

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.

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*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,

3 191.1165, 192.2520, 197.135, 211.181, 211.211, 211.435,  
4 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250,  
5 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655,  
6 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777,  
7 217.829, 221.105, 304.022, 304.050, 307.175, 452.410, 455.010,  
8 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523,  
9 475.120, 488.029, 545.940, 549.500, 557.051, 558.011, 558.026,  
10 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.120,  
11 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030,  
12 575.155, 575.157, 575.180, 575.205, 575.206, 589.042, 590.030,  
13 590.070, 610.120, 610.122, 610.140, 650.055, and 650.058, RSMo,  
14 are repealed and one hundred one new sections enacted in lieu  
15 thereof, to be known as sections 27.010, 50.327, 56.380, 56.455,  
16 57.280, 57.317, 84.400, 84.575, 105.950, 149.071, 149.076,  
17 191.677, 191.1165, 192.2520, 197.135, 211.012, 211.072,  
18 211.181, 211.211, 211.435, 214.392, 217.010, 217.030, 217.195,  
19 217.199, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541,  
20 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735,  
21 217.777, 217.829, 217.845, 221.065, 221.105, 304.022, 304.050,  
22 307.175, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050,  
23 455.513, 455.520, 455.523, 475.120, 479.162, 488.016, 488.029,  
24 491.016, 545.940, 546.265, 547.031, 549.500, 557.051, 558.011,  
25 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115,  
26 559.120, 559.125, 559.600, 559.602, 559.607, 565.058, 565.240,  
27 566.145, 571.030, 574.110, 574.203, 575.155, 575.157, 575.180,  
28 575.205, 575.206, 589.042, 590.030, 590.070, 590.075, 590.192,  
29 590.805, 590.1265, 610.120, 610.122, 610.140, 650.055, and  
30 650.058, to read as follows:

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

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

50.327. 1. Notwithstanding any other provisions of  
2 law to the contrary, the salary schedules contained in  
3 sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269,  
4 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, [57.317,]  
5 58.095, and 473.742 shall be set as a base schedule for  
6 those county officials. Except when it is necessary to  
7 increase newly elected or reelected county officials'  
8 salaries, in accordance with Section 13, Article VII,  
9 Constitution of Missouri, to comply with the requirements of  
10 this section, the salary commission in all counties except  
11 charter counties in this state shall be responsible for the  
12 computation of salaries of all county officials; provided,  
13 however, that any percentage salary adjustments in a county  
14 shall be equal for all such officials in that county.

2. Upon majority approval of the salary commission,  
16 the annual compensation of part-time prosecutors contained  
17 in section 56.265 and the county offices contained in  
18 sections 49.082, 50.334, 50.343, 51.281, 51.282, 52.269,  
19 53.082, 53.083, 54.261, 54.320, 55.091, 58.095, and 473.742

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

| Assessed Valuation          | <u>[Salary]</u><br><u>Percentage</u> |
|-----------------------------|--------------------------------------|
| \$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] <u>45%</u>                  |
| 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] <u>50%</u>                  |
| 250,000,000 to [299,999,999 | 48,000                               |

|    |                                |                     |
|----|--------------------------------|---------------------|
| 32 | 300,000,000 to] 449,999,999    | [50,000] <u>55%</u> |
| 33 | 450,000,000 to [599,999,999    | 52,000              |
| 34 | 600,000,000 to 749,999,999     | 54,000              |
| 35 | 750,000,000 to] 899,999,999    | [56,000] <u>60%</u> |
| 36 | 900,000,000 [to 1,049,999,999  | 58,000              |
| 37 | 1,050,000,000 to 1,199,999,999 | 60,000              |
| 38 | 1,200,000,000 to 1,349,999,999 | 62,000              |
| 39 | 1,350,000,000] and over        | [64,000] <u>65%</u> |

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

54           3. The county sheriff in any county[, ] other than a  
55 [first classification] charter county[, ] shall not[, except  
56 upon two-thirds vote of all the members of the salary  
57 commission,] receive an annual compensation less than the  
58 [total] compensation [being received for the office of  
59 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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           (b) By the sharing of needles; or

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

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

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

38           b. The HIV-infected person has subsequently been  
39 infected with and tested positive to primary and secondary  
40 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  
2 known and may be cited as the "Justice for Survivors Act".

