CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 53 & 60

AN ACT

To repeal sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred one new sections relating to public safety, with penalty provisions, a delayed effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 27.010, 50.327, 56.380, 56.455,
2 57.280, 57.317, 84.400, 105.950, 149.071, 149.076, 191.677,

191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo, are repealed and one hundred one new sections enacted in lieu thereof, to be known as sections 27.010, 50.327, 56.380, 56.455, 57.280, 57.317, 84.400, 84.575, 105.950, 149.071, 149.076, 191.677, 191.1165, 192.2520, 197.135, 211.012, 211.072, 211.181, 211.211, 211.435, 214.392, 217.010, 217.030, 217.195, 217.199, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 217.845, 221.065, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 479.162, 488.016, 488.029, 491.016, 545.940, 546.265, 547.031, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.058, 565.240, 566.145, 571.030, 574.110, 574.203, 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030, 590.070, 590.075, 590.192, 590.805, 590.1265, 610.120, 610.122, 610.140, 650.055, and 650.058, to read as follows:

27.010. The attorney general for the state of Missouri shall be elected at each general election at which a governor and other state officers are elected, and his <u>or her</u> term shall begin at 12:00 noon on the second Monday in January next succeeding his <u>or her</u> election, and shall

continue for four years, or until his or her successor is elected and qualified. The attorney general shall [reside at the seat of government and] keep his or her office in the supreme court building, and receive an annual salary of sixty-five thousand dollars plus any salary adjustment provided pursuant to section 105.005, payable out of the state treasury. The salary shall constitute the total compensation for all duties to be performed by him or her and there shall be no further payments made to or accepted by him or her for the performance of any duty now required of him or her under any existing law. The attorney general shall devote his or her full time to [his] the office, and, except in the performance of his or her official duties, shall not engage in the practice of law.

50.327. 1. Notwithstanding any other provisions of law to the contrary, the salary schedules contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, [57.317,] 58.095, and 473.742 shall be set as a base schedule for those county officials. Except when it is necessary to increase newly elected or reelected county officials' salaries, in accordance with Section 13, Article VII, Constitution of Missouri, to comply with the requirements of this section, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission, the annual compensation of part-time prosecutors contained in section 56.265 and the county offices contained in sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742

may be increased by up to two thousand dollars greater than the compensation provided by the salary schedules; provided, however, that any vote to increase compensation be effective for all county offices in that county subject to the salary commission.

[3. Upon majority approval of the salary commission, the annual compensation of a county sheriff as provided in section 57.317 may be increased by up to six thousand dollars greater than the compensation provided by the salary schedule of such section.

4. The salary commission of any county of the third classification may amend the base schedules for the computation of salaries for county officials referenced in subsection 1 of this section to include assessed valuation factors in excess of three hundred million dollars; provided that the percentage of any adjustments in assessed valuation factors shall be equal for all such officials in that county.]

56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the courts of this state having jurisdiction of criminals within cities in this state having a population of seven hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept, receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind whatsoever, except the salary of his or her office prescribed by law, for aiding, advising, promoting or procuring any indictment, true bill or legal process of any kind whatsoever against any person or party, or for aiding, promoting, counseling or procuring the detection, discovery, apprehension, prosecution or conviction of any person upon any charge whatsoever, or for aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the discovery or recovery,

by any means whatever, of any valuable thing which is secreted or detained from the possession of the owner or lawful custodian thereof. Any officer who is convicted of the violation of any of the provisions of this section shall be punished by imprisonment by the state department of corrections [and human resources] for not more than seven years and in addition shall forfeit his or her office.

56.455. In addition to his or her other duties, the circuit attorney of the City of St. Louis shall make a detailed report of all information in his or her possession pertaining to each person committed to the state penitentiary by the circuit court of the City of St. Louis to the director of the state department of corrections [and human resources] and to the state [board of probation and] parole board. The report shall include such information as may be requested by such director or board and shall include a summary of such evidence as to the prior convictions of the convict, his or her mental condition, education and other personal background information which is available to the circuit attorney as well as the date of the crime for which the convict was sentenced, whether he or she was tried or pleaded guilty, and such facts as are available as to the aggravating or mitigating circumstances of the crime. The circuit attorney may include in the report his or her recommendation as to whether the convict should be kept in a maximum security institution. The report shall be transmitted within twenty days after the date of the conviction or at such other time as is prescribed by the director of the department of corrections [and human resources] or [board of probation and] parole board.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same

either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five

hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff, or any other person specially appointed to serve in a county that receives funds under section 57.278, under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

5. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other order of the court in connection with any eviction proceeding, in addition to the charge for such service that each sheriff receives under this section. All of such charges shall be received by the sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge.

57.317. 1. (1) The county sheriff in any county**[**, other than in a**]** of the first or second classification

[chartered county,] shall receive an annual salary equal to eighty percent of the compensation of an associate circuit judge of the county.

(2) The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as [set forth in] the following [schedule] percentages of the compensation of an associate circuit judge of the county. If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff [on January 1, 1997] from the prior year.

Assessed Valuation	[Salary] Percentage
$18,000,000 to [40,999,999	$36,000
41,000,000 to 53,999,999	37,000
54,000,000 to 65,999,999	38,000
66,000,000 to 85,999,999	39,000
86,000,000 to] 99,999,999	[40,000] 45%
100,000,000 to [130,999,999	42,000
131,000,000 to 159,999,999	44,000
160,000,000 to 189,999,999	45,000
190,000,000 to] 249,999,999	[46,000] 50%
250,000,000 to [299,999,999	48,000

300,000,000 to] 449,999,999		[50,000] 55%
450,000,000 to [599,999,999		52,000
600,000,000 to 749,999,999		54,000
750,000,000 to] 899,999,999		[56,000] 60%
900,000,000 [to 1,049,999,999		58,000
1,050,000,000 to 1,199,999,999		60,000
1,200,000,000 to 1,349,999,999		62,000
1,350,000,000]	and over	[64,000] 65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county[,] other than a [first classification] charter county[,] shall not[, except upon two-thirds vote of all the members of the salary commission,] receive an annual compensation less than the [total] compensation [being received for the office of county sheriff in the particular county for services

60 rendered or performed on the date the salary commission
61 votes] described under this section.

84.400. 1. Any one of said commissioners so appointed
2 or any member of any such police force who, during the term
3 of his office, shall accept any other place of public trust,
4 or emolument, or who shall knowingly receive any nomination
5 for an office elective by the people, and shall fail to
6 decline such nomination publicly within the five days
7 succeeding such nomination or shall become a candidate for
8 the nomination for any office at the hands of any political
9 party, shall be deemed to have thereby forfeited and vacated
10 office as such commissioner or member of such police force.

11 2. Notwithstanding any provisions of law to the
12 contrary, a member of the board or any member of such police
13 force may be appointed to serve on any state or federal
14 board, commission, or task force where no compensation for
15 such service is paid, except that such board member or
16 member of such police force may accept payment of a per diem
17 for attending meetings, or if no per diem is provided,
18 reimbursement from such board, commission, or task force for
19 reasonable and necessary expenses for attending such
20 meetings.

84.575. 1. The board of police commissioners
2 established by section 84.350 shall not require, as a
3 condition of employment, that any currently employed or
4 prospective law enforcement officer or other employee reside
5 within any jurisdictional limit. If the board of police
6 commissioners has a residency rule or requirement for law
7 enforcement officers or other employees that is in effect on
8 or before August 28, 2021, the residency rule or requirement
9 shall not apply and shall not be enforced.

10 2. The board of police commissioners may impose a
11 residency rule or requirement on law enforcement officers or

other employees, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within thirty miles from the nearest city limit and within the boundaries of the state of Missouri.

105.950. 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the [board of probation and] parole board shall be set by the personnel advisory board after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

149.071. Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by

use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections **[**and human resources**]** for a term of not less than two years nor more than five years.

149.076. 1. No manufacturer, wholesaler or retailer shall fail or refuse to make any return required by the director, or refuse to permit the director or his or her duly authorized representatives to examine records, papers, files and equipment pertaining to the person's business made taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

2. Any person who files a false report or application or makes a false entry in any record relating to the purchase and sale of cigarettes shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections **[**and human resources**]** for a term of not less than two years nor more than five years.

191.677. 1. For purposes of this section, the term "serious infectious or communicable disease" means a nonairborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management.

2. It shall be unlawful for any individual knowingly infected with **[**HIV**]** a serious infectious or communicable disease to:

(1) Be or attempt to be a blood, blood products, organ, sperm, or tissue donor except as deemed necessary for medical research or as deemed medically appropriate by a licensed physician;

(2) [Act in a reckless manner by exposing] Knowingly expose another person to [HIV without the knowledge and consent of that person to be exposed to HIV, in one of the following manners:

(a) Through contact with blood, semen or vaginal secretions in the course of oral, anal or vaginal sexual intercourse; or

(b) By the sharing of needles; or

(c) By biting another person or purposely acting in any other manner which causes the HIV-infected person's semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person.

Evidence that a person has acted recklessly in creating a risk of infecting another individual with HIV shall include, but is not limited to, the following:

a. The HIV-infected person knew of such infection before engaging in sexual activity with another person, sharing needles with another person, biting another person, or purposely causing his or her semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person, and such other person is unaware of the HIV-infected person's condition or does not consent to contact with blood, semen or vaginal fluid in the course of such activities;

b. The HIV-infected person has subsequently been infected with and tested positive to primary and secondary syphilis, or gonorrhea, or chlamydia; or

41 c. Another person provides evidence of sexual contact
42 with the HIV-infected person after a diagnosis of an HIV
43 status] such serious infectious or communicable disease
44 through an activity that creates a substantial risk of
45 disease transmission as determined by competent medical or
46 epidemiological evidence; or
47 (3) Act in a reckless manner by exposing another
48 person to such serious infectious or communicable disease
49 through an activity that creates a substantial risk of
50 disease transmission as determined by competent medical or
51 epidemiological evidence.
52 [2.] 3. (1) Violation of the provisions of
53 subdivision (1) or (2) of subsection [1] 2 of this section
54 is a class [B] D felony unless the victim contracts [HIV]
55 the serious infectious or communicable disease from the
56 contact, in which case it is a class [A] C felony.
57 [3. The department of health and senior services or
58 local law enforcement agency, victim or others may file a
59 complaint with the prosecuting attorney or circuit attorney
60 of a court of competent jurisdiction alleging that a person
61 has violated a provision of subsection 1 of this section.
62 The department of health and senior services shall assist
63 the prosecutor or circuit attorney in preparing such case,
64 and upon request, turn over to peace officers, police
65 officers, the prosecuting attorney or circuit attorney, or
66 the attorney general records concerning that person's HIV-
67 infected status, testing information, counseling received,
68 and the identity and available contact information for
69 individuals with whom that person had sexual intercourse or
70 deviate sexual intercourse and those individuals' test
71 results.

72 4. The use of condoms is not a defense to a violation
73 of paragraph (a) of subdivision (2) of subsection 1 of this
74 section.]
75 (2) Violation of the provisions of subdivision (3) of
76 subsection 2 of this section is a class A misdemeanor.
77 4. It is an affirmative defense to a charge under this
78 section if the person exposed to the serious infectious or
79 communicable disease knew that the infected person was
80 infected with the serious infectious or communicable disease
81 at the time of the exposure and consented to the exposure
82 with such knowledge.
83 5. (1) For purposes of this subsection, the term
84 "identifying characteristics" includes, but is not limited
85 to, the name or any part of the name, address or any part of
86 the address, city or unincorporated area of residence, age,
87 marital status, place of employment, or racial or ethnic
88 background of the defendant or the person exposed, or the
89 relationship between the defendant and the person exposed.
90 (2) When alleging a violation of this section, the
91 prosecuting attorney or the grand jury shall substitute a
92 pseudonym for the actual name of the person exposed to a
93 serious infectious or communicable disease. The actual name
94 and other identifying characteristics of the person exposed
95 shall be revealed to the court only in camera unless the
96 person exposed requests otherwise, and the court shall seal
97 the information from further disclosure, except by counsel
98 as part of discovery.
99 (3) Unless the person exposed requests otherwise, all
100 court decisions, orders, pleadings, and other documents,
101 including motions and papers filed by the parties, shall be
102 worded so as to protect from public disclosure the name and
103 other identifying characteristics of the person exposed.

104 (4) Unless the person exposed requests otherwise, a
105 court in which a violation of this section is filed shall
106 issue an order that prohibits counsel and their agents, law
107 enforcement personnel, and court staff from making a public
108 disclosure of the name or any other identifying
109 characteristics of the person exposed.
110 (5) Unless the defendant requests otherwise, a court
111 in which a violation of this section is filed shall issue an
112 order that prohibits counsel and their agents, law
113 enforcement personnel, and court staff, before a finding of
114 guilt, from making a public disclosure of the name or other
115 identifying characteristics of the defendant. In any public
116 disclosure before a finding of guilt, a pseudonym shall be
117 substituted for the actual name of the defendant.
118 (6) Before sentencing, a defendant shall be assessed
119 for placement in one or more community-based programs that
120 provide counseling, supervision, and education and that
121 offer reasonable opportunity for the defendant to provide
122 redress to the person exposed.
191.1165. 1. Medication-assisted treatment (MAT)
2 shall include pharmacologic therapies. A formulary used by
3 a health insurer or managed by a pharmacy benefits manager,
4 or medical benefit coverage in the case of medications
5 dispensed through an opioid treatment program, shall include:
6 (1) Buprenorphine **[**tablets**]**;
7 (2) Methadone;
8 (3) Naloxone;
9 (4) **[**Extended-release injectable**]** Naltrexone,
10 including but not limited to extended-release injectable
11 naltrexone; and
12 (5) Buprenorphine/naloxone combination.
13 2. All MAT medications required for compliance in this
14 section shall be placed on the lowest cost-sharing tier of

15 the formulary managed by the health insurer or the pharmacy
16 benefits manager.
17 3. MAT medications provided for in this section shall
18 not be subject to any of the following:
19 (1) Any annual or lifetime dollar limitations;
20 (2) Financial requirements and quantitative treatment
21 limitations that do not comply with the Mental Health Parity
22 and Addiction Equity Act of 2008 (MHPAEA), specifically 45
23 CFR 146.136(c)(3);
24 (3) Step therapy or other similar drug utilization
25 strategy or policy when it conflicts or interferes with a
26 prescribed or recommended course of treatment from a
27 licensed health care professional; and
28 (4) Prior authorization for MAT medications as
29 specified in this section.
30 4. MAT medications outlined in this section shall
31 apply to all health insurance plans delivered in the state
32 of Missouri.
33 5. Any entity that holds itself out as a treatment
34 program or that applies for licensure by the state to
35 provide clinical treatment services for substance use
36 disorders shall be required to disclose the MAT services it
37 provides, as well as which of its levels of care have been
38 certified by an independent, national, or other organization
39 that has competencies in the use of the applicable placement
40 guidelines and level of care standards.
41 6. The MO HealthNet program shall cover the MAT
42 medications and services provided for in this section and
43 include those MAT medications in its preferred drug lists
44 for the treatment of substance use disorders and prevention
45 of overdose and death. The preferred drug list shall
46 include all current and new formulations and medications

47 that are approved by the U.S. Food and Drug Administration
48 for the treatment of substance use disorders.
49 7. Subject to appropriations, the department of
50 corrections and all other state entities responsible for the
51 care of persons detained or incarcerated in jails or prisons
52 shall be required to ensure all persons under their care are
53 assessed for substance abuse disorders using standard
54 diagnostic criteria by a social worker; licensed
55 professional counselor; licensed psychologist; psychiatrist;
56 or qualified addiction professional, as defined by the
57 department of mental health, acting within the scope of
58 practice for which the qualified addiction professional is
59 credentialed. The department of corrections or state entity
60 shall make available the MAT services covered in this
61 section, consistent with a treatment plan developed by a
62 physician, and shall not impose any arbitrary limitations on
63 the type of medication or other treatment prescribed or the
64 dose or duration of MAT recommended by the physician.
65 8. Drug courts or other diversion programs that
66 provide for alternatives to jail or prison for persons with
67 a substance use disorder shall be required to ensure all
68 persons under their care are assessed for substance use
69 disorders using standard diagnostic criteria by a licensed
70 physician who actively treats patients with substance use
71 disorders. The court or other diversion program shall make
72 available the MAT services covered under this section,
73 consistent with a treatment plan developed by the physician,
74 and shall not impose any limitations on the type of
75 medication or other treatment prescribed or the dose or
76 duration of MAT recommended by the physician.
77 **[**8.**]** 9. Requirements under this section shall not be
78 subject to a covered person's prior success or failure of
79 the services provided.

192.2520. 1. Sections 192.2520 and 197.135 shall be known and may be cited as the "Justice for Survivors Act".

2. As used in this section, the following terms shall mean:

(1) "Appropriate medical provider", the same meaning as used in section 595.220;

(2) "Department", the department of health and senior services;

(3) "Evidentiary collection kit", the same meaning as used in section 595.220;

(4) "Forensic examination", the same meaning as used in section 595.220;

(5) "Telehealth", the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network. <u>The statewide coordinator shall regularly consult with Missouri-based stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the training programs offered by the network, as well as the implementation and operation of the network.</u>

4. The network shall provide mentoring and educational training services, including:

(1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;

(2) Proper documentation, transmission, and storage of the examination evidence;

(3) Utilizing trauma-informed care to address the needs of victims;

(4) Utilizing telehealth technology while conducting a live examination; and

(5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered **[**may**]** shall be made available **[**both**]** online **[**or in person**]**, including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment, and may also be made available in-person.

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

65 7. The department may consult and enter into any
66 necessary contracts with any other local, state, or federal
67 agency, institution of higher education, or private entity
68 to carry out the provisions of this section, including, but
69 not limited to, a contract to:
70 (1) Develop, implement, maintain, or operate the
71 network;
72 (2) Train and provide technical assistance to
73 appropriate medical providers on conducting forensic
74 examinations of victims of sexual offenses and the use of
75 telehealth services; and
76 (3) Provide consultation, guidance, or technical
77 assistance to appropriate medical providers using telehealth
78 services during a forensic examination of a victim of a
79 sexual offense.
80 8. Beginning October 1, 2021, and each year
81 thereafter, all hospitals licensed under chapter 197 shall
82 report to the department the following information for the
83 previous year:
84 (1) The number of forensic examinations of victims of
85 a sexual offense performed at the hospital;
86 (2) The number of forensic examinations of victims of
87 a sexual offense requested to be performed by a victim of a
88 sexual offense that the hospital did not perform and the
89 reason why the examination was not performed;
90 (3) The number of evidentiary collection kits
91 submitted to a law enforcement agency for testing; and
92 (4) After July 1, 2022, the number of appropriate
93 medical providers employed at or contracted with the
94 hospital who utilized the training and telehealth services
95 provided by the network.

96 The information reported under this subsection and
97 subsection 9 of this section shall not include any

98 personally identifiable information of any victim of a
99 sexual offense or any appropriate medical provider
100 performing a forensic examination of such victim.
101 9. Beginning January 1, 2022, and each year
102 thereafter, the department shall make publicly available a
103 report that shall include the information submitted under
104 subsection 8 of this section. The report shall also
105 include, in collaboration with the department of public
106 safety, information about the number of evidentiary
107 collection kits submitted by a person or entity outside of a
108 hospital setting, as well as the number of appropriate
109 medical providers utilizing the training and telehealth
110 services provided by the network outside of a hospital
111 setting.
112 10. (1) The funding for the network shall be subject
113 to appropriations. In addition to appropriations from the
114 general assembly, the department shall apply for available
115 grants and shall be able to accept other gifts, grants,
116 bequests, and donations to develop and maintain the network
117 and the training offered by the network.
118 (2) There is hereby created in the state treasury the
119 "Justice for Survivors Telehealth Network Fund", which shall
120 consist of any gifts, grants, bequests, and donations
121 accepted under this subsection. The state treasurer shall
122 be custodian of the fund. In accordance with sections
123 30.170 and 30.180, the state treasurer may approve
124 disbursements. The fund shall be a dedicated fund and money
125 in the fund shall be used solely by the department for the
126 purpose of developing and maintaining the network and the
127 training offered by the network. The state treasurer shall
128 invest moneys in the fund in the same manner as other funds
129 are invested. Any interest and moneys earned on such
130 investments shall be credited to the fund.

131 11. The department shall promulgate rules and
132 regulations in order to implement the provisions of this
133 section, including, but not limited to, the following:
134 (1) The operation of a statewide telehealth network
135 for forensic examinations of victims of sexual offenses;
136 (2) The development of training for appropriate
137 medical providers conducting a forensic examination of a
138 victim of a sexual offense; and
139 (3) Maintenance of records and data privacy and
140 security of patient information.

141 Any rule or portion of a rule, as that term is defined in
142 section 536.010, that is created under the authority
143 delegated in this section shall become effective only if it
144 complies with and is subject to all of the provisions of
145 chapter 536 and, if applicable, section 536.028. This
146 section and chapter 536 are nonseverable and if any of the
147 powers vested with the general assembly pursuant to chapter
148 536 to review, to delay the effective date, or to disapprove
149 and annul a rule are subsequently held unconstitutional,
150 then the grant of rulemaking authority and any rule proposed
151 or adopted after August 28, 2020, shall be invalid and void.

197.135. 1. Beginning January 1, 2023, <u>or no later
2 than six months after the establishment of the statewide
3 telehealth network under section 192.2520, whichever is
4 later,</u> any hospital licensed under this chapter shall
5 perform a forensic examination using an evidentiary
6 collection kit upon the request and consent of the victim of
7 a sexual offense, or the victim's guardian, when the victim
8 is at least fourteen years of age. In the case of minor
9 consent, the provisions of subsection 2 of section 595.220
10 shall apply. Victims under fourteen years of age shall be
11 referred<u>, and victims fourteen years of age or older but
12 less than eighteen years of age may be referred,</u> to a SAFE

13 CARE provider, as such term is defined in section 334.950,
14 for medical or forensic evaluation and case review. Nothing
15 in this section shall be interpreted to preclude a hospital
16 from performing a forensic examination for a victim under
17 fourteen years of age upon the request and consent of the
18 victim or victim's guardian, subject to the provisions of
19 section 595.220 and the rules promulgated by the department
20 of public safety.

21 2. (1) An appropriate medical provider, as such term
22 is defined in section 595.220, shall perform the forensic
23 examination of a victim of a sexual offense. The hospital
24 shall ensure that any provider performing the examination
25 has received training conducting such examinations that is,
26 at a minimum, equivalent to the training offered by the
27 statewide telehealth network under subsection 4 of section
28 192.2520. Nothing in this section shall require providers
29 to utilize the training offered by the statewide telehealth
30 network, as long as the training utilized is, at a minimum,
31 equivalent to the training offered by the statewide
32 telehealth network.

