CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE NO. 2

FOR

SENATE BILL NO. 26

AN ACT

To repeal sections 56.380, 56.455, 67.030, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 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, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, and to enact in lieu thereof eighty-nine new sections relating to public safety, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 56.380, 56.455, 67.030, 84.400,
2 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030,
3 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650,
4 217.655, 217.660, 217.665, 217.690, 217.692, 217.695, 217.710,
5 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035,
6 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060,
7 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022,

307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 549.500, 557.045, 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, 566.145, 571.030, 574.085, 575.205, 575.206, 589.042, 590.030, 610.140, 650.055, 650.058, and 650.335, RSMo, are repealed and eighty-nine new sections enacted in lieu thereof, to be known as sections 56.380, 56.455, 67.030, 67.301, 67.494, 84.400, 105.950, 149.071, 149.076, 190.307, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, 281.101, 304.022, 307.175, 311.060, 311.660, 313.220, 313.800, 313.805, 313.812, 542.525, 549.500, 557.045, 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, 565.058, 566.145, 571.030, 574.045, 574.085, 574.203, 574.204, 575.205, 575.206, 589.042, 590.030, 590.192, 590.502, 590.1265, 610.140, 650.055, 650.058, and 650.335, to read as follows:

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

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

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

67.030. 1. The governing body of each political subdivision may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law or charter or in subsection 2 of this section; provided, that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law or charter, the governing body of each political subdivision shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions, or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

2. Any taxpayer of a political subdivision may initiate an action for injunctive relief, which the court shall grant, if the governing body of such political subdivision decreases the budget for its law enforcement agency, except for those created under section 162.215, by an amount exceeding more than twelve percent relative to the proposed budgets of other departments of the political subdivision over a five year aggregate amount.

67.301. 1. Notwithstanding any provision to the contrary, no city, county, town, village, or political subdivision shall adopt or enforce any ordinance, order, or regulation that:

(1) Requires a permit for the installation or use of a battery-charged fence in addition to an alarm system permit issued by such city, county, town, village, or political subdivision;

(2) Imposes installation or operational requirements for the battery-charged fence that do not comply with either:

11 (a) The standards set by the International
12 Electrotechnical Commission, as published June 29, 2018; or
13 (b) The requirements of the definition of a "battery-
14 charged fence" under subsection 2 of this section; or
15 (3) Prohibits the installation or use of a battery-
16 charged fence.
17 2. As used in this section, the following terms mean:
18 (1) "Alarm system", an alarm system for which a permit
19 may be issued by a political subdivision;
20 (2) "Battery-charged fence", a fence that:
21 (a) Interfaces with an alarm system in a manner that
22 enables the fence to cause the connected alarm system to
23 transmit a signal intended to summon law enforcement in
24 response to a burglary;
25 (b) Is located on property that is not designated by a
26 city, county, town, village, or political subdivision for
27 residential use;
28 (c) Has an energizer that is powered by a commercial
29 storage battery that is no more than twelve volts of direct
30 current and that periodically delivers voltage impulses to
31 the fence;
32 (d) Produces an electric charge that does not exceed
33 energizer characteristics set for electric fence energizers
34 by the International Electrotechnical Commission, as
35 published in the Commission's standard on June 29, 2018;
36 (e) Is completely surrounded by a nonelectric
37 perimeter fence or wall that is no less than five feet in
38 height;
39 (f) Is no more than ten feet in height or, if part of
40 a nonelectric fence or wall, no more than two feet higher
41 than the nonelectric fence or wall, whichever is higher; and
42 (g) Is marked with conspicuous warning signs that are
43 located on the battery-charged fence at intervals no more

than sixty feet apart and that read "WARNING: ELECTRIC FENCE".

3. Upon installation of a battery-charged fence, an installer shall deliver written notice to the chief administrator of the city, county, town, village, or political subdivision that:

(1) States that the battery-charged fence was installed;

(2) States the street address of the battery-charged fence; and

(3) Includes a certification that the battery-charged fence satisfies the definition of a "battery-charged fence" under subsection 2 of this section and the standards for electric fence energizers set by the International Electrotechnical Commission, as published in the Commission's standard on June 29, 2018.

67.494. 1. The general assembly hereby occupies and preempts the entire field of legislation regarding in any way the regulation of physical security measures around private property to the complete exclusion of any order, ordinance, policy, or regulation by any village; town; city, including any home rule city; or county in this state. Any existing or future order, ordinance, policy, or regulation in this field is or shall be null and void.

2. Nothing in this section shall prohibit a village, town, city, or county from regulating:

(1) The aesthetics of physical security measures;

(2) Access to the public right-of-way, a sidewalk, or utility easement;

(3) The structural soundness of physical security measures; or

(4) Changes to the drainage of a property.

3. Physical security measures shall have a means to enter the property so that law enforcement and first responders are able to access the property in an emergency.

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

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

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

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the

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

taxable by this chapter. No person shall make an incomplete, false or fraudulent return under this chapter, or attempt to do anything to evade full disclosure of the facts or to avoid the payment in whole or in part of the tax or interest due.

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

190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.

