

## SENATE SUBSTITUTE

FOR

SENATE BILL NO. 1

AN ACT

To repeal sections 84.344, 568.045, and 571.060, RSMo, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof eight new sections relating to public safety, with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

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

1           Section A. Sections 84.344, 568.045, and 571.060, RSMo,  
2 section 211.071 as enacted by senate bill no. 793 merged with  
3 senate bill no. 800, ninety-ninth general assembly, second  
4 regular session, and section 211.071 as enacted by house bill no.  
5 215 merged with senate bill no. 36, ninety-seventh general  
6 assembly, first regular session, are repealed and eight new  
7 sections enacted in lieu thereof, to be known as sections 84.344,  
8 211.071, 211.071, 285.040, 491.016, 491.641, 568.045, and  
9 571.060, to read as follows:

10           84.344. 1. Notwithstanding any provisions of this chapter  
11 to the contrary, any city not within a county may establish a  
12 municipal police force on or after July 1, 2013, according to the  
13 procedures and requirements of this section. The purpose of  
14 these procedures and requirements is to provide for an orderly  
15 and appropriate transition in the governance of the police force

1 and provide for an equitable employment transition for  
2 commissioned and civilian personnel.

3 2. Upon the establishment of a municipal police force by a  
4 city under sections 84.343 to 84.346, the board of police  
5 commissioners shall convey, assign, and otherwise transfer to the  
6 city title and ownership of all indebtedness and assets,  
7 including, but not limited to, all funds and real and personal  
8 property held in the name of or controlled by the board of police  
9 commissioners created under sections 84.010 to 84.340. The board  
10 of police commissioners shall execute all documents reasonably  
11 required to accomplish such transfer of ownership and  
12 obligations.

13 3. If the city establishes a municipal police force and  
14 completes the transfer described in subsection 2 of this section,  
15 the city shall provide the necessary funds for the maintenance of  
16 the municipal police force.

17 4. Before a city not within a county may establish a  
18 municipal police force under this section, the city shall adopt  
19 an ordinance accepting responsibility, ownership, and liability  
20 as successor-in-interest for contractual obligations,  
21 indebtedness, and other lawful obligations of the board of police  
22 commissioners subject to the provisions of subsection 2 of  
23 section 84.345.

24 5. A city not within a county that establishes a municipal  
25 police force shall initially employ, without a reduction in rank,  
26 salary, or benefits, all commissioned and civilian personnel of  
27 the board of police commissioners created under sections 84.010  
28 to 84.340 that were employed by the board immediately prior to

1 the date the municipal police force was established. Such  
2 commissioned personnel who previously were employed by the board  
3 may only be involuntarily terminated by the city not within a  
4 county for cause. The city shall also recognize all accrued  
5 years of service that such commissioned and civilian personnel  
6 had with the board of police commissioners. Such personnel shall  
7 be entitled to the same holidays, vacation, and sick leave they  
8 were entitled to as employees of the board of police  
9 commissioners.

10 6. Commissioned and civilian personnel [who were previously  
11 employed by the board] who are employed by the municipal police  
12 force established under this section shall [continue to] not be  
13 subject, throughout their employment for the city not within a  
14 county, to a residency [rule no more restrictive than a]  
15 requirement of retaining a primary residence in a city not within  
16 a county [for a total of seven years and of then allowing them to  
17 maintain a primary residence outside the city not within a  
18 county] so long as the primary residence is located within a  
19 one-hour response time.

20 7. The commissioned and civilian personnel who retire from  
21 service with the board of police commissioners before the  
22 establishment of a municipal police force under subsection 1 of  
23 this section shall continue to be entitled to the same pension  
24 benefits provided under chapter 86 and the same benefits set  
25 forth in subsection 5 of this section.