33 (2) If the provider is not a sexual assault nurse
34 examiner (SANE), or another similarly trained physician or
35 nurse, then the hospital shall utilize telehealth services
36 during the examination, such as those provided by the
37 statewide telehealth network, to provide guidance and
38 support through a SANE, or other similarly trained physician
39 or nurse, who may observe the live forensic examination and
40 who shall communicate with and support the onsite provider
41 with the examination, forensic evidence collection, and
42 proper transmission and storage of the examination evidence.

43 3. The department of health and senior services may
44 issue a waiver of the telehealth requirements of subsection
45 2 of this section if the hospital demonstrates to the

46 department, in writing, a technological hardship in
47 accessing telehealth services or a lack of access to
48 adequate broadband services sufficient to access telehealth
49 services. Such waivers shall be granted sparingly and for
50 no more than a year in length at a time, with the
51 opportunity for renewal at the department's discretion.
52 4. The department shall waive the requirements of this
53 section if the statewide telehealth network established
54 under section 192.2520 ceases operation, the director of the
55 department of health and senior services has provided
56 written notice to hospitals licensed under this chapter that
57 the network has ceased operation, and the hospital cannot,
58 in good faith, comply with the requirements of this section
59 without assistance or resources of the statewide telehealth
60 network. Such waiver shall remain in effect until such time
61 as the statewide telehealth network resumes operation or
62 until the hospital is able to demonstrate compliance with
63 the provisions of this section without the assistance or
64 resources of the statewide telehealth network.
65 5. The provisions of section 595.220 shall apply to
66 the reimbursement of the reasonable costs of the
67 examinations and the provision of the evidentiary collection
68 kits.
69 6. No individual hospital shall be required to comply
70 with the provisions of this section and section 192.2520
71 unless and until the department provides such hospital with
72 access to the statewide telehealth network for the purposes
73 of mentoring and training services required under section
74 192.2520 without charge to the hospital.
211.012. For purposes of this chapter, section
2 221.044, and the original jurisdiction of the juvenile
3 court, a person shall not be considered a child if, at the
4 time the alleged offense or violation was committed, the

5 person was considered an adult according to then-existing
6 law.

211.072. 1. A juvenile under eighteen years of age
2 who has been certified to stand trial as an adult for
3 offenses pursuant to section 211.071, if currently placed in
4 a secure juvenile detention facility, shall remain in a
5 secure juvenile detention facility pending finalization of
6 the judgment and completion of appeal, if any, of the
7 judgment dismissing the juvenile petition to allow for
8 prosecution under the general law unless otherwise ordered
9 by the juvenile court. Upon the judgment dismissing the
10 petition to allow prosecution under the general laws
11 becoming final and adult charges being filed, if the
12 juvenile is currently in a secure juvenile detention
13 facility, the juvenile shall remain in such facility unless
14 the juvenile posts bond or the juvenile is transferred to an
15 adult jail. If the juvenile officer does not believe
16 juvenile detention would be the appropriate placement or
17 would continue to serve as the appropriate placement, the
18 juvenile officer may file a motion in the adult criminal
19 case requesting that the juvenile be transferred from a
20 secure juvenile detention facility to an adult jail. The
21 court shall hear evidence relating to the appropriateness of
22 the juvenile remaining in a secure juvenile detention
23 facility or being transferred to an adult jail. At such
24 hearing, the following shall have the right to be present
25 and have the opportunity to present evidence and
26 recommendations at such hearing: the juvenile; the
27 juvenile's parents; the juvenile's counsel; the prosecuting
28 attorney; the juvenile officer or his or her designee for
29 the circuit in which the juvenile was certified; the
30 juvenile officer or his or her designee for the circuit in
31 which the pre-trial certified juvenile is proposed to be

32 held, if different from the circuit in which the juvenile
33 was certified; counsel for the juvenile officer; and
34 representatives of the county proposed to have custody of
35 the pre-trial certified juvenile.
36 2. Following the hearing, the court shall order that
37 the juvenile continue to be held in a secure juvenile
38 detention facility subject to all Missouri juvenile
39 detention standards, or the court shall order that the pre-
40 trial certified juvenile be held in an adult jail but only
41 after the court has made findings that it would be in the
42 best interest of justice to move the pre-trial certified
43 juvenile to an adult jail. The court shall weigh the
44 following factors when deciding whether to detain a
45 certified juvenile in an adult facility:
46 (1) The certified juvenile's age;
47 (2) The certified juvenile's physical and mental
48 maturity;
49 (3) The certified juvenile's present mental state,
50 including whether he or she presents an imminent risk of
51 self-harm;
52 (4) The nature and circumstances of the charges;
53 (5) The certified juvenile's history of delinquency;
54 (6) The relative ability of the available adult and
55 juvenile facilities to both meet the needs of the certified
56 juvenile and to protect the public and other youth in their
57 custody;
58 (7) The opinion of the juvenile officer in the circuit
59 of the proposed placement as to the ability of that juvenile
60 detention facility to provide for appropriate care, custody,
61 and control of the pre-trial certified juvenile; and
62 (8) Any other relevant factor.
63 3. In the event the court finds that it is in the best
64 interest of justice to require the certified juvenile to be

65 held in an adult jail, the court shall hold a hearing once
66 every thirty days to determine whether the placement of the
67 certified juvenile in an adult jail is still in the best
68 interests of justice.
69 4. A certified juvenile cannot be held in an adult
70 jail for more than one hundred eighty days unless the court
71 finds, for good cause, that an extension is necessary or the
72 juvenile, through counsel, waives the one hundred eighty day
73 maximum period. If no extension is granted under this
74 subsection, the certified juvenile shall be transferred from
75 the adult jail to a secure juvenile detention facility.
76 5. Effective December 31, 2021, all previously pre-
77 trial certified juveniles under eighteen years of age who
78 had been certified prior to August 28, 2021, shall be
79 transferred from adult jail to a secure juvenile detention
80 facility, unless a hearing is held and the court finds,
81 based upon the factors in subsection 2 of this section, that
82 it would be in the best interest of justice to keep the
83 juvenile in the adult jail.
84 6. All pre-trial certified juveniles under eighteen
85 years of age who are held in adult jails pursuant to the
86 best interest of justice exception shall continue to be
87 subject to the protections of the Prison Rape Elimination
88 Act (PREA) and shall be physically separated from adult
89 inmates.
90 7. If the certified juvenile remains in juvenile
91 detention, the juvenile officer may file a motion to
92 reconsider placement. The court shall consider the factors
93 set out in subsection 2 of this section and the individuals
94 set forth in subsection 1 of this section shall have a right
95 to be present and present evidence. The court may amend its
96 earlier order in light of the evidence and arguments
97 presented at the hearing if the court finds that it would

98 not be in the best interest of justice for the juvenile to
99 remain in a secure juvenile detention facility.
100 8. Issues related to the setting of, and posting of,
101 bond along with any bond forfeiture proceedings shall be
102 held in the pre-trial certified juvenile's adult criminal
103 case.
104 9. Upon attaining eighteen years of age or upon
105 conviction on the adult charges, the juvenile shall be
106 transferred from juvenile detention to the appropriate adult
107 facility.
108 10. Any responsibility for transportation of and
109 contracted service for the certified juvenile who remains in
110 a secure juvenile detention facility shall be handled in the
111 same manner as in all other adult criminal cases where the
112 defendant is in custody.
113 11. The per diem provisions as set forth in section
114 211.156 shall apply to certified juveniles who are being
115 held in a secure juvenile detention facility.
211.181. 1. When a child is found by the court to
2 come within the applicable provisions of subdivision (1) of
3 subsection 1 of section 211.031, the court shall so decree
4 and make a finding of fact upon which it exercises its
5 jurisdiction over the child, and the court may, by order
6 duly entered, proceed as follows:
7 (1) Place the child under supervision in his or her
8 own home or in the custody of a relative or other suitable
9 person after the court or a public agency or institution
10 designated by the court conducts an investigation of the
11 home, relative or person and finds such home, relative or
12 person to be suitable and upon such conditions as the court
13 may require;
14 (2) Commit the child to the custody of:

15 (a) A public agency or institution authorized by law
16 to care for children or to place them in family homes;
17 except that, such child may not be committed to the
18 department of social services, division of youth services;
19 (b) Any other institution or agency which is
20 authorized or licensed by law to care for children or to
21 place them in family homes;
22 (c) An association, school or institution willing to
23 receive the child in another state if the approval of the
24 agency in that state which administers the laws relating to
25 importation of children into the state has been secured; or
26 (d) The juvenile officer;
27 (3) Place the child in a family home;
28 (4) Cause the child to be examined and treated by a
29 physician, psychiatrist or psychologist and when the health
30 or condition of the child requires it, cause the child to be
31 placed in a public or private hospital, clinic or
32 institution for treatment and care; except that, nothing
33 contained herein authorizes any form of compulsory medical,
34 surgical, or psychiatric treatment of a child whose parents
35 or guardian in good faith are providing other remedial
36 treatment recognized or permitted under the laws of this
37 state;
38 (5) The court may order, pursuant to subsection 2 of
39 section 211.081, that the child receive the necessary
40 services in the least restrictive appropriate environment
41 including home and community-based services, treatment and
42 support, based on a coordinated, individualized treatment
43 plan. The individualized treatment plan shall be approved
44 by the court and developed by the applicable state agencies
45 responsible for providing or paying for any and all
46 appropriate and necessary services, subject to
47 appropriation, and shall include which agencies are going to

48 pay for and provide such services. Such plan must be
49 submitted to the court within thirty days and the child's
50 family shall actively participate in designing the service
51 plan for the child;
52 (6) The department of social services, in conjunction
53 with the department of mental health, shall apply to the
54 United States Department of Health and Human Services for
55 such federal waivers as required to provide services for
56 such children, including the acquisition of community-based
57 services waivers.
58 2. When a child is found by the court to come within
59 the provisions of subdivision (2) of subsection 1 of section
60 211.031, the court shall so decree and upon making a finding
61 of fact upon which it exercises its jurisdiction over the
62 child, the court may, by order duly entered, proceed as
63 follows:
64 (1) Place the child under supervision in his or her
65 own home or in custody of a relative or other suitable
66 person after the court or a public agency or institution
67 designated by the court conducts an investigation of the
68 home, relative or person and finds such home, relative or
69 person to be suitable and upon such conditions as the court
70 may require;
71 (2) Commit the child to the custody of:
72 (a) A public agency or institution authorized by law
73 to care for children or place them in family homes; except
74 that, a child may be committed to the department of social
75 services, division of youth services, only if he or she is
76 presently under the court's supervision after an
77 adjudication under the provisions of subdivision (2) or (3)
78 of subsection 1 of section 211.031;

79 (b) Any other institution or agency which is
80 authorized or licensed by law to care for children or to
81 place them in family homes;
82 (c) An association, school or institution willing to
83 receive it in another state if the approval of the agency in
84 that state which administers the laws relating to
85 importation of children into the state has been secured; or
86 (d) The juvenile officer;
87 (3) Place the child in a family home;
88 (4) Cause the child to be examined and treated by a
89 physician, psychiatrist or psychologist and when the health
90 or condition of the child requires it, cause the child to be
91 placed in a public or private hospital, clinic or
92 institution for treatment and care; except that, nothing
93 contained herein authorizes any form of compulsory medical,
94 surgical, or psychiatric treatment of a child whose parents
95 or guardian in good faith are providing other remedial
96 treatment recognized or permitted under the laws of this
97 state;
98 (5) Assess an amount of up to ten dollars to be paid
99 by the child to the clerk of the court.

100 Execution of any order entered by the court pursuant to this
101 subsection, including a commitment to any state agency, may
102 be suspended and the child placed on probation subject to
103 such conditions as the court deems reasonable. After a
104 hearing, probation may be revoked and the suspended order
105 executed.
106 3. When a child is found by the court to come within
107 the provisions of subdivision (3) of subsection 1 of section
108 211.031, the court shall so decree and make a finding of
109 fact upon which it exercises its jurisdiction over the
110 child, and the court may, by order duly entered, proceed as
111 follows:

112 (1) Place the child under supervision in his or her
113 own home or in custody of a relative or other suitable
114 person after the court or a public agency or institution
115 designated by the court conducts an investigation of the
116 home, relative or person and finds such home, relative or
117 person to be suitable and upon such conditions as the court
118 may require; provided that, no child who has been
119 adjudicated a delinquent by a juvenile court for committing
120 or attempting to commit a sex-related offense which if
121 committed by an adult would be considered a felony offense
122 pursuant to chapter 566, including but not limited to rape,
123 forcible sodomy, child molestation, and sexual abuse, and in
124 which the victim was a child, shall be placed in any
125 residence within one thousand feet of the residence of the
126 abused child of that offense until the abused child reaches
127 the age of eighteen, and provided further that the
128 provisions of this subdivision regarding placement within
129 one thousand feet of the abused child shall not apply when
130 the abusing child and the abused child are siblings or
131 children living in the same home;
132 (2) Commit the child to the custody of:
133 (a) A public agency or institution authorized by law
134 to care for children or to place them in family homes;
135 (b) Any other institution or agency which is
136 authorized or licensed by law to care for children or to
137 place them in family homes;
138 (c) An association, school or institution willing to
139 receive it in another state if the approval of the agency in
140 that state which administers the laws relating to
141 importation of children into the state has been secured; or
142 (d) The juvenile officer;
143 (3) Beginning January 1, 1996, the court may make
144 further directions as to placement with the division of

145 youth services concerning the child's length of stay. The
146 length of stay order may set forth a minimum review date;
147 (4) Place the child in a family home;
148 (5) Cause the child to be examined and treated by a
149 physician, psychiatrist or psychologist and when the health
150 or condition of the child requires it, cause the child to be
151 placed in a public or private hospital, clinic or
152 institution for treatment and care; except that, nothing
153 contained herein authorizes any form of compulsory medical,
154 surgical, or psychiatric treatment of a child whose parents
155 or guardian in good faith are providing other remedial
156 treatment recognized or permitted under the laws of this
157 state;
158 (6) Suspend or revoke a state or local license or
159 authority of a child to operate a motor vehicle;
160 (7) Order the child to make restitution or reparation
161 for the damage or loss caused by his or her offense. In
162 determining the amount or extent of the damage, the court
163 may order the juvenile officer to prepare a report and may
164 receive other evidence necessary for such determination.
165 The child and his or her attorney shall have access to any
166 reports which may be prepared, and shall have the right to
167 present evidence at any hearing held to ascertain the amount
168 of damages. Any restitution or reparation ordered shall be
169 reasonable in view of the child's ability to make payment or
170 to perform the reparation. The court may require the clerk
171 of the circuit court to act as receiving and disbursing
172 agent for any payment ordered;
173 (8) Order the child to a term of community service
174 under the supervision of the court or of an organization
175 selected by the court. Every person, organization, and
176 agency, and each employee thereof, charged with the
177 supervision of a child under this subdivision, or who

178 benefits from any services performed as a result of an order
179 issued under this subdivision, shall be immune from any suit
180 by the child ordered to perform services under this
181 subdivision, or any person deriving a cause of action from
182 such child, if such cause of action arises from the
183 supervision of the child's performance of services under
184 this subdivision and if such cause of action does not arise
185 from an intentional tort. A child ordered to perform
186 services under this subdivision shall not be deemed an
187 employee within the meaning of the provisions of chapter
188 287, nor shall the services of such child be deemed
189 employment within the meaning of the provisions of chapter
190 288. Execution of any order entered by the court, including
191 a commitment to any state agency, may be suspended and the
192 child placed on probation subject to such conditions as the
193 court deems reasonable. After a hearing, probation may be
194 revoked and the suspended order executed;
195 (9) When a child has been adjudicated to have violated
196 a municipal ordinance or to have committed an act that would
197 be a misdemeanor if committed by an adult, assess an amount
198 of up to twenty-five dollars to be paid by the child to the
199 clerk of the court; when a child has been adjudicated to
200 have committed an act that would be a felony if committed by
201 an adult, assess an amount of up to fifty dollars to be paid
202 by the child to the clerk of the court.
203 4. Beginning January 1, 1996, the court may set forth
204 in the order of commitment the minimum period during which
205 the child shall remain in the custody of the division of
206 youth services. No court order shall require a child to
207 remain in the custody of the division of youth services for
208 a period which exceeds the child's **[**eighteenth**]** <u>nineteenth</u>
209 birth date except upon petition filed by the division of
210 youth services pursuant to subsection 1 of section 219.021.

211 In any order of commitment of a child to the custody of the
212 division of youth services, the division shall determine the
213 appropriate program or placement pursuant to subsection 3 of
214 section 219.021. Beginning January 1, 1996, the department
215 shall not discharge a child from the custody of the division
216 of youth services before the child completes the length of
217 stay determined by the court in the commitment order unless
218 the committing court orders otherwise. The director of the
219 division of youth services may at any time petition the
220 court for a review of a child's length of stay commitment
221 order, and the court may, upon a showing of good cause,
222 order the early discharge of the child from the custody of
223 the division of youth services. The division may discharge
224 the child from the division of youth services without a
225 further court order after the child completes the length of
226 stay determined by the court or may retain the child for any
227 period after the completion of the length of stay in
228 accordance with the law.
229 5. When an assessment has been imposed under the
230 provisions of subsection 2 or 3 of this section, the
231 assessment shall be paid to the clerk of the court in the
232 circuit where the assessment is imposed by court order, to
233 be deposited in a fund established for the sole purpose of
234 payment of judgments entered against children in accordance
235 with section 211.185.
211.211. 1. A child is entitled to be represented by
2 counsel in all proceedings under subdivision (2) or (3) of
3 subsection 1 of section 211.031 and by a guardian ad litem
4 in all proceedings under subdivision (1) of subsection 1 of
5 section 211.031.
6 2. The court shall appoint counsel for a child prior
7 to the filing of a petition if a request is made therefor to
8 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] may 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 unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

(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 client.

41 6. Counsel shall serve for all stages of the
42 proceedings, including appeal, unless relieved by the court
43 for good cause shown. If no appeal is taken, services of
44 counsel are terminated following the entry of an order of
45 disposition.
46 7. The child and his custodian may be represented by
47 the same counsel except where a conflict of interest
48 exists. Where it appears to the court that a conflict
49 exists, it shall order that the child and his custodian be
50 represented by separate counsel, and it shall appoint
51 counsel if required by subsection 3 or 4 of this section.
52 8. When a petition has been filed, a child may waive
53 his or her right to counsel only with the approval of the
54 court and if such waiver is not prohibited under subsection
55 10 of this section. If a child waives his or her right to
56 counsel for any proceeding except proceedings under
57 subsection 10 of this section, the waiver shall only apply
58 to that proceeding. In any subsequent proceeding, the child
59 shall be informed of his or her right to counsel.
60 9. Waiver of counsel by a child may be withdrawn at
61 any stage of the proceeding, in which event the court shall
62 appoint counsel for the child if required by subsection 3 of
63 this section.
64 10. A child's right to be represented by counsel shall
65 not be waived in any of the following proceedings:
66 (1) At any contested detention hearing under Missouri
67 supreme court rule 127.08 where the petitioner alleges that
68 the child violated any law that, if committed by an adult,
69 would be a felony unless an agreement is otherwise reached;
70 (2) At a certification hearing under section 211.071
71 or a dismissal hearing under Missouri supreme court rule
72 129.04;

(3) At an adjudication hearing under Missouri supreme court rule 128.02 for any felony offense or at any detention hearing arising from a misdemeanor or felony motion to modify or revoke, 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.

211.435. 1. **[**There is hereby created in the state treasury the**]** A "Juvenile Justice Preservation Fund"**[**, which**]** is hereby established in each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to eighteen years of age. The fund shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. **[**The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.**]**

2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected under this section shall be **[**paid into the state treasury to the credit of the**]** payable to the county circuit court juvenile justice preservation fund created in this section. **[**The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.**]** Funds held by the state treasurer in the state juvenile justice preservation fund shall be payable and revert to the circuit court's juvenile justice preservation fund in the county of origination.

3. Expenditures from the county circuit court juvenile justice preservation fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

4. No moneys deposited in the juvenile justice preservation fund shall be expended for capital improvements.

5. To further promote the best interests of the children of the state of Missouri, moneys in the juvenile justice preservation fund shall not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile

57 treatment services as provided in this chapter and chapter
58 210 or funding as otherwise required by law.

214.392. 1. The division shall:

2 (1) Recommend prosecution for violations of the
3 provisions of sections 214.270 to 214.410 to the appropriate
4 prosecuting, circuit attorney or to the attorney general;

5 (2) Employ, within limits of the funds appropriated,
6 such employees as are necessary to carry out the provisions
7 of sections 214.270 to 214.410;

8 (3) Be allowed to convey full authority to each city
9 or county governing body the use of inmates controlled by
10 the department of corrections and the **[**board**]** division of
11 probation and parole to care for abandoned cemeteries
12 located within the boundaries of each city or county;

13 (4) Exercise all budgeting, purchasing, reporting and
14 other related management functions;

15 (5) Be authorized, within the limits of the funds
16 appropriated, to conduct investigations, examinations, or
17 audits to determine compliance with sections 214.270 to
18 214.410;

19 (6) The division may promulgate rules necessary to
20 implement the provisions of sections 214.270 to 214.516,
21 including but not limited to:

22 (a) Rules setting the amount of fees authorized
23 pursuant to sections 214.270 to 214.516. The fees shall be
24 set at a level to produce revenue that shall not
25 substantially exceed the cost and expense of administering
26 sections 214.270 to 214.516. All moneys received by the
27 division pursuant to sections 214.270 to 214.516 shall be
28 collected by the director who shall transmit such moneys to
29 the department of revenue for deposit in the state treasury
30 to the credit of the endowed care cemetery audit fund
31 created in section 193.265;

(b) Rules to administer the inspection and audit provisions of the endowed care cemetery law;

(c) Rules for the establishment and maintenance of the cemetery registry pursuant to section 214.283.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the **[**board of probation and**]** parole board;

(3) "Chief administrative officer", the institutional head of any correctional facility or his or her designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his or her designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his or her designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the [board] division of probation and parole;

(14) "Volunteer", any person who, of his or her own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of the divisions of the department[, except the chairman of the parole board who shall be appointed by the governor]. Division directors shall serve at the pleasure of the director[, except the chairman of the parole board who shall serve in the capacity of chairman at the pleasure of the governor]. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

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

2. [Each correctional center shall keep revenues received from the canteen or commissary established and operated by the correctional center in a separate account] The "Inmate Canteen Fund" is hereby established in the state treasury and shall consist of funds received from the operation of the inmate canteens. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this [account] fund. The [remaining funds from sales of each commissary or canteen shall be deposited monthly in a special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be expended by the appropriate division, for the benefit of] proceeds generated from the operation of the inmate canteens shall be expended solely

21 for any of the following, or combination thereof: the
22 offenders in the improvement of recreational, religious,
23 [or] educational services, or reentry services. All
24 interest earned by the fund shall be credited to the fund
25 and shall be used solely for the purposes described in this
26 section. The provisions of section 33.080 to the contrary
27 notwithstanding, [the] any money remaining in the inmate
28 canteen fund at the end of the biennium shall be retained
29 for the purposes specified in this section and shall not
30 revert to the credit of or be transferred to general
31 revenue. [The department shall keep accurate records of the
32 source of money deposited in the inmate canteen fund and
33 shall allocate appropriations from the fund to the
34 appropriate correctional center.]

