

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 59

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, 214.392, 217.010, 217.030, 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, 217.829, 313.800, 313.805, 313.812, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 488.029, 544.170, 544.665, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 565.003, 565.240, 566.145, 571.030, 575.095, 575.155, 575.157, 575.205, 575.206, 589.042, 590.030, 590.070, 650.055, and 650.058, RSMo, and to enact in lieu thereof eighty-six new sections relating to public safety, with penalty provisions.

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,
3 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364,
4 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692,
5 217.695, 217.710, 217.735, 217.829, 313.800, 313.805, 313.812,
6 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520,
7 455.523, 488.029, 544.170, 544.665, 545.940, 549.500, 556.046,
8 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105,
9 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 565.003,

10 565.240, 566.145, 571.030, 575.095, 575.155, 575.157, 575.205,
11 575.206, 589.042, 590.030, 590.070, 650.055, and 650.058, RSMo,
12 are repealed and eighty-six new sections enacted in lieu
13 thereof, to be known as sections 27.010, 50.327, 56.380, 56.455,
14 57.280, 57.317, 84.400, 84.575, 105.950, 149.071, 149.076,
15 191.677, 211.072, 214.392, 217.010, 217.030, 217.250, 217.270,
16 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690,
17 217.692, 217.695, 217.710, 217.735, 217.829, 217.845, 313.800,
18 313.805, 313.812, 455.010, 455.032, 455.040, 455.045, 455.050,
19 455.513, 455.520, 455.523, 488.029, 491.016, 544.170, 544.453,
20 544.665, 545.940, 546.265, 547.031, 549.500, 556.046, 557.051,
21 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106,
22 559.115, 559.125, 559.600, 559.602, 559.607, 565.003, 565.058,
23 565.240, 566.145, 570.212, 571.030, 574.203, 575.095, 575.155,
24 575.157, 575.205, 575.206, 589.042, 590.030, 590.070, 590.075,
25 590.192, 590.805, 590.1265, 650.055, and 650.058, to read as
26 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 or her 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.

15 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. The assessed valuation factor shall be
11 the amount thereof as shown for the year next preceding the
12 computation. The provisions of this section shall not
13 permit or require a reduction in the amount of compensation

14 being paid for the office of sheriff [on January 1, 1997]
 15 from the prior year.

16	Assessed Valuation	[Salary]
17		<u>Percentage</u>
18	\$18,000,000 to [40,999,999	\$36,000
19	41,000,000 to 53,999,999	37,000
20	54,000,000 to 65,999,999	38,000
21	66,000,000 to 85,999,999	39,000
22	86,000,000 to] 99,999,999	[40,000] <u>45%</u>
23	100,000,000 to [130,999,999	42,000
24	131,000,000 to 159,999,999	44,000
25	160,000,000 to 189,999,999	45,000
26	190,000,000 to] 249,999,999	[46,000] <u>50%</u>
27	250,000,000 to [299,999,999	48,000
28	300,000,000 to] 449,999,999	50,000 <u>55%</u>
29	450,000,000 to [599,999,999	52,000
30	600,000,000 to 749,999,999	54,000
31	750,000,000 to] 899,999,999	[56,000] <u>60%</u>
32	900,000,000 [to 1,049,999,999	58,000
33	1,050,000,000 to 1,199,999,999	60,000
34	1,200,000,000 to 1,349,999,999	62,000
35	1,350,000,000] and over	[64,000] <u>65%</u>

36 2. Two thousand dollars of the salary authorized in
 37 this section shall be payable to the sheriff only if the
 38 sheriff has completed at least twenty hours of classroom

39 instruction each calendar year relating to the operations of
40 the sheriff's office when approved by a professional
41 association of the county sheriffs of Missouri unless
42 exempted from the training by the professional association.
43 The professional association approving the program shall
44 provide a certificate of completion to each sheriff who
45 completes the training program and shall send a list of
46 certified sheriffs to the treasurer of each county.
47 Expenses incurred for attending the training session may be
48 reimbursed to the county sheriff in the same manner as other
49 expenses as may be appropriated for that purpose.

50 3. The county sheriff in any county[,] other than a
51 [first classification] charter county[,] shall not[, except
52 upon two-thirds vote of all the members of the salary
53 commission,] receive an annual compensation less than the
54 [total] compensation [being received for the office of
55 county sheriff in the particular county for services
56 rendered or performed on the date the salary commission
57 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.

21 84.575. 1. The board of police commissioners
22 established by section 84.350 shall not require, as a
23 condition of employment, that any currently employed or
24 prospective law enforcement officer or other employee reside
25 within any jurisdictional limit. If the board of police
26 commissioners has a residency rule or requirement for law
27 enforcement officers or other employees that is in effect on
28 or before August 28, 2021, the residency rule or requirement
29 shall not apply and shall not be enforced.

30 2. The board of police commissioners may impose a
31 residency rule or requirement on law enforcement officers or
32 other employees, but the rule or requirement shall be no
33 more restrictive than requiring such personnel to reside
34 within thirty miles from the nearest city limit and within
35 the boundaries of the state of Missouri.

106.950. 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.

8 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.

19 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.

11 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 or nonrespiratory disease spread from person to
4 person that is fatal or causes disabling long-term
5 consequences in the absence of lifelong treatment and
6 management.

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

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

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

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

21 (b) By the sharing of needles; or

22 (c) By biting another person or purposely acting in
23 any other manner which causes the HIV-infected person's
24 semen, vaginal secretions, or blood to come into contact

25 with the mucous membranes or nonintact skin of another
26 person.

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

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

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

42 c. Another person provides evidence of sexual contact
43 with the HIV-infected person after a diagnosis of an HIV
44 status] such serious infectious or communicable disease
45 through an activity that creates a substantial risk of
46 disease transmission as determined by competent medical or
47 epidemiological evidence; or

48 (3) Act in a reckless manner by exposing another
49 person to such serious infectious or communicable disease
50 through an activity that creates a substantial risk of
51 disease transmission as determined by competent medical or
52 epidemiological evidence.

53 [2.] 3. (1) Violation of the provisions of
54 subdivision (1) or (2) of subsection [1] 2 of this section
55 is a class [B] D felony unless the victim contracts [HIV]
56 the serious infectious or communicable disease from the
57 contact, in which case it is a class [A] C felony.

58 [3. The department of health and senior services or
59 local law enforcement agency, victim or others may file a
60 complaint with the prosecuting attorney or circuit attorney
61 of a court of competent jurisdiction alleging that a person
62 has violated a provision of subsection 1 of this section.
63 The department of health and senior services shall assist
64 the prosecutor or circuit attorney in preparing such case,
65 and upon request, turn over to peace officers, police
66 officers, the prosecuting attorney or circuit attorney, or
67 the attorney general records concerning that person's HIV-
68 infected status, testing information, counseling received,
69 and the identity and available contact information for
70 individuals with whom that person had sexual intercourse or
71 deviate sexual intercourse and those individuals' test
72 results.

73 4. The use of condoms is not a defense to a violation
74 of paragraph (a) of subdivision (2) of subsection 1 of this
75 section.]

76 (2) Violation of the provisions of subdivision (3) of
77 subsection 2 of this section is a class A misdemeanor.

78 4. It is an affirmative defense to a charge under this
79 section if the person exposed to the serious infectious or
80 communicable disease knew that the infected person was
81 infected with the serious infectious or communicable disease
82 at the time of the exposure and consented to the exposure
83 with such knowledge.

