

FIRST EXTRAORDINARY SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE NO. 3 FOR

# SENATE BILL NO. 1

100TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR LIBLA.

Offered August 6, 2020.

Senate Substitute No. 3 adopted August 6, 2020.

Taken up for Perfection August 6, 2020. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

5789S.07P

---

---

## 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:*

Section A. Sections 84.344, 217.345, 568.045, and 571.060, RSMo, section  
2 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-  
3 ninth general assembly, second regular session, and section 211.071 as enacted  
4 by house bill no. 215 merged with senate bill no. 36, ninety-seventh general  
5 assembly, first regular session, are repealed and ten new sections enacted in lieu  
6 thereof, to be known as sections 84.344, 211.071, 211.071, 211.600, 217.345,  
7 285.040, 491.016, 491.641, 568.045, and 571.060, to read as follows:

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

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

6 equitable employment transition for commissioned and civilian personnel.

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

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

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

23           5. A city not within a county that establishes a municipal police force  
24 shall initially employ, without a reduction in rank, salary, or benefits, all  
25 commissioned and civilian personnel of the board of police commissioners created  
26 under sections 84.010 to 84.340 that were employed by the board immediately  
27 prior to the date the municipal police force was established. Such commissioned  
28 personnel who previously were employed by the board may only be involuntarily  
29 terminated by the city not within a county for cause. The city shall also recognize  
30 all accrued years of service that such commissioned and civilian personnel had  
31 with the board of police commissioners. Such personnel shall be entitled to the  
32 same holidays, vacation, and sick leave they were entitled to as employees of the  
33 board of police commissioners.

34           6. **(1) Commencing August 31, 2020**, commissioned and civilian  
35 personnel who [were previously] **are** employed by the [board shall continue to]  
36 **municipal police force established under this section shall not** be subject,  
37 throughout their employment for the city not within a county, to a residency [rule  
38 no more restrictive than a] requirement of retaining a primary residence in a city  
39 not within a county [for a total of seven years and of then allowing them to  
40 maintain a] **so long as the** primary residence [outside the city not within a  
41 county so long as the residence] is located within a one-hour response time. **The**

42 **provisions of this subdivision shall expire on August 31, 2023.**

43 **(2) Only commissioned and civilian personnel who are hired**  
44 **after August 31, 2023, by the municipal police force established under**  
45 **this section may be subject, throughout their employment for a city not**  
46 **within a county, to a residency rule no more restrictive than a**  
47 **requirement of retaining a residence in a city not within a county for**  
48 **a total of seven years and of then allowing them to maintain a primary**  
49 **residence outside the city not within a county so long as the primary**  
50 **residence is located within a one-hour response time.**

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

56 8. If the city not within a county elects to establish a municipal police  
57 force under this section, the city shall establish a separate division for the  
58 operation of its municipal police force. The civil service commission of the city  
59 may adopt rules and regulations appropriate for the unique operation of a police  
60 department. Such rules and regulations shall reserve exclusive authority over  
61 the disciplinary process and procedures affecting commissioned officers to the  
62 civil service commission; however, until such time as the city adopts such rules  
63 and regulations, the commissioned personnel shall continue to be governed by the  
64 board of police commissioner's rules and regulations in effect immediately prior  
65 to the establishment of the municipal police force, with the police chief acting in  
66 place of the board of police commissioners for purposes of applying the rules and  
67 regulations. Unless otherwise provided for, existing civil service commission  
68 rules and regulations governing the appeal of disciplinary decisions to the civil  
69 service commission shall apply to all commissioned and civilian personnel. The  
70 civil service commission's rules and regulations shall provide that records  
71 prepared for disciplinary purposes shall be confidential, closed records available  
72 solely to the civil service commission and those who possess authority to conduct  
73 investigations regarding disciplinary matters pursuant to the civil service  
74 commission's rules and regulations. A hearing officer shall be appointed by the  
75 civil service commission to hear any such appeals that involve discipline resulting  
76 in a suspension of greater than fifteen days, demotion, or termination, but the  
77 civil service commission shall make the final findings of fact, conclusions of law,

78 and decision which shall be subject to any right of appeal under chapter 536.

