

## SENATE SUBSTITUTE

FOR

SENATE BILL NO. 1

AN ACT

To repeal sections 84.344, 217.345, 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 ten new sections relating to public safety, with penalty provisions, an emergency clause for certain sections and an effective date for a certain section.

---

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

1           Section A. Sections 84.344, 217.345, 568.045, and 571.060,  
2 RSMo, section 211.071 as enacted by senate bill no. 793 merged  
3 with 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6 assembly, first regular session, are repealed and ten new  
7 sections enacted in lieu thereof, to be known as sections 84.344,  
8 211.071, 211.071, 211.600, 217.345, 285.040, 491.016, 491.641,  
9 568.045, and 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

1 and appropriate transition in the governance of the police force  
2 and provide for an equitable employment transition for  
3 commissioned and civilian personnel.

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

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

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

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

1 to 84.340 that were employed by the board immediately prior to  
2 the date the municipal police force was established. Such  
3 commissioned personnel who previously were employed by the board  
4 may only be involuntarily terminated by the city not within a  
5 county for cause. The city shall also recognize all accrued  
6 years of service that such commissioned and civilian personnel  
7 had with the board of police commissioners. Such personnel shall  
8 be entitled to the same holidays, vacation, and sick leave they  
9 were entitled to as employees of the board of police  
10 commissioners.

11 6. (1) Commencing August 31, 2020, commissioned and  
12 civilian personnel who  ~~[were previously]~~ are employed by the  
13  ~~[board shall continue to]~~ municipal police force established  
14 under this section shall not be subject, throughout their  
15 employment for the city not within a county, to a residency  ~~[rule~~  
16  ~~no more restrictive than a]~~ requirement of retaining a primary  
17 residence in a city not within a county  ~~[for a total of seven~~  
18  ~~years and of then allowing them to maintain a]~~ so long as the  
19 primary residence [outside the city not within a county so long  
20 as the residence] is located within a one-hour response time.  
21 The provisions of this subdivision shall expire on August 31,  
22 2023.

23 (2) Only commissioned and civilian personnel who are hired  
24 after August 31, 2023, by the municipal police force established  
25 under this section may be subject, throughout their employment  
26 for a city not within a county, to a residency rule no more  
27 restrictive than a requirement of retaining a residence in a city  
28 not within a county for a total of seven years and of then

1 allowing them to maintain a primary residence outside the city  
2 not within a county so long as the primary residence is located  
3 within a one-hour response time.

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

10 8. If the city not within a county elects to establish a  
11 municipal police force under this section, the city shall  
12 establish a separate division for the operation of its municipal  
13 police force. The civil service commission of the city may adopt  
14 rules and regulations appropriate for the unique operation of a  
15 police department. Such rules and regulations shall reserve  
16 exclusive authority over the disciplinary process and procedures  
17 affecting commissioned officers to the civil service commission;  
18 however, until such time as the city adopts such rules and  
19 regulations, the commissioned personnel shall continue to be  
20 governed by the board of police commissioner's rules and  
21 regulations in effect immediately prior to the establishment of  
22 the municipal police force, with the police chief acting in place  
23 of the board of police commissioners for purposes of applying the  
24 rules and regulations. Unless otherwise provided for, existing  
25 civil service commission rules and regulations governing the  
26 appeal of disciplinary decisions to the civil service commission  
27 shall apply to all commissioned and civilian personnel. The  
28 civil service commission's rules and regulations shall provide

1 that records prepared for disciplinary purposes shall be  
2 confidential, closed records available solely to the civil  
3 service commission and those who possess authority to conduct  
4 investigations regarding disciplinary matters pursuant to the  
5 civil service commission's rules and regulations. A hearing  
6 officer shall be appointed by the civil service commission to  
7 hear any such appeals that involve discipline resulting in a  
8 suspension of greater than fifteen days, demotion, or  
9 termination, but the civil service commission shall make the  
10 final findings of fact, conclusions of law, and decision which  
11 shall be subject to any right of appeal under chapter 536.

12 9. A city not within a county that establishes and  
13 maintains a municipal police force under this section:

14 (1) Shall provide or contract for life insurance coverage  
15 and for insurance benefits providing health, medical, and  
16 disability coverage for commissioned and civilian personnel of  
17 the municipal police force to the same extent as was provided by  
18 the board of police commissioners under section 84.160;

19 (2) Shall provide or contract for medical and life  
20 insurance coverage for any commissioned or civilian personnel who  
21 retired from service with the board of police commissioners or  
22 who were employed by the board of police commissioners and retire  
23 from the municipal police force of a city not within a county to  
24 the same extent such medical and life insurance coverage was  
25 provided by the board of police commissioners under section  
26 84.160;

27 (3) Shall make available medical and life insurance  
28 coverage for purchase to the spouses or dependents of