84 5. (1) For purposes of this subsection, the term
85 "identifying characteristics" includes, but is not limited
86 to, the name or any part of the name, address or any part of
87 the address, city or unincorporated area of residence, age,
88 marital status, place of employment, or racial or ethnic
89 background of the defendant or the person exposed, or the
90 relationship between the defendant and the person exposed.

91 (2) When alleging a violation of this section, the
92 prosecuting attorney, the circuit attorney, or the grand
93 jury shall substitute a pseudonym for the actual name of the
94 person exposed to a serious infectious or communicable
95 disease. The actual name and other identifying
96 characteristics of the person exposed shall be revealed to
97 the court only in camera unless the person exposed requests
98 otherwise, and the court shall seal the information from
99 further disclosure, except by counsel as part of discovery.
100 (3) Unless the person exposed requests otherwise, all
101 court decisions, orders, pleadings, and other documents,
102 including motions and papers filed by the parties, shall be
103 worded so as to protect from public disclosure the name and
104 other identifying characteristics of the person exposed.
105 (4) Unless the person exposed requests otherwise, a
106 court in which a violation of this section is filed shall
107 issue an order that prohibits counsel and their agents, law
108 enforcement personnel, and court staff from making a public
109 disclosure of the name or any other identifying
110 characteristics of the person exposed.
111 (5) Unless the defendant requests otherwise, a court
112 in which a violation of this section is filed shall issue an
113 order that prohibits counsel and their agents, law
114 enforcement personnel, and court staff, before a finding of
115 guilt, from making a public disclosure of the name or other
116 identifying characteristics of the defendant. In any public
117 disclosure before a finding of guilt, a pseudonym shall be
118 substituted for the actual name of the defendant.
119 (6) Before sentencing, a defendant shall be assessed
120 for placement in one or more community-based programs that
121 provide counseling, supervision, and education and that
122 offer reasonable opportunity for the defendant to provide
123 redress to the person exposed.

211.072. 1. A juvenile, under the age of eighteen,
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 detention would be the appropriate placement or would
17 continue to serve as the appropriate placement, the juvenile
18 officer may file a motion in the adult criminal case,
19 requesting that the juvenile be transferred from a secure
20 juvenile detention facility to an adult jail. The court
21 shall hear evidence relating to the appropriateness of the
22 juvenile remaining in a secure juvenile detention facility
23 or being transferred to an adult jail. At said hearing, the
24 following shall have the right to be present and have the
25 opportunity to present evidence and recommendations at such
26 hearing: the juvenile; the juvenile's parents; the
27 juvenile's counsel; the prosecuting attorney; the juvenile
28 officer or their designee for the circuit in which the
29 juvenile was certified; the juvenile officer or their
30 designee for the circuit in which the pre-trial certified
31 juvenile is proposed to be held, if different than the
32 circuit in which the juvenile was certified; counsel for the

33 juvenile officer; and representatives of the county proposed
34 to have custody of the pre-trial certified juvenile.

35 2. Following said hearing, the court shall order that
36 the juvenile continue to be held in a secure juvenile
37 detention facility subject to all Missouri juvenile
38 detention standards or shall order that the pre-trial
39 certified juvenile be held in an adult jail, but only after
40 the court has made findings that it would be in the best
41 interest of justice to move the pre-trial certified juvenile
42 to an adult jail. The court shall weigh the following
43 factors when deciding whether to detain a certified juvenile
44 in an adult facility:

45 (1) The certified juvenile's age;

46 (2) The certified juvenile's physical and mental
47 maturity;

48 (3) The certified juvenile's present mental state,
49 including whether they present an imminent risk of self-harm;

50 (4) The nature and circumstances of the charges;

51 (5) The certified juvenile's history of delinquency;

52 (6) The relative ability of the available adult and
53 juvenile facilities to both meet the needs of the certified
54 juvenile but to protect the public and other youth in their
55 custody;

56 (7) The opinion of the juvenile officer in the circuit
57 of the proposed placement as to the ability of that juvenile
58 detention facility to provide for appropriate care, custody,
59 and control of the pre-trial certified juvenile; and

60 (8) Any other relevant factor.

61 3. In the event the court finds that it is in the best
62 interest of justice to require the certified juvenile to be
63 held in an adult jail, the court shall hold a hearing once
64 every thirty days to determine whether the placement of the

65 certified juvenile in an adult jail is still in the best
66 interests of justice.

67 4. A certified juvenile cannot be held in an adult
68 jail for more than one hundred eighty days unless the court
69 finds, for good cause, that an extension is necessary or the
70 juvenile, through counsel, waives the one hundred eighty day
71 maximum period.

72 5. Effective December 21, 2021, all previously pre-
73 trial, certified juveniles, under the age of eighteen, who
74 had been certified prior to August 28, 2021, shall be
75 transferred from adult jail to a secure juvenile detention
76 facility, unless a hearing is held and the court finds,
77 based upon the factors in subsection 2 of this section, that
78 it would be in the best interest of justice to keep the
79 juvenile in the adult jail.

80 6. All pre-trial, certified juveniles, under the age
81 of eighteen years, who are held in adult jails pursuant to
82 the best interest of justice exception shall continue to be
83 subject to the protections of the federal Prison Rape
84 Elimination Act (PREA) and shall be physically separated
85 from adult inmates.

86 7. If the certified juvenile remains in juvenile
87 detention, the juvenile officer may file a motion to
88 reconsider placement. The court shall consider the factors
89 set out in subsection 2 of this section and the individuals
90 set forth in subsection 1 of this section shall have a right
91 to be present and present evidence. The court may amend its
92 earlier order in light of the evidence and arguments
93 presented at the hearing if the court finds that it would
94 not be in the best interest of justice for the juvenile to
95 remain in a secure juvenile detention facility.

96 8. Issues related to the setting of, and posting of,
97 bond along with any bond forfeiture proceedings shall be

98 held in the pre-trial certified juvenile's adult criminal
99 case.

100 9. Upon attaining age of eighteen years or upon
101 conviction on the adult charges, the juvenile shall be
102 transferred from juvenile detention to the appropriate adult
103 facility.

104 10. Any responsibility for transportation of the
105 certified juvenile who remains in a secure juvenile
106 detention facility shall be handled in the same manner as in
107 all other adult criminal cases where the defendant is in
108 custody.

109 11. The per diem provisions as set forth in section
110 211.156 shall apply to certified juveniles who are being
111 held in a secure juvenile detention facility.

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 of probation
11 and] parole board to care for abandoned cemeteries located
12 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.

217.250. 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
6 of 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 board shall employ such
37 employees as necessary to carry out its responsibilities,
38 serve as the appointing authority over such employees, and
39 provide for appropriate training to members and staff,
40 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 parole board.

10 2. Each offender to be released from custody of the
11 department who will be under the supervision of the [board]
12 division of probation and parole, except an offender
13 transferred to another state pursuant to the interstate
14 corrections compact, shall shortly before release be
15 required to: complete a registration form indicating his or
16 her intended address upon release, employer, parent's
17 address, and such other information as may be required;
18 submit to photographs; submit to fingerprints; or undergo
19 other identification procedures including but not limited to
20 hair samples or other identification indicia. All data and
21 indicia of identification shall be compiled in duplicate,
22 with one set to be retained by the department, and one set

23 for the chief law enforcement official of the county of
24 intended residence.

