

Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

ELEVENTH DAY—WEDNESDAY, SEPTEMBER 2, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Take care that you do not forget the Lord your God.” (Deuteronomy 8:11a)

O Lord as we gather to do that which is necessary in concluding our work here this day we do so knowing You have blessed us with Your guidance and care. We are grateful for Your presence in our lives and mindful of our need and dependence on You our God. We ask that You will continue to watch our “going out and coming in,” and may we seek Your will for us as we travel the path You have laid out before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Sater, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HB 11**; **HCS** for **HB 16**, with **SCS**; and **HB 66**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF HOUSE BILLS

HB 66, introduced by Representative Patterson, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs, with an emergency clause.

Was taken up by Senator Luetkemeyer.

On motion of Senator Luetkemeyer, **HB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Cunningham—1

Vacancies—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
May	Nasheed	O’Laughlin	Onder	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senators—None

Absent—Senator Riddle—1

Absent with leave—Senator Cunningham—1

Vacancies—3

On motion of Senator Luetkemeyer, title to the bill was agreed to.

Senator Luetkemeyer moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 46, entitled:

An Act to repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to residency requirements for certain municipal personnel, with an emergency clause.

Was taken up by Senator Libla.

On motion of Senator Libla, **HCS for HB 46** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	O’Laughlin
Onder	Riddle	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland—25			

NAYS—Senators

Arthur	May	Nasheed	Rizzo	Williams—5
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Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
O’Laughlin	Onder	Riddle	Rowden	Sater	Schatz	Schupp
Wallingford	Walsh	White	Wieland—25			

NAYS—Senators

May	Nasheed	Rizzo	Sifton	Williams—5
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Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—3

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HB 11, introduced by Representative Schroer, entitled:

An Act to repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child in the first degree, with penalty provisions and an emergency clause.

Was taken up by Senator Libla.

Senator Hough assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend House Bill No. 11, Page 1, Section 568.045, Line 12, by striking the opening and closing brackets and bolded word on said line.

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

On motion of Senator Libla, **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senator Burlison—1

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer	May
Nasheed	O’Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senator Burlison—1

Absent—Senators—None

Absent with leave—Senator Cunningham—1

Vacancies—3

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

HCS for HB 2, entitled:

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to forfeiture by wrongdoing, with and emergency clause.

Was taken up by Senator Libla.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 2, Page 1, In the Title, Lines 2-3, by striking the words “forfeiture by wrongdoing” and inserting in lieu thereof the following: “criminal procedure”; and

Further amend said bill and page, Section A, line 2, by inserting after all of said line the following:

“27.120. 1. The provisions of this section shall apply to any city not within a county.

2. The attorney general shall have authority to prosecute under the provisions of this section if:

(1) A written request of the attorney general has been made by the chief law enforcement officer of the investigative agency for the alleged criminal offense or offenses;

(2) Ninety days or more have passed since the alleged commission of a violation of section 565.020 or 565.021; and

(3) A complaint, information, or indictment charging a violation of sections 565.020 or 565.021 has not been filed or has been filed and dismissed.

3. The attorney general may commence and prosecute any alleged violation of section 565.020 or 565.021 by filing a complaint, information, or indictment. If the attorney general commences and prosecutes an action pursuant to this section, he or she may commence and prosecute any additional violation that was part of the same course of conduct as the violation of section 565.020 or 565.021.

4. If the attorney general commences and prosecutes an action pursuant to this section, the attorney general shall exercise all authority, duties, rights, and responsibilities in the matter exclusive of any circuit attorney. No circuit attorney shall have the authority to commence, prosecute, dismiss, or otherwise effect any criminal action if the attorney general commences and prosecutes an action under this section and the circuit attorney shall, within fifteen days of the attorney general commencing prosecution under this section, transmit to the attorney general all materials collected or prepared by the circuit attorney related to the alleged criminal violation or violations.

5. In all such proceedings authorized under this section, the attorney general may appear in person or by appointing his or her assistant attorneys general before any court of record or grand jury and exercise all the powers and perform all the duties in respect to such actions or proceedings

which a circuit attorney would otherwise be authorized or required to exercise or perform.