26 8. If the city not within a county elects to establish a  
27 municipal police force under this section, the city shall  
28 establish a separate division for the operation of its municipal

1 police force. The civil service commission of the city may adopt  
2 rules and regulations appropriate for the unique operation of a  
3 police department. Such rules and regulations shall reserve  
4 exclusive authority over the disciplinary process and procedures  
5 affecting commissioned officers to the civil service commission;  
6 however, until such time as the city adopts such rules and  
7 regulations, the commissioned personnel shall continue to be  
8 governed by the board of police commissioner's rules and  
9 regulations in effect immediately prior to the establishment of  
10 the municipal police force, with the police chief acting in place  
11 of the board of police commissioners for purposes of applying the  
12 rules and regulations. Unless otherwise provided for, existing  
13 civil service commission rules and regulations governing the  
14 appeal of disciplinary decisions to the civil service commission  
15 shall apply to all commissioned and civilian personnel. The  
16 civil service commission's rules and regulations shall provide  
17 that records prepared for disciplinary purposes shall be  
18 confidential, closed records available solely to the civil  
19 service commission and those who possess authority to conduct  
20 investigations regarding disciplinary matters pursuant to the  
21 civil service commission's rules and regulations. A hearing  
22 officer shall be appointed by the civil service commission to  
23 hear any such appeals that involve discipline resulting in a  
24 suspension of greater than fifteen days, demotion, or  
25 termination, but the civil service commission shall make the  
26 final findings of fact, conclusions of law, and decision which  
27 shall be subject to any right of appeal under chapter 536.

28 9. A city not within a county that establishes and

1 maintains a municipal police force under this section:

2 (1) Shall provide or contract for life insurance coverage  
3 and for insurance benefits providing health, medical, and  
4 disability coverage for commissioned and civilian personnel of  
5 the municipal police force to the same extent as was provided by  
6 the board of police commissioners under section 84.160;

7 (2) Shall provide or contract for medical and life  
8 insurance coverage for any commissioned or civilian personnel who  
9 retired from service with the board of police commissioners or  
10 who were employed by the board of police commissioners and retire  
11 from the municipal police force of a city not within a county to  
12 the same extent such medical and life insurance coverage was  
13 provided by the board of police commissioners under section  
14 84.160;

15 (3) Shall make available medical and life insurance  
16 coverage for purchase to the spouses or dependents of  
17 commissioned and civilian personnel who retire from service with  
18 the board of police commissioners or the municipal police force  
19 and deceased commissioned and civilian personnel who receive  
20 pension benefits under sections 86.200 to 86.366 at the rate that  
21 such dependent's or spouse's coverage would cost under the  
22 appropriate plan if the deceased were living; and

23 (4) May pay an additional shift differential compensation  
24 to commissioned and civilian personnel for evening and night  
25 tours of duty in an amount not to exceed ten percent of the  
26 officer's base hourly rate.

27 10. A city not within a county that establishes a municipal  
28 police force under sections 84.343 to 84.346 shall establish a

1 transition committee of five members for the purpose of:  
2 coordinating and implementing the transition of authority,  
3 operations, assets, and obligations from the board of police  
4 commissioners to the city; winding down the affairs of the board;  
5 making nonbinding recommendations for the transition of the  
6 police force from the board to the city; and other related  
7 duties, if any, established by executive order of the city's  
8 mayor. Once the ordinance referenced in this section is enacted,  
9 the city shall provide written notice to the board of police  
10 commissioners and the governor of the state of Missouri. Within  
11 thirty days of such notice, the mayor shall appoint three members  
12 to the committee, two of whom shall be members of a statewide law  
13 enforcement association that represents at least five thousand  
14 law enforcement officers. The remaining members of the committee  
15 shall include the police chief of the municipal police force and  
16 a person who currently or previously served as a commissioner on  
17 the board of police commissioners, who shall be appointed to the  
18 committee by the mayor of such city.