25 3. Any offender subject to the provisions of this
26 section who changes his or her county of residence shall, in
27 addition to notifying the [board] division of probation and
28 parole, notify and register with the chief law enforcement
29 official of the county of residence within seven days after
30 he or she changes his or her residence to that county.

31 4. Failure by an offender to register with the chief
32 law enforcement official upon a change in the county of his
33 or her residence shall be cause for revocation of the parole
34 of the person except for good cause shown.

35 5. The department, the [board] division of probation
36 and parole, and the chief law enforcement official shall
37 cause the information collected on the initial registration
38 and any subsequent changes in residence or registration to
39 be recorded with the highway patrol criminal information
40 system.

41 6. The director of the department of public safety
42 shall design and distribute the registration forms required
43 by this section and shall provide any administrative
44 assistance needed to facilitate the provisions of this
45 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.

217.829. 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.

313.800. 1. As used in sections 313.800 to 313.850,
2 unless the context clearly requires otherwise, the following
3 terms mean:

4 (1) "Adjusted gross receipts", the gross receipts from
5 licensed gambling games and devices less winnings paid to
6 wagers;

7 (2) "Applicant", any person applying for a license
8 authorized under the provisions of sections 313.800 to
9 313.850;

10 (3) "Bank", the elevations of ground which confine the
11 waters of the Mississippi or Missouri Rivers at the ordinary
12 high water mark as defined by common law;

13 (4) "Capital, cultural, and special law enforcement
14 purpose expenditures" shall include any disbursement,
15 including disbursements for principal, interest, and costs
16 of issuance and trustee administration related to any
17 indebtedness, for the acquisition of land, land
18 improvements, buildings and building improvements, vehicles,
19 machinery, equipment, works of art, intersections, signing,
20 signalization, parking lot, bus stop, station, garage,
21 terminal, hanger, shelter, dock, wharf, rest area, river
22 port, airport, light rail, railroad, other mass transit,
23 pedestrian shopping malls and plazas, parks, lawns, trees,
24 and other landscape, convention center, roads, traffic
25 control devices, sidewalks, alleys, ramps, tunnels,
26 overpasses and underpasses, utilities, streetscape,
27 lighting, trash receptacles, marquees, paintings, murals,
28 fountains, sculptures, water and sewer systems, dams,
29 drainage systems, creek bank restoration, any asset with a
30 useful life greater than one year, cultural events, and any
31 expenditure related to a law enforcement officer deployed as
32 horse-mounted patrol, school resource or drug awareness
33 resistance education (D.A.R.E) officer;

34 (5) "Cheat", to alter the selection of criteria which
35 determine the result of a gambling game or the amount or
36 frequency of payment in a gambling game;

37 (6) "Commission", the Missouri gaming commission;

38 (7) "Credit instrument", a written check, negotiable
39 instrument, automatic bank draft or other authorization from
40 a qualified person to an excursion gambling boat licensee or
41 any of its affiliated companies licensed by the commission
42 authorizing the licensee to withdraw the amount of credit
43 extended by the licensee to such person from the qualified
44 person's banking account in an amount determined under
45 section 313.817 on or after a date certain of not more than
46 thirty days from the date the credit was extended, and
47 includes any such writing taken in consolidation, redemption
48 or payment of a previous credit instrument, but does not
49 include any interest-bearing installment loan or other
50 extension of credit secured by collateral;

51 (8) "Dock", the location in a city or county
52 authorized under subsection 10 of section 313.812 which
53 contains any natural or artificial space, inlet, hollow, or
54 basin, in or adjacent to a bank of the Mississippi or
55 Missouri Rivers, next to a wharf or landing devoted to the
56 embarking of passengers on and disembarking of passengers
57 from a gambling excursion but shall not include any
58 artificial space created after May 20, 1994, and is located
59 more than one thousand feet from the closest edge of the
60 main channel of the river as established by the United
61 States Army Corps of Engineers;

62 (9) "Excursion gambling boat", a boat, ferry [or],
63 other floating facility, or any nonfloating facility
64 licensed by the commission on which gambling games are
65 allowed;

66 (10) "Fiscal year" [shall for the purposes of
67 subsections 3 and 4 of section 313.820 mean], the fiscal
68 year of a home dock city or county;

69 (11) "Floating facility", any facility built or
70 originally built as a boat, ferry or barge licensed by the
71 commission on which gambling games are allowed;

72 (12) "Gambling excursion", the time during which
73 gambling games may be operated on an excursion gambling boat
74 whether docked or during a cruise;

75 (13) "Gambling game" includes, but is not limited to,
76 games of skill or games of chance on an excursion gambling
77 boat but does not include gambling on sporting events;
78 provided such games of chance are approved by amendment to
79 the Missouri Constitution;

80 (14) "Games of chance", any gambling game in which the
81 player's expected return is not favorably increased by [his
82 or her] the player's reason, foresight, dexterity, sagacity,
83 design, information or strategy;

84 (15) "Games of skill", any gambling game in which
85 there is an opportunity for the player to use [his or her]
86 the player's reason, foresight, dexterity, sagacity, design,
87 information or strategy to favorably increase the player's
88 expected return; including, but not limited to, the gambling
89 games known as "poker", "blackjack" (twenty-one), "craps",
90 "Caribbean stud", "pai gow poker", "Texas hold'em", "double
91 down stud", and any video representation of such games;

92 (16) "Gross receipts", the total sums wagered by
93 patrons of licensed gambling games;

94 (17) "Holder of occupational license", a person
95 licensed by the commission to perform an occupation within
96 excursion gambling boat operations which the commission has
97 identified as requiring a license;

98 (18) "Licensee", any person licensed under sections
99 313.800 to 313.850;

100 (19) "Mississippi River" and "Missouri River", the
101 water, bed and banks of those rivers, including any space
102 filled wholly or partially by the water of those rivers [for
103 docking purposes] in a manner approved by the commission but
104 shall not include any artificial space created after May 20,
105 1994, and is located more than one thousand feet from the
106 closest edge of the main channel of the river as established
107 by the United States Army Corps of Engineers;

108 (20) "Nonfloating facility", any structure within one
109 thousand feet of the Missouri or Mississippi River that
110 contains at least two thousand gallons of water beneath or
111 inside the facility either by an enclosed space containing
112 such water or in rigid or semirigid storage containers or
113 structures;

114 (21) "Supplier", a person who sells or leases gambling
115 equipment and gambling supplies to any licensee.

116 2. (1) In addition to the games of skill defined in
117 this section, the commission may approve other games of
118 skill upon receiving a petition requesting approval of a
119 gambling game from any applicant or licensee. The
120 commission may set the matter for hearing by serving the
121 applicant or licensee with written notice of the time and
122 place of the hearing not less than five days prior to the
123 date of the hearing and posting a public notice at each
124 commission office. The commission shall require the
125 applicant or licensee to pay the cost of placing a notice in
126 a newspaper of general circulation in the applicant's or
127 licensee's home dock city or county. The burden of proof
128 that the gambling game is a game of skill is at all times on
129 the petitioner. The petitioner shall have the affirmative

130 responsibility of establishing [his or her] the petitioner's
131 case by a preponderance of evidence including:

132 [(1)] (a) Is it in the best interest of gaming to
133 allow the game; and

134 [(2)] (b) Is the gambling game a game of chance or a
135 game of skill?