6. Upon any conviction by the attorney general pursuant to this section, he or she shall have exclusive authority to represent the state in all post-conviction relief proceedings under sections 547.360 and 547.370. The attorney general shall exercise all the powers and perform all the duties in respect to such actions and proceedings which a circuit attorney would otherwise be authorized or required to exercise or perform under sections 547.360 and 547.370.

7. The provisions of this section shall apply to criminal offenses occurring before or after the effective date of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Sifton raised the point of order that **SA 1** is out of order as it goes beyond the scope and original purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem Schatz assumed the Chair.

Senator Hough assumed the Chair.

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

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 1, Section 27.120, Line 13, by striking the words “days or more” and inserting in lieu thereof the following: **“but not more than one hundred and twenty days”**.

Senator Nasheed moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

President Pro Tem Schatz assumed the Chair.

At the request of Senator Nasheed, the above amendment was withdrawn.

Senator Nasheed offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 1, Section 27.120, Lines 6-7, by striking the words “1. The provisions of this section shall apply to any city not within a county.”; and

Further amend said amendment, page 2, line 7, by inserting after the first use of the word “circuit” the following: **“or prosecuting”**; and further amend said line by inserting after the second use of the word “circuit” the following: **“or prosecuting”**; and further amend line 11, by inserting after the word “circuit” the following: **“or prosecuting”**; and further amend line 14, by inserting after the word “circuit” the following: **“or prosecuting”**; and further amend line 20, by inserting after the word “circuit” the following: **“or prosecuting”**; and further amend line 28, by inserting after the word “circuit” the following: **“or**

prosecuting”; and

Further renumber the remaining subsections accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

President Kehoe assumed the Chair.

Senator Nasheed offered **SA 2 to SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 1, Section 27.120, Line 7, by striking the words “city within a county” and inserting in lieu thereof the following: “**the prosecuting attorney with jurisdiction over any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**”; and

Further amend said amendment, page 2, line 7, by striking the first use of the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend said line by striking the second use of the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 11, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 14, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 20, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 28, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”.

Senator Nasheed moved that the above amendment be adopted, which motion failed.

Senator Nasheed offered **SA 3 to SA 1**:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 1, Section 27.120, Line 7, by striking the words “city within a county” and inserting in lieu thereof the following: “**the prosecuting attorney with jurisdiction over any city of the fourth classification with more than ten thousand but fewer than eleven thousand four hundred inhabitants and located in more than one county**”; and

Further amend said amendment, page 2, line 7, by striking the first use of the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend said line by striking the second use of the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 11, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 14, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 20, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”; and further amend line 28, by striking the word “circuit” and inserting in lieu thereof the following: “**prosecuting**”.

Senator Nasheed moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

Senator Emery raised the point of order that **SA 3 to SA 1** is out of order as it exceeds the scope of the Governor's Extra Session call.

President Kehoe assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Nasheed offered **SA 4 to SA 1**:

SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 1, Section 27.120, Line 7, by striking the words "city within a county" and inserting in lieu thereof the following: "**any prosecuting attorney with jurisdiction over any city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants**"; and

Further amend said amendment, page 2, line 7, by striking the first use of the word "circuit" and inserting in lieu thereof the following: "**prosecuting**"; and further amend said line by striking the second use of the word "circuit" and inserting in lieu thereof the following: "**prosecuting**"; and further amend line 11, by striking the word "circuit" and inserting in lieu thereof the following: "**prosecuting**"; and further amend line 14, by striking the word "circuit" and inserting in lieu thereof the following: "**prosecuting**"; and further amend line 20, by striking the word "circuit" and inserting in lieu thereof the following: "**prosecuting**"; and further amend line 28, by striking the word "circuit" and inserting in lieu thereof the following: "**prosecuting**".

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Nasheed offered **SA 5 to SA 1**:

SENATE AMENDMENT NO. 5 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill No. 2, Page 3, Section 27.120, Line 4, by inserting after the word "section." the following: "

8. Nothing in this section shall be construed to prevent the circuit attorney from engaging in legal action to remedy wrongful convictions."

Senator Nasheed moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 5 to SA 1** is out of order as it exceeds the scope of the Governor's Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Libla, **HCS for HB 2**, with **SA 1** and **SA 5 to SA 1** (pending), was placed on the Informal Calendar.

HCS for HB 16, with **SCS**, entitled:

An Act to repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the

offense of unlawful transfer of weapons, with penalty provisions and an emergency clause.