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

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

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

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

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

13 (5) "Telehealth", the same meaning as used in section  
14 191.1145.

15 3. No later than July 1, 2022, there shall be  
16 established within the department a statewide telehealth  
17 network for forensic examinations of victims of sexual  
18 offenses in order to provide access to sexual assault nurse  
19 examiners (SANE) or other similarly trained appropriate  
20 medical providers. A statewide coordinator for the  
21 telehealth network shall be selected by the director of the  
22 department of health and senior services and shall have  
23 oversight responsibilities and provide support for the  
24 training programs offered by the network, as well as the  
25 implementation and operation of the network. The statewide  
26 coordinator shall regularly consult with Missouri-based  
27 stakeholders and clinicians actively engaged in the  
28 collection of forensic evidence regarding the training  
29 programs offered by the network, as well as the  
30 implementation and operation of the network.

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

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

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

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

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

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

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

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

55 6. The network shall, through telehealth services  
56 available twenty-four hours a day, seven days a week, by a  
57 SANE or another similarly trained appropriate medical  
58 provider, provide mentoring, consultation services,  
59 guidance, and technical assistance to appropriate medical  
60 providers during and outside of a forensic examination of a  
61 victim of a sexual offense. The network shall ensure that  
62 the system through which the network provides telehealth  
63 services meets national standards for interoperability to  
64 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, or no later  
2 than six months after the establishment of the statewide  
3 telehealth network under section 192.2520, whichever is  
4 later, 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, and victims fourteen years of age or older but  
12 less than eighteen years of age may be referred, 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] nineteenth  
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

9 of a juvenile court proceeding and that the child making the  
10 request is indigent.

11 3. (1) When a petition has been filed under  
12 subdivision (2) or (3) of subsection 1 of section 211.031,  
13 the court ~~[shall]~~ may appoint counsel for the child except  
14 if private counsel has entered his or her appearance on  
15 behalf of the child or if counsel has been waived in  
16 accordance with law; except that, counsel shall not be  
17 waived for any proceeding specified under subsection 10 of  
18 this section unless the child has had the opportunity to  
19 meaningfully consult with counsel and the court has  
20 conducted a hearing on the record.

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

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

34 (1) That the custodian is indigent; and

35 (2) That the custodian desires the appointment of  
36 counsel; and

37 (3) That a full and fair hearing requires appointment  
38 of counsel for the custodian.

39 5. Counsel shall be allowed a reasonable time in which  
40 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;

73           (3) At an adjudication hearing under Missouri supreme  
74 court rule 128.02 for any felony offense or at any detention  
75 hearing arising from a misdemeanor or felony motion to  
76 modify or revoke, including the acceptance of an admission;

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

79           (5) At a hearing on a motion to modify or revoke  
80 supervision under subdivision (2) or (3) of subsection 1 of  
81 section 211.031.