1 commissioned and civilian personnel who retire from service with  
2 the board of police commissioners or the municipal police force  
3 and deceased commissioned and civilian personnel who receive  
4 pension benefits under sections 86.200 to 86.366 at the rate that  
5 such dependent's or spouse's coverage would cost under the  
6 appropriate plan if the deceased were living; and

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

11 10. A city not within a county that establishes a municipal  
12 police force under sections 84.343 to 84.346 shall establish a  
13 transition committee of five members for the purpose of:  
14 coordinating and implementing the transition of authority,  
15 operations, assets, and obligations from the board of police  
16 commissioners to the city; winding down the affairs of the board;  
17 making nonbinding recommendations for the transition of the  
18 police force from the board to the city; and other related  
19 duties, if any, established by executive order of the city's  
20 mayor. Once the ordinance referenced in this section is enacted,  
21 the city shall provide written notice to the board of police  
22 commissioners and the governor of the state of Missouri. Within  
23 thirty days of such notice, the mayor shall appoint three members  
24 to the committee, two of whom shall be members of a statewide law  
25 enforcement association that represents at least five thousand  
26 law enforcement officers. The remaining members of the committee  
27 shall include the police chief of the municipal police force and  
28 a person who currently or previously served as a commissioner on

1 the board of police commissioners, who shall be appointed to the  
2 committee by the mayor of such city.

3 211.071. 1. If a petition alleges that a child between the  
4 ages of [twelve] fourteen and eighteen has committed an offense  
5 which would be considered a felony if committed by an adult, the  
6 court may, upon its own motion or upon motion by the juvenile  
7 officer, the child or the child's custodian, order a hearing and  
8 may, in its discretion, dismiss the petition and such child may  
9 be transferred to the court of general jurisdiction and  
10 prosecuted under the general law; except that if a petition  
11 alleges that any child has committed an offense which would be  
12 considered first degree murder under section 565.020, second  
13 degree murder under section 565.021, first degree assault under  
14 section 565.050, forcible rape under section 566.030 as it  
15 existed prior to August 28, 2013, rape in the first degree under  
16 section 566.030, forcible sodomy under section 566.060 as it  
17 existed prior to August 28, 2013, sodomy in the first degree  
18 under section 566.060, first degree robbery under section 569.020  
19 as it existed prior to January 1, 2017, or robbery in the first  
20 degree under section 570.023, [distribution of drugs under  
21 section 195.211 as it existed prior to January 1, 2017, or the  
22 manufacturing of a controlled substance under section 579.055,]  
23 any felony offense under section 571.030, any offense under  
24 section 571.015, or has committed two or more prior unrelated  
25 offenses which would be felonies if committed by an adult, the  
26 court shall order a hearing, and may in its discretion, dismiss  
27 the petition and transfer the child to a court of general  
28 jurisdiction for prosecution under the general law.

1           2. Upon apprehension and arrest, jurisdiction over the  
2 criminal offense allegedly committed by any person between  
3 eighteen and twenty-one years of age over whom the juvenile court  
4 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 or her 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 or her 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 become effective  
17 on January 1, 2021.

18 211.071. 1. If a petition alleges that a child between the  
19 ages of [twelve] fourteen and seventeen has committed an offense  
20 which would be considered a felony if committed by an adult, the  
21 court may, upon its own motion or upon motion by the juvenile  
22 officer, the child or the child's custodian, order a hearing and  
23 may, in its discretion, dismiss the petition and such child may  
24 be transferred to the court of general jurisdiction and  
25 prosecuted under the general law; except that if a petition  
26 alleges that any child has committed an offense which would be  
27 considered first degree murder under section 565.020, second  
28 degree murder under section 565.021, first degree assault under

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

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

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

25 4. Written notification of a transfer hearing shall be  
26 given to the juvenile and his or her custodian in the same manner  
27 as provided in sections 211.101 and 211.111. Notice of the  
28 hearing may be waived by the custodian. Notice shall contain a

1 statement that the purpose of the hearing is to determine whether  
2 the child is a proper subject to be dealt with under the  
3 provisions of this chapter, and that if the court finds that the  
4 child is not a proper subject to be dealt with under the  
5 provisions of this chapter, the petition will be dismissed to  
6 allow for prosecution of the child under the general law.

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

22 6. A written report shall be prepared in accordance with  
23 this chapter developing fully all available information relevant  
24 to the criteria which shall be considered by the court in  
25 determining whether the child is a proper subject to be dealt  
26 with under the provisions of this chapter and whether there are  
27 reasonable prospects of rehabilitation within the juvenile  
28 justice system. These criteria shall include but not be limited

1 to:

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

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

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

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

13 (5) The record and history of the child, including  
14 experience with the juvenile justice system, other courts,  
15 supervision, commitments to juvenile institutions and other  
16 placements;

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

20 (7) The age of the child;

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

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

25 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

24 11. If the court does not dismiss the petition to permit  
25 the child to be prosecuted under the general law, it shall set a  
26 date for the hearing upon the petition as provided in section  
27 211.171.