Was taken up by Senator Libla.

SCS for HCS for **HB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 16

An Act to repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful transfer of weapons, with penalty provisions.

Was taken up.

Senator Libla moved that **SCS** for **HCS** for **HB 16** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section A, Line 2, by inserting after all of said line the following:

“571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015; **or**

(12) Carries a concealed firearm upon or about his or her person or any other weapon capable of lethal use into a city not within a county, unless he or she has a valid concealed carry permit pursuant to section 571.101 to 571.121. The provisions of this subdivision shall expire on August 31, 2023.

2. Subdivisions (1), (8), [and] (10), **and (12)** of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney

or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), [and] (10), **and (12)** of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), [and] (10), **and (12)** of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity

sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), [or] (11), **or (12)** of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section “qualified retired peace officer” means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Riddle raised the point of order that **SA 1** is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, In the Title, Line 3, by striking “the offense of unlawful transfer of weapons” and inserting in lieu thereof the following: “public safety”; and

Further amend said bill, page 1, section A, line 2, by inserting after all of said line the following:

“211.211. 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child

making the request is indigent.

3. **(1)** When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court shall appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; **except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section.**

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his **or her** client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his **or her** custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his **or her** custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his **or her** right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:

- (1) At a detention hearing under Missouri supreme court rule 127.08;**
- (2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;**
- (3) At an adjudication hearing under Missouri supreme court rule 128.02 for any misdemeanor or felony offense, including the acceptance of an admission;**

(4) At a dispositional hearing under Missouri supreme court rule 128.03; or

(5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 2** is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Crawford assumed the Chair.

Senator Burlison offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section 571.060, Line 16, by striking “loans” and inserting in lieu thereof the following: **“lends”**.

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

Senator Sifton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section 571.060, Line 9, by inserting after “alleged” the following: **“felony offense if the person charged under this subdivision has been convicted of or pleads guilty or nolo contendere to the”**.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Emery offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section 571.060, Line 15, by inserting after “duty” the following: **“. The provisions of this subdivision shall not apply to any person within the third degree of consanguinity to the child if such person reasonably believes that he or she has the consent of the child’s custodial parent or guardian”**; and

Further amend said bill and section, Page 2, Line 20, by inserting after “duty” the following: **“. The provisions of this subdivision shall not apply to any person within the third degree of consanguinity to the child if such person reasonably believes that he or she has the consent of the child’s custodial parent or guardian”**.

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

Senator Libla offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, In the Title, Line 3, by striking the words “the offense of unlawful transfer of weapons” and inserting in lieu thereof the following: **“public safety”**; and

Further amend said bill and page, Section A, line 2, by inserting after all of said line the following:

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

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

- (1) The number of certification petitions filed annually;**
- (2) The disposition of certification petitions filed annually;**
- (3) The offenses for which certification petitions are filed annually;**
- (4) The race of the juveniles for whom the certification petitions are filed annually; and**
- (5) The number of juveniles who have waived their right to counsel.**

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

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

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

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

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

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

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

[5.] **4. The department shall develop and implement an evaluation process for all juvenile offender programs.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Schupp offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, In the Title, Line 3 of the title, by striking “the offense of unlawful transfer of weapons” and inserting in lieu thereof the following: “the sale or transfer of weapons”; and

Further amend said bill, Page 2, Section 571.060, Line 28, by inserting after all of said line the following:

“571.200. As used in section 571.202, the following terms shall mean:

(1) “Law enforcement officer”, any person employed by the United States, or a state, county, city, municipality, village, township, or other political subdivision as a police officer, peace officer, or in some like position involving the enforcement of the law and protection of the public interest;

(2) “Licensed firearms dealer”, “licensed dealer”, or “dealer”, a person who has a valid federal firearms dealer license and all additional licenses required by state or local law to engage in the business of selling or transferring firearms;

(3) “Person”, any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other entity.

571.202. 1. This section shall be known and cited as the “Violent History Checks Act.”

2. No person shall sell or otherwise transfer a firearm, including selling or transferring a firearm via the internet, unless:

(1) Such person is a licensed firearms dealer;

(2) The purchaser or other transferee is a licensed firearms dealer; or

(3) The requirements of subsections 3 or 4 of this section are met.

3. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties to the transaction shall complete the sale or other transfer through a licensed firearms dealer as follows:

(1) The dealer shall process the sale or other transfer as if he or she were the seller or other transferor. The dealer shall comply with all requirements of federal, state, and local law that would apply if he or she were the seller or other transferor of the firearm;

(2) The dealer shall conduct a violent history check on the purchaser or other transferee in accordance with 18 U.S.C. Section 922(t), and state and local law and, if the transaction is not prohibited, deliver the firearm to that person after all other legal requirements are met; and

(3) The dealer may require the purchaser or other transferee to pay a fee covering the administrative costs incurred by the dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal, state, and local law.

4. A trustee, under the authority of a trust, or a personal representative, executor, or administrator of an estate shall, before transferring any firearm to an heir or devisee, complete the transfer through a licensed dealer according to the provisions of subdivisions (1) and (2) of subsection 3 of this section. If the transaction is prohibited, then the heir or devisee may authorize a transfer of a firearm to a specific individual to whom the transaction is not prohibited, or the dealer may sell the

firearm and give the proceeds to the heir or devisee.

5. Notwithstanding any provision of law to the contrary, neither the state nor any political subdivision shall require any federally licensed firearms dealer to supply a list of all of his or her transactions conducted under the provisions of subsections 2 or 3 of this section. All records shall be maintained by the licensed dealer in accordance with federal law.

6. The provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any law enforcement or corrections agency, or law enforcement or corrections officer acting within the course and scope of his or her employment or official duties;

(2) A United States Marshal or member of the Armed Forces of the United States or the National Guard, or a federal official transferring or receiving a firearm as required in the operation of his or her official duties;

(3) A gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the gunsmith;

(4) A common carrier, warehouseman, or other person engaged in the business of transportation or storage, to the extent that the receipt of any firearm is in the ordinary course of business and not for the personal use of any such person;

(5) A person who is loaned a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility, and the firearm is at all times kept within the premises of the target range;

(6) A person who is under eighteen years of age who is loaned a firearm for lawful hunting or sporting purposes or for any other lawful recreational activity while under the direct supervision and control of a responsible adult; or

(7) A person who is eighteen years of age or older who is loaned a firearm while the person is accompanying the lawful owner and using the firearm for lawful hunting or sporting purposes or for any other lawful recreational activity.

7. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for a period not exceeding six months, or both. Such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this section is committed or continued by such person and shall be punished accordingly.

8. In addition to any other penalty or remedy, the investigating law enforcement agency shall report any violation of this section committed by a licensed firearms dealer to the attorney general who shall, in turn, report the violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the United States Department of Justice.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Luetkemeyer raised the point of order that SA 7 is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator May offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, In the Title, Line 3, by striking “the offense of unlawful transfer of weapons” and inserting in lieu thereof the following: “public safety”; and

Further amend said bill, page 2, section 571.060, line 28, by inserting after all of said line the following:

“571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; [or]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent; or

(3) Such person is subject to an extreme risk order of protection as such term is defined in section 571.074.

2. Unlawful possession of a firearm is a class D felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

571.074. 1. This section creates an extreme risk order of protection to provide due process procedures for keeping guns out of the hands of those who may harm themselves or others. The court may grant an extreme risk order of protection provided that:

(1) A petition for an extreme risk order of protection shall:

(a) Allege that the respondent poses a significant danger of causing personal injury to self or others by: having in his or her custody or control, purchasing, possessing, or receiving a firearm, and be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent’s current ownership, possession, custody, or control;

(c) Identify whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition under the laws of Missouri;

(d) Identify if petitioner has actual knowledge that respondent carries a firearm as a condition of respondent’s employment;

(2) Upon the filing of a petition seeking an extreme risk order of protection and if petitioner proves by a preponderance of the evidence that an immediate and significant danger exists of the respondent causing personal injury to self or others by: having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall immediately issue an ex parte order of protection. An ex parte order shall be entered by the court on the same day as the filing or the next day the court is in session. The ex parte order takes effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the petition;

(3) Upon issuance of any ex parte order of protection under subdivision (2) of this subsection, the court shall order the respondent to surrender to the local law enforcement agency where the respondent resides, all firearms in the respondent's custody, control, or possession. The law enforcement officer serving any ex parte order of protection shall provide the respondent to the order an opportunity to comply with the order by surrendering all firearms in his or her custody, control, or possession. If the respondent does not comply, the law enforcement officer serving the order shall conduct a lawful search and seizure of any firearms of the respondent and in any area where probable cause exists that a firearm to be surrendered pursuant to the order is located. The law enforcement agency shall hold all surrendered firearms until a hearing is held on the petition for the extreme risk order of protection.