136 (2) All testimony shall be given under oath or
137 affirmation. Any citizen of this state shall have the
138 opportunity to testify on the merits of the petition. The
139 commission may subpoena witnesses to offer expert
140 testimony. Upon conclusion of the hearing, the commission
141 shall evaluate the record of the hearing and issue written
142 findings of fact that shall be based exclusively on the
143 evidence and on matters officially noticed. The commission
144 shall then render a written decision on the merits which
145 shall contain findings of fact, conclusions of law and a
146 final commission order. The final commission order shall be
147 within thirty days of the hearing. Copies of the final
148 commission order shall be served on the petitioner by
149 certified or overnight express mail, postage prepaid, or by
150 personal delivery.

313.805. The commission shall have full jurisdiction
2 over and shall supervise all gambling operations governed by
3 sections 313.800 to 313.850. The commission shall have the
4 following powers and shall promulgate rules and regulations
5 to implement sections 313.800 to 313.850:

6 (1) To investigate applicants and determine the
7 priority and eligibility of applicants for a license and to
8 select among competing applicants for a license the
9 applicant which best serves the interests of the citizens of
10 Missouri;

11 (2) To license the operators of excursion gambling
12 boats and operators of gambling games within such boats, to

13 identify occupations within the excursion gambling boat
14 operations which require licensing, and adopt standards for
15 licensing the occupations including establishing fees for
16 the occupational licenses and to license suppliers;

17 (3) To adopt standards under which all excursion
18 gambling boat operations shall be held and standards for the
19 facilities within which the gambling operations are to be
20 held. Notwithstanding the provisions of chapter 311 to the
21 contrary, the commission may authorize the operation of
22 gambling games on an excursion gambling boat which is also
23 licensed to sell or serve alcoholic beverages, wine, or
24 beer. The commission shall regulate the wagering structure
25 for gambling excursions, provided that the commission shall
26 not establish any regulations or policies that limit the
27 amount of wagers, losses, or buy-in amounts;

28 (4) To enter the premises of excursion gambling boats,
29 facilities, or other places of business of a licensee within
30 this state to determine compliance with sections 313.800 to
31 313.850;

32 (5) To investigate alleged violations of sections
33 313.800 to 313.850 or the commission rules, orders, or final
34 decisions;

35 (6) To assess any appropriate administrative penalty
36 against a licensee, including, but not limited to,
37 suspension, revocation, and penalties of an amount as
38 determined by the commission up to three times the highest
39 daily amount of gross receipts derived from wagering on the
40 gambling games, whether unauthorized or authorized,
41 conducted during the previous twelve months as well as
42 confiscation and forfeiture of all gambling game equipment
43 used in the conduct of unauthorized gambling games.
44 Forfeitures pursuant to this section shall be enforced as
45 provided in sections 513.600 to 513.645;

46 (7) To require a licensee, an employee of a licensee
47 or holder of an occupational license to remove a person
48 violating a provision of sections 313.800 to 313.850 or the
49 commission rules, orders, or final orders, or other person
50 deemed to be undesirable from the excursion gambling boat or
51 adjacent facilities;

52 (8) To require the removal from the premises of a
53 licensee, an employee of a licensee, or a holder of an
54 occupational license for a violation of sections 313.800 to
55 313.850 or a commission rule or engaging in a fraudulent
56 practice;

57 (9) To require all licensees to file all financial
58 reports required by rules and regulations of the commission;

59 (10) To issue subpoenas for the attendance of
60 witnesses and subpoenas duces tecum for the production of
61 books, records, and other pertinent documents, and to
62 administer oaths and affirmations to the witnesses, when, in
63 the judgment of the commission, it is necessary to enforce
64 sections 313.800 to 313.850 or the commission rules;

65 (11) To keep accurate and complete records of its
66 proceedings and to certify the records as may be appropriate;

67 (12) To ensure that the gambling games are conducted
68 fairly. No gambling device shall be set to pay out less
69 than eighty percent of all wagers;

70 (13) To require all licensees of gambling game
71 operations to use a cashless wagering system whereby all
72 players' money is converted to physical or electronic
73 tokens, electronic cards, or chips which only can be used on
74 the excursion gambling boat;

75 (14) To require excursion gambling boat licensees to
76 develop a system, approved by the commission, that allows
77 patrons the option to prohibit the excursion gambling boat
78 licensee from using identifying information for marketing

79 purposes. The provisions of this subdivision shall apply
80 only to patrons giving identifying information for the first
81 time. Such system shall be submitted to the commission by
82 October 1, 2000, and approved by the commission by January
83 1, 2001. The excursion gambling boat licensee shall use
84 identifying information obtained from patrons who have
85 elected to have marketing blocked under the provisions of
86 this section only for the purposes of enforcing the
87 requirements contained in sections 313.800 to 313.850. This
88 section shall not prohibit the commission from accessing
89 identifying information for the purposes of enforcing
90 section 313.004 and sections 313.800 to 313.850;

91 (15) To determine which of the authorized gambling
92 games will be permitted on any licensed excursion gambling
93 boat;

94 (16) [Excursion gambling boats shall cruise, unless
95 the commission finds that the best interest of Missouri and
96 the safety of the public indicate the need for continuous
97 docking of the excursion gambling boat in any city or county
98 authorized pursuant to subsection 10 of section 313.812.]
99 The commission shall base its decision to [allow
100 continuously docked] license excursion gambling boats on any
101 of the following criteria: the docking location or the
102 excursion cruise could cause danger to the boat's
103 passengers, violate federal law or the law of another state,
104 or cause disruption of interstate commerce or possible
105 interference with railway or barge transportation. [In
106 addition,] The commission shall consider economic
107 feasibility or impact that would benefit land-based
108 development and permanent job creation. The commission
109 shall not discriminate among applicants for [continuous-
110 docking] excursion gambling boats that are similarly

111 situated with respect to the criteria set forth in this
112 section;

113 (17) The commission shall render a finding concerning
114 [the possibility of continuous docking, as described in
115 subdivision (15) of this section,] the transition from a
116 boat, barge, or floating facility to a nonfloating facility
117 within thirty days after a hearing on any request from an
118 applicant or licensee. Such hearing may be held prior to
119 any final action on licensing to assist an applicant and any
120 city or county in the finalizing of their economic
121 development plan;

122 (18) To require any applicant for a license or renewal
123 of a license to operate an excursion gambling boat to
124 provide an affirmative action plan which has as its goal the
125 use of best efforts to achieve maximum employment of African-
126 Americans and other minorities and maximum participation in
127 the procurement of contractual purchases of goods and
128 services. This provision shall be administered in
129 accordance with all federal and state employment laws,
130 including Title VII of the Civil Rights Act of 1964, as
131 amended by the Civil Rights Act of 1991. At license
132 renewal, the licensee will report on the effectiveness of
133 the plan. The commission shall include the licensee's
134 reported information in its annual report to the joint
135 committee on gaming and wagering;

136 (19) To take any other action as may be reasonable or
137 appropriate to enforce sections 313.800 to 313.850 and the
138 commission rules.

313.812. 1. (1) The commission may issue licenses
2 pursuant to subsection 1 of section 313.807 when it is
3 satisfied that the applicant has complied with all rules and
4 regulations, including an update of all information provided
5 to the commission in the licensee's initial application.