19 211.071. 1. If a petition alleges that a child between the  
20 ages of twelve and eighteen has committed an offense which would  
21 be considered a felony if committed by an adult, the court may,  
22 upon its own motion or upon motion by the juvenile officer, the  
23 child or the child's custodian, order a hearing and may, in its  
24 discretion, dismiss the petition and such child may be  
25 transferred to the court of general jurisdiction and prosecuted  
26 under the general law; except that if a petition alleges that any  
27 child has committed an offense which would be considered first  
28 degree murder under section 565.020, second degree murder under

1 section 565.021, first degree assault under section 565.050,  
2 forcible rape under section 566.030 as it existed prior to August  
3 28, 2013, rape in the first degree under section 566.030,  
4 forcible sodomy under section 566.060 as it existed prior to  
5 August 28, 2013, sodomy in the first degree under section  
6 566.060, first degree robbery under section 569.020 as it existed  
7 prior to January 1, 2017, or robbery in the first degree under  
8 section 570.023, distribution of drugs under section 195.211 as  
9 it existed prior to January 1, 2017, [or] the manufacturing of a  
10 controlled substance under section 579.055, any offense under  
11 section 571.030, any offense under section 571.015, or has  
12 committed two or more prior unrelated offenses which would be  
13 felonies if committed by an adult, the court shall order a  
14 hearing, and may in its discretion, dismiss the petition and  
15 transfer the child to a court of general jurisdiction for  
16 prosecution under the general law.

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

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

1           4. Written notification of a transfer hearing shall be  
2 given to the juvenile and his or her custodian in the same manner  
3 as provided in sections 211.101 and 211.111. Notice of the  
4 hearing may be waived by the custodian. Notice shall contain a  
5 statement that the purpose of the hearing is to determine whether  
6 the child is a proper subject to be dealt with under the  
7 provisions of this chapter, and that if the court finds that the  
8 child is not a proper subject to be dealt with under the  
9 provisions of this chapter, the petition will be dismissed to  
10 allow for prosecution of the child under the general law.

11           5. The juvenile officer may consult with the office of  
12 prosecuting attorney concerning any offense for which the child  
13 could be certified as an adult under this section. The  
14 prosecuting or circuit attorney shall have access to police  
15 reports, reports of the juvenile or deputy juvenile officer,  
16 statements of witnesses and all other records or reports relating  
17 to the offense alleged to have been committed by the child. The  
18 prosecuting or circuit attorney shall have access to the  
19 disposition records of the child when the child has been  
20 adjudicated pursuant to subdivision (3) of subsection 1 of  
21 section 211.031. The prosecuting attorney shall not divulge any  
22 information regarding the child and the offense until the  
23 juvenile court at a judicial hearing has determined that the  
24 child is not a proper subject to be dealt with under the  
25 provisions of this chapter.

26           6. A written report shall be prepared in accordance with  
27 this chapter developing fully all available information relevant  
28 to the criteria which shall be considered by the court in

1 determining whether the child is a proper subject to be dealt  
2 with under the provisions of this chapter and whether there are  
3 reasonable prospects of rehabilitation within the juvenile  
4 justice system. These criteria shall include but not be limited  
5 to:

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

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

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

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

17 (5) The record and history of the child, including  
18 experience with the juvenile justice system, other courts,  
19 supervision, commitments to juvenile institutions and other  
20 placements;

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

24 (7) The age of the child;

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

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

1           (10) Racial disparity in certification.

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

5           (1) Findings showing that the court had jurisdiction of the  
6 cause and of the parties;

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

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

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

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

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

21           10. If a petition has been dismissed thereby permitting a  
22 child to be prosecuted under the general law and the child is  
23 found not guilty by a court of general jurisdiction, the juvenile  
24 court shall have jurisdiction over any later offense committed by  
25 that child which would be considered a misdemeanor or felony if  
26 committed by an adult, subject to the certification provisions of  
27 this section.

28           11. If the court does not dismiss the petition to permit

1 the child to be prosecuted under the general law, it shall set a  
2 date for the hearing upon the petition as provided in section  
3 211.171.

4 12. The provisions of this section shall become effective  
5 on January 1, 2021.