28 12. The provisions of this section shall expire on December

1 31, 2020.

2 211.600. 1. The office of state courts administrator shall  
3 collect information related to the filing and disposition of  
4 petitions to certify juveniles pursuant to section 211.071.

5 2. The data collected pursuant to this section shall  
6 include the following:

7 (1) The number of certification petitions filed annually;

8 (2) The disposition of certification petitions filed  
9 annually;

10 (3) The offenses for which certification petitions are  
11 filed annually;

12 (4) The race of the juveniles for whom the certification  
13 petitions are filed annually; and

14 (5) The number of juveniles who have waived their right to  
15 counsel.

16 3. The data collected pursuant to this section shall be  
17 made available annually to juvenile officers, judges of the  
18 juvenile courts, juvenile court commissioners, the president pro  
19 tempore of the senate, and the speaker of the house of  
20 representatives.

21 217.345. 1. Correctional treatment programs for [first]  
22 offenders under eighteen years of age in the department shall be  
23 established, subject to the control and supervision of the  
24 director, and shall include such programs deemed necessary and  
25 sufficient for the successful rehabilitation of offenders.

26 2. [Correctional treatment programs for offenders who are  
27 younger than eighteen years of age shall be established, subject  
28 to the control and supervision of the director. By January 1,

1 1998, such] Programs established pursuant to this section shall  
2 include physical separation of offenders who are younger than  
3 eighteen years of age from offenders who are eighteen years of  
4 age or older and shall include educational programs that award a  
5 high school diploma or its equivalent.

6 3. [The department shall have the authority to promulgate  
7 rules pursuant to subsection 2 of section 217.378 to establish  
8 correctional treatment programs for offenders under age eighteen.  
9 Such rules may include:

10 (1) Establishing separate housing units for such offenders;  
11 and

12 (2) Providing housing and program space in existing housing  
13 units for such offenders that is not accessible to adult  
14 offenders.

15 4. The department shall have the authority to determine the  
16 number of juvenile offenders participating in any treatment  
17 program depending on available appropriations.] The department  
18 may contract with any private or public entity for the provision  
19 of services and facilities for offenders under age eighteen. The  
20 department shall apply for and accept available federal, state  
21 and local public funds including project demonstration funds as  
22 well as private moneys to fund such services and facilities.

23 [5.] 4. The department shall develop and implement an  
24 evaluation process for all juvenile offender programs.

25 285.040. 1. As used in this section, "public safety  
26 employee" shall mean a person trained or authorized by law or  
27 rule to render emergency medical assistance or treatment,  
28 including, but not limited to, firefighters, ambulance attendants

1 and attendant drivers, emergency medical technicians, emergency  
2 medical technician paramedics, dispatchers, registered nurses and  
3 physicians, and persons who are vested with the power of arrest  
4 for criminal code violations including, but not limited to,  
5 sheriffs and deputy sheriffs.

6 2. No public safety employee of any city not within a  
7 county shall be subject, throughout their employment, to a  
8 residency requirement of retaining a primary residence in a city  
9 not within a county so long as the primary residence is located  
10 within a one-hour response time.

11 3. Public safety employees who are hired after August 31,  
12 2023, by a city not within a county throughout their employment  
13 for the city not within a county, may be subject to a residence  
14 rule no more restrictive than a requirement of retaining a  
15 residence in a city not within a county for a total a seven years  
16 and of then allowing them to maintain a primary residence outside  
17 the city not within a county so long as the primary residence is  
18 located within a one-hour response time.

19 491.016. A statement made by a witness, that is not  
20 otherwise admissible, is admissible in evidence in a criminal  
21 proceeding in the courts of this state as substantive evidence to  
22 prove the truth of the matter asserted if the court finds by  
23 preponderance of the evidence, in a hearing conducted outside the  
24 presence of the jury and before the case is submitted to the  
25 jury, that the defendant engaged in or acquiesced to wrongdoing,  
26 with the purpose of preventing the witness from testifying in any  
27 proceeding and the witness fails to appear.

28 491.641. 1. (1) There is hereby created in the state

1 treasury the "Pretrial Witness Protection Services Fund", which  
2 shall consist of moneys collected under this section. The state  
3 treasurer shall be custodian of the fund. In accordance with  
4 sections 30.170 and 30.180, the state treasurer may approve  
5 disbursements. The fund shall be a dedicated fund and money in  
6 the fund shall be used solely by the department of public safety  
7 for the purposes of witness protection services pursuant to this  
8 section.