6 The commission shall decide the number, location and type of
7 excursion gambling boat in a city or county under subsection
8 10 of this section. The license shall set forth the name of
9 the licensee, the type of license granted, the place where
10 the excursion gambling boat will operate [and] or dock,
11 including the docking of an excursion gambling boat which is
12 continuously docked, and other information the commission
13 deems appropriate. The commission shall have the ultimate
14 responsibility of deciding the number, location, and type of
15 excursion gambling boats licensed in a city or county;
16 however, any city or county which has complied with the
17 provisions of subsection 10 of this section shall submit to
18 the commission a plan outlining the following:

19 [(1)] (a) The recommended number of licensed excursion
20 gambling boats operating in such city or county;

21 [(2)] (b) The recommended licensee or licensees
22 operating in such city or county;

23 [(3)] (c) The community's economic development or
24 impact and affirmative action plan concerning minorities'
25 and women's ownership, contracting and employment for the
26 waterfront development;

27 [(4)] (d) The city or county proposed sharing of
28 revenue with any other municipality;

29 [(5)] (e) Any other information such city or county
30 deems necessary; and

31 [(6)] (f) Any other information the commission may
32 determine is necessary.

33 (2) The commission shall provide for due dates for
34 receiving such plan from the city or county.

35 2. A license to operate an excursion gambling boat
36 shall only be granted to an applicant upon the express
37 conditions that:

38 (1) The applicant shall not, by a lease, contract,
39 understanding, or arrangement of any kind, grant, assign, or
40 turn over to a person the operation of an excursion gambling
41 boat licensed under this section or of the system of
42 wagering described in section 313.817. This section does
43 not prohibit a management contract with a person licensed by
44 the commission; and

45 (2) The applicant shall not in any manner permit a
46 person other than the licensee and the management licensee
47 to have a share, percentage, or proportion of the money
48 received for admissions to the excursion gambling boat.

49 3. The commission shall require, as a condition of
50 granting a license, that an applicant operate an excursion
51 gambling boat which, as nearly as practicable, resembles or
52 is a part of Missouri's or the home dock city's or county's
53 riverboat history.

54 4. The commission shall encourage through its rules
55 and regulations the use of Missouri resources, goods and
56 services in the operation of any excursion gambling boat.

57 5. The excursion gambling boat shall provide for
58 nongaming areas, food service and a Missouri theme gift
59 shop. The amount of space used for gaming shall be
60 determined in accordance with all rules and regulations of
61 the commission and, if applicable, the United States Coast
62 Guard safety regulations.

63 6. A license to operate gambling games or to operate
64 an excursion gambling boat shall not be granted unless the
65 applicant has, through clear and convincing evidence,
66 demonstrated financial responsibility sufficient to meet
67 adequately the requirements of the proposed enterprise.

68 7. Each applicant shall establish by clear and
69 convincing evidence its fitness to be licensed. Without
70 limitation, the commission may deny a license based solely

71 on the fact that there is evidence that any of the following
72 apply:

73 (1) The applicant has been suspended from operating an
74 excursion gambling boat or a game of chance or gambling
75 operation in another jurisdiction by a board or commission
76 of that jurisdiction;

77 (2) The applicant is not the true owner of the
78 enterprise proposed;

79 (3) The applicant is not the sole owner, and other
80 persons have ownership in the enterprise, which fact has not
81 been disclosed;

82 (4) The applicant is a corporation that is not
83 publicly traded and ten percent or more of the stock of the
84 corporation is subject to a contract or option to purchase
85 at any time during the period for which the license is to be
86 issued unless the contract or option was disclosed to the
87 commission and the commission approved the sale or transfer
88 during the period of the license;

89 (5) The applicant has knowingly made a false statement
90 of a material fact to the commission; or

91 (6) The applicant has failed to meet a valid, bona
92 fide monetary obligation in connection with an excursion
93 gambling boat.

94 8. A license shall not be granted if the applicant has
95 not established the applicant's good repute and moral
96 character or if the applicant has pled guilty to, or has
97 been convicted of, a felony. No licensee shall employ or
98 contract with any person who has pled guilty to, or has been
99 convicted of, a felony to perform any duties directly
100 connected with the licensee's privileges under a license
101 granted pursuant to this section, except that employees
102 performing nongaming related occupations as determined by

103 the commission shall be exempt from the requirements of this
104 subsection.

105 9. Except as provided in section 313.817, a licensee
106 shall not lend to any person money or any other thing of
107 value for the purpose of permitting that person to wager on
108 any gambling game authorized by law. This does not prohibit
109 credit card or debit card transactions or cashing of
110 checks. Any check cashed, other than a credit instrument,
111 **[must]** shall be deposited within twenty-four hours. Except
112 for any credit instrument, the commission may require
113 licensees to verify a sufficient account balance exists
114 before cashing any check. Any licensee who violates the
115 provisions of this subsection shall be subject to an
116 administrative penalty of five thousand dollars for each
117 violation. Such administrative penalties shall be assessed
118 and collected by the commission.

119 10. (1) Gambling excursions including the operation
120 of gambling games on an excursion gambling boat which is not
121 continuously docked shall be allowed only on the Mississippi
122 River and the Missouri River. No license to conduct
123 gambling games on an excursion gambling boat in a city or
124 county shall be issued unless and until the qualified voters
125 of the city or county approve such activities pursuant to
126 this subsection. The question shall be submitted to the
127 qualified voters of the city or county at a general, primary
128 or special election upon the motion of the governing body of
129 the city or county or upon the petition of fifteen percent
130 of the qualified voters of the city or county determined on
131 the basis of the number of votes cast for governor in the
132 city or county at the last election held prior to the filing
133 of the petition.

134 (2) The question shall be submitted in substantially
135 the following form:

136 Shall the City (County) of _____ allow the
137 licensing of excursion gambling boats or floating
138 facilities as now or hereafter provided by
139 Missouri gaming law in the city (county)?

140 YES NO

141 (3) If a majority of the votes cast on the question by
142 the qualified voters voting thereon are in favor of the
143 question, then the commission may license excursion gambling
144 boats in that city or county and such boats may operate on
145 the Mississippi River and the Missouri River. If a majority
146 of the votes cast on the question by the qualified voters
147 voting thereon are opposed to the question, then the
148 commission shall not license such excursion gambling boats
149 in such city or county unless and until the question is
150 again submitted to and approved by a majority of the
151 qualified voters of the city or county at a later election.
152 Excursion gambling boats may only dock in a city or
153 unincorporated area of a county which approves licensing of
154 such excursion gambling boats pursuant to this subsection,
155 but gambling operations may be conducted at any point on the
156 Mississippi River or the Missouri River during an
157 excursion. Those cities and counties which have approved by
158 election pursuant to this subsection, except those cities or
159 counties which have subsequently rejected by election, the
160 licensing of any type of excursion gambling boats in the
161 city or county prior to April 6, 1994, are exempt from any
162 local election requirement of this section as such previous
163 election shall have the same effect as if held after May 20,
164 1994.

165 11. If a docking fee is charged by a city or a county,
166 a licensee operating an excursion gambling boat shall pay
167 the docking fee prior to the start of the excursion season.

168 12. Any licensee shall not be delinquent in the
169 payment of property taxes or other taxes or fees or in the
170 payment of any other contractual obligation or debt due or
171 owed to the state or a political subdivision of the state.