217.199. 1. As used in this section, the following
2 terms mean:

3 (1) "Appropriate quantity", an amount per day capable
4 of satisfying the individual need of the offender if used
5 for the feminine hygiene product's intended purpose;

6 (2) "Feminine hygiene products", tampons and sanitary
7 napkins.

8 2. The director shall ensure that an appropriate
9 quantity of feminine hygiene products are available at no
10 cost to female offenders while confined in any correctional
11 center of the department. The director shall ensure that
12 the feminine hygiene products conform with applicable
13 industry standards.

14 3. The general assembly may appropriate funds to
15 assist the director in satisfying the requirements of this
16 section.

217.250. Whenever any offender is afflicted with a
2 disease which is terminal, or is advanced in age to the
3 extent that the offender is in need of long-term nursing

home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the **[**board of probation and**]** parole board who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

(1) Grant to members of the state **[**board of probation and**]** parole board or its properly accredited representatives access at all reasonable times to any offender;

(2) Furnish to the board the reports that the board requires concerning the conduct and character of any offender in their custody; and

(3) Furnish any other facts deemed pertinent by the board in the determination of whether an offender shall be paroled.

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other

15 provision of law to the contrary, except as provided for in
16 section 558.019, if an offender is eligible and there is
17 adequate space, the court may sentence a person to the
18 program which shall consist of institutional drug or alcohol
19 treatment for a period of at least twelve and no more than
20 twenty-four months, as well as a term of incarceration. The
21 department shall determine the nature, intensity, duration,
22 and completion criteria of the education, treatment, and
23 aftercare portions of any program services provided.
24 Execution of the offender's term of incarceration shall be
25 suspended pending completion of said program. Allocation of
26 space in the program may be distributed by the department in
27 proportion to drug arrest patterns in the state. If the
28 court is advised that an offender is not eligible or that
29 there is no space available, the court shall consider other
30 authorized dispositions.
31 3. Upon successful completion of the program, the
32 [board] division of probation and parole shall advise the
33 sentencing court of an offender's probationary release date
34 thirty days prior to release. If the court determines that
35 probation is not appropriate the court may order the
36 execution of the offender's sentence.
37 4. If it is determined by the department that the
38 offender has not successfully completed the program, or that
39 the offender is not cooperatively participating in the
40 program, the offender shall be removed from the program and
41 the court shall be advised. Failure of an offender to
42 complete the program shall cause the offender to serve the
43 sentence prescribed by the court and void the right to be
44 considered for probation on this sentence.
45 5. An offender's first incarceration in a department
46 of corrections program pursuant to this section prior to
47 release on probation shall not be considered a previous

48 prison commitment for the purpose of determining a minimum
49 prison term pursuant to the provisions of section 558.019.

217.364. 1. The department of corrections shall
2 establish by regulation the "Offenders Under Treatment
3 Program". The program shall include institutional placement
4 of certain offenders, as outlined in subsection 3 of this
5 section, under the supervision and control of the department
6 of corrections. The department shall establish rules
7 determining how, when and where an offender shall be
8 admitted into or removed from the program.

9 2. As used in this section, the term "offenders under
10 treatment program" means a one-hundred-eighty-day
11 institutional correctional program for the monitoring,
12 control and treatment of certain substance abuse offenders
13 and certain nonviolent offenders followed by placement on
14 parole with continued supervision.

15 3. The following offenders may participate in the
16 program as determined by the department:

17 (1) Any nonviolent offender who has not previously
18 been remanded to the department and who has been found
19 guilty of violating the provisions of chapter 195 or 579 or
20 whose substance abuse was a precipitating or contributing
21 factor in the commission of his <u>or her</u> offense; or

22 (2) Any nonviolent offender who has pled guilty or
23 been found guilty of a crime which did not involve the use
24 of a weapon, and who has not previously been remanded to the
25 department.

26 4. This program shall be used as an intermediate
27 sanction by the department. The program may include
28 education, treatment and rehabilitation programs. If an
29 offender successfully completes the institutional phase of
30 the program, the department shall notify the **[**board of
31 probation and**]** parole <u>board</u> within thirty days of

32 completion. Upon notification from the department that the
33 offender has successfully completed the program, the [board
34 of probation and] parole board may at its discretion release
35 the offender on parole as authorized in subsection 1 of
36 section 217.690.
37 5. The availability of space in the institutional
38 program shall be determined by the department of corrections.
39 6. If the offender fails to complete the program, the
40 offender shall be taken out of the program and shall serve
41 the remainder of his or her sentence with the department.
42 7. Time spent in the program shall count as time
43 served on the sentence.
217.455. The request provided for in section 217.450
2 shall be delivered to the director, who shall forthwith:
3 (1) Certify the term of commitment under which the
4 offender is being held, the time already served, the time
5 remaining to be served on the sentence, the time of parole
6 eligibility of the offender, and any decisions of the state
7 [board of probation and] parole board relating to the
8 offender; and
9 (2) Send by registered or certified mail, return
10 receipt requested, one copy of the request and certificate
11 to the court and one copy to the prosecuting attorney to
12 whom it is addressed.
217.541. 1. The department shall by rule establish a
2 program of house arrest. The director or his or her
3 designee may extend the limits of confinement of offenders
4 serving sentences for class D or E felonies who have one
5 year or less remaining prior to release on parole,
6 conditional release, or discharge to participate in the
7 house arrest program.
8 2. The offender referred to the house arrest program
9 shall remain in the custody of the department and shall be

subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state [board of probation and] parole board.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his or her place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The [board] division of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his or her designee, upon recommendation of the probation and parole officer, may

43 direct the return of any offender from house arrest to a
44 correctional facility of the department for reclassification.
45 6. Each offender who is released to house arrest shall
46 pay a percentage of his or her wages, established by
47 department rules, to a maximum of the per capita cost of the
48 house arrest program. The money received from the offender
49 shall be deposited in the inmate fund and shall be expended
50 to support the house arrest program.

217.650. As used in sections 217.650 to 217.810,
2 unless the context clearly indicates otherwise, the
3 following terms mean:
4 (1) **[**"Board", the state board of probation and parole;
5 (2)"Chairman"**]** "Chairperson", **[**chairman**]** chairperson of
6 the **[**board of probation and**]** parole board who shall be
7 appointed by the governor;
8 **[**(3)**]** (2) "Diversionary program", a program designed
9 to utilize alternatives to incarceration undertaken under
10 the supervision of the **[**board**]** division of probation and
11 parole after commitment of an offense and prior to
12 arraignment;
13 **[**(4)**]** (3) "Parole", the release of an offender to the
14 community by the court or the state **[**board of probation and**]**
15 parole board prior to the expiration of his term, subject to
16 conditions imposed by the court or the parole board and to
17 its supervision by the division of probation and parole;
18 (4) "Parole board", the state board of parole;
19 (5) "Prerelease program", a program relating to an
20 offender's preparation for, or orientation to, supervision
21 by the **[**board**]** division of probation and parole immediately
22 prior to or immediately after assignment of the offender to
23 the **[**board**]** division of probation and parole for supervision;
24 (6) "Pretrial program", a program relating to the
25 investigation or supervision of persons referred or assigned

26 to the [board] division of probation and parole prior to
27 their conviction;
28 (7) "Probation", a procedure under which a defendant
29 found guilty of a crime upon verdict or plea is released by
30 the court without imprisonment, subject to conditions
31 imposed by the court and subject to the supervision of the
32 [board] division of probation and parole;
33 (8) "Recognizance program", a program relating to the
34 release of an individual from detention who is under arrest
35 for an offense for which he or she may be released as
36 provided in section 544.455.
217.655. 1. The parole board shall be responsible for
2 determining whether a person confined in the department
3 shall be paroled or released conditionally as provided by
4 section 558.011. The parole board shall receive
5 administrative support from the division of probation and
6 parole. The division of probation and parole shall provide
7 supervision to all persons referred by the circuit courts of
8 the state as provided by sections 217.750 and 217.760. The
9 parole board shall exercise independence in making decisions
10 about individual cases, but operate cooperatively within the
11 department and with other agencies, officials, courts, and
12 stakeholders to achieve systemic improvement including the
13 requirements of this section.
14 2. The parole board shall adopt parole guidelines to:
15 (1) Preserve finite prison capacity for the most
16 serious and violent offenders;
17 (2) Release supervision-manageable cases consistent
18 with section 217.690;
19 (3) Use finite resources guided by validated risk and
20 needs assessments;
21 (4) Support a seamless reentry process;
22 (5) Set appropriate conditions of supervision; and

23 (6) Develop effective strategies for responding to
24 violation behaviors.
25 3. The parole board shall collect, analyze, and apply
26 data in carrying out its responsibilities to achieve its
27 mission and end goals. The parole board shall establish
28 agency performance and outcome measures that are directly
29 responsive to statutory responsibilities and consistent with
30 agency goals for release decisions, supervision, revocation,
31 recidivism, and caseloads.
32 4. The parole board shall publish parole data,
33 including grant rates, revocation and recidivism rates,
34 length of time served, and successful supervision
35 completions, and other performance metrics.
36 5. The chairperson of the parole board shall employ
37 such employees as necessary to carry out its
38 responsibilities, serve as the appointing authority over
39 such employees, and provide for appropriate training to
40 members and staff, including communication skills.
41 6. The division of probation and parole shall provide
42 such programs as necessary to carry out its responsibilities
43 consistent with its goals and statutory obligations.
217.690. 1. All releases or paroles shall issue upon
2 order of the parole board, duly adopted.
3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs
5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. The parole
7 board shall then have the offender appear before a hearing
8 panel and shall conduct a personal interview with him or
9 her, unless waived by the offender, or if the guidelines
10 indicate the offender may be paroled without need for an
11 interview. The guidelines and rules shall not allow for the
12 waiver of a hearing if a victim requests a hearing. The

13 appearance or presence may occur by means of a
14 videoconference at the discretion of the parole board. A
15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.
24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The **[**board**]** division of probation and parole shall
44 adopt rules not inconsistent with law, in accordance with
45 section 217.040, with respect to sanctioning offenders and

46 with respect to establishing, waiving, collecting, and using
47 fees.
48 4. The parole board shall adopt rules not inconsistent
49 with law, in accordance with section 217.040, with respect
50 to the eligibility of offenders for parole, the conduct of
51 parole hearings or conditions to be imposed upon paroled
52 offenders. Whenever an order for parole is issued it shall
53 recite the conditions of such parole.
54 5. When considering parole for an offender with
55 consecutive sentences, the minimum term for eligibility for
56 parole shall be calculated by adding the minimum terms for
57 parole eligibility for each of the consecutive sentences,
58 except the minimum term for parole eligibility shall not
59 exceed the minimum term for parole eligibility for an
60 ordinary life sentence.
61 6. Any offender under a sentence for first degree
62 murder who has been denied release on parole after a parole
63 hearing shall not be eligible for another parole hearing
64 until at least three years from the month of the parole
65 denial; however, this subsection shall not prevent a release
66 pursuant to subsection 4 of section 558.011.
67 7. A victim who has requested an opportunity to be
68 heard shall receive notice that the parole board is
69 conducting an assessment of the offender's risk and
70 readiness for release and that the victim's input will be
71 particularly helpful when it pertains to safety concerns and
72 specific protective measures that may be beneficial to the
73 victim should the offender be granted release.
74 8. Parole hearings shall, at a minimum, contain the
75 following procedures:
76 (1) The victim or person representing the victim who
77 attends a hearing may be accompanied by one other person;

78 (2) The victim or person representing the victim who
79 attends a hearing shall have the option of giving testimony
80 in the presence of the inmate or to the hearing panel
81 without the inmate being present;
82 (3) The victim or person representing the victim may
83 call or write the parole board rather than attend the
84 hearing;
85 (4) The victim or person representing the victim may
86 have a personal meeting with a parole board member at the
87 parole board's central office;
88 (5) The judge, prosecuting attorney or circuit
89 attorney and a representative of the local law enforcement
90 agency investigating the crime shall be allowed to attend
91 the hearing or provide information to the hearing panel in
92 regard to the parole consideration; and
93 (6) The parole board shall evaluate information listed
94 in the juvenile sex offender registry pursuant to section
95 211.425, provided the offender is between the ages of
96 seventeen and twenty-one, as it impacts the safety of the
97 community.
98 9. The parole board shall notify any person of the
99 results of a parole eligibility hearing if the person
100 indicates to the parole board a desire to be notified.
101 10. The parole board may, at its discretion, require
102 any offender seeking parole to meet certain conditions
103 during the term of that parole so long as said conditions
104 are not illegal or impossible for the offender to perform.
105 These conditions may include an amount of restitution to the
106 state for the cost of that offender's incarceration.
107 11. Special parole conditions shall be responsive to
108 the assessed risk and needs of the offender or the need for
109 extraordinary supervision, such as electronic monitoring.
110 The parole board shall adopt rules to minimize the

111 conditions placed on low-risk cases, to frontload conditions
112 upon release, and to require the modification and reduction
113 of conditions based on the person's continuing stability in
114 the community. Parole board rules shall permit parole
115 conditions to be modified by parole officers with review and
116 approval by supervisors.
117 12. Nothing contained in this section shall be
118 construed to require the release of an offender on parole
119 nor to reduce the sentence of an offender heretofore
120 committed.
121 13. Beginning January 1, 2001, the parole board shall
122 not order a parole unless the offender has obtained a high
123 school diploma or its equivalent, or unless the parole board
124 is satisfied that the offender, while committed to the
125 custody of the department, has made an honest good-faith
126 effort to obtain a high school diploma or its equivalent;
127 provided that the director may waive this requirement by
128 certifying in writing to the parole board that the offender
129 has actively participated in mandatory education programs or
130 is academically unable to obtain a high school diploma or
131 its equivalent.
132 14. Any rule or portion of a rule, as that term is
133 defined in section 536.010, that is created under the
134 authority delegated in this section shall become effective
135 only if it complies with and is subject to all of the
136 provisions of chapter 536 and, if applicable, section
137 536.028. This section and chapter 536 are nonseverable and
138 if any of the powers vested with the general assembly
139 pursuant to chapter 536 to review, to delay the effective
140 date, or to disapprove and annul a rule are subsequently
141 held unconstitutional, then the grant of rulemaking
142 authority and any rule proposed or adopted after August 28,
143 2005, shall be invalid and void.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender incarcerated in a correctional institution serving any sentence of life with no parole for fifty years or life without parole, whose plea of guilt was entered or whose trial commenced prior to December 31, 1990, and who:

(1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;

(2) Has no prior violent felony convictions;

(3) No longer has a cognizable legal claim or legal recourse; and

(4) Has a history of being a victim of continual and substantial physical or sexual domestic violence that was not presented as an affirmative defense at trial or sentencing and such history can be corroborated with evidence of facts or circumstances which existed at the time of the alleged physical or sexual domestic violence of the offender, including but not limited to witness statements, hospital records, social services records, and law enforcement records;

shall be eligible for parole after having served fifteen years of such sentence when the parole board determines by using the guidelines established by this section that there is a strong and reasonable probability that the person will not thereafter violate the law.

2. The **[**board of probation and**]** parole board shall give a thorough review of the case history and prison record of any offender described in subsection 1 of this section. At the end of the parole board's review, the parole board shall provide the offender with a copy of a statement of reasons for its parole decision.

3. Any offender released under the provisions of this section shall be under the supervision of the **[**parole board**]**

34 division of probation and parole for an amount of time to be
35 determined by the parole board.
36 4. The parole board shall consider, but not be limited
37 to the following criteria when making its parole decision:
38 (1) Length of time served;
39 (2) Prison record and self-rehabilitation efforts;
40 (3) Whether the history of the case included
41 corroborative material of physical, sexual, mental, or
42 emotional abuse of the offender, including but not limited
43 to witness statements, hospital records, social service
44 records, and law enforcement records;
45 (4) If an offer of a plea bargain was made and if so,
46 why the offender rejected or accepted the offer;
47 (5) Any victim information outlined in subsection 8 of
48 section 217.690 and section 595.209;
49 (6) The offender's continued claim of innocence;
50 (7) The age and maturity of the offender at the time
51 of the parole board's decision;
52 (8) The age and maturity of the offender at the time
53 of the crime and any contributing influence affecting the
54 offender's judgment;
55 (9) The presence of a workable parole plan; and
56 (10) Community and family support.
57 5. Nothing in this section shall limit the review of
58 any offender's case who is eligible for parole prior to
59 fifteen years, nor shall it limit in any way the parole
60 board's power to grant parole prior to fifteen years.
61 6. Nothing in this section shall limit the review of
62 any offender's case who has applied for executive clemency,
63 nor shall it limit in any way the governor's power to grant
64 clemency.
65 7. It shall be the responsibility of the offender to
66 petition the parole board for a hearing under this section.

8. A person commits the crime of perjury if he or she, with the purpose to deceive, knowingly makes a false witness statement to the parole board. Perjury under this section shall be a class D felony.

9. In cases where witness statements alleging physical or sexual domestic violence are in conflict as to whether such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

217.695. 1. As used in this section, the following terms mean:

(1) "Chief law enforcement official", the county sheriff, chief of police or other public official responsible for enforcement of criminal laws within a county or city not within a county;

(2) "County" includes a city not within a county;

(3) "Offender", a person in the custody of the department or under the supervision of the **[**board**]** division of probation and parole.

2. Each offender to be released from custody of the department who will be under the supervision of the **[**board**]** division of probation and parole, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his or her intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to

21 hair samples or other identification indicia. All data and
22 indicia of identification shall be compiled in duplicate,
23 with one set to be retained by the department, and one set
24 for the chief law enforcement official of the county of
25 intended residence.
26 3. Any offender subject to the provisions of this
27 section who changes his or her county of residence shall, in
28 addition to notifying the [board] division of probation and
29 parole, notify and register with the chief law enforcement
30 official of the county of residence within seven days after
31 he or she changes his or her residence to that county.
32 4. Failure by an offender to register with the chief
33 law enforcement official upon a change in the county of his
34 or her residence shall be cause for revocation of the parole
35 of the person except for good cause shown.
36 5. The department, the [board] division of probation
37 and parole, and the chief law enforcement official shall
38 cause the information collected on the initial registration
39 and any subsequent changes in residence or registration to
40 be recorded with the highway patrol criminal information
41 system.
42 6. The director of the department of public safety
43 shall design and distribute the registration forms required
44 by this section and shall provide any administrative
45 assistance needed to facilitate the provisions of this
46 section.
217.710. 1. Probation and parole officers,
2 supervisors and members of the [board of probation and]
3 parole board, who are certified pursuant to the requirements
4 of subsection 2 of this section shall have the authority to
5 carry their firearms at all times. The department of
6 corrections shall promulgate policies and operating
7 regulations which govern the use of firearms by probation

8 and parole officers, supervisors and members of the parole
9 board when carrying out the provisions of sections 217.650
10 to 217.810. Mere possession of a firearm shall not
11 constitute an employment activity for the purpose of
12 calculating compensatory time or overtime.
13 2. The department shall determine the content of the
14 required firearms safety training and provide firearms
15 certification and recertification training for probation and
16 parole officers, supervisors and members of the [board of
17 probation and] parole board. A minimum of sixteen hours of
18 firearms safety training shall be required. In no event
19 shall firearms certification or recertification training for
20 probation and parole officers and supervisors exceed the
21 training required for officers of the state highway patrol.
22 3. The department shall determine the type of firearm
23 to be carried by the officers, supervisors and members of
24 the [board of probation and] parole board.
25 4. Any officer, supervisor or member of the [board of
26 probation and] parole board that chooses to carry a firearm
27 in the performance of such officer's, supervisor's or
28 member's duties shall purchase the firearm and holster.
29 5. The department shall furnish such ammunition as is
30 necessary for the performance of the officer's, supervisor's
31 and member's duties.
32 6. Any rule or portion of a rule, as that term is
33 defined in section 536.010, that is promulgated under the
34 authority of this chapter, shall become effective only if
35 the agency has fully complied with all of the requirements
36 of chapter 536 including but not limited to, section
37 536.028, if applicable, after August 28, 1998. All
38 rulemaking authority delegated prior to August 28, 1998, is
39 of no force and effect and repealed as of August 28, 1998,
40 however nothing in section 571.030 or this section shall be

41 interpreted to repeal or affect the validity of any rule
42 adopted and promulgated prior to August 28, 1998. If the
43 provisions of section 536.028 apply, the provisions of this
44 section are nonseverable and if any of the powers vested
45 with the general assembly pursuant to section 536.028 to
46 review, to delay the effective date, or to disapprove and
47 annul a rule or portion of a rule are held unconstitutional
48 or invalid, the purported grant of rulemaking authority and
49 any rule so proposed and contained in the order of
50 rulemaking shall be invalid and void, except that nothing in
51 section 571.030 or this section shall affect the validity of
52 any rule adopted and promulgated prior to August 28, 1998.

217.735. 1. Notwithstanding any other provision of
2 law to the contrary, the division of probation and parole
3 shall supervise an offender for the duration of his or her
4 natural life when the offender has been found guilty of an
5 offense under:

6 (1) Section 566.030, 566.032, 566.060, 566.062,
7 566.067, 566.083, 566.100, 566.151, 566.212, 566.213,
8 568.020, 568.080, or 568.090 based on an act committed on or
9 after August 28, 2006; or

10 (2) Section 566.068, 566.069, 566.210, 566.211,
11 573.200, or 573.205 based on an act committed on or after
12 January 1, 2017, against a victim who was less than fourteen
13 years old and the offender is a prior sex offender as
14 defined in subsection 2 of this section.

15 2. For the purpose of this section, a prior sex
16 offender is a person who has previously pleaded guilty to or
17 been found guilty of an offense contained in chapter 566 or
18 violating section 568.020 when the person had sexual
19 intercourse or deviate sexual intercourse with the victim,
20 or violating subdivision (2) of subsection 1 of section
21 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the parole board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the **[**board**]** division of probation and parole may adopt rules relating to supervision and electronic monitoring of offenders under this section.

