serve on the sentencing advisory commission
77 at the pleasure of the governor.

78 (2) The commission shall study sentencing practices in the circuit courts
79 throughout the state for the purpose of determining whether and to what extent
80 disparities exist among the various circuit courts with respect to the length of
81 sentences imposed and the use of probation for offenders convicted of the same

82 or similar offenses and with similar criminal histories. The commission shall also
83 study and examine whether and to what extent sentencing disparity among
84 economic and social classes exists in relation to the sentence of death and if so,
85 the reasons therefor, if sentences are comparable to other states, if the length of
86 the sentence is appropriate, and the rate of rehabilitation based on sentence. It
87 shall compile statistics, examine cases, draw conclusions, and perform other
88 duties relevant to the research and investigation of disparities in death penalty
89 sentencing among economic and social classes.

90 (3) The commission shall study alternative sentences, prison work
91 programs, work release, home-based incarceration, probation and parole options,
92 and any other programs and report the feasibility of these options in Missouri.

93 (4) The governor shall select a chairperson who shall call meetings of the
94 commission as required or permitted pursuant to the purpose of the sentencing
95 commission.

96 (5) The members of the commission shall not receive compensation for
97 their duties on the commission, but shall be reimbursed for actual and necessary
98 expenses incurred in the performance of these duties and for which they are not
99 reimbursed by reason of their other paid positions.

100 (6) The circuit and associate circuit courts of this state, the office of the
101 state courts administrator, the department of public safety, and the department
102 of corrections shall cooperate with the commission by providing information or
103 access to information needed by the commission. The office of the state courts
104 administrator will provide needed staffing resources.

105 [7.] 8. Courts shall retain discretion to lower or exceed the sentence
106 recommended by the commission as otherwise allowable by law, and to order
107 restorative justice methods, when applicable.

108 [8.] 9. If the imposition or execution of a sentence is suspended, the court
109 may order any or all of the following restorative justice methods, or any other
110 method that the court finds just or appropriate:

111 (1) Restitution to any victim or a statutorily created fund for costs
112 incurred as a result of the offender's actions;

113 (2) Offender treatment programs;

114 (3) Mandatory community service;

115 (4) Work release programs in local facilities; and

116 (5) Community-based residential and nonresidential programs.

117 [9.] 10. The provisions of this section shall apply only to offenses

118 occurring on or after August 28, 2003.

119 [10.] 11. Pursuant to subdivision (1) of subsection [8] 9 of this section,
120 the court may order the assessment and payment of a designated amount of
121 restitution to a county law enforcement restitution fund established by the county
122 commission pursuant to section 50.565. Such contribution shall not exceed three
123 hundred dollars for any charged offense. Any restitution moneys deposited into
124 the county law enforcement restitution fund pursuant to this section shall only
125 be expended pursuant to the provisions of section 50.565.

126 [11.] 12. A judge may order payment to a restitution fund only if such
127 fund had been created by ordinance or resolution of a county of the state of
128 Missouri prior to sentencing. A judge shall not have any direct supervisory
129 authority or administrative control over any fund to which the judge is ordering
130 a person to make payment.

131 [12.] 13. A person who fails to make a payment to a county law
132 enforcement restitution fund may not have his or her probation revoked solely for
133 failing to make such payment unless the judge, after evidentiary hearing, makes
134 a finding supported by a preponderance of the evidence that the person either
135 willfully refused to make the payment or that the person willfully, intentionally,
136 and purposefully failed to make sufficient bona fide efforts to acquire the
137 resources to pay.

138 [13.] 14. Nothing in this section shall be construed to allow the
139 sentencing advisory commission to issue recommended sentences in specific cases
140 pending in the courts of this state.

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

3 (1) Promotes prostitution by compelling a person to enter into, engage in,
4 or remain in prostitution; [or]

5 (2) Promotes prostitution of a person less than sixteen years of age; or

6 **(3) Owns, manages, or operates an interactive computer service,**
7 **or conspires or attempts to do so, with the intent to promote or**
8 **facilitate the prostitution of another. As used in this subdivision, the**
9 **term "interactive computer service" shall mean: any information**
10 **service, system, or access software provider that provides or enables**
11 **computer access by multiple users to a computer server, including**
12 **specifically a service or system that provides access to the internet and**
13 **such systems operated or services offered by libraries or educational**

14 **institutions.**

15 2. The term "compelling" includes:

16 (1) The use of forcible compulsion;

17 (2) The use of a drug or intoxicating substance to render a person
18 incapable of controlling his conduct or appreciating its nature;

19 (3) Withholding or threatening to withhold dangerous drugs or a narcotic
20 from a drug dependent person.

21 3. **(1)** The offense of promoting prostitution in the first degree under
22 subdivision (1) **or (3)** of subsection 1 of this section is a class B felony.