(4) Upon receiving a petition seeking an extreme risk order of protection, the court shall conduct a hearing on whether to issue the order within fourteen days after the petition is filed.

The court shall make as many as three good faith attempts to notify the respondent of the hearing once the petition is filed for the purpose of providing the respondent the opportunity to be present and represent him or herself at the hearing. Notice may be made by phone, email, certified mail, or court summons. The court shall maintain a record of each attempt;

(5) At the hearing, if the petitioner has proved the allegation that the respondent poses a significant danger to him or herself or others by clear and convincing evidence, the court shall issue a full extreme risk order of protection for a period of time of one year;

(6) The court clerk or administrator shall verify the terms of any existing order governing the parties. The court shall not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A petition for an extreme risk protection order shall be granted whether or not there is a pending action between the parties;

(7) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice shall state that the petitioner intends to petition the court for an extreme risk order of protection or has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner shall attest in the petition to having provided such notice, or attest to the steps that shall be taken to provide such notice;

(8) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address shall be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record shall be that of the law enforcement agency;

(9) No fees for filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this subsection. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge;

(10) A person is not required to post a bond to obtain relief in any proceeding under this

subsection.

2. Upon issuance of any extreme risk order of protection under this section, the court shall order the respondent to surrender to the local law enforcement agency where the respondent resides, all firearms in the respondent's custody, control, or possession. If the respondent has been identified in the petition as being required to carry a firearm as a condition of the respondent's employment, the court shall notify the respondent's employer of the existence of the order. If the respondent holds a concealed carry permit pursuant to section 571.101, the court shall order a revocation of the concealed carry permit.

(1) The law enforcement officer serving any extreme risk order of protection shall provide the respondent to the order an opportunity to comply with the order by surrendering all firearms in his or her custody, control, or possession. If the respondent does not comply, the law enforcement officer serving the order shall:

(a) Conduct a lawful search of the respondent and any area where probable cause exists that a firearm to be surrendered pursuant to the order is located; and

(b) Take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search conducted pursuant to paragraph (a) of this subdivision.

(2) If personal service by a law enforcement officer is not possible, or not required because the respondent was present at the extreme risk order of protection hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within forty-eight hours of being served with the order by alternate service or within forty-eight hours of the hearing or final decision at which the respondent was present.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within seventy-two hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under subsections 1 and 2 of this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to subsections 1 and 2 of this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(b) The firearm is not otherwise unlawfully possessed by the owner.

(6) A respondent to an extreme risk order of protection may file a motion to modify or rescind that order of protection. The respondent may request a hearing on such a motion with the court that issued the original extreme risk order of protection. The court shall conduct a hearing on the motion to modify or rescind an extreme risk order of protection within fourteen days after the motion is filed. At the hearing, if the respondent has proved by clear and convincing evidence that the extreme risk order of protection must be modified or rescinded, the court shall modify or rescind the extreme risk order of protection.

3. If an extreme risk order of protection is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to subsections 1 and 2 of this section shall return any surrendered firearm requested by a respondent only after confirming, through a background check administered by the state highway patrol under section 43.543, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the extreme risk order of protection has terminated or has expired without renewal.

4. (1) The petitioner may move to renew the extreme risk order of protection if probable cause is shown that the respondent continues to pose a significant risk of personal injury to him or herself or others by possessing a firearm. The extreme risk order of protection may be renewed for up to one year from the expiration of the preceding extreme risk order of protection. Written notice of a hearing on the motion to renew an extreme risk order of protection shall be given to the respondent by the court.

(2) A law enforcement agency shall, if requested, provide prior notice of the return of a firearm to a respondent to family or household members of the respondent.