211.435. 1. [There is hereby created in the state  
2 treasury the] A "Juvenile Justice Preservation Fund" [,  
3 which] is hereby established in each county's circuit court  
4 for the purpose of implementing and maintaining the  
5 expansion of juvenile court jurisdiction to eighteen years  
6 of age. The fund shall consist of moneys collected under  
7 subsection 2 of this section and sections 488.315 and  
8 558.003, any gifts, bequests, and donations, and any other  
9 moneys appropriated by the general assembly. [The state  
10 treasurer shall be custodian of the fund. In accordance  
11 with sections 30.170 and 30.180, the state treasurer may  
12 approve disbursements. The fund shall be a dedicated fund  
13 and, upon appropriation, moneys in the fund shall be  
14 distributed to the judicial circuits of the state based upon  
15 the increased workload created by sections 211.021 to  
16 211.425 solely for the administration of the juvenile  
17 justice system. Notwithstanding the provisions of section  
18 33.080 to the contrary, any moneys remaining in the fund at  
19 the end of the biennium shall not revert to the credit of  
20 the general revenue fund. The state treasurer shall invest  
21 moneys in the fund in the same manner as other funds are  
22 invested. Any interest and moneys earned on such  
23 investments shall be credited to the fund. The provisions  
24 of this subsection shall expire on August 28, 2024.]



25           2. For all traffic violations of any county ordinance  
26 or any violation of traffic laws of this state, including an  
27 infraction, in which a person has pled guilty, there shall  
28 be assessed as costs a surcharge in the amount of two  
29 dollars. No such surcharge shall be collected in any  
30 proceeding involving a violation of an ordinance or state  
31 law when the proceeding or defendant has been dismissed by  
32 the court or when costs are to be paid by the state, county,  
33 or municipality. Such surcharge shall be collected and  
34 disbursed by the clerk of the court as provided by sections  
35 488.010 to 488.020. The surcharge collected under this  
36 section shall be [paid into the state treasury to the credit  
37 of the] payable to the county circuit court juvenile justice  
38 preservation fund created in this section. [The provisions  
39 of this subsection shall expire if the provisions of  
40 subsection 1 of this section expire.] Funds held by the  
41 state treasurer in the state juvenile justice preservation  
42 fund shall be payable and revert to the circuit court's  
43 juvenile justice preservation fund in the county of  
44 origination.

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

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

52           5. To further promote the best interests of the  
53 children of the state of Missouri, moneys in the juvenile  
54 justice preservation fund shall not be used to replace or  
55 reduce the responsibilities of either the counties or the  
56 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;

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

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

36 2. Any rule or portion of a rule, as that term is  
37 defined in section 536.010, that is created under the  
38 authority delegated in this section shall become effective  
39 only if it complies with and is subject to all of the  
40 provisions of chapter 536 and, if applicable, section  
41 536.028. This section and chapter 536 are nonseverable and  
42 if any of the powers vested with the general assembly  
43 pursuant to chapter 536 to review, to delay the effective  
44 date or to disapprove and annul a rule are subsequently held  
45 unconstitutional, then the grant of rulemaking authority and  
46 any rule proposed or adopted after August 28, 2001, shall be  
47 invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 2. [Each correctional center shall keep revenues  
7 received from the canteen or commissary established and  
8 operated by the correctional center in a separate account]  
9 The "Inmate Canteen Fund" is hereby established in the state  
10 treasury and shall consist of funds received from the  
11 operation of the inmate canteens. The acquisition cost of  
12 goods sold and other expenses shall be paid from this  
13 account. A minimum amount of money necessary to meet cash  
14 flow needs and current operating expenses may be kept in  
15 this [account] fund. The [remaining funds from sales of  
16 each commissary or canteen shall be deposited monthly in a  
17 special fund to be known as the "Inmate Canteen Fund" which  
18 is hereby created and shall be expended by the appropriate  
19 division, for the benefit of] proceeds generated from the  
20 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

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

217.270. All correctional employees shall:

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

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

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

217.362. 1. The department of corrections shall  
2 design and implement an intensive long-term program for the  
3 treatment of chronic nonviolent offenders with serious  
4 substance abuse addictions who have not pleaded guilty to or  
5 been convicted of a dangerous felony as defined in section  
6 556.061.