217.777. 1. The department shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to:

(1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;

(2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;

(3) Provide structured opportunities for local communities to determine effective local sentencing options

13 to assure that individual community programs are
14 specifically designed to meet local needs;
15 (4) Reduce the cost of punishment, supervision and
16 treatment significantly below the annual per-offender cost
17 of confinement within the traditional prison system;
18 (5) Utilize community supervision centers to
19 effectively respond to violations and prevent revocations;
20 [and]
21 (6) Improve public confidence in the criminal justice
22 system by involving the public in the development of
23 community-based sentencing options for eligible offenders;
24 and
25 (7) Promote opportunities for nonviolent primary
26 caregivers to care for their dependent children.
27 2. The program shall be designed to implement and
28 operate community-based restorative justice projects
29 including, but not limited to: preventive or diversionary
30 programs, community-based intensive probation and parole
31 services, community-based treatment centers, day reporting
32 centers, and the operation of facilities for the detention,
33 confinement, care and treatment of adults under the purview
34 of this chapter.
35 3. The department shall promulgate rules and
36 regulations for operation of the program established
37 pursuant to this section as provided for in section 217.040
38 and chapter 536.
39 4. Any proposed program or strategy created pursuant
40 to this section shall be developed after identification of a
41 need in the community for such programs, through
42 consultation with representatives of the general public,
43 judiciary, law enforcement and defense and prosecution bar.

5. In communities where local volunteer community boards are established at the request of the court, the following guidelines apply:

(1) The department shall provide a program of training to eligible volunteers and develop specific conditions of a probation program and conditions of probation for offenders referred to it by the court. Such conditions, as established by the community boards and the department, may include compensation and restitution to the community and the victim by fines, fees, day fines, victim-offender mediation, participation in victim impact panels, community service, or a combination of the aforementioned conditions;

(2) The term of probation shall not exceed five years and may be concluded by the court when conditions imposed are met to the satisfaction of the local volunteer community board.

6. The department may staff programs created pursuant to this section with employees of the department or may contract with other public or private agencies for delivery of services as otherwise provided by law.

217.829. 1. The department shall develop a form which shall be used by the department to obtain information from all offenders regarding their assets.

2. The form shall be submitted to each offender as of the date the form is developed and to every offender who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to an offender by the department for purposes of obtaining current information regarding assets of the offender.

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any

14 person who shall knowingly provide false information on said
15 form to state officials or employees shall be guilty of the
16 crime of making a false affidavit as provided by section
17 575.050.
18 4. Failure by an offender to fully, adequately and
19 correctly complete the form may be considered by the [board
20 of probation and] parole board for purposes of a parole
21 determination, and in determining an offender's parole
22 release date or eligibility and shall constitute sufficient
23 grounds for denial of parole.
24 5. Prior to release of any offender from imprisonment,
25 and again prior to release from the jurisdiction of the
26 department, the department shall request from the offender
27 an assignment of ten percent of any wages, salary, benefits
28 or payments from any source. Such an assignment shall be
29 valid for the longer period of five years from the date of
30 its execution, or five years from the date that the offender
31 is released from the jurisdiction of the department or any
32 of its divisions or agencies. The assignment shall secure
33 payment of the total cost of care of the offender executing
34 the assignment. The restrictions on the maximum amount of
35 earnings subject to garnishment contained in section 525.030
36 shall apply to earnings subject to assignments executed
37 pursuant to this subsection.

217.845. Notwithstanding any provision of law to the
2 contrary, any funds received by an offender from the federal
3 Coronavirus Aid, Relief, and Economic Security Act (CARES
4 Act), Pub. L. 116-136, or any subsequent federal stimulus
5 funding relating to severe acute respiratory syndrome
6 coronavirus 2 or a virus mutating therefrom, shall be used
7 by the offender to make restitution payments ordered by a
8 court resulting from a conviction of a violation of any
9 local, state, or federal law.

221.065. 1. As used in this section, the following terms mean:

(1) "Appropriate quantity", an amount of feminine hygiene products per day capable of satisfying the individual need of the offender if used for the feminine hygiene product's intended purpose;

(2) "Feminine hygiene products", tampons and sanitary napkins.

2. Every sheriff and jailer who holds a person in custody pursuant to a writ or process or for a criminal offense shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female persons while in custody. The sheriff or jailer shall ensure that the feminine hygiene products conform with applicable industry standards.

3. The general assembly shall appropriate funds to assist sheriffs and jailers in satisfying the requirements of this section.

221.105. 1. The governing body of any county and of any city not within a county shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails or medium security institutions. The per diem cost of incarceration of these prisoners chargeable by the law to the state shall be determined, subject to the review and approval of the department of corrections.

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county

16 prisons to the clerk of the circuit court on the first day
17 of each year, and thereafter whenever the amount may be
18 changed. It shall then be the duty of the clerk of the
19 court in which the case was determined to include in the
20 bill of cost against the state all fees which are properly
21 chargeable to the state. In any city not within a county it
22 shall be the duty of the superintendent of any facility
23 boarding prisoners to certify to the chief executive officer
24 of such city not within a county the total number of days
25 any prisoner who was a party in such case remained in such
26 facility. It shall be the duty of the superintendents of
27 such facilities to supply the cost per diem to the chief
28 executive officer on the first day of each year, and
29 thereafter whenever the amount may be changed. It shall be
30 the duty of the chief executive officer to bill the state
31 all fees for boarding such prisoners which are properly
32 chargeable to the state. The chief executive may by
33 notification to the department of corrections delegate such
34 responsibility to another duly sworn official of such city
35 not within a county. The clerk of the court of any city not
36 within a county shall not include such fees in the bill of
37 costs chargeable to the state. The department of
38 corrections shall revise its criminal cost manual in
39 accordance with this provision.
40 3. Except as provided under subsection 6 of section
41 217.718, the actual costs chargeable to the state, including
42 those incurred for a prisoner who is incarcerated in the
43 county jail because the prisoner's parole or probation has
44 been revoked or because the prisoner has, or allegedly has,
45 violated any condition of the prisoner's parole or
46 probation, and such parole or probation is a consequence of
47 a violation of a state statute, or the prisoner is a
48 fugitive from the Missouri department of corrections or

49 otherwise held at the request of the Missouri department of
50 corrections regardless of whether or not a warrant has been
51 issued shall be the actual cost of incarceration not to
52 exceed:
53 (1) Until July 1, 1996, seventeen dollars per day per
54 prisoner;
55 (2) On and after July 1, 1996, twenty dollars per day
56 per prisoner;
57 (3) On and after July 1, 1997, up to thirty-seven
58 dollars and fifty cents per day per prisoner, subject to
59 appropriations**[**, but not less than the amount appropriated
60 in the previous fiscal year**]**.
61 4. The presiding judge of a judicial circuit may
62 propose expenses to be reimbursable by the state on behalf
63 of one or more of the counties in that circuit. Proposed
64 reimbursable expenses may include pretrial assessment and
65 supervision strategies for defendants who are ultimately
66 eligible for state incarceration. A county may not receive
67 more than its share of the amount appropriated in the
68 previous fiscal year, inclusive of expenses proposed by the
69 presiding judge. Any county shall convey such proposal to
70 the department, and any such proposal presented by a
71 presiding judge shall include the documented agreement with
72 the proposal by the county governing body, prosecuting
73 attorney, at least one associate circuit judge, and the
74 officer of the county responsible for custody or
75 incarceration of prisoners of the county represented in the
76 proposal. Any county that declines to convey a proposal to
77 the department, pursuant to the provisions of this
78 subsection, shall receive its per diem cost of incarceration
79 for all prisoners chargeable to the state in accordance with
80 the provisions of subsections 1, 2, and 3 of this section.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a

conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer [or], coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as

100 may be reasonably necessary, and when the vehicle is
101 equipped with at least one lighted lamp displaying a red
102 light or blue light visible under normal atmospheric
103 conditions from a distance of five hundred feet to the front
104 of such vehicle.
105 6. No person shall purchase an emergency light as
106 described in this section without furnishing the seller of
107 such light an affidavit stating that the light will be used
108 exclusively for emergency vehicle purposes.
109 7. Violation of this section shall be deemed a class A
110 misdemeanor.

304.050. 1. (1) The driver of a vehicle upon a
2 highway upon meeting or overtaking from either direction any
3 school bus which has stopped on the highway for the purpose
4 of receiving or discharging any school children and whose
5 driver has in the manner prescribed by law given the signal
6 to stop, shall stop the vehicle before reaching such school
7 bus and shall not proceed until such school bus resumes
8 motion, or until signaled by its driver to proceed.
9 (2) School buses under the provisions of subsections
10 1, 2, 5, 6 , 7, 8, and 9 of this section shall include Head
11 Start buses that have been certified by the Missouri highway
12 patrol as meeting the provisions of section 307.375, are
13 operated by a holder of a valid school bus endorsed
14 commercial driver's license, and who meet the equivalent
15 medical requirements prescribed in section 162.064, and
16 which are transporting Head Start students to and from Head
17 Start.
18 2. Every bus used for the transportation of school
19 children shall bear upon the front and rear thereon a
20 plainly visible sign containing the words "school bus" in
21 letters not less than eight inches in height. Each bus
22 shall have lettered on the rear in plain and distinct type

23 the following: "State Law: Stop while bus is loading and
24 unloading". Each school bus subject to the provisions of
25 sections 304.050 to 304.070 shall be equipped with a
26 mechanical and electrical signaling device approved by the
27 state board of education, which will display a signal
28 plainly visible from the front and rear and indicating
29 intention to stop.
30 3. Every school bus operated to transport students in
31 the public school system which has a gross vehicle weight
32 rating of more than ten thousand pounds, which has the
33 engine mounted entirely in front of the windshield and the
34 entrance door behind the front wheels, and which is used for
35 the transportation of school children shall be equipped no
36 later than August 1, 1998, with a crossing control arm. The
37 crossing control arm, when activated, shall extend a minimum
38 of five feet six inches from the face of the front bumper.
39 The crossing control arm shall be attached on the right side
40 of the front bumper and shall be activated by the same
41 controls which activate the mechanical and electrical
42 signaling devices described in subsection 2 of this
43 section. This subsection may be cited as "Jessica's Law" in
44 commemoration of Jessica Leicht and all other Missouri
45 schoolchildren who have been injured or killed during the
46 operation of a school bus.
47 4. Except as otherwise provided in this section, the
48 driver of a school bus in the process of loading or
49 unloading students upon a street or highway shall activate
50 the mechanical and electrical signaling devices, in the
51 manner prescribed by the state board of education, to
52 communicate to drivers of other vehicles that students are
53 loading or unloading. A public school district shall have
54 the authority pursuant to this section to adopt a policy
55 which provides that the driver of a school bus in the

process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution.

5. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least three hundred feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

[5.**]** 6. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a

limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

[6.**]** 7. The driver of any school bus driving upon the highways of this state after loading or unloading school children, shall remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

[7.**]** 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

119 **[**8.**]** 9. Notwithstanding the provisions in section
120 301.130, every school bus shall be required to have two
121 license plates.

307.175. 1. Motor vehicles and equipment which are
2 operated by any member of an organized fire department,
3 ambulance association, or rescue squad, whether paid or
4 volunteer, may be operated on streets and highways in this
5 state as an emergency vehicle under the provisions of
6 section 304.022 while responding to a fire call or ambulance
7 call or at the scene of a fire call or ambulance call and
8 while using or sounding a warning siren and using or
9 displaying thereon fixed, flashing or rotating blue lights,
10 but sirens and blue lights shall be used only in bona fide
11 emergencies.

12 2. (1) Notwithstanding subsection 1 of this section,
13 the following vehicles may use or display fixed, flashing,
14 or rotating red or red and blue lights:

15 (a) Emergency vehicles, as defined in section 304.022,
16 when responding to an emergency;

17 (b) Vehicles operated as described in subsection 1 of
18 this section;

19 (c) Vehicles and equipment owned or leased by a
20 contractor or subcontractor performing work for the
21 department of transportation, except that the red or red and
22 blue lights shall be displayed on vehicles or equipment
23 described in this paragraph only between dusk and dawn, when
24 such vehicles or equipment are stationary, such vehicles or
25 equipment are located in a work zone as defined in section
26 304.580, highway workers as defined in section 304.580 are
27 present, and such work zone is designated by a sign or
28 signs. No more than two vehicles or pieces of equipment in
29 a work zone may display fixed, flashing, or rotating lights
30 under this subdivision;

31 (d) Vehicles and equipment owned, leased, or operated
32 by a coroner, medical examiner, or forensic investigator of
33 the county medical examiner's office or a similar entity,
34 when responding to a crime scene, motor vehicle accident,
35 workplace accident, or any location at which the services of
36 such professionals have been requested by a law enforcement
37 officer.
38 (2) The following vehicles and equipment may use or
39 display fixed, flashing, or rotating amber or amber and
40 white lights:
41 (a) Vehicles and equipment owned or leased by the
42 state highways and transportation commission and operated by
43 an authorized employee of the department of transportation;
44 (b) Vehicles and equipment owned or leased by a
45 contractor or subcontractor performing work for the
46 department of transportation, except that the amber or amber
47 and white lights shall be displayed on vehicles described in
48 this paragraph only when such vehicles or equipment are
49 located in a work zone as defined in section 304.580,
50 highway workers as defined in section 304.580 are present,
51 and such work zone is designated by a sign or signs;
52 (c) Vehicles and equipment operated by a utility
53 worker performing work for the utility, except that the
54 amber or amber and white lights shall be displayed on
55 vehicles described in this paragraph only when such vehicles
56 are stationary, such vehicles or equipment are located in a
57 work zone as defined in section 304.580, a utility worker is
58 present, and such work zone is designated by a sign or
59 signs. As used in this paragraph, the term "utility worker"
60 means any employee while in performance of his or her job
61 duties, including any person employed under contract of a
62 utility that provides gas, heat, electricity, water, steam,

63 telecommunications or cable services, or sewer services,
64 whether privately, municipally, or cooperatively owned.
65 3. Permits for the operation of such vehicles equipped
66 with sirens or blue lights shall be in writing and shall be
67 issued and may be revoked by the chief of an organized fire
68 department, organized ambulance association, rescue squad,
69 or the state highways and transportation commission and no
70 person shall use or display a siren or blue lights on a
71 motor vehicle, fire, ambulance, or rescue equipment without
72 a valid permit authorizing the use. A permit to use a siren
73 or lights as heretofore set out does not relieve the
74 operator of the vehicle so equipped with complying with all
75 other traffic laws and regulations. Violation of this
76 section constitutes a class A misdemeanor.

452.410. 1. Except as provided in subsection 2 of
2 this section, the court shall not modify a prior custody
3 decree unless it has jurisdiction under the provisions of
4 section **[**452.450**]** 452.745 and it finds, upon the basis of
5 facts that have arisen since the prior decree or that were
6 unknown to the court at the time of the prior decree, that a
7 change has occurred in the circumstances of the child or his
8 custodian and that the modification is necessary to serve
9 the best interests of the child. Notwithstanding any other
10 provision of this section or sections 452.375 and 452.400,
11 any custody order entered by any court in this state or any
12 other state **[**prior to August 13, 1984,**]** may, subject to
13 jurisdictional requirements, be modified to allow for joint
14 custody or visitation only in accordance with section
15 452.375, 452.400, 452.402, or 452.403 **[**without any further
16 showing**]**.
17 2. If either parent files a motion to modify an award
18 of joint legal custody or joint physical custody, each party

shall be entitled to a change of judge as provided by supreme court rule.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

[(b)] (c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

[(c)] (d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

[(d)] (e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

31 b. Peering in the window or lingering outside the
32 residence of another; but does not include constitutionally
33 protected activity;
34 **[**(e)**]** (f) "Sexual assault", causing or attempting to
35 cause another to engage involuntarily in any sexual act by
36 force, threat of force, duress, or without that person's
37 consent;
38 **[**(f)**]** (g) "Unlawful imprisonment", holding, confining,
39 detaining or abducting another person against that person's
40 will;
41 (2) "Adult", any person seventeen years of age or
42 older or otherwise emancipated;
43 (3) "Child", any person under seventeen years of age
44 unless otherwise emancipated;
45 (4) "Court", the circuit or associate circuit judge or
46 a family court commissioner;
47 (5) "Domestic violence", abuse or stalking committed
48 by a family or household member, as such terms are defined
49 in this section;
50 (6) "Ex parte order of protection", an order of
51 protection issued by the court before the respondent has
52 received notice of the petition or an opportunity to be
53 heard on it;
54 (7) "Family" or "household member", spouses, former
55 spouses, any person related by blood or marriage, persons
56 who are presently residing together or have resided together
57 in the past, any person who is or has been in a continuing
58 social relationship of a romantic or intimate nature with
59 the victim, and anyone who has a child in common regardless
60 of whether they have been married or have resided together
61 at any time;
62 (8) "Full order of protection", an order of protection
63 issued after a hearing on the record where the respondent

64 has received notice of the proceedings and has had an
65 opportunity to be heard;
66 (9) "Order of protection", either an ex parte order of
67 protection or a full order of protection;
68 (10) "Pending", exists or for which a hearing date has
69 been set;
70 (11) "Pet", a living creature maintained by a
71 household member for companionship and not for commercial
72 purposes;
73 (12) "Petitioner", a family or household member who
74 has been a victim of domestic violence, or any person who
75 has been the victim of stalking or sexual assault, or a
76 person filing on behalf of a child pursuant to section
77 455.503 who has filed a verified petition pursuant to the
78 provisions of section 455.020 or section 455.505;
79 [(12)] (13) "Respondent", the family or household
80 member alleged to have committed an act of domestic
81 violence, or person alleged to have committed an act of
82 stalking or sexual assault, against whom a verified petition
83 has been filed or a person served on behalf of a child
84 pursuant to section 455.503;
85 [(13)] (14) "Sexual assault", as defined under
86 subdivision (1) of this section;
87 [(14)] (15) "Stalking", is when any person purposely
88 engages in an unwanted course of conduct that causes alarm
89 to another person, or a person who resides together in the
90 same household with the person seeking the order of
91 protection when it is reasonable in that person's situation
92 to have been alarmed by the conduct. As used in this
93 subdivision:
94 (a) "Alarm" [means], to cause fear of danger of
95 physical harm; and

96 (b) "Course of conduct" [means a pattern of conduct
97 composed of], two or more acts [over a period of time,
98 however short,] that [serves] serve no legitimate purpose[.
99 Such conduct may include, but is not limited to, following
100 the other person or unwanted communication or unwanted
101 contact] including, but not limited to, acts in which the
102 stalker directly, indirectly, or through a third party
103 follows, monitors, observes, surveils, threatens, or
104 communicates to a person by any action, method, or device.

455.032. In addition to any other jurisdictional
2 grounds provided by law, a court shall have jurisdiction to
3 enter an order of protection restraining or enjoining the
4 respondent from committing or threatening to commit domestic
5 violence, stalking, sexual assault, molesting or disturbing
6 the peace of petitioner, or abusing a pet, pursuant to
7 sections 455.010 to 455.085, if the petitioner is present,
8 whether permanently or on a temporary basis within the state
9 of Missouri and if the respondent's actions constituting
10 domestic violence have occurred, have been attempted or have
11 been or are threatened within the state of Missouri. For
12 purposes of this section, if the petitioner has been the
13 subject of domestic violence within or outside of the state
14 of Missouri, such evidence shall be admissible to
15 demonstrate the need for protection in Missouri.

455.040. 1. (1) Not later than fifteen days after
2 the filing of a petition that meets the requirements of
3 section 455.020, a hearing shall be held unless the court
4 deems, for good cause shown, that a continuance should be
5 granted. At the hearing, if the petitioner has proved the
6 allegation of domestic violence, stalking, or sexual assault
7 by a preponderance of the evidence, and the respondent
8 cannot show that his or her actions alleged to constitute
9 abuse were otherwise justified under the law, the court

shall issue a full order of protection for a period of time the court deems appropriate, and unless after an evidentiary hearing the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, [except that] the protective order shall be valid for at least one hundred eighty days and not more than one year. If, after an evidentiary hearing, the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the protective order shall be valid for at least two years and not more than ten years.

(2) Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed annually and for a period of time the court deems appropriate, and unless the court at an evidentiary hearing made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, [except that] the renewed protective order may be renewed periodically and shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the [originally] previously issued full order of protection. If the court has made specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the renewed protective order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent.

(3) The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection [for one year] shall be automatically

43 [renew] renewed for any term of renewal of a full order of
44 protection as set forth in this section unless the
45 respondent requests a hearing by thirty days prior to the
46 expiration of the order. If for good cause a hearing cannot
47 be held on the motion to renew or the objection to an
48 automatic renewal of the full order of protection prior to
49 the expiration date of the originally issued full order of
50 protection, an ex parte order of protection may be issued
51 until a hearing is held on the motion. When an automatic
52 renewal is not authorized, upon motion by the petitioner,
53 and after a hearing by the court, the second full order of
54 protection may be renewed for an additional period of time
55 the court deems appropriate, except that the protective
56 order shall be valid for [at least one hundred eighty days
57 and not more than one year] any term of renewal of a full
58 order as set forth in this section. For purposes of this
59 subsection, a finding by the court of a subsequent act of
60 domestic violence, stalking, or sexual assault is not
61 required for a renewal order of protection.
62 (4) In determining under this section whether a
63 respondent poses a serious danger to the physical or mental
64 health of a petitioner or of a minor household member of the
65 petitioner, the court shall consider all relevant evidence
66 including, but not limited to:
67 (a) The weight of the evidence;
68 (b) The respondent's history of inflicting or causing
69 physical harm, bodily injury, or assault;
70 (c) The respondent's history of stalking or causing
71 fear of physical harm, bodily injury, or assault on the
72 petitioner or a minor household member of the petitioner;
73 (d) The respondent's criminal record;
74 (e) Whether any prior full orders of adult or child
75 protection have been issued against the respondent;

76 (f) Whether the respondent has been found guilty of
77 any dangerous felony under Missouri law; and
78 (g) Whether the respondent violated any term or terms
79 of probation or parole or violated any term of a prior full
80 or temporary order of protection and which violated terms
81 were intended to protect the petitioner or a minor household
82 member of the petitioner.
83 (5) If a court finds that a respondent poses a serious
84 risk to the physical or mental health of the petitioner or
85 of a minor household member of the petitioner, the court
86 shall not modify such order until a period of at least two
87 years from the date the original full order was issued and
88 only after the court makes specific written findings after a
89 hearing held that the respondent has shown proof of
90 treatment and rehabilitation and that the respondent no
91 longer poses a serious danger to the petitioner or to a
92 minor household member of the petitioner.
93 2. The court shall cause a copy of the petition and
94 notice of the date set for the hearing on such petition and
95 any ex parte order of protection to be served upon the
96 respondent as provided by law or by any sheriff or police
97 officer at least three days prior to such hearing. The
98 court shall cause a copy of any full order of protection to
99 be served upon or mailed by certified mail to the respondent
100 at the respondent's last known address. Notice of an ex
101 parte or full order of protection shall be served at the
102 earliest time, and service of such notice shall take
103 priority over service in other actions, except those of a
104 similar emergency nature. Failure to serve or mail a copy
105 of the full order of protection to the respondent shall not
106 affect the validity or enforceability of a full order of
107 protection.