6 211.071. 1. If a petition alleges that a child between the  
7 ages of twelve and seventeen has committed an offense which would  
8 be considered a felony if committed by an adult, the court may,  
9 upon its own motion or upon motion by the juvenile officer, the  
10 child or the child's custodian, order a hearing and may, in its  
11 discretion, dismiss the petition and such child may be  
12 transferred to the court of general jurisdiction and prosecuted  
13 under the general law; except that if a petition alleges that any  
14 child has committed an offense which would be considered first  
15 degree murder under section 565.020, second degree murder under  
16 section 565.021, first degree assault under section 565.050,  
17 forcible rape under section 566.030 as it existed prior to August  
18 28, 2013, rape in the first degree under section 566.030,  
19 forcible sodomy under section 566.060 as it existed prior to  
20 August 28, 2013, sodomy in the first degree under section  
21 566.060, first degree robbery under section 570.023, [or] any  
22 offense under section 571.030, any offense under section 571.015,  
23 distribution of drugs under section 579.055, or has committed two  
24 or more prior unrelated offenses which would be felonies if  
25 committed by an adult, the court shall order a hearing, and may  
26 in its discretion, dismiss the petition and transfer the child to  
27 a court of general jurisdiction for prosecution under the general  
28 law.

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

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

13           4. Written notification of a transfer hearing shall be  
14 given to the juvenile and his or her custodian in the same manner  
15 as provided in sections 211.101 and 211.111. Notice of the  
16 hearing may be waived by the custodian. Notice shall contain a  
17 statement that the purpose of the hearing is to determine whether  
18 the child is a proper subject to be dealt with under the  
19 provisions of this chapter, and that if the court finds that the  
20 child is not a proper subject to be dealt with under the  
21 provisions of this chapter, the petition will be dismissed to  
22 allow for prosecution of the child under the general law.

23           5. The juvenile officer may consult with the office of  
24 prosecuting attorney concerning any offense for which the child  
25 could be certified as an adult under this section. The  
26 prosecuting or circuit attorney shall have access to police  
27 reports, reports of the juvenile or deputy juvenile officer,  
28 statements of witnesses and all other records or reports relating

1 to the offense alleged to have been committed by the child. The  
2 prosecuting or circuit attorney shall have access to the  
3 disposition records of the child when the child has been  
4 adjudicated pursuant to subdivision (3) of subsection 1 of  
5 section 211.031. The prosecuting attorney shall not divulge any  
6 information regarding the child and the offense until the  
7 juvenile court at a judicial hearing has determined that the  
8 child is not a proper subject to be dealt with under the  
9 provisions of this chapter.

10 6. A written report shall be prepared in accordance with  
11 this chapter developing fully all available information relevant  
12 to the criteria which shall be considered by the court in  
13 determining whether the child is a proper subject to be dealt  
14 with under the provisions of this chapter and whether there are  
15 reasonable prospects of rehabilitation within the juvenile  
16 justice system. These criteria shall include but not be limited  
17 to:

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

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

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

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

1           (5) The record and history of the child, including  
2 experience with the juvenile justice system, other courts,  
3 supervision, commitments to juvenile institutions and other  
4 placements;

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

8           (7) The age of the child;

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

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

13           (10) Racial disparity in certification.

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

17           (1) Findings showing that the court had jurisdiction of the  
18 cause and of the parties;

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

21           (3) Findings showing that the hearing was held in the  
22 presence of the child and his counsel; and

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

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

27           9. When a petition has been dismissed thereby permitting a  
28 child to be prosecuted under the general law and the prosecution

1 of the child results in a conviction, the jurisdiction of the  
2 juvenile court over that child is forever terminated, except as  
3 provided in subsection 10 of this section, for an act that would  
4 be a violation of a state law or municipal ordinance.

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

12 11. If the court does not dismiss the petition to permit  
13 the child to be prosecuted under the general law, it shall set a  
14 date for the hearing upon the petition as provided in section  
15 211.171.

16 12. The provisions of this section shall expire on December  
17 31, 2020.