7 2. Prior to sentencing, any judge considering an  
8 offender for this program shall notify the department. The  
9 potential candidate for the program shall be screened by the  
10 department to determine eligibility. The department shall,  
11 by regulation, establish eligibility criteria and inform the  
12 court of such criteria. The department shall notify the  
13 court as to the offender's eligibility and the availability  
14 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 or her 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 board 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

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

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

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

22 5. The [board] division of probation and parole shall  
23 supervise every offender released to the house arrest  
24 program and shall verify compliance with the requirements of  
25 this section and such other rules and regulations that the  
26 department shall promulgate and may do so by remote  
27 electronic surveillance. If any probation/parole officer  
28 has probable cause to believe that an offender under house  
29 arrest has violated a condition of the house arrest  
30 agreement, the probation/parole officer may issue a warrant  
31 for the arrest of the offender. The probation/parole  
32 officer may effect the arrest or may deputize any officer  
33 with the power of arrest to do so by giving the officer a  
34 copy of the warrant which shall outline the circumstances of  
35 the alleged violation. The warrant delivered with the  
36 offender by the arresting officer to the official in charge  
37 of any jail or other detention facility to which the  
38 offender is brought shall be sufficient legal authority for  
39 detaining the offender. An offender arrested under this  
40 section shall remain in custody or incarcerated without  
41 consideration of bail. The director or his or her designee,  
42 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  
2 law to the contrary, any offender incarcerated in a  
3 correctional institution serving any sentence of life with  
4 no parole for fifty years or life without parole, whose plea  
5 of guilt was entered or whose trial commenced prior to  
6 December 31, 1990, and who:

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

9 (2) Has no prior violent felony convictions;

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

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

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

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

32 3. Any offender released under the provisions of this  
33 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.

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

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

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

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

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

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

11           2. Each offender to be released from custody of the  
12 department who will be under the supervision of the [board]  
13 division of probation and parole, except an offender  
14 transferred to another state pursuant to the interstate  
15 corrections compact, shall shortly before release be  
16 required to: complete a registration form indicating his or  
17 her intended address upon release, employer, parent's  
18 address, and such other information as may be required;  
19 submit to photographs; submit to fingerprints; or undergo  
20 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.



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

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

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

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

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

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

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

11           (3) Provide structured opportunities for local  
12 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.

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

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

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

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

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

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

10           3. Every offender shall complete the form or provide  
11 for completion of the form and the offender shall swear or  
12 affirm under oath that to the best of his or her knowledge  
13 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  
2 emergency vehicle giving audible signal by siren or while  
3 having at least one lighted lamp exhibiting red light  
4 visible under normal atmospheric conditions from a distance  
5 of five hundred feet to the front of such vehicle or a  
6 flashing blue light authorized by section 307.175, the  
7 driver of every other vehicle shall yield the right-of-way  
8 and shall immediately drive to a position parallel to, and  
9 as far as possible to the right of, the traveled portion of  
10 the highway and thereupon stop and remain in such position  
11 until such emergency vehicle has passed, except when  
12 otherwise directed by a police or traffic officer.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

80           5. (1) The driver of any vehicle referred to in  
81 subsection 4 of this section shall not sound the siren  
82 thereon or have the front red lights or blue lights on  
83 except when such vehicle is responding to an emergency call  
84 or when in pursuit of an actual or suspected law violator,  
85 or when responding to, but not upon returning from, a fire.

86           (2) The driver of an emergency vehicle may:

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

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

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

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

96           (3) The exemptions granted to an emergency vehicle  
97 pursuant to subdivision (2) of this subsection shall apply  
98 only when the driver of any such vehicle while in motion  
99 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

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

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

82 [5.] 6. The driver of a vehicle upon a highway with  
83 separate roadways need not stop upon meeting or overtaking a  
84 school bus which is on a different roadway, or which is  
85 proceeding in the opposite direction on a highway containing  
86 four or more lanes of traffic, or which is stopped in a  
87 loading zone constituting a part of, or adjacent to, a

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

90       [6.] 7. The driver of any school bus driving upon the  
91 highways of this state after loading or unloading school  
92 children, shall remain stopped if the bus is followed by  
93 three or more vehicles, until such vehicles have been  
94 permitted to pass the school bus, if the conditions  
95 prevailing make it safe to do so.