108 3. A copy of any order of protection granted pursuant
109 to sections 455.010 to 455.085 shall be issued to the
110 petitioner and to the local law enforcement agency in the
111 jurisdiction where the petitioner resides. [The clerk shall
112 also issue a copy of any order of protection to the local
113 law enforcement agency responsible for maintaining the
114 Missouri uniform law enforcement system or any other
115 comparable law enforcement system the same day the order is
116 granted. The law enforcement agency responsible for
117 maintaining MULES shall, for purposes of verification,
118 within twenty-four hours from the time the order is
119 granted,] The court shall provide all necessary information,
120 including the respondent's relationship to the petitioner,
121 for entry of the order of protection into the Missouri
122 Uniform Law Enforcement System (MULES) and the National
123 Crime Information Center (NCIC). Upon receiving the order
124 under this subsection, the sheriff shall make the entry into
125 MULES within twenty-four hours. MULES shall forward the
126 order information to NCIC, which will in turn make the order
127 viewable within the National Instant Criminal Background
128 Check System (NICS). The sheriff shall enter information
129 contained in the order, including, but not limited to, any
130 orders regarding child custody or visitation and all
131 specifics as to times and dates of custody or visitation
132 that are provided in the order. A notice of expiration or
133 of termination of any order of protection or any change in
134 child custody or visitation within that order shall be
135 issued to the local law enforcement agency [and to the law
136 enforcement agency responsible for maintaining] for entry
137 into MULES or any other comparable law enforcement system.
138 [The law enforcement agency responsible for maintaining the
139 applicable law enforcement system shall enter such
140 information in the system within twenty-four hours of

141 receipt of information evidencing such expiration or
142 termination.**]** The information contained in an order of
143 protection may be entered **[**in the Missouri uniform law
144 enforcement system**]** <u>into MULES</u> or <u>any other</u> comparable law
145 enforcement system using a direct automated data transfer
146 from the court automated system to the law enforcement
147 system.
148 4. The court shall cause a copy of any objection filed
149 by the respondent and notice of the date set for the hearing
150 on such objection to an automatic renewal of a full order of
151 protection for a period of one year to be personally served
152 upon the petitioner by personal process server as provided
153 by law or by a sheriff or police officer at least three days
154 prior to such hearing. Such service of process shall be
155 served at the earliest time and shall take priority over
156 service in other actions except those of a similar emergency
157 nature.

455.045. Any ex parte order of protection granted
2 pursuant to sections 455.010 to 455.085 shall be to protect
3 the petitioner from domestic violence, stalking, or sexual
4 assault and may include:
5 (1) Restraining the respondent from committing or
6 threatening to commit domestic violence, molesting,
7 stalking, sexual assault, or disturbing the peace of the
8 petitioner;
9 (2) Restraining the respondent from entering the
10 premises of the dwelling unit of petitioner when the
11 dwelling unit is:
12 (a) Jointly owned, leased or rented or jointly
13 occupied by both parties; or
14 (b) Owned, leased, rented or occupied by petitioner
15 individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate;

(5) A temporary order of possession of pets where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner, including violence against a pet;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this

21 section by reason of the absence of a property interest in
22 the dwelling unit; or
23 (d) Jointly occupied by the petitioner and a person
24 other than respondent; provided that the respondent has no
25 property interest in the dwelling unit; or
26 (3) Temporarily enjoining the respondent from
27 communicating with the petitioner in any manner or through
28 any medium.
29 2. Mutual orders of protection are prohibited unless
30 both parties have properly filed written petitions and
31 proper service has been made in accordance with sections
32 455.010 to 455.085.
33 3. When the court has, after a hearing for any full
34 order of protection, issued an order of protection, it may,
35 in addition:
36 (1) Award custody of any minor child born to or
37 adopted by the parties when the court has jurisdiction over
38 such child and no prior order regarding custody is pending
39 or has been made, and the best interests of the child
40 require such order be issued;
41 (2) Establish a visitation schedule that is in the
42 best interests of the child;
43 (3) Award child support in accordance with supreme
44 court rule 88.01 and chapter 452;
45 (4) Award maintenance to petitioner when petitioner
46 and respondent are lawfully married in accordance with
47 chapter 452;
48 (5) Order respondent to make or to continue to make
49 rent or mortgage payments on a residence occupied by the
50 petitioner if the respondent is found to have a duty to
51 support the petitioner or other dependent household members;
52 (6) Order the respondent to pay the petitioner's rent
53 at a residence other than the one previously shared by the

54 parties if the respondent is found to have a duty to support
55 the petitioner and the petitioner requests alternative
56 housing;
57 (7) Order that the petitioner be given temporary
58 possession of specified personal property, such as
59 automobiles, checkbooks, keys, and other personal effects;
60 (8) Prohibit the respondent from transferring,
61 encumbering, or otherwise disposing of specified property
62 mutually owned or leased by the parties;
63 (9) Order the respondent to participate in a court-
64 approved counseling program designed to help batterers stop
65 violent behavior or to participate in a substance abuse
66 treatment program;
67 (10) Order the respondent to pay a reasonable fee for
68 housing and other services that have been provided or that
69 are being provided to the petitioner by a shelter for
70 victims of domestic violence;
71 (11) Order the respondent to pay court costs;
72 (12) Order the respondent to pay the cost of medical
73 treatment and services that have been provided or that are
74 being provided to the petitioner as a result of injuries
75 sustained to the petitioner by an act of domestic violence
76 committed by the respondent;
77 (13) Award possession and care of any pet, along with
78 any moneys necessary to cover medical costs that may have
79 resulted from abuse of the pet.
80 4. A verified petition seeking orders for maintenance,
81 support, custody, visitation, payment of rent, payment of
82 monetary compensation, possession of personal property,
83 prohibiting the transfer, encumbrance, or disposal of
84 property, or payment for services of a shelter for victims
85 of domestic violence, shall contain allegations relating to
86 those orders and shall pray for the orders desired.

87 5. In making an award of custody, the court shall
88 consider all relevant factors including the presumption that
89 the best interests of the child will be served by placing
90 the child in the custody and care of the nonabusive parent,
91 unless there is evidence that both parents have engaged in
92 abusive behavior, in which case the court shall not consider
93 this presumption but may appoint a guardian ad litem or a
94 court-appointed special advocate to represent the children
95 in accordance with chapter 452 and shall consider all other
96 factors in accordance with chapter 452.
97 6. The court shall grant to the noncustodial parent
98 rights to visitation with any minor child born to or adopted
99 by the parties, unless the court finds, after hearing, that
100 visitation would endanger the child's physical health,
101 impair the child's emotional development or would otherwise
102 conflict with the best interests of the child, or that no
103 visitation can be arranged which would sufficiently protect
104 the custodial parent from further domestic violence. The
105 court may appoint a guardian ad litem or court-appointed
106 special advocate to represent the minor child in accordance
107 with chapter 452 whenever the custodial parent alleges that
108 visitation with the noncustodial parent will damage the
109 minor child.
110 7. The court shall make an order requiring the
111 noncustodial party to pay an amount reasonable and necessary
112 for the support of any child to whom the party owes a duty
113 of support when no prior order of support is outstanding and
114 after all relevant factors have been considered, in
115 accordance with Missouri supreme court rule 88.01 and
116 chapter 452.
117 8. The court may grant a maintenance order to a party
118 for a period of time, not to exceed one hundred eighty

119 days. Any maintenance ordered by the court shall be in
120 accordance with chapter 452.
121 9. (1) The court may, in order to ensure that a
122 petitioner can maintain an existing wireless telephone
123 number or numbers, issue an order, after notice and an
124 opportunity to be heard, directing a wireless service
125 provider to transfer the billing responsibility for and
126 rights to the wireless telephone number or numbers to the
127 petitioner, if the petitioner is not the wireless service
128 accountholder.
129 (2) (a) The order transferring billing responsibility
130 for and rights to the wireless telephone number or numbers
131 to the petitioner shall list the name and billing telephone
132 number of the accountholder, the name and contact
133 information of the person to whom the telephone number or
134 numbers will be transferred, and each telephone number to be
135 transferred to that person. The court shall ensure that the
136 contact information of the petitioner is not provided to the
137 accountholder in proceedings held under this chapter.
138 (b) Upon issuance, a copy of the full order of
139 protection shall be transmitted, either electronically or by
140 certified mail, to the wireless service provider's
141 registered agent listed with the secretary of state, or
142 electronically to the email address provided by the wireless
143 service provider. Such transmittal shall constitute
144 adequate notice for the wireless service provider acting
145 under this section and section 455.523.
146 (c) If the wireless service provider cannot
147 operationally or technically effectuate the order due to
148 certain circumstances, the wireless service provider shall
149 notify the petitioner within three business days. Such
150 circumstances shall include, but not be limited to, the
151 following:

152 a. The accountholder has already terminated the
153 account;
154 b. The differences in network technology prevent the
155 functionality of a device on the network; or
156 c. There are geographic or other limitations on
157 network or service availability.
158 (3) (a) Upon transfer of billing responsibility for
159 and rights to a wireless telephone number or numbers to the
160 petitioner under this subsection by a wireless service
161 provider, the petitioner shall assume all financial
162 responsibility for the transferred wireless telephone number
163 or numbers, monthly service costs, and costs for any mobile
164 device associated with the wireless telephone number or
165 numbers.
166 (b) This section shall not preclude a wireless service
167 provider from applying any routine and customary
168 requirements for account establishment to the petitioner as
169 part of this transfer of billing responsibility for a
170 wireless telephone number or numbers and any devices
171 attached to that number or numbers including, but not
172 limited to, identification, financial information, and
173 customer preferences.
174 (4) This section shall not affect the ability of the
175 court to apportion the assets and debts of the parties as
176 provided for in law, or the ability to determine the
177 temporary use, possession, and control of personal property.
178 (5) No cause of action shall lie against any wireless
179 service provider, its officers, employees, or agents, for
180 actions taken in accordance with the terms of a court order
181 issued under this section.
182 (6) As used in this section and section 455.523, a
183 "wireless service provider" means a provider of commercial
184 mobile service under Section 332(d) of the Federal

185 Telecommunications Act of 1996 (47 U.S.C. Section 151, et
186 seq.).

455.513. 1. The court may immediately issue an ex
2 parte order of protection upon the filing of a verified
3 petition under sections 455.500 to 455.538, for good cause
4 shown in the petition, and upon finding that:
5 (1) No prior order regarding custody involving the
6 respondent and the child is pending or has been made; or
7 (2) The respondent is less than seventeen years of age.

8 An immediate and present danger of domestic violence,
9 <u>including danger to the child's pet,</u> stalking, or sexual
10 assault to a child shall constitute good cause for purposes
11 of this section. An ex parte order of protection entered by
12 the court shall be in effect until the time of the hearing.
13 The court shall deny the ex parte order and dismiss the
14 petition if the petitioner is not authorized to seek relief
15 pursuant to section 455.505.
16 2. Upon the entry of the ex parte order of protection,
17 the court shall enter its order appointing a guardian ad
18 litem or court-appointed special advocate to represent the
19 child victim.
20 3. If the allegations in the petition would give rise
21 to jurisdiction under section 211.031, the court may direct
22 the children's division to conduct an investigation and to
23 provide appropriate services. The division shall submit a
24 written investigative report to the court and to the
25 juvenile officer within thirty days of being ordered to do
26 so. The report shall be made available to the parties and
27 the guardian ad litem or court-appointed special advocate.
28 4. If the allegations in the petition would give rise
29 to jurisdiction under section 211.031 because the respondent
30 is less than seventeen years of age, the court may issue an
31 ex parte order and shall transfer the case to juvenile court

32 for a hearing on a full order of protection. Service of
33 process shall be made pursuant to section 455.035.

455.520. 1. Any ex parte order of protection granted
2 under sections 455.500 to 455.538 shall be to protect the
3 victim from domestic violence, including danger to the
4 child's pet, stalking, or sexual assault and may include
5 such terms as the court reasonably deems necessary to ensure
6 the victim's safety, including but not limited to:
7 (1) Restraining the respondent from committing or
8 threatening to commit domestic violence, stalking, sexual
9 assault, molesting, or disturbing the peace of the victim;
10 (2) Restraining the respondent from entering the
11 family home of the victim except as specifically authorized
12 by the court;
13 (3) Restraining the respondent from communicating with
14 the victim in any manner or through any medium, except as
15 specifically authorized by the court;
16 (4) A temporary order of custody of minor children;
17 (5) A temporary order of possession of pets where
18 appropriate.
19 2. No ex parte order of protection excluding the
20 respondent from the family home shall be issued unless the
21 court finds that:
22 (1) The order is in the best interests of the child or
23 children remaining in the home;
24 (2) The verified allegations of domestic violence
25 present a substantial risk to the child or children unless
26 the respondent is excluded; and
27 (3) A remaining adult family or household member is
28 able to care adequately for the child or children in the
29 absence of the excluded party.

455.523. 1. Any full order of protection granted
2 under sections 455.500 to 455.538 shall be to protect the

3 victim from domestic violence, including danger to the
4 child's pet, stalking, and sexual assault may include such
5 terms as the court reasonably deems necessary to ensure the
6 petitioner's safety, including but not limited to:
7 (1) Temporarily enjoining the respondent from
8 committing domestic violence or sexual assault, threatening
9 to commit domestic violence or sexual assault, stalking,
10 molesting, or disturbing the peace of the victim;
11 (2) Temporarily enjoining the respondent from entering
12 the family home of the victim, except as specifically
13 authorized by the court;
14 (3) Temporarily enjoining the respondent from
15 communicating with the victim in any manner or through any
16 medium, except as specifically authorized by the court.
17 2. When the court has, after hearing for any full
18 order of protection, issued an order of protection, it may,
19 in addition:
20 (1) Award custody of any minor child born to or
21 adopted by the parties when the court has jurisdiction over
22 such child and no prior order regarding custody is pending
23 or has been made, and the best interests of the child
24 require such order be issued;
25 (2) Award visitation;
26 (3) Award child support in accordance with supreme
27 court rule 88.01 and chapter 452;
28 (4) Award maintenance to petitioner when petitioner
29 and respondent are lawfully married in accordance with
30 chapter 452;
31 (5) Order respondent to make or to continue to make
32 rent or mortgage payments on a residence occupied by the
33 victim if the respondent is found to have a duty to support
34 the victim or other dependent household members;

35 (6) Order the respondent to participate in a court-
36 approved counseling program designed to help stop violent
37 behavior or to treat substance abuse;
38 (7) Order the respondent to pay, to the extent that he
39 or she is able, the costs of his or her treatment, together
40 with the treatment costs incurred by the victim;
41 (8) Order the respondent to pay a reasonable fee for
42 housing and other services that have been provided or that
43 are being provided to the victim by a shelter for victims of
44 domestic violence;
45 (9) Order a wireless service provider, in accordance
46 with the process, provisions, and requirements set out in
47 subdivisions (1) to (6) of subsection 9 of section 455.050,
48 to transfer the billing responsibility for and rights to the
49 wireless telephone number or numbers of any minor children
50 in the petitioner's care to the petitioner, if the
51 petitioner is not the wireless service accountholder;
52 (10) Award possession and care of any pet, along with
53 any moneys necessary to cover medical costs that may have
54 resulted from abuse of the pet.
475.120. 1. The guardian of the person of a minor
2 shall be entitled to the custody and control of the ward and
3 shall provide for the ward's education, support, and
4 maintenance.
5 2. A guardian or limited guardian of an incapacitated
6 person shall act in the best interest of the ward. A
7 limited guardian of an incapacitated person shall have the
8 powers and duties enumerated by the court in the
9 adjudication order or any later modifying order.
10 3. Except as otherwise limited by the court, a
11 guardian shall make decisions regarding the adult ward's
12 support, care, education, health, and welfare. A guardian
13 shall exercise authority only as necessitated by the adult

14 ward's limitations and, to the extent possible, shall
15 encourage the adult ward to participate in decisions, act on
16 the adult ward's own behalf, and develop or regain the
17 capacity to manage the adult ward's personal affairs. The
18 general powers and duties of a guardian of an incapacitated
19 person [shall be to take charge of the person of the ward
20 and to provide for the ward's care, treatment, habilitation,
21 education, support and maintenance; and the powers and
22 duties] shall include, but not be limited to, the following:
23 (1) Assure that the ward resides in the best and least
24 restrictive setting reasonably available;
25 (2) Assure that the ward receives medical care and
26 other services that are needed;
27 (3) Promote and protect the care, comfort, safety,
28 health, and welfare of the ward;
29 (4) Provide required consents on behalf of the ward;
30 (5) To exercise all powers and discharge all duties
31 necessary or proper to implement the provisions of this
32 section.
33 4. A guardian of an adult or minor ward is not
34 obligated by virtue of such guardian's appointment to use
35 the guardian's own financial resources for the support of
36 the ward. If the ward's estate and available public
37 benefits are inadequate for the proper care of the ward, the
38 guardian or conservator may apply to the county commission
39 pursuant to section 475.370.
40 5. No guardian of the person shall have authority to
41 seek admission of the guardian's ward to a mental health or
42 intellectual disability facility for more than thirty days
43 for any purpose without court order except as otherwise
44 provided by law.
45 6. Only the director or chief administrative officer
46 of a social service agency serving as guardian of an

47 incapacitated person, or such person's designee, is legally
48 authorized to act on behalf of the ward.
49 7. A social service agency serving as guardian of an
50 incapacitated person shall notify the court within fifteen
51 days after any change in the identity of the professional
52 individual who has primary responsibility for providing
53 guardianship services to the incapacitated person.
54 8. Any social service agency serving as guardian may
55 not provide other services to the ward.
56 9. In the absence of any written direction from the
57 ward to the contrary, a guardian may execute a preneed
58 contract for the ward's funeral services, including
59 cremation, or an irrevocable life insurance policy to pay
60 for the ward's funeral services, including cremation, and
61 authorize the payment of such services from the ward's
62 resources. Nothing in this section shall interfere with the
63 rights of next-of-kin to direct the disposition of the body
64 of the ward upon death under section 194.119. If a preneed
65 arrangement such as that authorized by this subsection is in
66 place and no next-of-kin exercises the right of sepulcher
67 within ten days of the death of the ward, the guardian may
68 sign consents for the disposition of the body, including
69 cremation, without any liability therefor. A guardian who
70 exercises the authority granted in this subsection shall not
71 be personally financially responsible for the payment of
72 services.
73 [10. Except as otherwise limited by the court, a
74 guardian shall make decisions regarding the adult ward's
75 support, care, education, health, and welfare. A guardian
76 shall exercise authority only as necessitated by the adult
77 ward's limitations and, to the extent possible, shall
78 encourage the adult ward to participate in decisions, act on

the adult ward's own behalf, and develop or regain the capacity to manage the adult ward's personal affairs.]

479.162. Notwithstanding any provision of law, supreme court rule, or court operating rule, in a proceeding for a municipal ordinance violation or any other proceeding before a municipal court if the charge carries the possibility of fifteen days or more in jail or confinement, a defendant shall not be charged any fee for obtaining a police report, probable cause statement, or any video relevant to the traffic stop or arrest. Such police report, probable cause statement, or video shall be provided by the prosecutor upon written request by the defendant for discovery.

488.016. Notwithstanding any supreme court rule or any provision of law to the contrary, costs shall be fully waived for any person who is an honorably discharged veteran of any branch of the Armed Forces of the United States and who successfully completes a veterans treatment court, as defined under section 478.001.

488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars in all criminal cases for any violation of chapter [195] 579 in which a crime laboratory makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or when a criminal proceeding or the defendant has been dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the state forensic laboratory account to be administered by the department of public safety pursuant to section 650.105.

491.016. 1. A statement made by a witness that is not otherwise admissible is admissible in evidence in a criminal proceeding as substantive evidence to prove the truth of the matter asserted if, after a hearing, the court finds, by a preponderance of the evidence, that:

(1) The defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness;

(2) The wrongdoing in which the defendant engaged or acquiesced has caused or substantially contributed to cause the unavailability of the witness;

(3) The state exercised due diligence to secure by subpoena or other means the attendance of the witness at the proceeding, or the witness is unavailable because the defendant caused or acquiesced in the death of the witness; and

(4) The witness fails to appear at the proceeding.

2. In a jury trial, the hearing and finding to determine the admissibility of the statement shall be held and found outside the presence of the jury and before the case is submitted to the jury.

545.940. 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, domestic assault in the

13 third degree; section 565.075, assault while on school
14 property; section 565.076, domestic assault in the fourth
15 degree; section 565.081, 565.082, or 565.083, assault of a
16 law enforcement officer, corrections officer, emergency
17 personnel, highway worker in a construction zone or work
18 zone, utility worker, cable worker, or probation and parole
19 officer in the first, second, or third degree; section
20 567.020, prostitution; section 568.045, endangering the
21 welfare of a child in the first degree; section 568.050,
22 endangering the welfare of a child in the second degree;
23 section 568.060, abuse of a child; section 575.150,
24 resisting or interfering with an arrest; or **[**paragraph (a),
25 (b), or (c), of**]** subdivision (2) or (3) of subsection **[**1**]** 2
26 of section 191.677, knowingly or recklessly exposing a
27 person to **[**HIV**]** a serious infectious or communicable
28 disease, the court may order that the defendant be conveyed
29 to a state-, city-, or county-operated HIV clinic for
30 testing for HIV, hepatitis B, hepatitis C, syphilis,
31 gonorrhea, and chlamydia. The results of such tests shall
32 be released to the victim and his or her parent or legal
33 guardian if the victim is a minor. The results of such
34 tests shall also be released to the prosecuting attorney or
35 circuit attorney and the defendant's attorney. The state's
36 motion to obtain said testing, the court's order of the
37 same, and the test results shall be sealed in the court file.
38 2. As used in this section, "HIV" means the human
39 immunodeficiency virus that causes acquired immunodeficiency
40 syndrome.