172 13. An excursion gambling boat licensed by the state
173 shall meet all of the requirements of chapter 306 and is
174 subject to an inspection of its sanitary facilities to
175 protect the environment and water quality by the commission
176 or its designee before a license to operate an excursion
177 gambling boat is issued by the commission. Licensed
178 excursion gambling boats shall also be subject to such
179 inspections during the period of the license as may be
180 deemed necessary by the commission. The cost of such
181 inspections shall be paid by the licensee.

182 14. A holder of any license shall be subject to
183 imposition of penalties, suspension or revocation of such
184 license, or if the person is an applicant for licensure, the
185 denial of the application, for any act or failure to act by
186 [himself] such person or [his] such person's agents or
187 employees, that is injurious to the public health, safety,
188 morals, good order and general welfare of the people of the
189 state of Missouri, or that would discredit or tend to
190 discredit the Missouri gaming industry or the state of
191 Missouri unless the licensee proves by clear and convincing
192 evidence that it is not guilty of such action. The
193 commission shall take appropriate action against any
194 licensee who violates the law or the rules and regulations
195 of the commission. Without limiting other provisions of
196 this subsection, the following acts or omissions may be
197 grounds for such discipline:

198 (1) Failing to comply with or make provision for
199 compliance with sections 313.800 to 313.850, the rules and

200 regulations of the commission or any federal, state or local
201 law or regulation;

202 (2) Failing to comply with any rule, order or ruling
203 of the commission or its agents pertaining to gaming;

204 (3) Receiving goods or services from a person or
205 business entity who does not hold a supplier's license but
206 who is required to hold such license by the provisions of
207 sections 313.800 to 313.850 or the rules and regulations of
208 the commission;

209 (4) Being suspended or ruled ineligible or having a
210 license revoked or suspended in any state of gaming
211 jurisdiction;

212 (5) Associating with, either socially or in business
213 affairs, or employing persons of notorious or unsavory
214 reputation or who have extensive police records, or who have
215 failed to cooperate with any officially constituted
216 investigatory or administrative body and would adversely
217 affect public confidence and trust in gaming;

218 (6) Employing in any gambling games' operation or any
219 excursion gambling boat operation, any person known to have
220 been found guilty of cheating or using any improper device
221 in connection with any gambling game;

222 (7) Use of fraud, deception, misrepresentation or
223 bribery in securing any permit or license issued pursuant to
224 sections 313.800 to 313.850;

225 (8) Obtaining or attempting to obtain any fee, charge,
226 or other compensation by fraud, deception, or
227 misrepresentation;

228 (9) Incompetence, misconduct, gross negligence, fraud,
229 misrepresentation or dishonesty in the performance of the
230 functions or duties regulated by sections 313.800 to 313.850.

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 physical
95 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.

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, which is
2 not otherwise admissible, is admissible in evidence in a
3 criminal proceeding as substantive evidence to prove the
4 truth of the matter asserted if, after a hearing, the court
5 finds, by a preponderance of the evidence, that:

6 (1) The defendant engaged in or acquiesced to
7 wrongdoing with the intent of causing the unavailability of
8 the witness;

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

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

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

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

544.170. 1. All persons arrested and confined in any
2 jail or other place of confinement by any peace officer,
3 without warrant or other process, for any alleged breach of
4 the peace or other criminal offense, or on suspicion
5 thereof, shall be discharged from said custody within twenty-
6 four hours from the time of such arrest, unless they shall
7 be charged with a criminal offense by the oath of some
8 credible person, and be held by warrant to answer to such
9 offense.

10 2. In any confinement to which the provisions of this
11 section apply, the confinee shall be permitted at any
12 reasonable time to consult with counsel or other persons
13 acting on the confinee's behalf.

14 3. Any person who violates the provisions of this
15 section, by refusing to release any person who is entitled
16 to release pursuant to this section, or by refusing to
17 permit a confinee to consult with counsel or other persons,
18 or who transfers any such confinees to the custody or
19 control of another, or to another place, or who falsely
20 charges such person, with intent to avoid the provisions of
21 this section, is guilty of a class A misdemeanor.

22 4. Notwithstanding the provisions of subsection 1 of
23 this section to the contrary, all persons arrested and
24 confined in any jail or other place of confinement by any
25 peace officer, without warrant or other process, for a
26 criminal offense involving a dangerous felony or deadly
27 weapon as defined in section 556.061, or on suspicion
28 thereof, shall be discharged from said custody within forty-
29 eight hours from the time of such arrest, unless they shall
30 be charged with a criminal offense by the oath of some
31 credible person, and be held by warrant to answer to such
32 offense.

544.453. Notwithstanding any provision of the law or
2 court rule, the following shall apply when a judge or
3 judicial officer sets bail in all courts in Missouri and
4 shall be applicable to all offenses charged:

5 (1) When setting bail and conditions of release in
6 Missouri, consideration of public safety shall be given
7 considerable weight;

8 (2) A release on one's own recognizance shall consist
9 of the defendant's signature and promise to appear in court
10 as required and also to comply with all nonmonetary

11 conditions of release without having to post any cash,
12 surety, or property as security or being required to later
13 pay the same upon failing to appear in court or comply with
14 nonmonetary conditions of release;

15 (3) There shall be no presumptions in favor of release
16 on one's own recognizance in any category of offenses,
17 specific offenses, or gradations of offenses. Judges shall
18 have discretion to release a defendant on his or her own
19 recognizance if permitted by law;

20 (4) There shall be a presumption against release on
21 one's own recognizance with or without nonmonetary
22 conditions of release that may be overcome by clear and
23 convincing evidence that a person is not a flight risk or
24 danger to the community in the following circumstances:

25 (a) A person has been convicted of a prior felony,
26 sexual offense, or violent charge within the past five years;

27 (b) A person is already on bond on a pending charge;

28 (c) A person is on probation or parole;

29 (d) A person has committed continuing or severe acts
30 of arson, rioting, or looting, which may endanger public
31 safety if released;

32 (e) A person has failed to appear in court as required
33 once in the previous three years; and

34 (f) The results of a risk assessment tool or process,
35 if available, indicate that the person is not low risk;

36 (5) A judge shall set bail in a single monetary
37 amount, which shall be fully secured by the defendant in a
38 method of the defendant's choosing, including cash, a ten
39 percent cash bond to the court, or a surety bond;

40 (6) Unless otherwise agreed to by the prosecuting or
41 circuit attorney and the defendant, a judge shall not impose
42 a ten percent cash bond to the court when a defendant:

- 43 (a) Has a prior dangerous felony conviction within the
44 past five years;
- 45 (b) Has previously been found guilty of the offense of
46 failure to appear in court on a felony charge within the
47 past two years;
- 48 (c) Is charged with a new felony while already out on
49 bond of any type; or
- 50 (d) Is charged with a dangerous felony offense.

544.665. 1. In addition to the forfeiture of any
2 security which was given or pledged for a person's release,
3 any person who, having been released upon a recognizance or
4 bond pursuant to any other provisions of law while pending
5 preliminary hearing, trial, sentencing, appeal, probation or
6 parole revocation, or any other stage of a criminal matter
7 against him or her, knowingly fails to appear before any
8 court or judicial officer as required shall be guilty of the
9 [crime] offense of failure to appear, including a person who
10 has been granted release pending trial and violates
11 conditions of release imposed by the court by:

- 12 (1) Failing to appear for any court appearance;
13 (2) Being arrested or formally charged with any
14 criminal offense that occurred subsequent to the release; or
15 (3) Violating any condition of release that the court
16 has placed on the person to secure the appearance of the
17 person at trial, or at any other stage of the criminal
18 proceedings and to secure the safety of the community or
19 other person, including but not limited to the crime victims
20 and witnesses.