(3) Any firearm surrendered by a respondent pursuant to subsection 2 of this section that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

5. The clerk of any court that issues an extreme risk order of protection shall send the Missouri state highway patrol a copy of the order issued by that court within forty-eight hours of the court issuing the order. Upon receiving an extreme risk order of protection, the Missouri state highway patrol shall enter the extreme risk order of protection into the Missouri uniform law enforcement system (MULES) within forty-eight hours of receiving notice of the order.

6. (1) A person who refuses or fails to comply with an extreme risk order of protection shall be subject to the criminal contempt powers of the court. The criminal penalty provided for under this subsection may be imposed in addition to a penalty imposed for another criminal offense arising from the same conduct.

(2) A person who knowingly and intentionally makes a false statement to the court in the petition or in support of the petition is subject to the contempt powers of the court.

7. For the purposes of this section, the following terms mean:

(1) "Child", any person under eighteen years of age unless otherwise emancipated;

(2) "Extreme risk order of protection", either an ex parte order of protection or full order of

protection filed by a family or household member of the respondent or a law enforcement officer or agency;

(3) “Ex parte order of protection”, an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(4) “Family” or “household member”, spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(5) “Full order of protection”, an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(6) “Order of protection”, either an ex parte order of protection or a full order of protection;

(7) “Petitioner”, a family or household member, a law enforcement officer, or a person filing on behalf of a child who has filed a verified petition pursuant to this section;

(8) “Respondent”, the family or household member against whom a verified petition has been filed or a person served on behalf of a child pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Onder raised the point of order that SA 8 is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The Senate observed a moment of silence in memory of Officer Tamarris L. Bohannon.

Senator Libla moved that SCS for HCS for HB 16, as amended, be adopted, which motion prevailed.

On motion of Senator Libla, SCS for HCS for HB 16, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Eigel	Emery
Hegeman	Hoskins	Koenig	Libla	Luetkemeyer	O’Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland—25			

NAYS—Senators

May	Nasheed	Williams—3
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Absent—Senator Bernskoetter—1

Absent with leave—Senators

Cunningham	Hough—2
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Vacancies—3

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

On motion of Senator Rowden, the Senate recessed until 8:10 p.m.

RECESS

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

THIRD READING OF HOUSE BILLS

Senator Libla moved that **HCS** for **HB 2**, with **SA 1** and **SA 5** to **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 to **SA 1** was again taken up.

At the request of Senator Onder, **SA 1** was withdrawn, rendering **SA 5** to **SA 1** moot.

Senator Onder offered **SS** for **HCS** for **HB 2**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

An Act to amend chapters 27 and 491, RSMo, by adding thereto two new sections relating to criminal procedure, with an emergency clause.

Senator Onder moved that **SS** for **HCS** for **HB 2** be adopted and submitted the following privileged motion:

Motion for the Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Dave Schatz

/s/ Denny Hoskins

/s/ Daniel J. Hegeman

/s/ Bob Onder

/s/ Bill White

/s/ Bill Eigel

/s/ Sandy Crawford

/s/ Ed Emery

/s/ Tony Luetkemeyer

/s/ Justin Brown

/s/ Eric Burlison

/s/ Paul Wieland

/s/ Cindy O'Laughlin

/s/ David Sater

/s/ Mike Cunningham

/s/ Wayne Wallingford

/s/ Andrew Koenig

/s/ Jeanie Riddle

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Brown	Burlison	Crawford	Cunningham	Eigel	Emery	Hegeman
Hoskins	Koenig	Luetkemeyer	O’Laughlin	Onder	Riddle	Sater
Schatz	Wallingford	White	Wieland—18			

NAYS—Senators

Arthur	Bernskoetter	Cierpiot	Libla	May	Nasheed	Rizzo
Rowden	Schupp	Sifton	Walsh	Williams—12		

Absent—Senators—None

Absent with leave—Senator Hough—1

Vacancies—3

Senator Rizzo requested verification of the roll.

Senator Libla moved that **SS** for **HCS** for **HB 2** be adopted, which motion prevailed.

Senator Libla moved that **SS** for **HCS** for **HB 2** be read the 3rd time and finally passed.