546.265. 1. As used in this section, the following
2 terms mean:
3 (1) "Crime stoppers organization", a private, not-for-
4 profit organization that collects and expends donations for
5 rewards to persons who report to the organization

6 information concerning criminal activity and that forwards
7 such information to appropriate law enforcement agencies;
8 (2) "Privileged communication", information by an
9 anonymous person to a crime stoppers organization for the
10 purpose of reporting alleged criminal activity.
11 2. No person shall be required to disclose, by way of
12 testimony or otherwise, a privileged communication between a
13 person who submits a report of alleged criminal activity to
14 a crime stoppers organization and the person who accepts the
15 report on behalf of a crime stoppers organization or to
16 produce, under subpoena, any records, documentary evidence,
17 opinions, or decisions relating to such privileged
18 communication:
19 (1) In connection with any criminal case or
20 proceeding; or
21 (2) By way of any discovery procedure.
22 3. Any person arrested or charged with a criminal
23 offense may petition the court for an in camera inspection
24 of the records of a privileged communication concerning the
25 report such person made to a crime stoppers organization.
26 The petition shall allege facts showing that such records
27 would provide evidence favorable to the defendant and
28 relevant to the issue of guilt or punishment. If the court
29 determines that the person is entitled to all or any part of
30 such records, the court may order production and disclosure
31 as the court deems appropriate.
547.031. 1. A prosecuting or circuit attorney, in the
2 jurisdiction in which a person was convicted of an offense,
3 may file a motion to vacate or set aside the judgment at any
4 time if he or she has information that the convicted person
5 may be innocent or may have been erroneously convicted. The
6 circuit court in which the person was convicted shall have

jurisdiction and authority to consider, hear, and decide the motion.

2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall issue findings of fact and conclusions of law on all issues presented. The attorney general shall be given notice of hearing of such a motion by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion.

3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion.

4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

549.500. All documents prepared or obtained in the discharge of official duties by any member or employee of the [board of probation and] parole board or employee of the division of probation and parole shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the parole board and other authorized

employees of the department pursuant to section 217.075. The parole board may at its discretion permit the inspection of the report or parts thereof by the offender or his or her attorney or other persons having a proper interest therein.

557.051. 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the **[**board**]** division of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program.

2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

30 (2) Be prohibited from providing assessment or
31 counseling services or any program of treatment, education
32 or rehabilitation to, for, on behalf of, at the direction
33 of, or in contract with the **[**state board**]** division of
34 probation and parole or any office thereof; and
35 (3) Be prohibited from having any financial interest,
36 whether direct or indirect, in any private entity which
37 provides assessment or counseling services or any program of
38 treatment, education or rehabilitation to, for, on behalf
39 of, at the direction of, or in contract with the **[**state
40 board**]** division of probation and parole or any office
41 thereof.
42 3. The provisions of subsection 2 of this section
43 shall not apply when the department of corrections has
44 identified only one qualified service provider within
45 reasonably accessible distance from the offender or when the
46 only providers available within a reasonable distance are
47 related within the third degree of consanguinity or affinity
48 to any person who has a financial interest in the service
49 provider.
558.011. 1. The authorized terms of imprisonment,
2 including both prison and conditional release terms, are:
3 (1) For a class A felony, a term of years not less
4 than ten years and not to exceed thirty years, or life
5 imprisonment;
6 (2) For a class B felony, a term of years not less
7 than five years and not to exceed fifteen years;
8 (3) For a class C felony, a term of years not less
9 than three years and not to exceed ten years;
10 (4) For a class D felony, a term of years not to
11 exceed seven years;
12 (5) For a class E felony, a term of years not to
13 exceed four years;

(6) For a class A misdemeanor, a term not to exceed one year;

(7) For a class B misdemeanor, a term not to exceed six months;

(8) For a class C misdemeanor, a term not to exceed fifteen days.

2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

47 (b) Three years for terms between nine and fifteen
48 years;
49 (c) Five years for terms more than fifteen years; and
50 the prison term shall be the remainder of such term. The
51 prison term may be extended by the [board of probation and]
52 parole board pursuant to subsection 5 of this section.
53 (2) "Conditional release" means the conditional
54 discharge of an offender by the [board of probation and]
55 parole board, subject to conditions of release that the
56 parole board deems reasonable to assist the offender to lead
57 a law-abiding life, and subject to the supervision under the
58 [state board] division of probation and parole. The
59 conditions of release shall include avoidance by the
60 offender of any other offense, federal or state, and other
61 conditions that the parole board in its discretion deems
62 reasonably necessary to assist the releasee in avoiding
63 further violation of the law.
64 5. The date of conditional release from the prison
65 term may be extended up to a maximum of the entire sentence
66 of imprisonment by the [board of probation and] parole
67 board. The director of any division of the department of
68 corrections except the [board] division of probation and
69 parole may file with the [board of probation and] parole
70 board a petition to extend the conditional release date when
71 an offender fails to follow the rules and regulations of the
72 division or commits an act in violation of such rules.
73 Within ten working days of receipt of the petition to extend
74 the conditional release date, the [board of probation and]
75 parole board shall convene a hearing on the petition. The
76 offender shall be present and may call witnesses in his or
77 her behalf and cross-examine witnesses appearing against the
78 offender. The hearing shall be conducted as provided in
79 section 217.670. If the violation occurs in close proximity

to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

(1) Rape in the first degree, forcible rape, or rape;

(2) Statutory rape in the first degree;

(3) Sodomy in the first degree, forcible sodomy, or sodomy;

(4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently.

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his or her conditional release term, the court shall direct the manner in which the

23 sentence or sentences imposed by the court shall run with
24 respect to any resulting probation, parole or conditional
25 release revocation term or terms. If the subsequent
26 sentence to imprisonment is in another jurisdiction, the
27 court shall specify how any resulting probation, parole or
28 conditional release revocation term or terms shall run with
29 respect to the foreign sentence of imprisonment.
30 3. A court may cause any sentence it imposes to run
31 concurrently with a sentence an individual is serving or is
32 to serve in another state or in a federal correctional
33 center. If the Missouri sentence is served in another state
34 or in a federal correctional center, subsection 4 of section
35 558.011 and section 217.690 shall apply as if the individual
36 were serving his or her sentence within the department of
37 corrections of the state of Missouri, except that a personal
38 hearing before the [board of probation and] parole board
39 shall not be required for parole consideration.
558.031. 1. A sentence of imprisonment shall commence
2 when a person convicted of an offense in this state is
3 received into the custody of the department of corrections
4 or other place of confinement where the offender is
5 sentenced.
6 2. Such person shall receive credit toward the service
7 of a sentence of imprisonment for all time in prison, jail
8 or custody after [the offense occurred] conviction and
9 before the commencement of the sentence, when the time in
10 custody was related to that offense, and the circuit court
11 may, when pronouncing sentence, award credit for time spent
12 in prison, jail, or custody after the offense occurred and
13 before conviction toward the service of the sentence of
14 imprisonment, except:
15 (1) Such credit shall only be applied once when
16 sentences are consecutive;

(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

(3) As provided in section 559.100.

[2.**]** 3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

[3.**]** 4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

[4.**]** 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

[5.**]** 6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the **[**board of probation and**]** parole board revokes the parole or conditional release, the paroled person shall serve the

50 remainder of the prison term and conditional release term,
51 as an additional prison term, and the conditionally released
52 person shall serve the remainder of the conditional release
53 term as a prison term, unless released on parole.
54 7. Subsection 2 of this section shall be applicable to
55 offenses occurring on or after August 28, 2021.

558.046. The sentencing court may, upon petition,
2 reduce any term of sentence or probation pronounced by the
3 court or a term of conditional release or parole pronounced
4 by the **[**state board of probation and**]** parole board if the
5 court determines that:
6 (1) The convicted person was:
7 (a) Convicted of an offense that did not involve
8 violence or the threat of violence; and
9 (b) Convicted of an offense that involved alcohol or
10 illegal drugs; and
11 (2) Since the commission of such offense, the
12 convicted person has successfully completed a detoxification
13 and rehabilitation program; and
14 (3) The convicted person is not:
15 (a) A prior offender, a persistent offender, a
16 dangerous offender or a persistent misdemeanor offender as
17 defined by section 558.016; or
18 (b) A persistent sexual offender as defined in section
19 566.125; or
20 (c) A prior offender, a persistent offender or a class
21 X offender as defined in section 558.019.

559.026. Except in infraction cases, when probation is
2 granted, the court, in addition to conditions imposed
3 pursuant to section 559.021, may require as a condition of
4 probation that the offender submit to a period of detention
5 up to forty-eight hours after the determination by a
6 probation or parole officer that the offender violated a

condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the **[**board**]** division of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he or she was not convicted and sentenced to a jail or workhouse.

(1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558.

(2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days.

(3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed.

559.105. 1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime.

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court

shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The [board of probation and] parole board shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, [566.212, 566.213] 566.210, 566.211, 568.020, [568.080, or 568.090] 573.200, or 573.205, based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen

years of age and the offender is a prior sex offender as defined in subsection 2 of this section;

the court shall order that the offender be supervised by the [board] division of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department

13 concerning the offender and such offender's behavior during
14 the period of incarceration. Except as provided in this
15 section, the court may place the offender on probation in a
16 program created pursuant to section 217.777, or may place
17 the offender on probation with any other conditions
18 authorized by law.
19 3. The court may recommend placement of an offender in
20 a department of corrections one hundred twenty-day program
21 under this subsection or order such placement under
22 subsection 4 of section 559.036. Upon the recommendation or
23 order of the court, the department of corrections shall
24 assess each offender to determine the appropriate one
25 hundred twenty-day program in which to place the offender,
26 which may include placement in the shock incarceration
27 program or institutional treatment program. When the court
28 recommends and receives placement of an offender in a
29 department of corrections one hundred twenty-day program,
30 the offender shall be released on probation if the
31 department of corrections determines that the offender has
32 successfully completed the program except as follows. Upon
33 successful completion of a program under this subsection,
34 the **[**board**]** division of probation and parole shall advise
35 the sentencing court of an offender's probationary release
36 date thirty days prior to release. The court shall follow
37 the recommendation of the department unless the court
38 determines that probation is not appropriate. If the court
39 determines that probation is not appropriate, the court may
40 order the execution of the offender's sentence only after
41 conducting a hearing on the matter within ninety to one
42 hundred twenty days from the date the offender was delivered
43 to the department of corrections. If the department
44 determines the offender has not successfully completed a one
45 hundred twenty-day program under this subsection, the

46 offender shall be removed from the program and the court
47 shall be advised of the removal. The department shall
48 report on the offender's participation in the program and
49 may provide recommendations for terms and conditions of an
50 offender's probation. The court shall then have the power
51 to grant probation or order the execution of the offender's
52 sentence.
53 4. If the court is advised that an offender is not
54 eligible for placement in a one hundred twenty-day program
55 under subsection 3 of this section, the court shall consider
56 other authorized dispositions. If the department of
57 corrections one hundred twenty-day program under subsection
58 3 of this section is full, the court may place the offender
59 in a private program approved by the department of
60 corrections or the court, the expenses of such program to be
61 paid by the offender, or in an available program offered by
62 another organization. If the offender is convicted of a
63 class C, class D, or class E nonviolent felony, the court
64 may order probation while awaiting appointment to treatment.
65 5. Except when the offender has been found to be a
66 predatory sexual offender pursuant to section 566.125, the
67 court shall request the department of corrections to conduct
68 a sexual offender assessment if the defendant has been found
69 guilty of sexual abuse when classified as a class B felony.
70 Upon completion of the assessment, the department shall
71 provide to the court a report on the offender and may
72 provide recommendations for terms and conditions of an
73 offender's probation. The assessment shall not be
74 considered a one hundred twenty-day program as provided
75 under subsection 3 of this section. The process for
76 granting probation to an offender who has completed the
77 assessment shall be as provided under subsections 2 and 6 of
78 this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to

111 section 566.125; or any offense in which there exists a
112 statutory prohibition against either probation or parole.

559.120. The circuit court may place a defendant on
2 probation and require his or her participation in a program
3 established pursuant to section 217.777 if, having regard to
4 the nature and circumstances of the offense and to the
5 history and character of the defendant, the court is of the
6 opinion that:

7 (1) Traditional institutional confinement of the
8 defendant is not necessary for the protection of the public,
9 given adequate supervision; and

10 (2) The defendant is in need of guidance, training, or
11 other assistance, which, in his or her case, can be
12 effectively administered through participation in a
13 community-based treatment program.

14 If the court holds such opinions and further finds that the
15 defendant is the primary caregiver of one or more dependent
16 children, the court shall consider requiring the defendant
17 to participate in a community-based treatment program.

559.125. 1. The clerk of the court shall keep in a
2 permanent file all applications for probation or parole by
3 the court, and shall keep in such manner as may be
4 prescribed by the court complete and full records of all
5 presentence investigations requested, probations or paroles
6 granted, revoked or terminated and all discharges from
7 probations or paroles. All court orders relating to any
8 presentence investigation requested and probation or parole
9 granted under the provisions of this chapter and sections
10 558.011 and 558.026 shall be kept in a like manner, and, if
11 the defendant subject to any such order is subject to an
12 investigation or is under the supervision of the [state
13 board] division of probation and parole, a copy of the order
14 shall be sent to the [board] division of probation and

parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

559.600. 1. In cases where the [board of probation and parole] division of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons

13 placed on probation for violations of section 577.023.
14 Nothing in sections 559.600 to 559.615 shall be construed to
15 prohibit the **[**board**]** division of probation and parole, or
16 the court, from supervising misdemeanor offenders in a
17 circuit where the judges have entered into a contract with a
18 probation entity.
19 2. In all cases, the entity providing such private
20 probation service shall utilize the cutoff concentrations
21 utilized by the department of corrections with regard to
22 drug and alcohol screening for clients assigned to such
23 entity. A drug test is positive if drug presence is at or
24 above the cutoff concentration or negative if no drug is
25 detected or if drug presence is below the cutoff
26 concentration.
27 3. In all cases, the entity providing such private
28 probation service shall not require the clients assigned to
29 such entity to travel in excess of fifty miles in order to
30 attend their regular probation meetings.
559.602. A private entity seeking to provide probation
2 supervision and rehabilitation services to misdemeanor
3 offenders shall make timely written application to the
4 judges in a circuit. When approved by the judges of a
5 circuit, the application, the judicial order of approval and
6 the contract shall be forwarded to the **[**board**]** division of
7 probation and parole. The contract shall contain the
8 responsibilities of the private entity, including the
9 offenses for which persons will be supervised. The **[**board**]**
10 division may then withdraw supervision of misdemeanor
11 offenders which are to be supervised by the court-approved
12 private entity in that circuit.
559.607. 1. Judges of the municipal division in any
2 circuit, acting through a chief or presiding judge, either
3 may contract with a private or public entity or may employ

4 any qualified person to serve as the city's probation
5 officer to provide probation and rehabilitation services for
6 persons placed on probation for violation of any ordinance
7 of the city, specifically including the offense of operating
8 or being in physical control of a motor vehicle while under
9 the influence of intoxicating liquor or narcotic drugs. The
10 contracting city shall not be required to pay for any part
11 of the cost of probation and rehabilitation services
12 authorized under sections 559.600 to 559.615. Persons found
13 guilty or pleading guilty to ordinance violations and placed
14 on probation by municipal or city court judges shall
15 contribute a service fee to the court in the amount set
16 forth in section 559.604 to pay the cost of their probation
17 supervision provided by a probation officer employed by the
18 court or by a contract probation officer as provided for in
19 section 559.604.
20 2. When approved by municipal court judges in the
21 municipal division, the application, judicial order of
22 approval, and the contract shall be forwarded to and filed
23 with the **[**board**]** division of probation and parole. The
24 court-approved private or public entity or probation officer
25 employed by the court shall then function as the probation
26 office for the city, pursuant to the terms of the contract
27 or conditions of employment and the terms of probation
28 ordered by the judge. Any city in this state which
29 presently does not have probation services available for
30 persons convicted of its ordinance violations, or that
31 contracts out those services with a private entity, may,
32 under the procedures authorized in sections 559.600 to
33 559.615, contract with and continue to contract with a
34 private entity or employ any qualified person and contract
35 with the municipal division to provide such probation
36 supervision and rehabilitation services.

565.058. 1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

565.240. 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, [or] telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony.

566.145. 1. A person commits the offense of sexual conduct in the course of public duty if the person engages in sexual conduct:

(1) With a detainee, a prisoner, or an offender [if he or she] and the person:

[(1)] (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; [or

(2)] (b) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; or

(c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or

(2) With someone who is not a detainee, a prisoner, or an offender and the person is:

(a) A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility;

(b) On duty; and

(c) The offense was committed by means of coercion as defined in section 566.200.

2. For the purposes of this section the following terms shall mean:

(1) "Detainee", a person deprived of liberty and kept under involuntary restraint, confinement, or custody;

(2) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the [state board] division of probation and parole;

[(2)] (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge.

3. The offense of sexual conduct [with a prisoner or offender] in the course of public duty is a class E felony.

4. Consent of a detainee, a prisoner [or], an offender, or any other person is not a defense.

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

31 any agency of the federal government, state government, or
32 political subdivision thereof; or
33 (9) Discharges or shoots a firearm at or from a motor
34 vehicle, as defined in section 301.010, discharges or shoots
35 a firearm at any person, or at any other motor vehicle, or
36 at any building or habitable structure, unless the person
37 was lawfully acting in self-defense; or
38 (10) Carries a firearm, whether loaded or unloaded, or
39 any other weapon readily capable of lethal use into any
40 school, onto any school bus, or onto the premises of any
41 function or activity sponsored or sanctioned by school
42 officials or the district school board; or
43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.
46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:
57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or

64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in
68 subsection 13 of this section, or any person summoned by
69 such officers to assist in making arrests or preserving the
70 peace while actually engaged in assisting such officer;
71 (2) Wardens, superintendents and keepers of prisons,
72 penitentiaries, jails and other institutions for the
73 detention of persons accused or convicted of crime;
74 (3) Members of the Armed Forces or National Guard
75 while performing their official duty;
76 (4) Those persons vested by Article V, Section 1 of
77 the Constitution of Missouri with the judicial power of the
78 state and those persons vested by Article III of the
79 Constitution of the United States with the judicial power of
80 the United States, the members of the federal judiciary;
81 (5) Any person whose bona fide duty is to execute
82 process, civil or criminal;
83 (6) Any federal probation officer or federal flight
84 deck officer as defined under the federal flight deck
85 officer program, 49 U.S.C. Section 44921, regardless of
86 whether such officers are on duty, or within the law
87 enforcement agency's jurisdiction;
88 (7) Any state probation or parole officer, including
89 supervisors and members of the **[**board of probation and**]**
90 parole board;
91 (8) Any corporate security advisor meeting the
92 definition and fulfilling the requirements of the
93 regulations established by the department of public safety
94 under section 590.750;
95 (9) Any coroner, deputy coroner, medical examiner, or
96 assistant medical examiner;

97 (10) Any municipal or county prosecuting attorney or
98 assistant prosecuting attorney; circuit attorney or
99 assistant circuit attorney; municipal, associate, or circuit
100 judge; or any person appointed by a court to be a special
101 prosecutor who has completed the firearms safety training
102 course required under subsection 2 of section 571.111;
103 (11) Any member of a fire department or fire
104 protection district who is employed on a full-time basis as
105 a fire investigator and who has a valid concealed carry
106 endorsement issued prior to August 28, 2013, or a valid
107 concealed carry permit under section 571.111 when such uses
108 are reasonably associated with or are necessary to the
109 fulfillment of such person's official duties; and
110 (12) Upon the written approval of the governing body
111 of a fire department or fire protection district, any paid
112 fire department or fire protection district member who is
113 employed on a full-time basis and who has a valid concealed
114 carry endorsement issued prior to August 28, 2013, or a
115 valid concealed carry permit, when such uses are reasonably
116 associated with or are necessary to the fulfillment of such
117 person's official duties.
118 3. Subdivisions (1), (5), (8), and (10) of subsection
119 1 of this section do not apply when the actor is
120 transporting such weapons in a nonfunctioning state or in an
121 unloaded state when ammunition is not readily accessible or
122 when such weapons are not readily accessible. Subdivision
123 (1) of subsection 1 of this section does not apply to any
124 person nineteen years of age or older or eighteen years of
125 age or older and a member of the United States Armed Forces,
126 or honorably discharged from the United States Armed Forces,
127 transporting a concealable firearm in the passenger
128 compartment of a motor vehicle, so long as such concealable
129 firearm is otherwise lawfully possessed, nor when the actor

130 is also in possession of an exposed firearm or projectile
131 weapon for the lawful pursuit of game, or is in his or her
132 dwelling unit or upon premises over which the actor has
133 possession, authority or control, or is traveling in a
134 continuous journey peaceably through this state.
135 Subdivision (10) of subsection 1 of this section does not
136 apply if the firearm is otherwise lawfully possessed by a
137 person while traversing school premises for the purposes of
138 transporting a student to or from school, or possessed by an
139 adult for the purposes of facilitation of a school-
140 sanctioned firearm-related event or club event.
141 4. Subdivisions (1), (8), and (10) of subsection 1 of
142 this section shall not apply to any person who has a valid
143 concealed carry permit issued pursuant to sections 571.101
144 to 571.121, a valid concealed carry endorsement issued
145 before August 28, 2013, or a valid permit or endorsement to
146 carry concealed firearms issued by another state or
147 political subdivision of another state.
148 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and
149 (10) of subsection 1 of this section shall not apply to
150 persons who are engaged in a lawful act of defense pursuant
151 to section 563.031.
152 6. Notwithstanding any provision of this section to
153 the contrary, the state shall not prohibit any state
154 employee from having a firearm in the employee's vehicle on
155 the state's property provided that the vehicle is locked and
156 the firearm is not visible. This subsection shall only
157 apply to the state as an employer when the state employee's
158 vehicle is on property owned or leased by the state and the
159 state employee is conducting activities within the scope of
160 his or her employment. For the purposes of this subsection,
161 "state employee" means an employee of the executive,

162 legislative, or judicial branch of the government of the
163 state of Missouri.
164 7. Nothing in this section shall make it unlawful for
165 a student to actually participate in school-sanctioned gun
166 safety courses, student military or ROTC courses, or other
167 school-sponsored or club-sponsored firearm-related events,
168 provided the student does not carry a firearm or other
169 weapon readily capable of lethal use into any school, onto
170 any school bus, or onto the premises of any other function
171 or activity sponsored or sanctioned by school officials or
172 the district school board.
173 8. A person who commits the crime of unlawful use of
174 weapons under:
175 (1) Subdivision (2), (3), (4), or (11) of subsection 1
176 of this section shall be guilty of a class E felony;
177 (2) Subdivision (1), (6), (7), or (8) of subsection 1
178 of this section shall be guilty of a class B misdemeanor,
179 except when a concealed weapon is carried onto any private
180 property whose owner has posted the premises as being off-
181 limits to concealed firearms by means of one or more signs
182 displayed in a conspicuous place of a minimum size of eleven
183 inches by fourteen inches with the writing thereon in
184 letters of not less than one inch, in which case the
185 penalties of subsection 2 of section 571.107 shall apply;
186 (3) Subdivision (5) or (10) of subsection 1 of this
187 section shall be guilty of a class A misdemeanor if the
188 firearm is unloaded and a class E felony if the firearm is
189 loaded;
190 (4) Subdivision (9) of subsection 1 of this section
191 shall be guilty of a class B felony, except that if the
192 violation of subdivision (9) of subsection 1 of this section
193 results in injury or death to another person, it is a class
194 A felony.