- 21 2. Failure to appear is:
22 (1) A class E felony if the criminal matter for which
23 the person was released included a felony;

24 (2) A class A misdemeanor if the criminal matter for
25 which the person was released includes a misdemeanor or
26 misdemeanors but no felony or felonies;

27 (3) An infraction if the criminal matter for which the
28 person was released includes only an infraction or
29 infractions;

30 (4) An infraction if the criminal matter for which the
31 person was released includes only the violation of a
32 municipal ordinance, provided that the sentence imposed
33 shall not exceed the maximum fine which could be imposed for
34 the municipal ordinance for which the accused was arrested.

35 3. Nothing in sections 544.040 to 544.665 shall
36 prevent the exercise by any court of its power to punish for
37 contempt.

38 4. It shall be presumed that a person charged under
39 subdivision (1) subsection 2 of this section who committed a
40 dangerous felony pursuant to section 556.061, will not
41 appear upon a summons; or poses a danger to a crime victim,
42 the community, or any other person and upon a court finding
43 of probable cause of a violation of this section, an arrest
44 warrant shall be issued.

45 5. The filing of an information, complaint, or
46 indictment, including a charge or charges for violation of
47 subdivision (1) subsection 2 of this section in which a
48 person committed a dangerous felony pursuant to section
49 556.061, creates a rebuttable presumption that no
50 combination of conditions will secure the safety of the
51 community or other person, including but not limited to
52 crime victims and witnesses, and the offender shall be
53 detained pending trial.

545.940. 1. Pursuant to a motion filed by the
2 prosecuting attorney or circuit attorney with notice given
3 to the defense attorney and for good cause shown, in any

4 criminal case in which a defendant has been charged by the
5 prosecuting attorney's office or circuit attorney's office
6 with any offense under chapter 566 or section 565.050,
7 assault in the first degree; section 565.052 or 565.060,
8 assault in the second degree; section 565.054 or 565.070,
9 assault in the third degree; section 565.056, assault in the
10 fourth degree; section 565.072, domestic assault in the
11 first degree; section 565.073, domestic assault in the
12 second degree; section 565.074, domestic assault in the
13 third degree; section 565.075, assault while on school
14 property; section 565.076, domestic assault in the fourth
15 degree; section 565.081, 565.082, or 565.083, assault of a
16 law enforcement officer, corrections officer, emergency
17 personnel, highway worker in a construction zone or work
18 zone, utility worker, cable worker, or probation and parole
19 officer in the first, second, or third degree; section
20 567.020, prostitution; section 568.045, endangering the
21 welfare of a child in the first degree; section 568.050,
22 endangering the welfare of a child in the second degree;
23 section 568.060, abuse of a child; section 575.150,
24 resisting or interfering with an arrest; or [paragraph (a),
25 (b), or (c), of] subdivision (2) or (3) of subsection [1] 2
26 of section 191.677, knowingly or recklessly exposing a
27 person to [HIV] a serious infectious or communicable
28 disease, the court may order that the defendant be conveyed
29 to a state-, city-, or county-operated HIV clinic for
30 testing for HIV, hepatitis B, hepatitis C, syphilis,
31 gonorrhea, and chlamydia. The results of such tests shall
32 be released to the victim and his or her parent or legal
33 guardian if the victim is a minor. The results of such
34 tests shall also be released to the prosecuting attorney or
35 circuit attorney and the defendant's attorney. The state's

36 motion to obtain said testing, the court's order of the
37 same, and the test results shall be sealed in the court file.

38 2. As used in this section, "HIV" means the human
39 immunodeficiency virus that causes acquired immunodeficiency
40 syndrome.

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

3 (1) "Crime stoppers organization", a private, not-for-
4 profit organization that collects and expends donations for
5 rewards to persons who report to the organization
6 information concerning criminal activity and that forwards
7 such information to appropriate law enforcement agencies;

8 (2) "Privileged communication", information by an
9 anonymous person to a crime stoppers organization for the
10 purpose of reporting alleged criminal activity.

11 2. No person shall be required to disclose, by way of
12 testimony or otherwise, a privileged communication between a
13 person who submits a report of alleged criminal activity to
14 a crime stoppers organization and the person who accepts the
15 report on behalf of a crime stoppers organization or to
16 produce, under subpoena, any records, documentary evidence,
17 opinions, or decisions relating to such privileged
18 communication:

19 (1) In connection with any criminal case or
20 proceeding; or

21 (2) By way of any discovery procedure.

22 3. Any person arrested or charged with a criminal
23 offense may petition the court for an in-camera inspection
24 of the records of a privileged communication concerning the
25 report such person made to a crime stoppers organization.
26 The petition shall allege facts showing that such records
27 would provide evidence favorable to the defendant and
28 relevant to the issue of guilt or punishment. If the court

29 determines that the person is entitled to all or any part of
30 such records, the court may order production and disclosure
31 as the court deems appropriate.

2 547.031. 1. A prosecuting or circuit attorney, in the
3 jurisdiction in which a person was convicted of an offense,
4 may file a motion to vacate or set aside the judgment at any
5 time if he or she has information that the convicted person
6 may be innocent or may have been erroneously convicted. The
7 circuit court in which the person was convicted shall have
8 jurisdiction and authority to consider, hear, and decide the
9 motion.

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

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

28 4. The prosecuting attorney, circuit attorney, or the
29 defendant shall have the authority and right to file and
30 maintain an appeal of the denial or disposal of such a
motion. The attorney general shall also have the right to

31 intervene in any appeal filed by the prosecuting or circuit
32 attorney or the defendant.

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.

556.046. 1. A person may be convicted of an offense
2 included in an offense charged in the indictment or
3 information. An offense is so included when:

4 (1) It is established by [proof] evidence of the same
5 or less than all the [facts] elements required to establish
6 the commission of the offense charged; or

7 (2) It is specifically denominated by statute as a
8 lesser degree of the offense charged; or

9 (3) It consists of an attempt to commit the offense
10 charged or to commit an offense otherwise included therein.

11 2. The court shall [not] be obligated to charge the
12 jury with respect to an included offense [unless] only if:

13 (1) The offense is established by evidence of the same
14 or less than all the elements required to establish the
15 commission of the charged offense;

16 (2) There is a rational basis in the evidence for a
17 verdict acquitting the person of the offense charged and
18 convicting him or her of the included offense[.]; and

19 (3) Either party requests the court to charge the jury
20 with respect to a specific included offense.

21 3. It shall be the trial court's duty to determine if
22 a rational basis in the evidence for a verdict exists.

23 4. An offense is charged for purposes of this section
24 if:

25 (1) It is in an indictment or information; or

26 (2) It is an offense submitted to the jury because
27 there is a rational basis in the evidence for a verdict
28 acquitting the person of the offense charged and convicting
29 the person of the included offense.

30 [3. The court shall be obligated to instruct the jury
31 with respect to a particular included offense only if there
32 is a basis in the evidence for acquitting the person of the
33 immediately higher included offense and there is a basis in
34 the evidence for convicting the person of that particular
35 included offense.]

 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.

13 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:

27 (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] a city, county, or private jail [or other
23 authorized penal institution,] and the place of confinement
24 shall be fixed by the court. If the court imposes a
25 sentence of imprisonment for a term longer than one year
26 upon a person convicted of a class D or E felony, it shall
27 commit the person to the custody of the department of
28 corrections.