23 **(2) The offense of promoting prostitution in the first degree**
24 **under subdivision (3) of subsection 1 of this section is a class A felony**
25 **if a person acts in reckless disregard of the fact that such conduct**
26 **contributed to the offense of trafficking for the purposes of sexual**
27 **exploitation under section 566.209.**

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

31 4. **A person injured by the acts committed in violation of**
32 **subdivision (3) of subsection 1 of this section or subdivision (2) of**
33 **subsection 3 of this section shall have a civil cause of action to recover**
34 **damages and reasonable attorneys' fees for such injury.**

35 5. **In addition to the court's authority to order a defendant to**
36 **make restitution for the damage or loss caused by his or her offense as**
37 **provided in section 559.105, the court shall enter a judgment of**
38 **restitution against the defendant convicted of violating subdivision (3)**
39 **of subsection 1 of this section and subdivision (2) of subsection 3 of this**
40 **section.**

 569.086. 1. As used in this section, "critical infrastructure
2 facility" means any of the following facilities that are under
3 construction or operational: a petroleum or alumina refinery; critical
4 electric infrastructure, as defined in 18 CFR Section 118.113(c)(3)
5 including, but not limited to, an electrical power generating facility,
6 substation, switching station, electrical control center, or electric
7 power lines and associated equipment infrastructure; a chemical,
8 polymer, or rubber manufacturing facility; a water intake structure,
9 water storage facility, water treatment facility, wastewater treatment
10 plant, wastewater pumping facility, or pump station; a natural gas

11 compressor station; a liquid natural gas terminal or storage facility; a
12 telecommunications central switching office; wireless
13 telecommunications infrastructure, including cell towers, telephone
14 poles and lines, including fiber optic lines; a port, railroad switching
15 yard, railroad tracks, trucking terminal, or other freight transportation
16 facility; a gas processing plant, including a plant used in the
17 processing, treatment, or fractionation of natural gas or natural gas
18 liquids; a transmission facility used by a federally licensed radio or
19 television station; a steelmaking facility that uses an electric arc
20 furnace to make steel; a facility identified and regulated by the United
21 States Department of Homeland Security Chemical Facility Anti-
22 Terrorism Standards (CFATS) program; a dam that is regulated by the
23 state or federal government; a natural gas distribution utility facility
24 including, but not limited to, natural gas distribution and transmission
25 mains and services, pipeline interconnections, a city gate or town
26 border station, metering station, aboveground piping, a regulator
27 station, and a natural gas storage facility; a crude oil or refined
28 products storage and distribution facility including, but not limited to,
29 valve sites, pipeline interconnection, pump station, metering station,
30 below or aboveground pipeline or piping and truck loading or
31 offloading facility, a grain mill or processing facility; a generation,
32 transmission, or distribution system of broadband internet access; or
33 any aboveground portion of an oil, gas, hazardous liquid or chemical
34 pipeline, tank, railroad facility, or other storage facility that is
35 enclosed by a fence, other physical barrier, or is clearly marked with
36 signs prohibiting trespassing, that are obviously designed to exclude
37 intruders.

38 2. A person commits the offense of trespass on a critical
39 infrastructure facility if he or she unlawfully trespasses or enters
40 property containing a critical infrastructure facility without the
41 permission of the owner of the property or lawful occupant
42 thereof. The offense of trespass on a critical infrastructure facility is
43 a class B misdemeanor. If it is determined that the intent of the
44 trespasser is to damage, destroy, vandalize, deface, tamper with
45 equipment, or impede or inhibit operations of the facility, the person
46 shall be guilty of a class A misdemeanor.

47 3. A person commits the offense of damage of a critical

48 infrastructure if he or she damages, destroys, vandalizes, defaces, or
49 tampers with equipment in a critical infrastructure facility. The
50 offense of damage of a critical infrastructure facility is a class C felony.

51 4. If an organization is found to be a conspirator with persons
52 who are found to have committed any of the offenses set forth in
53 subsection 2 or 3 of this section, the conspiring organization shall be
54 punished by a fine that is ten times the amount of the fine attached to
55 the offense set forth in subsection 2 or 3 of this section.

570.027. 1. A person commits the offense of vehicle hijacking
2 when he or she knowingly uses or explicitly or implicitly threatens the
3 use of physical force upon another person or persons to seize or
4 attempt to seize possession or control of a vehicle from the immediate
5 possession or control of another person or persons.

6 2. The offense of vehicle hijacking is a class B felony unless it
7 meets one of the criteria listed in subsection 3 of this section.

8 3. The following circumstances shall make the offense of vehicle
9 hijacking punished as a class A felony:

10 (1) The person is armed with a deadly weapon; or

11 (2) The person uses or threatens the immediate use of a
12 dangerous instrument against any person; or

13 (3) The person displays or threatens the use of what appears to
14 be a deadly weapon or dangerous instrument; or

15 (4) The person causes serious physical injury to any person in
16 immediate possession, control, or presence of the vehicle; or

17 (5) Any victim of such vehicle hijacking is a child or a special
18 victim, as defined in section 565.002.