18 285.040. 1. As used in this section, "public safety  
19 employee" shall mean a person trained or authorized by law or  
20 rule to render emergency medical assistance or treatment,  
21 including, but not limited to, firefighters, ambulance attendants  
22 and attendant drivers, emergency medical technicians, emergency  
23 medical technician paramedics, dispatchers, registered nurses and  
24 physicians, and persons who are vested with the power of arrest  
25 for criminal code violations including, but not limited to,  
26 sheriffs and deputy sheriffs.

27 2. No public safety employee of any city not within a  
28 county shall be subject, throughout their employment, to a

1 residency requirement of retaining a primary residence in a city  
2 not within a county so long as the primary residence is located  
3 within a one-hour response time.

4 491.016. A statement made by a witness, that is not  
5 otherwise admissible, is admissible in evidence in a criminal  
6 proceeding in the courts of this state as substantive evidence to  
7 prove the truth of the matter asserted if the court finds by  
8 preponderance of the evidence, in a hearing conducted outside the  
9 presence of the jury and before the case is submitted to the  
10 jury, that the defendant engaged in or acquiesced to wrongdoing,  
11 with the purpose of preventing the witness from testifying in any  
12 proceeding and the witness fails to appear.

13 491.641. 1. (1) There is hereby created in the state  
14 treasury the "Pretrial Witness Protection Services Fund", which  
15 shall consist of moneys collected under this section. The state  
16 treasurer shall be custodian of the fund. In accordance with  
17 sections 30.170 and 30.180, the state treasurer may approve  
18 disbursements. The fund shall be a dedicated fund and money in  
19 the fund shall be used solely by the department of public safety  
20 for the purposes of witness protection services pursuant to this  
21 section.

22 (2) Notwithstanding the provisions of section 33.080 to the  
23 contrary, any moneys remaining in the fund at the end of the  
24 biennium shall not revert to the credit of the general revenue  
25 fund.

26 (3) The state treasurer shall invest moneys in the fund in  
27 the same manner as other funds are invested. Any interest and  
28 moneys earned on such investments shall be credited to the fund.

1           2. Any law enforcement agency may provide for the security  
2 of witnesses, potential witnesses, and their immediate families  
3 in criminal proceedings instituted or investigations pending  
4 against a person alleged to have engaged in a violation of state  
5 law. Providing for witnesses may include provision of housing  
6 facilities and for the health, safety, and welfare of such  
7 witnesses and their immediate families, if testimony by such a  
8 witness might subject the witness or a member of his or her  
9 immediate family to danger of bodily injury, and may continue so  
10 long as such danger exists. Subject to appropriations from the  
11 general assembly for the purposes provided for in this section,  
12 funds may be appropriated from the pretrial witness protection  
13 services fund.

14           3. The department of public safety may authorize funds to  
15 be disbursed to law enforcement agencies for the purchase,  
16 rental, or modification of protected housing facilities for the  
17 purpose of this section. The law enforcement agency may contract  
18 with any department of federal or state government to obtain or  
19 to provide the facilities or services to carry out this section.

20           4. The department of public safety may authorize  
21 expenditures for law enforcement agencies to provide for the  
22 health, safety, and welfare of witnesses and victims, and the  
23 families of such witnesses and victims, whenever testimony from,  
24 or a willingness to testify by, such a witness or victim would  
25 place the life of such person, or a member of his or her family  
26 or household, in jeopardy. A law enforcement agency shall submit  
27 an application to the department of public safety which shall  
28 include, but not necessarily be limited to:

1           (1) Statement of conditions which qualify persons for  
2 protection;

3           (2) Precise methods the originating agency will use to  
4 provide protection, including relocation of persons and  
5 reciprocal agreements with other law enforcement agencies;

6           (3) Statement of the projected costs over a specified  
7 period of time;

8           (4) If the requesting agency expects the person to provide  
9 evidence in any court of competent jurisdiction:

10           (a) Brief statement of the anticipated evidence;

11           (b) Certification of a reasonable belief in the person's  
12 competency to give evidence;

13           (c) Statement of facts supporting the law enforcement  
14 agency's belief in the accuracy of the evidence; and

15           (d) Any offer made in exchange for the person agreeing to  
16 give evidence.