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

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

85           (2) Shall provide or contract for medical and life insurance coverage for  
86 any commissioned or civilian personnel who retired from service with the board  
87 of police commissioners or who were employed by the board of police  
88 commissioners and retire from the municipal police force of a city not within a  
89 county to the same extent such medical and life insurance coverage was provided  
90 by the board of police commissioners under section 84.160;

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

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

100           10. A city not within a county that establishes a municipal police force  
101 under sections 84.343 to 84.346 shall establish a transition committee of five  
102 members for the purpose of: coordinating and implementing the transition of  
103 authority, operations, assets, and obligations from the board of police  
104 commissioners to the city; winding down the affairs of the board; making  
105 nonbinding recommendations for the transition of the police force from the board  
106 to the city; and other related duties, if any, established by executive order of the  
107 city's mayor. Once the ordinance referenced in this section is enacted, the city  
108 shall provide written notice to the board of police commissioners and the governor  
109 of the state of Missouri. Within thirty days of such notice, the mayor shall  
110 appoint three members to the committee, two of whom shall be members of a  
111 statewide law enforcement association that represents at least five thousand law  
112 enforcement officers. The remaining members of the committee shall include the  
113 police chief of the municipal police force and a person who currently or previously

114 served as a commissioner on the board of police commissioners, who shall be  
115 appointed to the committee by the mayor of such city.

211.071. 1. If a petition alleges that a child between the ages of [twelve]  
2 **fourteen** and eighteen has committed an offense which would be considered a  
3 felony if committed by an adult, the court may, upon its own motion or upon  
4 motion by the juvenile officer, the child or the child's custodian, order a hearing  
5 and may, in its discretion, dismiss the petition and such child may be transferred  
6 to the court of general jurisdiction and prosecuted under the general law; except  
7 that if a 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 a  
16 controlled substance under section 579.055,] **any felony offense under section**  
17 **571.030, any offense under section 571.015**, or has committed two or more  
18 prior unrelated offenses which would be felonies if committed by an adult, the  
19 court shall order a hearing, and may in its discretion, dismiss the petition and  
20 transfer the child to a court of general jurisdiction for prosecution under the  
21 general law.

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

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

32 4. Written notification of a transfer hearing shall be given to the juvenile  
33 and his or her custodian in the same manner as provided in sections 211.101 and  
34 211.111. Notice of the hearing may be waived by the custodian. Notice shall

35 contain a statement that the purpose of the hearing is to determine whether the  
36 child is a proper subject to be dealt with under the provisions of this chapter, and  
37 that if the court finds that the child is not a proper subject to be dealt with under  
38 the provisions of this chapter, the petition will be dismissed to allow for  
39 prosecution of the child under the general law.

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

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

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

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

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

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

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

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

71 and pattern of living;

72 (7) The age of the child;

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

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

77 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

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

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

211.071. 1. If a petition alleges that a child between the ages of [twelve]  
2 **fourteen** and seventeen has committed an offense which would be considered a

3 felony if committed by an adult, the court may, upon its own motion or upon  
4 motion by the juvenile officer, the child or the child's custodian, order a hearing  
5 and may, in its discretion, dismiss the petition and such child may be transferred  
6 to the court of general jurisdiction and prosecuted under the general law; except  
7 that if a 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 570.023, [or] **any felony offense under section**  
14 **571.030, any offense under section 571.015,** [distribution of drugs under  
15 section 579.055,] or has committed two or more prior unrelated offenses which  
16 would be felonies if committed by an adult, the court shall order a hearing, and  
17 may in its discretion, dismiss the petition and transfer the child to a court of  
18 general jurisdiction for prosecution 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 expire on December 31,**  
101 **2020.**

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

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

**6           (1) The number of certification petitions filed annually;**

**7           (2) The disposition of certification petitions filed annually;**

**8           (3) The offenses for which certification petitions are filed**  
**9 annually;**

10           **(4) The race of the juveniles for whom the certification petitions**  
11 **are filed annually; and**

12           **(5) The number of juveniles who have waived their right to**  
13 **counsel.**

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

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

5           2. [Correctional treatment programs for offenders who are younger than  
6 eighteen years of age shall be established, subject to the control and supervision  
7 of the director. By January 1, 1998, such] Programs **established pursuant to**  
8 **this section** shall include physical separation of offenders who are younger than  
9 eighteen years of age from offenders who are eighteen years of age or older **and**  
10 **shall include educational programs that award a high school diploma**  
11 **or its equivalent.**

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

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

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

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

25           [5.] 4. The department shall develop and implement an evaluation  
26 process for all juvenile offender programs.