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

34 (2) A sentence of imprisonment for a misdemeanor shall
35 be for a definite term and the court shall commit the person

36 to the county jail or other authorized penal institution for
37 the term of his or her sentence or until released under
38 procedure established elsewhere by law.

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

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

48 (b) Three years for terms between nine and fifteen
49 years;

50 (c) Five years for terms more than fifteen years; and
51 the prison term shall be the remainder of such term. The
52 prison term may be extended by the board of probation and
53 parole pursuant to subsection 5 of this section.

54 (2) "Conditional release" means the conditional
55 discharge of an offender by the board of probation and
56 parole, subject to conditions of release that the board
57 deems reasonable to assist the offender to lead a law-
58 abiding life, and subject to the supervision under the state
59 board of probation and parole. The conditions of release
60 shall include avoidance by the offender of any other
61 offense, federal or state, and other conditions that the
62 board in its discretion deems reasonably necessary to assist
63 the releasee in avoiding 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. The
67 director of any division of the department of corrections
68 except the board of probation and parole may file with the

69 board of probation and parole a petition to extend the
70 conditional release date when an offender fails to follow
71 the rules and regulations of the division or commits an act
72 in violation of such rules. Within ten working days of
73 receipt of the petition to extend the conditional release
74 date, the board of probation and parole shall convene a
75 hearing on the petition. The offender shall be present and
76 may call witnesses in his or her behalf and cross-examine
77 witnesses appearing against the offender. The hearing shall
78 be conducted as provided in section 217.670. If the
79 violation occurs in close proximity to the conditional
80 release date, the conditional release may be held for a
81 maximum of fifteen working days to permit necessary time for
82 the division director to file a petition for an extension
83 with the board and for the board to conduct a hearing,
84 provided some affirmative manifestation of an intent to
85 extend the conditional release has occurred prior to the
86 conditional release date. If at the end of a fifteen-
87 working-day period a board decision has not been reached,
88 the offender shall be released conditionally. The decision
89 of the board shall be final] The provisions of this section
90 shall be applicable to those offenses occurring on or after
91 August 28, 2021.

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 in the department of
10 corrections, when the time in custody was related to that
11 offense, and the circuit court may, when pronouncing
12 sentence, award credit for time spent in prison, jail, or
13 custody after the offense occurred and before conviction
14 toward the service of the sentence of 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.

559.125. 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.

565.003. 1. (1) The culpable mental state necessary
2 for a homicide offense may be found to exist if the only
3 difference between what actually occurred and what was the

4 object of the offender's state of mind is that a different
5 person or persons were killed.

6 (2) It is no defense to a homicide charge that the
7 identity of the person the offender intended to kill cannot
8 be established. If the state proves beyond a reasonable
9 doubt that the offender had the requisite mental state
10 toward a specific person or a general class of persons who
11 are not identified or who are not identifiable, such intent
12 shall be transferred to a person who is killed by the
13 offender while such mental state existed.

14 2. The length of time which transpires between conduct
15 which results in a death and is the basis of a homicide
16 offense and the event of such death is no defense to any
17 charge of homicide.

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

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

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

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,___

11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony.

566.145. 1. A person commits the offense of sexual
2 conduct in the course of public duty if the person engages
3 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) Acting with a coercive purpose.

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

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

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

31 ~~[(2)]~~ (3) "Prisoner", includes any person who is in
32 the custody of a jail, whether pretrial or after disposition
33 of a charge.

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

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

 570.212. 1. As used in this section, "mail" means a
2 letter, postal card, package, bag, or other sealed article
3 that:

4 (1) Is delivered by a common carrier or delivery
5 service and not yet received by the addressee; or

6 (2) Has been left to be collected for delivery by a
7 common carrier or delivery service.

8 2. A person commits the offense of mail theft if the
9 person purposefully appropriates mail from another person's
10 mailbox or premises without consent of the addressee and
11 with intent to deprive such addressee of the mail.

12 3. The offense of mail theft is a class A misdemeanor
13 for a first offense and a class E felony for any second or
14 subsequent offense.

 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.

574.203. 1. Except as otherwise protected by state or
2 federal law, a person, excluding any person who is
3 developmentally disabled as defined in section 630.005,
4 commits the offense of interference with a health care
5 facility if the person willfully or recklessly interferes
6 with a health care facility or employee of a health care
7 facility by:

8 (1) Causing a peace disturbance while inside a health
9 care facility;

10 (2) Refusing an order to vacate a health care facility
11 when requested to by any employee of the health care
12 facility;

13 (3) Threatening to inflict injury on the patients or
14 employees, or damage to the property of a health care
15 facility.

16 2. Hospital policies shall address incidents of
17 workplace violence against employees, including protecting
18 an employee from retaliation when such employee complies
19 with hospital policies in seeking assistance or intervention
20 from local emergency services or law enforcement when a
21 violent incident occurs.

22 3. The offense of interference with a health care
23 facility is a class D misdemeanor for a first offense and a
24 class C misdemeanor for any second or subsequent offense.

25 4. As used in this section, "health care facility"
26 means a hospital that provides health care services directly
27 to patients.

575.095. 1. A person commits the offense of tampering
2 with a judicial officer if, with the purpose to harass,

3 intimidate or influence a judicial officer in the
4 performance of such officer's official duties, such person:

5 (1) Threatens or causes harm to such judicial officer
6 or members of such judicial officer's family;

7 (2) Uses force, threats, or deception against or
8 toward such judicial officer or members of such judicial
9 officer's family;

10 (3) Offers, conveys or agrees to convey any benefit
11 direct or indirect upon such judicial officer or such
12 judicial officer's family;

13 (4) Engages in conduct reasonably calculated to harass
14 or alarm such judicial officer or such judicial officer's
15 family, including stalking pursuant to section 565.225 or
16 565.227.

17 2. A judicial officer for purposes of this section
18 shall be a judge, arbitrator, special master, juvenile
19 officer, deputy juvenile officer, state prosecuting or
20 circuit attorney, state assistant prosecuting or circuit
21 attorney, juvenile court commissioner, state probation or
22 parole officer, [or] referee, or the attorney general or his
23 or her assistant attorneys general authorized under section
24 27.020.

25 3. A judicial officer's family for purposes of this
26 section shall be:

27 (1) Such officer's spouse; or

28 (2) Such officer or such officer's spouse's ancestor
29 or descendant by blood or adoption; or

30 (3) Such officer's stepchild, while the marriage
31 creating that relationship exists.

32 4. The offense of tampering with a judicial officer is
33 a class D felony.

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.

575.205. 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,
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]
2 parole board shall have the authority to require a person
3 who is required to register as a sexual offender under
4 sections 589.400 to 589.425 to give his or her assigned

5 probation or parole officer access to his or her personal
6 home computer as a condition of probation or parole in order
7 to monitor and prevent such offender from obtaining and
8 keeping child pornography or from committing an offense
9 under chapter 566. Such access shall allow the probation or
10 parole officer to view the internet use history, computer
11 hardware, and computer software of any computer, including a
12 laptop computer, that the offender owns.

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

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

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

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

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

(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 money
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 money
39 in the fund shall be used solely by the department of public
40 safety for the purposes of providing services for peace
41 officers pursuant to subsection 1 of this section. Such
42 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.

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 [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-
five dollars per year for duties as chairman.]