17           5. The application submitted in subsection 4 of this  
18 section shall be a closed record and not subject to disclosure  
19 under the provisions of chapter 610. Any information contained  
20 in the application, or any other documents, which reveals or  
21 could reveal the location or address of the individual or  
22 individuals who qualify for services under this section shall be  
23 confidential and shall not be disclosed by any entity.

24           568.045. 1. A person commits the offense of endangering  
25 the welfare of a child in the first degree if he or she:

26           (1) Knowingly acts in a manner that creates a substantial  
27 risk to the life, body, or health of a child less than seventeen  
28 years of age; or

1 (2) Knowingly engages in sexual conduct with a person under  
2 the age of seventeen years over whom the person is a parent,  
3 guardian, or otherwise charged with the care and custody;

4 (3) Knowingly encourages, aids or causes a child less than  
5 seventeen years of age to engage in any conduct which violates  
6 the provisions of chapter 571 or chapter 579;

7 (4) In the presence of a child less than seventeen years of  
8 age or in a residence where a child less than seventeen years of  
9 age resides, unlawfully manufactures, or attempts to manufacture  
10 compounds, possesses, produces, prepares, sells, transports,  
11 tests or analyzes amphetamine or methamphetamine or any of their  
12 analogues.

13 2. The offense of endangering the welfare of a child in the  
14 first degree is a class D felony unless the offense:

15 (1) Is committed as part of an act or series of acts  
16 performed by two or more persons as part of an established or  
17 prescribed pattern of activity, or where physical injury to the  
18 child results, or the offense is a second or subsequent offense  
19 under this section, in which case the offense is a class C  
20 felony;

21 (2) Results in serious physical injury to the child, in  
22 which case the offense is a class B felony; or

23 (3) Results in the death of a child, in which case the  
24 offense is a class A felony.

25 571.060. 1. A person commits the offense of unlawful  
26 transfer of weapons if he or she:

27 (1) Knowingly sells, leases, loans, gives away or delivers  
28 a firearm or ammunition for a firearm to any person who, under

1 the provisions of section 571.070, is not lawfully entitled to  
2 possess such;

3 (2) Knowingly sells, leases, loans, gives away, or delivers  
4 any firearm to a person less than eighteen years of age without  
5 the consent of the child's custodial parent or guardian;  
6 provided, that this does not prohibit the delivery of such  
7 weapons to any peace officer or member of the Armed Forces or  
8 National Guard while performing his official duty;

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

18 [(3)] (4) Recklessly, as defined in section 562.016, sells,  
19 leases, loans, gives away or delivers a firearm or ammunition for  
20 a firearm to a person who is intoxicated.

21 2. Unlawful transfer of weapons under [subdivision]  
22 subdivisions (1) or (2) of subsection 1 of this section is a  
23 class E felony; unlawful transfer of weapons under [subdivisions  
24 (2) and] subdivisions (3) or (4) of subsection 1 of this section  
25 is a class A misdemeanor.

26 Section B. Because immediate action is necessary to protect  
27 the citizens of Missouri from violent crime, the enactment of  
28 sections 285.040, 491.016, and 491.641, and the repeal and

1 reenactment of sections 84.344, the second occurrence of section  
2 211.071, and sections 568.045 and 571.060 of section A of this  
3 act is deemed necessary for the immediate preservation of the  
4 public health, welfare, peace, and safety, and is hereby declared  
5 to be an emergency act within the meaning of the constitution,  
6 and the enactment of sections 285.040, 491.016, and 491.641, and  
7 the repeal and reenactment of sections 84.344, the second  
8 occurrence of section 211.071, and sections 568.045 and 571.060  
9 of section A of this act shall be in full force and effect upon  
10 its passage and approval.

11 Section C. The first occurrence of section 211.071 of  
12 section A of this act shall become effective on January 1, 2021.