96       [7.] 8. If any vehicle is witnessed by a peace officer  
97 or the driver of a school bus to have violated the  
98 provisions of this section and the identity of the operator  
99 is not otherwise apparent, it shall be a rebuttable  
100 presumption that the person in whose name such vehicle is  
101 registered committed the violation. In the event that  
102 charges are filed against multiple owners of a motor  
103 vehicle, only one of the owners may be convicted and court  
104 costs may be assessed against only one of the owners. If  
105 the vehicle which is involved in the violation is registered  
106 in the name of a rental or leasing company and the vehicle  
107 is rented or leased to another person at the time of the  
108 violation, the rental or leasing company may rebut the  
109 presumption by providing the peace officer or prosecuting  
110 authority with a copy of the rental or lease agreement in  
111 effect at the time of the violation. No prosecuting  
112 authority may bring any legal proceedings against a rental  
113 or leasing company under this section unless prior written  
114 notice of the violation has been given to that rental or  
115 leasing company by registered mail at the address appearing  
116 on the registration and the rental or leasing company has  
117 failed to provide the rental or lease agreement copy within  
118 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

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

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

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

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

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

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

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

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

30 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

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

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

40 (3) The court may, upon finding that it is in the best  
41 interest of the parties, include a provision that any full  
42 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] into MULES or any other 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

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

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

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

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

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

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

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

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

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

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

18 (c) Jointly owned, leased, rented or occupied by  
19 petitioner and a person other than respondent; provided,  
20 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 including danger to the child's pet, 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

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

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

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

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

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

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

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

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

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

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

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

2. A person who provides assessment services or who  
14 makes a report, finding, or recommendation for any offender  
15 to attend any counseling or program of treatment, education  
16 or rehabilitation as a condition or requirement of probation  
17 following a finding of guilt for an offense under chapter  
18 566, or any sex offense involving a child under chapter 568  
19 or 573, shall not be related within the third degree of  
20 consanguinity or affinity to any person who has a financial  
21 interest, whether direct or indirect, in the counseling or  
22 program of treatment, education or rehabilitation or any  
23 financial interest, whether direct or indirect, in any  
24 private entity which provides the counseling or program of  
25 treatment, education or rehabilitation. A person who  
26 violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any  
28 financial income gained as a direct or indirect result of  
29 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;

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

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

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

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

28           3. (1) When a regular sentence of imprisonment for a  
29 felony is imposed, the court shall commit the person to the  
30 custody of the department of corrections for the term  
31 imposed under section 557.036, or until released under  
32 procedures established elsewhere by law.

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

38           4. (1) Except as otherwise provided, a sentence of  
39 imprisonment for a term of years for felonies other than  
40 dangerous felonies as defined in section 556.061, and other  
41 than sentences of imprisonment which involve the  
42 individual's fourth or subsequent remand to the department  
43 of corrections shall consist of a prison term and a  
44 conditional release term. The conditional release term of  
45 any term imposed under section 557.036 shall be:

46           (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

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

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

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

8 (2) Statutory rape in the first degree;

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

11 (4) Statutory sodomy in the first degree; or

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

18 2. If a person who is on probation, parole or  
19 conditional release is sentenced to a term of imprisonment  
20 for an offense committed after the granting of probation or  
21 parole or after the start of his or her conditional release  
22 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;

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

21           (3) As provided in section 559.100.

22           [2.] 3. The officer required by law to deliver a  
23 person convicted of an offense in this state to the  
24 department of corrections shall endorse upon the papers  
25 required by section 217.305 both the dates the offender was  
26 in custody and the period of time to be credited toward the  
27 service of the sentence of imprisonment, except as endorsed  
28 by such officer.