**285.040. 1. As used in this section, "public safety employee" shall**  
2 **mean a person trained or authorized by law or rule to render**

3 emergency medical assistance or treatment, including, but not limited  
4 to, firefighters, ambulance attendants and attendant drivers, emergency  
5 medical technicians, emergency medical technician paramedics,  
6 dispatchers, registered nurses and physicians, and persons who are  
7 vested with the power of arrest for criminal code violations including,  
8 but not limited to, sheriffs and deputy sheriffs.

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

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

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

491.641. 1. (1) There is hereby created in the state treasury the  
2 "Pretrial Witness Protection Services Fund", which shall consist of  
3 moneys collected under this section. The state treasurer shall be  
4 custodian of the fund. In accordance with sections 30.170 and 30.180,  
5 the state treasurer may approve disbursements. The fund shall be a  
6 dedicated fund and money in the fund shall be used solely by the  
7 department of public safety for the purposes of witness protection  
8 services pursuant to this 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 biennium  
11 shall not revert to the credit of the general revenue fund.

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

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

27           **3. The department of public safety may authorize funds to be**  
28 **disbursed to law enforcement agencies for the purchase, rental, or**  
29 **modification of protected housing facilities for the purpose of this**  
30 **section. The law enforcement agency may contract with any**  
31 **department of federal or state government to obtain or to provide the**  
32 **facilities or services to carry out this section.**

33           **4. The department of public safety may authorize expenditures**  
34 **for law enforcement agencies to provide for the health, safety, and**  
35 **welfare of witnesses and victims, and the families of such witnesses and**  
36 **victims, whenever testimony from, or a willingness to testify by, such**  
37 **a witness or victim would place the life of such person, or a member of**  
38 **his or her family or household, in jeopardy. A law enforcement agency**  
39 **shall submit an application to the department of public safety which**  
40 **shall include, but not necessarily be limited to:**

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

42           **(2) Precise methods the originating agency will use to provide**  
43 **protection, including relocation of persons and reciprocal agreements**  
44 **with other law enforcement agencies;**

45           **(3) Statement of the projected costs over a specified period of**  
46 **time;**

47           **(4) If the requesting agency expects the person to provide**  
48 **evidence in any court of competent jurisdiction:**

- 49           **(a) Brief statement of the anticipated evidence;**  
50           **(b) Certification of a reasonable belief in the person's**  
51 **competency to give evidence;**  
52           **(c) Statement of facts supporting the law enforcement agency's**  
53 **belief in the accuracy of the evidence; and**  
54           **(d) Any offer made in exchange for the person agreeing to give**  
55 **evidence.**

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

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

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

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

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

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

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

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

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

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

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

3 (1) Knowingly sells, leases, loans, gives away or delivers a firearm or  
4 ammunition for a firearm to any person who, under the provisions of section  
5 571.070, is not lawfully entitled to possess such;

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

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

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

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

Section B. Because immediate action is necessary to protect the citizens  
2 of Missouri from violent crime, the enactment of sections 211.600, 285.040,  
3 491.016, and 491.641, and the repeal and reenactment of section 84.344, the  
4 second occurrence of section 211.071, and sections 217.345, 568.045, and 571.060  
5 of section A of this act is deemed necessary for the immediate preservation of the  
6 public health, welfare, peace, and safety, and is hereby declared to be an  
7 emergency act within the meaning of the constitution, and the enactment of  
8 sections 211.600, 285.040, 491.016, and 491.641, and the repeal and reenactment  
9 of section 84.344, the second occurrence of section 211.071, and sections 217.345,

10 568.045, and 571.060 of section A of this act shall be in full force and effect upon  
11 its passage and approval.

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

✓

Unofficial

Bill

Copy