195 9. Violations of subdivision (9) of subsection 1 of
196 this section shall be punished as follows:
197 (1) For the first violation a person shall be
198 sentenced to the maximum authorized term of imprisonment for
199 a class B felony;
200 (2) For any violation by a prior offender as defined
201 in section 558.016, a person shall be sentenced to the
202 maximum authorized term of imprisonment for a class B felony
203 without the possibility of parole, probation or conditional
204 release for a term of ten years;
205 (3) For any violation by a persistent offender as
206 defined in section 558.016, a person shall be sentenced to
207 the maximum authorized term of imprisonment for a class B
208 felony without the possibility of parole, probation, or
209 conditional release;
210 (4) For any violation which results in injury or death
211 to another person, a person shall be sentenced to an
212 authorized disposition for a class A felony.
213 10. Any person knowingly aiding or abetting any other
214 person in the violation of subdivision (9) of subsection 1
215 of this section shall be subject to the same penalty as that
216 prescribed by this section for violations by other persons.
217 11. Notwithstanding any other provision of law, no
218 person who pleads guilty to or is found guilty of a felony
219 violation of subsection 1 of this section shall receive a
220 suspended imposition of sentence if such person has
221 previously received a suspended imposition of sentence for
222 any other firearms- or weapons-related felony offense.
223 12. As used in this section "qualified retired peace
224 officer" means an individual who:
225 (1) Retired in good standing from service with a
226 public agency as a peace officer, other than for reasons of
227 mental instability;

228 (2) Before such retirement, was authorized by law to
229 engage in or supervise the prevention, detection,
230 investigation, or prosecution of, or the incarceration of
231 any person for, any violation of law, and had statutory
232 powers of arrest;
233 (3) Before such retirement, was regularly employed as
234 a peace officer for an aggregate of fifteen years or more,
235 or retired from service with such agency, after completing
236 any applicable probationary period of such service, due to a
237 service-connected disability, as determined by such agency;
238 (4) Has a nonforfeitable right to benefits under the
239 retirement plan of the agency if such a plan is available;
240 (5) During the most recent twelve-month period, has
241 met, at the expense of the individual, the standards for
242 training and qualification for active peace officers to
243 carry firearms;
244 (6) Is not under the influence of alcohol or another
245 intoxicating or hallucinatory drug or substance; and
246 (7) Is not prohibited by federal law from receiving a
247 firearm.
248 13. The identification required by subdivision (1) of
249 subsection 2 of this section is:
250 (1) A photographic identification issued by the agency
251 from which the individual retired from service as a peace
252 officer that indicates that the individual has, not less
253 recently than one year before the date the individual is
254 carrying the concealed firearm, been tested or otherwise
255 found by the agency to meet the standards established by the
256 agency for training and qualification for active peace
257 officers to carry a firearm of the same type as the
258 concealed firearm; or

259 (2) A photographic identification issued by the agency
260 from which the individual retired from service as a peace
261 officer; and
262 (3) A certification issued by the state in which the
263 individual resides that indicates that the individual has,
264 not less recently than one year before the date the
265 individual is carrying the concealed firearm, been tested or
266 otherwise found by the state to meet the standards
267 established by the state for training and qualification for
268 active peace officers to carry a firearm of the same type as
269 the concealed firearm.

574.110. 1. A person commits the offense of using a
2 laser pointer if such person knowingly directs a light from
3 a laser pointer at a uniformed safety officer, including a
4 peace officer as defined under section 590.010, security
5 guard, firefighter, emergency medical worker, or other
6 uniformed municipal, state, or federal officer.
7 2. As used in this section, "laser pointer" means a
8 device that emits a visible light amplified by the
9 stimulated emission of radiation.
10 3. The offense of using a laser pointer is a class A
11 misdemeanor.

574.203. 1. Except as otherwise protected by state or
2 federal law, a person, excluding individuals seeking mental
3 health, psychiatric, or psychological care or any person who
4 is developmentally disabled as defined in section 630.005,
5 commits the offense of interference with a health care
6 facility if the person willfully or recklessly interferes
7 with a health care facility or employee of a health care
8 facility by:
9 (1) Causing a peace disturbance while inside a health
10 care facility;

11 (2) Refusing an order to vacate a health care facility
12 when requested to by any employee of the health care
13 facility; or
14 (3) Threatening to inflict injury on the patients or
15 employees, or damage to the property of a health care
16 facility.
17 2. Hospital policies shall address incidents of
18 workplace violence against employees, including protecting
19 an employee from retaliation when such employee complies
20 with hospital policies in seeking assistance or intervention
21 from local emergency services or law enforcement when a
22 violent incident occurs.
23 3. The offense of interference with a health care
24 facility is a class D misdemeanor for a first offense and a
25 class C misdemeanor for any second or subsequent offense.
26 4. As used in this section, "health care facility"
27 means a hospital that provides health care services directly
28 to patients.
575.155. 1. An offender or prisoner commits the
2 offense of endangering a corrections employee, a visitor to
3 a correctional center, county or city jail, or another
4 offender or prisoner if he or she attempts to cause or
5 knowingly causes such person to come into contact with
6 blood, seminal fluid, urine, feces, or saliva.
7 2. For the purposes of this section, the following
8 terms mean:
9 (1) "Corrections employee", a person who is an
10 employee, or contracted employee of a subcontractor, of a
11 department or agency responsible for operating a jail,
12 prison, correctional facility, or sexual offender treatment
13 center or a person who is assigned to work in a jail,
14 prison, correctional facility, or sexual offender treatment
15 center;

(2) "Offender", a person in the custody of the department of corrections;

(3) "Prisoner", a person confined in a county or city jail;

(4) "Serious infectious or communicable disease", the same meaning given to the term in section 191.677.

3. The offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner is a class E felony unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected with [the human immunodeficiency virus (HIV), hepatitis B or hepatitis C] a serious infectious or communicable disease and exposes another person to [HIV or hepatitis B or hepatitis C] such serious infectious or communicable disease by committing the offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease, it is a class D felony.

575.157. 1. An offender commits the offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva.

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

(1) "Department of mental health employee", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the

department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495;

(4) "Serious infectious or communicable disease", the same meaning given to the term in section 191.677.

3. The offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender is a class E felony. If an offender is knowingly infected with [the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C] a serious infectious or communicable disease and exposes another individual to [HIV or hepatitis B or hepatitis C] such serious infectious or communicable disease by committing the offense of endangering a department of mental health employee, a visitor or other person at a mental health facility, or another offender and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease, the offense is a class D felony.

575.180. 1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of

a crime to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute.

2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.

3. It shall be an affirmative defense to prosecution under this section that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state.

575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, the division of probation and parole or the [board of probation and] parole board has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

575.206. 1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the [board of probation and] parole board under section 217.735.

2. The offense of violating a condition of lifetime supervision is a class D felony.

589.042. The court or the [board of probation and] parole board shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

22 (1) Obtain continuing law enforcement education
23 pursuant to rules to be promulgated by the POST commission;
24 [and]
25 (2) Maintain a current address of record on file with
26 the director; and
27 (3) Submit to being fingerprinted on or before January
28 1, 2022, and at any time a peace officer is commissioned
29 with a different law enforcement agency, for the purpose of
30 a criminal history background check and enrollment in the
31 state and federal Rap Back programs, pursuant to section
32 43.540. The criminal history background check shall include
33 the records of the Federal Bureau of Investigation. The
34 resulting report shall be forwarded to the officer's
35 commissioning law enforcement agency at the time of
36 enrollment and Rap Back enrollment shall be for the purpose
37 of the requirements of subsection 3 of section 590.070 and
38 subsection 2 of section 590.118. An officer shall take all
39 necessary steps to maintain enrollment in Rap Back at all
40 law enforcement agencies where the officer is commissioned
41 for as long as the officer is commissioned with that agency.
42 6. A peace officer license shall automatically expire
43 if the licensee fails to hold a commission as a peace
44 officer for a period of five consecutive years, provided
45 that the POST commission shall provide for the relicensure
46 of such persons and may require retraining as a condition of
47 eligibility for relicensure, and provided that the director
48 may provide for the continuing licensure, subject to
49 restrictions, of persons who hold and exercise a law
50 enforcement commission requiring a peace officer license but
51 not meeting the definition of a peace officer pursuant to
52 this chapter.
53 7. All law enforcement agencies shall enroll in the
54 state and federal Rap Back programs on or before January 1,

55 2022, and continue to remain enrolled. The law enforcement
56 agency shall take all necessary steps to maintain officer
57 enrollment for all officers commissioned with that agency in
58 the Rap Back programs. An officer shall submit to being
59 fingerprinted at any law enforcement agency upon
60 commissioning and for as long as the officer is commissioned
61 with that agency.

590.070. 1. The chief executive officer of each law
2 enforcement agency shall, within thirty days after
3 commissioning any peace officer, notify the director on a
4 form to be adopted by the director. The director may
5 require the chief executive officer to conduct a current
6 criminal history background check and to forward the
7 resulting report to the director.

8 2. The chief executive officer of each law enforcement
9 agency shall, within thirty days after any licensed peace
10 officer departs from employment or otherwise ceases to be
11 commissioned, notify the director on a form to be adopted by
12 the director. Such notice shall state the circumstances
13 surrounding the departure from employment or loss of
14 commission and shall specify any of the following that apply:

15 (1) The officer failed to meet the minimum
16 qualifications for commission as a peace officer;

17 (2) The officer violated municipal, state or federal
18 law;

19 (3) The officer violated the regulations of the law
20 enforcement agency; or

21 (4) The officer was under investigation for violating
22 municipal, state or federal law, or for gross violations of
23 the law enforcement agency regulations.

24 3. Whenever the chief executive officer of a law
25 enforcement agency has reasonable grounds to believe that
26 any peace officer commissioned by the agency is subject to

27 discipline pursuant to section 590.080, the chief executive
28 officer shall report such knowledge to the director.
29 4. Notwithstanding any other provision of law to the
30 contrary, the chief executive officer of each law
31 enforcement agency has absolute immunity from suit for
32 compliance with this section, unless the chief executive
33 officer presented false information to the director with the
34 intention of causing reputational harm to the peace officer.
590.075. The chief executive officer of each law
2 enforcement agency shall, prior to commissioning any peace
3 officer, request a certified copy from the director of all
4 notifications received pursuant to section 590.070 and the
5 director shall provide all notifications stored
6 electronically to the chief executive officer who requested
7 the notifications within three business days after receipt
8 of request. If the director receives any additional
9 notifications regarding the candidate for commissioning
10 within sixty days of a chief executive officer's request
11 under this section, a copy of such notifications shall be
12 forwarded by the director to the requesting chief executive
13 officer within three business days following receipt.
590.192. 1. There is hereby established the "Critical
2 Incident Stress Management Program" within the department of
3 public safety. The program shall provide services for peace
4 officers to assist in coping with stress and potential
5 psychological trauma resulting from a response to a critical
6 incident or emotionally difficult event. Such services may
7 include consultation, risk assessment, education,
8 intervention, and other crisis intervention services
9 provided by the department to peace officers affected by a
10 critical incident. For purposes of this section, a
11 "critical incident" shall mean any event outside the usual
12 realm of human experience that is markedly distressing or

13 evokes reactions of intense fear, helplessness, or horror
14 and involves the perceived threat to a person's physical
15 integrity or the physical integrity of someone else.
16 2. All peace officers shall be required to meet with a
17 program service provider once every three to five years for
18 a mental health check-in. The program service provider
19 shall send a notification to the peace officer's commanding
20 officer that he or she completed such check-in.
21 3. Any information disclosed by a peace officer shall
22 be privileged and shall not be used as evidence in criminal,
23 administrative, or civil proceedings against the peace
24 officer unless:
25 (1) A program representative reasonably believes the
26 disclosure is necessary to prevent harm to a person who
27 received services or to prevent harm to another person;
28 (2) The person who received the services provides
29 written consent to the disclosure; or
30 (3) The person receiving services discloses
31 information that is required to be reported under mandatory
32 reporting laws.
33 4. (1) There is hereby created in the state treasury
34 the "988 Public Safety Fund", which shall consist of moneys
35 appropriated by the general assembly. The state treasurer
36 shall be custodian of the fund. In accordance with sections
37 30.170 and 30.180, the state treasurer may approve
38 disbursements. The fund shall be a dedicated fund and
39 moneys in the fund shall be used solely by the department of
40 public safety for the purposes of providing services for
41 peace officers pursuant to subsection 1 of this section.
42 Such services may include consultation, risk assessment,
43 education, intervention, and other crisis intervention
44 services provided by the department to peace officers
45 affected by a critical incident. The director of public

46 safety may prescribe rules and regulations necessary to
47 carry out the provisions of this section. Any rule or
48 portion of a rule, as that term is defined in section
49 536.010, that is created under the authority delegated in
50 this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536 and,
52 if applicable, section 536.028. This section and chapter
53 536 are nonseverable, and if any of the powers vested with
54 the general assembly pursuant to chapter 536 to review, to
55 delay the effective date, or to disapprove and annul a rule
56 are subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after
58 August 28, 2021, shall be invalid and void.
59 (2) Notwithstanding the provisions of section 33.080
60 to the contrary, any moneys remaining in the fund at the end
61 of the biennium shall not revert to the credit of the
62 general revenue fund.
63 (3) The state treasurer shall invest moneys in the
64 fund in the same manner as other funds are invested. Any
65 interest and moneys earned on such investments shall be
66 credited to the fund.
590.805. 1. A law enforcement officer shall not
2 knowingly use a respiratory choke-hold unless the use is in
3 defense of the officer or another from serious physical
4 injury or death.
5 2. A respiratory choke-hold includes the use of any
6 body part or object to attempt to control or disable by
7 applying pressure to a person's neck with the purpose of
8 controlling or restricting such person's breathing.
590.1265. 1. The provisions of this section shall be
2 known and may be cited as the "Police Use of Force
3 Transparency Act of 2021".

4 2. For purposes of this section, the following terms
5 mean:
6 (1) "Law enforcement agency", the same meaning as
7 defined in section 590.1040;
8 (2) "Peace officer", the same meaning as defined in
9 section 590.010;
10 (3) "Serious physical injury", the same meaning as
11 defined in section 556.061;
12 (4) "Use-of-force incident", an incident in which:
13 (a) A fatality occurs that is connected to a use of
14 force by a peace officer;
15 (b) Serious bodily injury occurs that is connected to
16 a use of force by a peace officer; or
17 (c) In the absence of death or serious physical
18 injury, a peace officer discharges a firearm at, or in the
19 direction of, a person.
20 3. Starting on March 1, 2022, and at least annually
21 thereafter, each law enforcement agency shall collect and
22 report local data on use-of-force incidents involving peace
23 officers to the National Use of Force Data Collection
24 through the Law Enforcement Enterprise Portal administered
25 by the Federal Bureau of Investigation. Law enforcement
26 agencies shall not include personally identifying
27 information of individual peace officers in their reports.
28 4. Each law enforcement agency shall additionally
29 report the data submitted under subsection 3 of this section
30 to the department of public safety. Law enforcement
31 agencies shall not include personally identifying
32 information of individual peace officers in their reports.
33 5. The department of public safety shall, no later
34 than October 31, 2021, develop standards and procedures
35 governing the collection and reporting of use-of-force data
36 under this section. The standards and procedures shall be

37 consistent with the requirements, definitions, and methods
38 of the National Use of Force Data Collection administered by
39 the Federal Bureau of Investigation.
40 6. By March 1, 2023, and at least annually thereafter,
41 the department of public safety shall publish the data
42 reported by law enforcement agencies under subsection 4 of
43 this section, including statewide aggregate data and agency-
44 specific data, in a publicly available report on the
45 department of public safety's website. Such data shall be
46 deemed a public record consistent with the provisions and
47 exemptions contained in chapter 610.
48 7. The department of public safety shall undertake an
49 analysis of any trends and disparities in rates of use of
50 force by all law enforcement agencies, with a report to be
51 released to the public no later than June 30, 2025. The
52 report shall be updated periodically thereafter, but not
53 less than once every five years.
610.120. 1. Except as otherwise provided under
2 section 610.124, records required to be closed shall not be
3 destroyed; they shall be inaccessible to the general public
4 and to all persons other than the defendant except as
5 provided in this section and chapter 43. Closed records
6 shall be available to: criminal justice agencies for the
7 administration of criminal justice pursuant to section
8 43.500, criminal justice employment, screening persons with
9 access to criminal justice facilities, procedures, and
10 sensitive information; to law enforcement agencies for
11 issuance or renewal of a license, permit, certification, or
12 registration of authority from such agency including but not
13 limited to watchmen, security personnel, and private
14 investigators, [and persons seeking permits to purchase or
15 possess a firearm]; those agencies authorized by chapter 43
16 and applicable state law when submitting fingerprints to the

central repository; the sentencing advisory commission created in section 558.019 for the purpose of studying sentencing practices in accordance with chapter 43; to qualified entities for the purpose of screening providers defined in chapter 43; the department of revenue for driver license administration; the department of public safety for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, department of health and senior services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

2. These records shall be made available only for the purposes and to the entities listed in this section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with section 43.509. All records which are closed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record

49 books, such record entries shall be blacked out and recopied
50 in a confidential book.

610.122. 1. Notwithstanding other provisions of law
2 to the contrary, any record of arrest recorded pursuant to
3 section 43.503 may be expunged if:

4 (1) The court determines that the arrest was based on
5 false information and the following conditions exist:

6 (a) There is no probable cause, at the time of the
7 action to expunge, to believe the individual committed the
8 offense;

9 (b) No charges will be pursued as a result of the
10 arrest; and

11 (c) The subject of the arrest did not receive a
12 suspended imposition of sentence for the offense for which
13 the arrest was made or for any offense related to the
14 arrest; or

15 (2) The court determines the person was arrested for,
16 or was subsequently charged with, a misdemeanor offense of
17 chapter 303 or any moving violation as the term moving
18 violation is defined under section 302.010, except for any
19 intoxication-related traffic offense as intoxication-related
20 traffic offense is defined under section 577.023 and:

21 (a) Each such offense or violation related to the
22 arrest was subsequently nolle prossed or dismissed, or the
23 accused was found not guilty of each offense or violation;
24 and

25 (b) The person is not a commercial driver's license
26 holder and was not operating a commercial motor vehicle at
27 the time of the arrest.

28 2. A record of arrest shall only be eligible for
29 expungement under this section if**[**:

30 (1) The subject of the arrest has no prior or
31 subsequent misdemeanor or felony convictions; and

32 (2)**]** no civil action is pending relating to the arrest
33 or the records sought to be expunged.

610.140. 1. Notwithstanding any other provision of
2 law and subject to the provisions of this section, any
3 person may apply to any court in which such person was
4 charged or found guilty of any offenses, violations, or
5 infractions for an order to expunge records of such arrest,
6 plea, trial, or conviction. Subject to the limitations of
7 subsection 12 of this section, a person may apply to have
8 one or more offenses, violations, or infractions expunged if
9 such offense, violation, or infraction occurred within the
10 state of Missouri and was prosecuted under the jurisdiction
11 of a Missouri municipal, associate circuit, or circuit
12 court, so long as such person lists all the offenses,
13 violations, and infractions he or she is seeking to have
14 expunged in the petition and so long as all such offenses,
15 violations, and infractions are not excluded under
16 subsection 2 of this section. If the offenses, violations,
17 or infractions were charged as counts in the same indictment
18 or information or were committed as part of the same course
19 of criminal conduct, the person may include all the related
20 offenses, violations, and infractions in the petition,
21 regardless of the limits of subsection 12 of this section,
22 and the petition shall only count as a petition for
23 expungement of the highest level violation or offense
24 contained in the petition for the purpose of determining
25 future eligibility for expungement.