29           [3.] 4. If a person convicted of an offense escapes  
30 from custody, such escape shall interrupt the sentence. The  
31 interruption shall continue until such person is returned to  
32 the correctional center where the sentence was being served,  
33 or in the case of a person committed to the custody of the  
34 department of corrections, to any correctional center  
35 operated by the department of corrections. An escape shall  
36 also interrupt the jail time credit to be applied to a  
37 sentence which had not commenced when the escape occurred.

38           [4.] 5. If a sentence of imprisonment is vacated and a  
39 new sentence imposed upon the offender for that offense, all  
40 time served under the vacated sentence shall be credited  
41 against the new sentence, unless the time has already been  
42 credited to another sentence as provided in subsection 1 of  
43 this section.

44           [5.] 6. If a person released from imprisonment on  
45 parole or serving a conditional release term violates any of  
46 the conditions of his or her parole or release, he or she  
47 may be treated as a parole violator. If the [board of  
48 probation and] parole board revokes the parole or  
49 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

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

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

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

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

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

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

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

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

20 4. The court may set an amount of restitution to be  
21 paid by the defendant. Said amount may be taken from the  
22 inmate's account at the department of corrections while the  
23 defendant is incarcerated. Upon conditional release or  
24 parole, if any amount of such court-ordered restitution is  
25 unpaid, the payment of the unpaid balance may be collected  
26 as a condition of conditional release or parole by the  
27 prosecuting attorney or circuit attorney under section  
28 559.100. The prosecuting attorney or circuit attorney may  
29 refer any failure to make such restitution as a condition of  
30 conditional release or parole to the parole board for  
31 enforcement.

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

4 (1) Section 566.030, 566.032, 566.060, 566.062,  
5 566.067, 566.083, 566.100, 566.151, [566.212, 566.213]  
6 566.210, 566.211, 568.020, [568.080, or 568.090] 573.200, or  
7 573.205, based on an act committed on or after August 28,  
8 2006; or

9 (2) Section 566.068, 566.069, 566.210, 566.211,  
10 573.200, or 573.205 based on an act committed on or after  
11 January 1, 2017, against a victim who was less than fourteen

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

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

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

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

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

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

6 2. Unless otherwise prohibited by subsection 8 of this  
7 section, a circuit court only upon its own motion and not  
8 that of the state or the offender shall have the power to  
9 grant probation to an offender anytime up to one hundred  
10 twenty days after such offender has been delivered to the  
11 department of corrections but not thereafter. The court may  
12 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.



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

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

96           8. Notwithstanding any other provision of law,  
97 probation may not be granted pursuant to this section to  
98 offenders who have been convicted of murder in the second  
99 degree pursuant to section 565.021; forcible rape pursuant  
100 to section 566.030 as it existed prior to August 28, 2013;  
101 rape in the first degree under section 566.030; forcible  
102 sodomy pursuant to section 566.060 as it existed prior to  
103 August 28, 2013; sodomy in the first degree under section  
104 566.060; statutory rape in the first degree pursuant to  
105 section 566.032; statutory sodomy in the first degree  
106 pursuant to section 566.062; child molestation in the first  
107 degree pursuant to section 566.067 when classified as a  
108 class A felony; abuse of a child pursuant to section 568.060  
109 when classified as a class A felony; or an offender who has  
110 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

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

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

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

559.600. 1. In cases where the [board of probation  
2 and parole] division of probation and parole is not required  
3 under section 217.750 to provide probation supervision and  
4 rehabilitation services for misdemeanor offenders, the  
5 circuit and associate circuit judges in a circuit may  
6 contract with one or more private entities or other court-  
7 approved entity to provide such services. The court-  
8 approved entity, including private or other entities, shall  
9 act as a misdemeanor probation office in that circuit and  
10 shall, pursuant to the terms of the contract, supervise  
11 persons placed on probation by the judges for class A, B, C,  
12 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:

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

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

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

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

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

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

21           (b) On duty; and

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

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

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

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

32           [(2)] (3) "Prisoner", includes any person who is in  
33 the custody of a jail, whether pretrial or after disposition  
34 of a charge.