9 (2) Notwithstanding the provisions of section 33.080 to the  
10 contrary, any moneys remaining in the fund at the end of the  
11 biennium shall not revert to the credit of the general revenue  
12 fund.

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

16 2. Any law enforcement agency may provide for the security  
17 of witnesses, potential witnesses, and their immediate families  
18 in criminal proceedings instituted or investigations pending  
19 against a person alleged to have engaged in a violation of state  
20 law. Providing for witnesses may include provision of housing  
21 facilities and for the health, safety, and welfare of such  
22 witnesses and their immediate families, if testimony by such a  
23 witness might subject the witness or a member of his or her  
24 immediate family to danger of bodily injury, and may continue so  
25 long as such danger exists. Subject to appropriations from the  
26 general assembly for the purposes provided for in this section,  
27 funds may be appropriated from the pretrial witness protection  
28 services fund.

1       3. The department of public safety may authorize funds to  
2 be disbursed to law enforcement agencies for the purchase,  
3 rental, or modification of protected housing facilities for the  
4 purpose of this section. The law enforcement agency may contract  
5 with any department of federal or state government to obtain or  
6 to provide the facilities or services to carry out this section.

7       4. The department of public safety may authorize  
8 expenditures for law enforcement agencies to provide for the  
9 health, safety, and welfare of witnesses and victims, and the  
10 families of such witnesses and victims, whenever testimony from,  
11 or a willingness to testify by, such a witness or victim would  
12 place the life of such person, or a member of his or her family  
13 or household, in jeopardy. A law enforcement agency shall submit  
14 an application to the department of public safety which shall  
15 include, but not necessarily be limited to:

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

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

21       (3) Statement of the projected costs over a specified  
22 period of time;

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

25       (a) Brief statement of the anticipated evidence;

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

28       (c) Statement of facts supporting the law enforcement

1 agency's belief in the accuracy of the evidence; and

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

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

11 568.045. 1. A person commits the offense of endangering  
12 the welfare of a child in the first degree if he or she:

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

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

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

22 (4) In the presence of a child less than seventeen years of  
23 age or in a residence where a child less than seventeen years of  
24 age resides, unlawfully manufactures, or attempts to manufacture  
25 compounds, possesses, produces, prepares, sells, transports,  
26 tests or analyzes amphetamine or methamphetamine or any of their  
27 analogues.

28 2. The offense of endangering the welfare of a child in the

1 first degree is a class D felony unless the offense:

2 (1) Is committed as part of an act or series of acts  
3 performed by two or more persons as part of an established or  
4 prescribed pattern of activity, or where physical injury to the  
5 child results, or the offense is a second or subsequent offense  
6 under this section, in which case the offense is a class C  
7 felony;

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

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

12 571.060. 1. A person commits the offense of unlawful  
13 transfer of weapons if he or she:

14 (1) Knowingly sells, leases, loans, gives away or delivers  
15 a firearm or ammunition for a firearm to any person who, under  
16 the provisions of section 571.070, is not lawfully entitled to  
17 possess such;

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

24 (3) Knowingly sells, leases, loans, gives away or delivers  
25 a blackjack to a person less than eighteen years old without the  
26 consent of the child's custodial parent or guardian, or  
27 recklessly, as defined in section 562.016, [sells, leases, loans,  
28 gives away or delivers any firearm to a person less than eighteen

1 years old without the consent of the child's custodial parent or  
2 guardian; provided, that this does not prohibit the delivery of  
3 such weapons to any peace officer or member of the Armed Forces  
4 or National Guard while performing his official duty]; or

5 [(3)] (4) Recklessly, as defined in section 562.016, sells,  
6 leases, loans, gives away or delivers a firearm or ammunition for  
7 a firearm to a person who is intoxicated.

8 2. Unlawful transfer of weapons under [subdivision]  
9 subdivisions (1) or (2) of subsection 1 of this section is a  
10 class E felony; unlawful transfer of weapons under [subdivisions  
11 (2) and] subdivisions (3) or (4) of subsection 1 of this section  
12 is a class A misdemeanor.

13 Section B. Because immediate action is necessary to protect  
14 the citizens of Missouri from violent crime, the enactment of  
15 sections 211.600, 285.040, 491.016, and 491.641, and the repeal  
16 and reenactment of sections 84.344, the second occurrence of  
17 section 211.071, and sections 217.345, 568.045 and 571.060 of  
18 section A of this act is deemed necessary for the immediate  
19 preservation of the public health, welfare, peace, and safety,  
20 and is hereby declared to be an emergency act within the meaning  
21 of the constitution, and the enactment of sections 211.600,  
22 285.040, 491.016, and 491.641, and the repeal and reenactment of  
23 sections 84.344, the second occurrence of section 211.071, and  
24 sections 217.345, 568.045 and 571.060 of section A of this act  
25 shall be in full force and effect upon its passage and approval.

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