26 2. The following offenses, violations, and infractions
27 shall not be eligible for expungement under this section:

28 (1) Any class A felony offense;

29 (2) Any dangerous felony as that term is defined in
30 section 556.061;

31 (3) Any offense that requires registration as a sex
32 offender;
33 (4) Any felony offense where death is an element of
34 the offense;
35 (5) Any felony offense of assault; misdemeanor or
36 felony offense of domestic assault; or felony offense of
37 kidnapping;
38 (6) Any offense listed, or previously listed, in
39 chapter 566 or section 105.454, 105.478, 115.631, 130.028,
40 188.030, 188.080, 191.677, 194.425, 217.360, 217.385,
41 334.245, 375.991, 389.653, 455.085, 455.538, 557.035,
42 565.084, 565.085, 565.086, 565.095, 565.120, 565.130,
43 565.156, 565.200, 565.214, 566.093, 566.111, 566.115,
44 568.020, 568.030, 568.032, 568.045, 568.060, 568.065,
45 568.080, 568.090, 568.175, 569.030, 569.035, 569.040,
46 569.050, 569.055, 569.060, 569.065, 569.067, 569.072,
47 569.160, 570.025, 570.090, 570.180, 570.223, 570.224,
48 570.310, 571.020, 571.060, 571.063, 571.070, 571.072,
49 571.150, 574.070, 574.105, 574.115, 574.120, 574.130,
50 575.040, 575.095, 575.153, 575.155, 575.157, 575.159,
51 575.195, 575.200, 575.210, 575.220, 575.230, 575.240,
52 575.350, 575.353, 577.078, 577.703, 577.706, 578.008,
53 578.305, 578.310, or 632.520;
54 (7) Any offense eligible for expungement under section
55 577.054 or 610.130;
56 (8) Any intoxication-related traffic or boating
57 offense as defined in section 577.001, or any offense of
58 operating an aircraft with an excessive blood alcohol
59 content or while in an intoxicated condition;
60 (9) Any ordinance violation that is the substantial
61 equivalent of any offense that is not eligible for
62 expungement under this section;

63 (10) Any violation of any state law or county or
64 municipal ordinance regulating the operation of motor
65 vehicles when committed by an individual who has been issued
66 a commercial driver's license or is required to possess a
67 commercial driver's license issued by this state or any
68 other state; and
69 (11) Any offense of section 571.030, except any
70 offense under subdivision (1) of subsection 1 of section
71 571.030 where the person was convicted or found guilty prior
72 to January 1, 2017, or any offense under subdivision (4) of
73 subsection 1 of section 571.030.
74 3. The petition shall name as defendants all law
75 enforcement agencies, courts, prosecuting or circuit
76 attorneys, municipal prosecuting attorneys, central state
77 repositories of criminal records, or others who the
78 petitioner has reason to believe may possess the records
79 subject to expungement for each of the offenses, violations,
80 and infractions listed in the petition. The court's order
81 of expungement shall not affect any person or entity not
82 named as a defendant in the action.
83 4. The petition shall include the following
84 information:
85 (1) The petitioner's:
86 (a) Full name;
87 (b) Sex;
88 (c) Race;
89 (d) Driver's license number, if applicable; and
90 (e) Current address;
91 (2) Each offense, violation, or infraction for which
92 the petitioner is requesting expungement;
93 (3) The approximate date the petitioner was charged
94 for each offense, violation, or infraction; and

95 (4) The name of the county where the petitioner was
96 charged for each offense, violation, or infraction and if
97 any of the offenses, violations, or infractions occurred in
98 a municipality, the name of the municipality for each
99 offense, violation, or infraction; and
100 (5) The case number and name of the court for each
101 offense.
102 5. The clerk of the court shall give notice of the
103 filing of the petition to the office of the prosecuting
104 attorney, circuit attorney, or municipal prosecuting
105 attorney that prosecuted the offenses, violations, or
106 infractions listed in the petition. If the prosecuting
107 attorney, circuit attorney, or municipal prosecuting
108 attorney objects to the petition for expungement, he or she
109 shall do so in writing within thirty days after receipt of
110 service. Unless otherwise agreed upon by the parties, the
111 court shall hold a hearing within sixty days after any
112 written objection is filed, giving reasonable notice of the
113 hearing to the petitioner. If no objection has been filed
114 within thirty days after receipt of service, the court may
115 set a hearing on the matter and shall give reasonable notice
116 of the hearing to each entity named in the petition. At any
117 hearing, the court may accept evidence and hear testimony
118 on, and may consider, the following criteria for each of the
119 offenses, violations, or infractions listed in the petition
120 for expungement:
121 (1) At the time the petition is filed, it has been at
122 least **[**seven**]** <u>three</u> years if the offense is a felony, or at
123 least **[**three years**]** <u>one year</u> if the offense is a
124 misdemeanor, municipal offense, or infraction, from the date
125 the petitioner completed any authorized disposition imposed
126 under section 557.011 for each offense, violation, or
127 infraction listed in the petition;

128 (2) At the time the petition is filed, the person has
129 not been found guilty of any other misdemeanor or felony,
130 not including violations of the traffic regulations provided
131 under chapters 301, 302, 303, 304, and 307, during the time
132 period specified for the underlying offense, violation, or
133 infraction in subdivision (1) of this subsection;
134 (3) The person has satisfied all obligations relating
135 to any such disposition, including the payment of any fines
136 or restitution;
137 (4) The person does not have charges pending;
138 (5) The petitioner's habits and conduct demonstrate
139 that the petitioner is not a threat to the public safety of
140 the state; and
141 (6) The expungement is consistent with the public
142 welfare and the interests of justice warrant the expungement.

143 A pleading by the petitioner that such petitioner meets the
144 requirements of subdivisions (5) and (6) of this subsection
145 shall create a rebuttable presumption that the expungement
146 is warranted so long as the criteria contained in
147 subdivisions (1) to (4) of this subsection are otherwise
148 satisfied. The burden shall shift to the prosecuting
149 attorney, circuit attorney, or municipal prosecuting
150 attorney to rebut the presumption. A victim of an offense,
151 violation, or infraction listed in the petition shall have
152 an opportunity to be heard at any hearing held under this
153 section, and the court may make a determination based solely
154 on such victim's testimony.
155 6. A petition to expunge records related to an arrest
156 for an eligible offense, violation, or infraction may be
157 made in accordance with the provisions of this section to a
158 court of competent jurisdiction in the county where the
159 petitioner was arrested no earlier than three years from the
160 date of arrest; provided that, during such time, the

161 petitioner has not been charged and the petitioner has not
162 been found guilty of any misdemeanor or felony offense.
163 7. If the court determines that such person meets all
164 the criteria set forth in subsection 5 of this section for
165 each of the offenses, violations, or infractions listed in
166 the petition for expungement, the court shall enter an order
167 of expungement. In all cases under this section, the court
168 shall issue an order of expungement or dismissal within six
169 months of the filing of the petition. A copy of the order
170 of expungement shall be provided to the petitioner and each
171 entity possessing records subject to the order, and, upon
172 receipt of the order, each entity shall close any record in
173 its possession relating to any offense, violation, or
174 infraction listed in the petition, in the manner established
175 by section 610.120. The records and files maintained in any
176 administrative or court proceeding in a municipal,
177 associate, or circuit court for any offense, infraction, or
178 violation ordered expunged under this section shall be
179 confidential and only available to the parties or by order
180 of the court for good cause shown. The central repository
181 shall request the Federal Bureau of Investigation to expunge
182 the records from its files.
183 8. The order shall not limit any of the petitioner's
184 rights that were restricted as a collateral consequence of
185 such person's criminal record, and such rights shall be
186 restored upon issuance of the order of expungement. For
187 purposes of 18 U.S.C. 921(a)33(B)(ii), an order or
188 expungement granted pursuant to this section shall be
189 considered a complete removal of all effects of the expunged
190 conviction. Except as otherwise provided under this
191 section, the effect of such order shall be to restore such
192 person to the status he or she occupied prior to such
193 arrests, pleas, trials, or convictions as if such events had

never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying

227 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
228 other similar law which requires an employer engaged in the
229 business of insurance to exclude applicants with certain
230 criminal convictions from employment; or
231 (6) Employment with any employer that is required to
232 exclude applicants with certain criminal convictions from
233 employment due to federal or state law, including
234 corresponding rules and regulations.

235 An employer shall notify an applicant of the requirements
236 under subdivisions (4) to (6) of this subsection.
237 Notwithstanding any provision of law to the contrary, an
238 expunged offense, violation, or infraction shall not be
239 grounds for automatic disqualification of an applicant, but
240 may be a factor for denying employment, or a professional
241 license, certificate, or permit; except that, an offense,
242 violation, or infraction expunged under the provisions of
243 this section may be grounds for automatic disqualification
244 if the application is for employment under subdivisions (4)
245 to (6) of this subsection.
246 10. A person who has been granted an expungement of
247 records pertaining to a misdemeanor or felony offense, an
248 ordinance violation, or an infraction may answer "no" to an
249 employer's inquiry into whether the person has ever been
250 convicted of a crime if, after the granting of the
251 expungement, the person has no public record of a
252 misdemeanor or felony offense, an ordinance violation, or an
253 infraction. The person, however, shall answer such an
254 inquiry affirmatively and disclose his or her criminal
255 convictions, including any offense or violation expunged
256 under this section or similar law, if the employer is
257 required to exclude applicants with certain criminal
258 convictions from employment due to federal or state law,
259 including corresponding rules and regulations.

260 11. If the court determines that the petitioner has
261 not met the criteria for any of the offenses, violations, or
262 infractions listed in the petition for expungement or the
263 petitioner has knowingly provided false information in the
264 petition, the court shall enter an order dismissing the
265 petition. Any person whose petition for expungement has
266 been dismissed by the court for failure to meet the criteria
267 set forth in subsection 5 of this section may not refile
268 another petition until a year has passed since the date of
269 filing for the previous petition.
270 12. A person may be granted more than one expungement
271 under this section provided that during his or her lifetime,
272 the total number of offenses, violations, or infractions for
273 which orders of expungement are granted to the person shall
274 not exceed the following limits:
275 (1) Not more than two misdemeanor offenses or
276 ordinance violations that have an authorized term of
277 imprisonment; and
278 (2) Not more than one felony offense.

279 A person may be granted expungement under this section for
280 any number of infractions. Nothing in this section shall
281 prevent the court from maintaining records to ensure that an
282 individual has not exceeded the limitations of this
283 subsection. Nothing in this section shall be construed to
284 limit or impair in any way the subsequent use of any record
285 expunged under this section of any arrests or findings of
286 guilt by a law enforcement agency, criminal justice agency,
287 prosecuting attorney, circuit attorney, or municipal
288 prosecuting attorney, including its use as a prior offense,
289 violation, or infraction.
290 13. The court shall make available a form for pro se
291 petitioners seeking expungement, which shall include the
292 following statement: "I declare under penalty of perjury

293 that the statements made herein are true and correct to the
294 best of my knowledge, information, and belief.".
295 14. Nothing in this section shall be construed to
296 limit or restrict the availability of expungement to any
297 person under any other law.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under
3 chapter 566; or
4 (2) Is seventeen years of age or older and arrested
5 for burglary in the first degree under section 569.160, or
6 burglary in the second degree under section 569.170, or a
7 felony offense under chapter 565, 566, 567, 568, or 573; or
8 (3) Has been determined to be a sexually violent
9 predator pursuant to sections 632.480 to 632.513; or
10 (4) Is an individual required to register as a sexual
11 offender under sections 589.400 to 589.425;

12 shall have a fingerprint and blood or scientifically
13 accepted biological sample collected for purposes of DNA
14 profiling analysis.
15 2. Any individual subject to DNA collection and
16 profiling analysis under this section shall provide a DNA
17 sample:
18 (1) Upon booking at a county jail or detention
19 facility; or
20 (2) Upon entering or before release from the
21 department of corrections reception and diagnostic centers;
22 or
23 (3) Upon entering or before release from a county jail
24 or detention facility, state correctional facility, or any
25 other detention facility or institution, whether operated by
26 a private, local, or state agency, or any mental health
27 facility if committed as a sexually violent predator
28 pursuant to sections 632.480 to 632.513; or

29 (4) When the state accepts a person from another state
30 under any interstate compact, or under any other reciprocal
31 agreement with any county, state, or federal agency, or any
32 other provision of law, whether or not the person is
33 confined or released, the acceptance is conditional on the
34 person providing a DNA sample if the person was found guilty
35 of a felony offense in any other jurisdiction; or
36 (5) If such individual is under the jurisdiction of
37 the department of corrections. Such jurisdiction includes
38 persons currently incarcerated, persons on probation, as
39 defined in section 217.650, and on parole, as also defined
40 in section 217.650; or
41 (6) At the time of registering as a sex offender under
42 sections 589.400 to 589.425.
43 3. The Missouri state highway patrol and department of
44 corrections shall be responsible for ensuring adherence to
45 the law. Any person required to provide a DNA sample
46 pursuant to this section shall be required to provide such
47 sample, without the right of refusal, at a collection site
48 designated by the Missouri state highway patrol and the
49 department of corrections. Authorized personnel collecting
50 or assisting in the collection of samples shall not be
51 liable in any civil or criminal action when the act is
52 performed in a reasonable manner. Such force may be used as
53 necessary to the effectual carrying out and application of
54 such processes and operations. The enforcement of these
55 provisions by the authorities in charge of state
56 correctional institutions and others having custody or
57 jurisdiction over individuals included in subsection 1 of
58 this section which shall not be set aside or reversed is
59 hereby made mandatory. The **[**board**]** division of probation
60 **[**or**]** and parole shall recommend that an individual on
61 probation or parole who refuses to provide a DNA sample have

62 his or her probation or parole revoked. In the event that a
63 person's DNA sample is not adequate for any reason, the
64 person shall provide another sample for analysis.
65 4. The procedure and rules for the collection,
66 analysis, storage, expungement, use of DNA database records
67 and privacy concerns shall not conflict with procedures and
68 rules applicable to the Missouri DNA profiling system and
69 the Federal Bureau of Investigation's DNA databank system.
70 5. Unauthorized use or dissemination of individually
71 identifiable DNA information in a database for purposes
72 other than criminal justice or law enforcement is a class A
73 misdemeanor.
74 6. Implementation of sections 650.050 to 650.100 shall
75 be subject to future appropriations to keep Missouri's DNA
76 system compatible with the Federal Bureau of Investigation's
77 DNA databank system.
78 7. All DNA records and biological materials retained
79 in the DNA profiling system are considered closed records
80 pursuant to chapter 610. All records containing any
81 information held or maintained by any person or by any
82 agency, department, or political subdivision of the state
83 concerning an individual's DNA profile shall be strictly
84 confidential and shall not be disclosed, except to:
85 (1) Peace officers, as defined in section 590.010, and
86 other employees of law enforcement agencies who need to
87 obtain such records to perform their public duties;
88 (2) The attorney general or any assistant attorneys
89 general acting on his or her behalf, as defined in chapter
90 27;
91 (3) Prosecuting attorneys or circuit attorneys as
92 defined in chapter 56, and their employees who need to
93 obtain such records to perform their public duties;

94 (4) The individual whose DNA sample has been
95 collected, or his or her attorney; or
96 (5) Associate circuit judges, circuit judges, judges
97 of the courts of appeals, supreme court judges, and their
98 employees who need to obtain such records to perform their
99 public duties.
100 8. Any person who obtains records pursuant to the
101 provisions of this section shall use such records only for
102 investigative and prosecutorial purposes, including but not
103 limited to use at any criminal trial, hearing, or
104 proceeding; or for law enforcement identification purposes,
105 including identification of human remains. Such records
106 shall be considered strictly confidential and shall only be
107 released as authorized by this section.
108 9. (1) An individual may request expungement of his
109 or her DNA sample and DNA profile through the court issuing
110 the reversal or dismissal, or through the court granting an
111 expungement of all official records under section 568.040.
112 A certified copy of the court order establishing that such
113 conviction has been reversed, guilty plea has been set
114 aside, or expungement has been granted under section 568.040
115 shall be sent to the Missouri state highway patrol crime
116 laboratory. Upon receipt of the court order, the laboratory
117 will determine that the requesting individual has no other
118 qualifying offense as a result of any separate plea or
119 conviction and no other qualifying arrest prior to
120 expungement.
121 (2) A person whose DNA record or DNA profile has been
122 included in the state DNA database in accordance with this
123 section and sections 650.050, 650.052, and 650.100 may
124 request expungement on the grounds that the conviction has
125 been reversed, the guilty plea on which the authority for
126 including that person's DNA record or DNA profile was based

127 has been set aside, or an expungement of all official
128 records has been granted by the court under section 568.040.
129 (3) Upon receipt of a written request for expungement,
130 a certified copy of the final court order reversing the
131 conviction, setting aside the plea, or granting an
132 expungement of all official records under section 568.040,
133 and any other information necessary to ascertain the
134 validity of the request, the Missouri state highway patrol
135 crime laboratory shall expunge all DNA records and
136 identifiable information in the state DNA database
137 pertaining to the person and destroy the DNA sample of the
138 person, unless the Missouri state highway patrol determines
139 that the person is otherwise obligated to submit a DNA
140 sample. Within thirty days after the receipt of the court
141 order, the Missouri state highway patrol shall notify the
142 individual that it has expunged his or her DNA sample and
143 DNA profile, or the basis for its determination that the
144 person is otherwise obligated to submit a DNA sample.
145 (4) The Missouri state highway patrol is not required
146 to destroy any item of physical evidence obtained from a DNA
147 sample if evidence relating to another person would thereby
148 be destroyed.
149 (5) Any identification, warrant, arrest, or
150 evidentiary use of a DNA match derived from the database
151 shall not be excluded or suppressed from evidence, nor shall
152 any conviction be invalidated or reversed or plea set aside
153 due to the failure to expunge or a delay in expunging DNA
154 records.
155 10. When a DNA sample is taken from an individual
156 pursuant to subdivision (2) of subsection 1 of this section
157 and the prosecutor declines prosecution and notifies the
158 arresting agency of that decision, the arresting agency
159 shall notify the Missouri state highway patrol crime

160 laboratory within ninety days of receiving such
161 notification. Within thirty days of being notified by the
162 arresting agency that the prosecutor has declined
163 prosecution, the Missouri state highway patrol crime
164 laboratory shall determine whether the individual has any
165 other qualifying offenses or arrests that would require a
166 DNA sample to be taken and retained. If the individual has
167 no other qualifying offenses or arrests, the crime
168 laboratory shall expunge all DNA records in the database
169 taken at the arrest for which the prosecution was declined
170 pertaining to the person and destroy the DNA sample of such
171 person.
172 11. When a DNA sample is taken of an arrestee for any
173 offense listed under subsection 1 of this section and
174 charges are filed:
175 (1) If the charges are later withdrawn, the prosecutor
176 shall notify the state highway patrol crime laboratory that
177 such charges have been withdrawn;
178 (2) If the case is dismissed, the court shall notify
179 the state highway patrol crime laboratory of such dismissal;
180 (3) If the court finds at the preliminary hearing that
181 there is no probable cause that the defendant committed the
182 offense, the court shall notify the state highway patrol
183 crime laboratory of such finding;
184 (4) If the defendant is found not guilty, the court
185 shall notify the state highway patrol crime laboratory of
186 such verdict.

187 If the state highway patrol crime laboratory receives notice
188 under this subsection, such crime laboratory shall
189 determine, within thirty days, whether the individual has
190 any other qualifying offenses or arrests that would require
191 a DNA sample to be taken. If the individual has no other
192 qualifying arrests or offenses, the crime laboratory shall

193 expunge all DNA records in the database pertaining to such
194 person and destroy the person's DNA sample.

650.058. 1. Notwithstanding the sovereign immunity of
2 the state, any individual who was found guilty of a felony
3 in a Missouri court and was later determined to be actually
4 innocent of such crime solely as a result of DNA profiling
5 analysis may be paid restitution. The individual may
6 receive an amount of one hundred dollars per day for each
7 day of postconviction incarceration for the crime for which
8 the individual is determined to be actually innocent. The
9 petition for the payment of said restitution shall be filed
10 with the sentencing court. For the purposes of this
11 section, the term "actually innocent" shall mean:

12 (1) The individual was convicted of a felony for which
13 a final order of release was entered by the court;

14 (2) All appeals of the order of release have been
15 exhausted;

16 (3) The individual was not serving any term of a
17 sentence for any other crime concurrently with the sentence
18 for which he or she is determined to be actually innocent,
19 unless such individual was serving another concurrent
20 sentence because his or her parole was revoked by a court or
21 the **[**board of probation and**]** parole board in connection with
22 the crime for which the person has been exonerated.
23 Regardless of whether any other basis may exist for the
24 revocation of the person's probation or parole at the time
25 of conviction for the crime for which the person is later
26 determined to be actually innocent, when the court's or the
27 **[**board of probation and parole's**]** parole board's sole stated
28 reason for the revocation in its order is the conviction for
29 the crime for which the person is later determined to be
30 actually innocent, such order shall, for purposes of this
31 section only, be conclusive evidence that their probation or

32 parole was revoked in connection with the crime for which
33 the person has been exonerated; and
34 (4) Testing ordered under section 547.035, or testing
35 by the order of any state or federal court, if such person
36 was exonerated on or before August 28, 2004, or testing
37 ordered under section 650.055, if such person was or is
38 exonerated after August 28, 2004, demonstrates a person's
39 innocence of the crime for which the person is in custody.

40 Any individual who receives restitution under this section
41 shall be prohibited from seeking any civil redress from the
42 state, its departments and agencies, or any employee
43 thereof, or any political subdivision or its employees.
44 This section shall not be construed as a waiver of sovereign
45 immunity for any purposes other than the restitution
46 provided for herein. The department of corrections shall
47 determine the aggregate amount of restitution owed during a
48 fiscal year. If insufficient moneys are appropriated each
49 fiscal year to pay restitution to such persons, the
50 department shall pay each individual who has received an
51 order awarding restitution a pro rata share of the amount
52 appropriated. Provided sufficient moneys are appropriated
53 to the department, the amounts owed to such individual shall
54 be paid on June thirtieth of each subsequent fiscal year,
55 until such time as the restitution to the individual has
56 been paid in full. However, no individual awarded
57 restitution under this subsection shall receive more than
58 thirty-six thousand five hundred dollars during each fiscal
59 year. No interest on unpaid restitution shall be awarded to
60 the individual. No individual who has been determined by
61 the court to be actually innocent shall be responsible for
62 the costs of care under section 217.831.

63 2. If the results of the DNA testing confirm the
64 person's guilt, then the person filing for DNA testing under
65 section 547.035, shall:
66 (1) Be liable for any reasonable costs incurred when
67 conducting the DNA test, including but not limited to the
68 cost of the test. Such costs shall be determined by the
69 court and shall be included in the findings of fact and
70 conclusions of law made by the court; and
71 (2) Be sanctioned under the provisions of section
72 217.262.
73 3. A petition for payment of restitution under this
74 section may only be filed by the individual determined to be
75 actually innocent or the individual's legal guardian. No
76 claim or petition for restitution under this section may be
77 filed by the individual's heirs or assigns. An individual's
78 right to receive restitution under this section is not
79 assignable or otherwise transferrable. The state's
80 obligation to pay restitution under this section shall cease
81 upon the individual's death. Any beneficiary designation
82 that purports to bequeath, assign, or otherwise convey the
83 right to receive such restitution shall be void and
84 unenforceable.
85 4. An individual who is determined to be actually
86 innocent of a crime under this chapter shall automatically
87 be granted an order of expungement from the court in which
88 he or she pled guilty or was sentenced to expunge from all
89 official records all recordations of his or her arrest,
90 plea, trial or conviction. Upon granting of the order of
91 expungement, the records and files maintained in any
92 administrative or court proceeding in an associate or
93 circuit division of the court shall be confidential and only
94 available to the parties or by order of the court for good
95 cause shown. The effect of such order shall be to restore

such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.

[211.438. Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.]

[211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, 2021.]

[217.660. 1. The chairman of the board of probation and parole shall be the director of the division.

2. In addition to the compensation as a member of the board, any chairman whose term of office began before August 28, 1999, shall receive three thousand eight hundred seventy-five dollars per year for duties as chairman.]

Section B. The repeal and reenactment of sections 50.327, 57.317, and 304.050 of this act shall become effective January 1, 2022.

Section C. Because immediate action is necessary to protect children, because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, and because immediate action is necessary to ensure women incarcerated or held in custody are able to address their basic health needs, the enactment of sections 211.012, 217.199, and 221.065, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections

211.438 and 211.439 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 211.012, 217.199, and 221.065, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act shall be in full force and effect upon its passage and approval.

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Tony Luetkemeyer

Lane Roberts