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

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

          571.030. 1. A person commits the offense of unlawful  
2 use of weapons, except as otherwise provided by sections  
3 571.101 to 571.121, if he or she knowingly:

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

8           (2) Sets a spring gun; or

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

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

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

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

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

27           (8) Carries a firearm or any other weapon readily  
28 capable of lethal use into any church or place where people  
29 have assembled for worship, or into any election precinct on  
30 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;

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

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

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

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

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

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

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

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

15 (2) "Offender", persons ordered to the department of  
16 mental health after a determination by the court that such  
17 persons may meet the definition of a sexually violent  
18 predator, persons ordered to the department of mental health  
19 after a finding of probable cause under section 632.489, and  
20 persons committed for control, care, and treatment by the  
21 department of mental health under sections 632.480 to  
22 632.513;

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

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

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

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

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

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

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

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

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

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

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

7 2. The offense of violating a condition of lifetime  
8 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

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

32         2. These records shall be made available only for the  
33 purposes and to the entities listed in this section. A  
34 criminal justice agency receiving a request for criminal  
35 history information under its control may require positive  
36 identification, to include fingerprints of the subject of  
37 the record search, prior to releasing closed record  
38 information. Dissemination of closed and open records from  
39 the Missouri criminal records repository shall be in  
40 accordance with section 43.509. All records which are  
41 closed records shall be removed from the records of the  
42 courts, administrative agencies, and law enforcement  
43 agencies which are available to the public and shall be kept  
44 in separate records which are to be held confidential and,  
45 where possible, pages of the public record shall be retyped  
46 or rewritten omitting those portions of the record which  
47 deal with the defendant's case. If retyping or rewriting is  
48 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~~] three years if the offense is a felony, or at  
123 least [~~three years~~] one year 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

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

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

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

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

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

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

225 (5) Employment with any entity engaged in the business  
226 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



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

2 [211.438. Expanding services from  
3 seventeen years of age to eighteen years of age  
4 is a new service and shall not be effective  
5 until an appropriation sufficient to fund the  
6 expanded service is provided therefor.]

2 [211.439. The repeal and reenactment of  
3 sections 211.021, 211.031, 211.032, 211.033,  
4 211.041, 211.061, 211.071, 211.073, 211.081,  
5 211.091, 211.101, 211.161, 211.181, 211.321,  
6 211.421, 211.425, 211.431, and 221.044 shall  
7 become effective on January 1, 2021.]

2 [217.660. 1. The chairman of the board of  
3 probation and parole shall be the director of  
4 the division.

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

2 Section B. The repeal and reenactment of sections  
3 50.327, 57.317, and 304.050 of this act shall become  
4 effective January 1, 2022.

2 Section C. Because immediate action is necessary to  
3 protect children, because immediate action is necessary to  
4 expand services from seventeen years of age to eighteen  
5 years of age, and because immediate action is necessary to  
6 ensure women incarcerated or held in custody are able to  
7 address their basic health needs, the enactment of sections  
8 211.012, 217.199, and 221.065, the repeal and reenactment of  
9 sections 211.181 and 211.435, and the repeal of sections

9 211.438 and 211.439 of section A of this act are deemed  
10 necessary for the immediate preservation of the public  
11 health, welfare, peace, and safety, and are hereby declared  
12 to be an emergency act within the meaning of the  
13 constitution, and the enactment of sections 211.012,  
14 217.199, and 221.065, the repeal and reenactment of sections  
15 211.181 and 211.435, and the repeal of sections 211.438 and  
16 211.439 of section A of this act shall be in full force and  
17 effect upon its passage and approval.

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Tony Luetkemeyer

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Lane Roberts