577.800. 1. A person commits the offense of unlawful use of
2 unmanned aircraft over a high capacity venue if he or she purposely:

3 (1) Operates an unmanned aircraft within or over the mental
4 health hospital's property line; or

5 (2) A horizontal distance of the high capacity venue's property
6 line.

7 2. For purposes of this section, "high capacity venue" shall mean
8 any sports, theater, music, performing arts, or other entertainment
9 facility with a capacity of at least five thousand people.

10 3. The provisions of this section shall not prohibit the operation
11 of an unmanned aircraft by:

12 (1) An employee of a high capacity venue at the direction of the
13 president or chief executive officer of the high capacity venue;

14 (2) A person who has written consent from the president or chief
15 executive officer of the high capacity venue;

16 (3) An employee of a law enforcement agency, fire department,
17 or emergency medical service in the exercise of official duties;

18 (4) A government official or employee in the exercise of official
19 duties;

20 (5) A public utility or a rural electric cooperative if:

21 (a) The unmanned aircraft is used for the purpose of inspecting,
22 repairing, or maintaining utility transmission or distribution lines,
23 other utility equipment, or infrastructure;

24 (b) The utility or cooperative notifies the high capacity venue at
25 least twenty-four hours before flying the unmanned aircraft, except
26 during an emergency; and

27 (c) The person operating the unmanned aircraft does not
28 physically enter the prohibited space without an escort provided by the
29 high capacity venue; or

30 (6) An employee of a railroad in the exercise of official duties on
31 any land owned or operated by a railroad corporation regulated by the
32 federal railroad administration.

33 4. The offense of unlawful use of unmanned aircraft over a high
34 capacity venue shall be punishable as an infraction unless the person
35 uses an unmanned aircraft for the purposes of:

36 (1) Delivering a gun, knife, weapon, or other article that may be
37 used in such manner to endanger the life of an employee or guest at a
38 high capacity venue, in which case the offense is a class B felony; or

39 (2) Delivering a controlled substance, as that term is defined in
40 chapter 195, in which case the offense is a class D felony.

41 5. Each high capacity venue shall post a sign warning of the
42 provisions of this section. The sign shall be at least eleven inches by
43 fourteen inches and posted in a conspicuous place.

632.460. 1. A person commits the offense of unlawful use of
2 unmanned aircraft over a mental health hospital if he or she purposely:

3 (1) Operates an unmanned aircraft within or over the high
4 capacity venue's property line; or

5 (2) Uses an unmanned aircraft to deliver to a person confined in

6 a mental health hospital any object described in subdivision (1) or (3)
7 of subsection 6 of this section.

8 2. For the purposes of subsection 1 of this section, a vertical
9 distance extends from a ground level.

10 3. For purposes of this section, "mental health hospital" shall
11 mean a facility operated by the department of mental health to provide
12 inpatient evaluation, treatment, or care to persons suffering from a
13 mental disorder, as defined under section 630.005, mental illness, as
14 defined under section 630.005, or mental abnormality, as defined under
15 section 632.480.

16 4. The provisions of this section shall not prohibit the operation
17 of an unmanned aircraft by:

18 (1) An employee of the mental health hospital at the direction of
19 the chief administrative officer of the mental health hospital;

20 (2) A person who has written consent from the chief
21 administrative officer of the mental health hospital;

22 (3) An employee of a law enforcement agency, fire department,
23 or emergency medical service in the exercise of official duties;

24 (4) A government official or employee in the exercise of official
25 duties;

26 (5) A public utility or a rural electric cooperative if:

27 (a) The unmanned aircraft is used for the purpose of inspecting,
28 repairing, or maintaining utility transmission or distribution lines,
29 other utility equipment, or infrastructure;

30 (b) The utility notifies the mental health hospital at least twenty-
31 four hours before flying the unmanned aircraft, except during an
32 emergency; and

33 (c) The person operating the unmanned aircraft does not
34 physically enter the prohibited space without an escort provided by the
35 mental health hospital; or

36 (6) An employee of a railroad in the exercise of official duties on
37 any land owned or operated by a railroad corporation regulated by the
38 Federal Railway Administration.

39 5. Each mental health hospital shall post a sign warning of the
40 provisions of this section. The sign shall be at least eleven inches by
41 fourteen inches and posted in a conspicuous place.

42 6. The offense of unlawful use of unmanned aircraft over a

43 **mental health hospital shall be punishable as an infraction unless the**
44 **person uses an unmanned aircraft for the purposes of:**

45 **(1) If the person operating the unmanned aircraft was delivering**
46 **a gun, knife, weapon, or other article that may be used in such a**
47 **manner as to endanger the life of a patient or mental health hospital**
48 **employee then it shall be punished as a Class B Felony; or**

49 **(2) If the person operating the unmanned aircraft was**
50 **facilitating an escape from commitment or detention under section**
51 **575.195 then it shall be punished as a Class C Felony; or**

52 **(3) If the person operating the unmanned aircraft was delivering**
53 **a controlled substance, as defined under chapter 195 then it shall be**
54 **punished as a Class D Felony.**

✓

Bill

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