Senator Onder submitted the following privileged motion:

Motion for the Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

/s/ Dave Schatz	/s/ Justin Brown
/s/ Denny Hoskins	/s/ Eric Burlison
/s/ Daniel J. Hegeman	/s/ Paul Wieland
/s/ Bob Onder	/s/ Cindy O’Laughlin
/s/ Bill White	/s/ David Sater
/s/ Bill Eigel	/s/ Mike Cunningham
/s/ Sandy Crawford	/s/ Wayne Wallingford
/s/ Ed Emery	/s/ Andrew Koenig
/s/ Tony Luetkemeyer	/s/ Jeanie Riddle

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Brown	Burlison	Crawford	Cunningham	Eigel	Emery	Hegeman
Hoskins	Koenig	Luetkemeyer	O’Laughlin	Onder	Riddle	Sater
Schatz	Wallingford	White	Wieland—18			

NAYS—Senators

Arthur	Bernskoetter	Cierpiot	Libla	May	Nasheed	Rizzo
Rowden	Schupp	Sifton	Walsh	Williams—12		

Absent—Senators—None

Absent with leave—Senator Hough—1

Vacancies—3

Senator Libla moved that **SS** for **HCS** for **HB 2** be read the 3rd time and passed and was recognized to close.

REFERRALS

President Pro Tem Schatz referred **SS** for **HCS** for **HB 2** to the Committee on Fiscal Oversight.

On motion of Senator Rowden, the Senate recessed until 1:40 a.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Libla moved that **SS** for **HCS** for **HB 2** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Libla **SS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Koenig	Libla	Luetkemeyer	O'Laughlin
Onder	Riddle	Rowden	Sater	Schatz	Wallingford	White

Wieland—22

NAYS—Senators

Arthur	May	Nasheed	Rizzo	Schupp	Sifton	Walsh
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Williams—8

Absent—Senators—None

Absent with leave—Senator Hough—1

Vacancies—3

The emergency clause failed of adoption by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Koenig	Libla	Luetkemeyer	O'Laughlin
Onder	Riddle	Rowden	Sater	Schatz	Wallingford	White

Wieland—22

NAYS—Senators

Arthur	May	Nasheed	Rizzo	Schupp	Sifton	Walsh
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Williams—8

Absent—Senators—None

Absent with leave—Senator Hough—1

Vacancies—3

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 68, regarding Henry Grider, Mount Vernon, which was adopted.

Senator Cunningham offered Senate Resolution No. 69, regarding Samuel Hicks, Elkland, which was adopted.

Senator Sater offered Senate Resolution No. 70, regarding the Seventy-Sixth Wedding Anniversary of George and Connie Wilson, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 71, regarding the Fiftieth Wedding Anniversary of Larry and Jean Oltjenbrun, Branson West, which was adopted.

Senator Sater offered Senate Resolution No. 72, regarding Robert Wagner, which was adopted.

Senator White offered Senate Resolution No. 73, regarding Charlie 22 Outdoors Webb City, which was adopted.

Senator White offered Senate Resolution No. 74, regarding the Ninetieth Birthday of Normadine Scott, Joplin, which was adopted.

Senator Wallingford offered Senate Resolution No. 75, regarding Douglas Winter, Whitewater, which was adopted.

Senator Wallingford offered Senate Resolution No. 76, regarding Sidney Naramore, Chaffee, which was adopted.

Senator Wallingford offered Senate Resolution No. 77, regarding the Two-hundredth Anniversary of Mount Pleasant Missionary Baptist Church, Piedmont, which was adopted.

Senator Cunningham offered Senate Resolution No. 78, regarding Dr. Robert Shaw Jr., MD, FAAFP, Willow Springs, which was adopted.

Senator Nasheed, joined by the entire membership, offered Senate Resolution No. 79, regarding the death of Officer Tamarris L. Bohannon, Saint Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following to the Secretary of Senate at 12:20 a.m.:

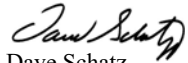
September 2, 2020
Adriane Crouse
Secretary of the Senate
201 W. Capitol Ave. Rm 325
Jefferson City, MO

Dear Mrs. Crouse,

Pursuant to Rule 12, I am making the following changes to committee:

I remove Senator Lincoln Hough from the committee on Fiscal Oversight and appoint Mike Cunningham. In addition, I appoint Senator Mike Cunningham Chairman of the committee on Fiscal Oversight.

Sincerely,



Dave Schatz

President Pro Tem

On motion of Senator Rowden, the Senate adjourned until 11:00 a.m., Thursday, September 10, 2020.

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