<u>3. Nothing in this section shall be deemed to abrogate any immunity that would exist in the absence of this section including, but not limited to, sovereign immunity, official immunity, or the public duty doctrine.</u>

214.392. 1. The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a

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

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

217.250. Whenever any offender is afflicted with a disease which is terminal, or is advanced in age to the extent that the offender is in need of long-term nursing home care, or when confinement will necessarily greatly endanger or shorten the offender's life, the correctional center's physician shall certify such facts to the chief medical administrator, stating the nature of the disease. The chief medical administrator with the approval of the director will then forward the certificate to the **[**board of probation and**]** parole <u>board</u> who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

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

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

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

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

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-four months, as well as a term of incarceration. The department shall determine the nature, intensity, duration, and completion criteria of the education, treatment, and aftercare portions of any program services provided. Execution of the offender's term of incarceration shall be suspended pending completion of said program. Allocation of space in the program may be distributed by the department in proportion to drug arrest patterns in the state. If the court is advised that an offender is not eligible or that there is no space available, the court shall consider other authorized dispositions.

3. Upon successful completion of the program, the **[**board**]** <u>division</u> of probation and parole shall advise the 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:

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

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

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the [board of probation and] parole board within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the [board of probation and] parole board may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his or her sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

217.455. The request provided for in section 217.450 shall be delivered to the director, who shall forthwith:

(1) Certify the term of commitment under which the offender is being held, the time already served, the time remaining to be served on the sentence, the time of parole eligibility of the offender, and any decisions of the state

[board of probation and] parole board relating to the offender; and

(2) Send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

217.541. 1. The department shall by rule establish a program of house arrest. The director or his or her designee may extend the limits of confinement of offenders serving sentences for class D or E felonies who have one year or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state [board of probation and] parole board.

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

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

5. The [board] division of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer

28 has probable cause to believe that an offender under house
29 arrest has violated a condition of the house arrest
30 agreement, the probation/parole officer may issue a warrant
31 for the arrest of the offender. The probation/parole
32 officer may effect the arrest or may deputize any officer
33 with the power of arrest to do so by giving the officer a
34 copy of the warrant which shall outline the circumstances of
35 the alleged violation. The warrant delivered with the
36 offender by the arresting officer to the official in charge
37 of any jail or other detention facility to which the
38 offender is brought shall be sufficient legal authority for
39 detaining the offender. An offender arrested under this
40 section shall remain in custody or incarcerated without
41 consideration of bail. The director or his or her designee,
42 upon recommendation of the probation and parole officer, may
43 direct the return of any offender from house arrest to a
44 correctional facility of the department for reclassification.
45 6. Each offender who is released to house arrest shall
46 pay a percentage of his or her wages, established by
47 department rules, to a maximum of the per capita cost of the
48 house arrest program. The money received from the offender
49 shall be deposited in the inmate fund and shall be expended
50 to support the house arrest program.

217.650. As used in sections 217.650 to 217.810,
2 unless the context clearly indicates otherwise, the
3 following terms mean:
4 (1) **[**"Board", the state board of probation and parole;
5 (2)"Chairman"**]** "Chairperson", **[**chairman**]** chairperson of
6 the **[**board of probation and**]** parole board who shall be
7 appointed by the governor;
8 **[**(3)**]** (2) "Diversionary program", a program designed
9 to utilize alternatives to incarceration undertaken under
10 the supervision of the **[**board**]** division of probation and

parole after commitment of an offense and prior to arraignment;

[(4)] (3) "Parole", the release of an offender to the community by the court or the state [board of probation and] parole board prior to the expiration of his term, subject to conditions imposed by the court or the parole board and to its supervision by the division of probation and parole;

(4) "Parole board", the state board of parole;

(5) "Prerelease program", a program relating to an offender's preparation for, or orientation to, supervision by the [board] division of probation and parole immediately prior to or immediately after assignment of the offender to the [board] division of probation and parole for supervision;

(6) "Pretrial program", a program relating to the investigation or supervision of persons referred or assigned to the [board] division of probation and parole prior to their conviction;

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

(8) "Recognizance program", a program relating to the release of an individual from detention who is under arrest for an offense for which he or she may be released as provided in section 544.455.

217.655. 1. The parole board shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The parole board shall receive administrative support from the division of probation and parole. The division of probation and parole shall provide supervision to all persons referred by the circuit courts of

8 the state as provided by sections 217.750 and 217.760. The
9 parole board shall exercise independence in making decisions
10 about individual cases, but operate cooperatively within the
11 department and with other agencies, officials, courts, and
12 stakeholders to achieve systemic improvement including the
13 requirements of this section.
14 2. The parole board shall adopt parole guidelines to:
15 (1) Preserve finite prison capacity for the most
16 serious and violent offenders;
17 (2) Release supervision-manageable cases consistent
18 with section 217.690;
19 (3) Use finite resources guided by validated risk and
20 needs assessments;
21 (4) Support a seamless reentry process;
22 (5) Set appropriate conditions of supervision; and
23 (6) Develop effective strategies for responding to
24 violation behaviors.
25 3. The parole board shall collect, analyze, and apply
26 data in carrying out its responsibilities to achieve its
27 mission and end goals. The parole board shall establish
28 agency performance and outcome measures that are directly
29 responsive to statutory responsibilities and consistent with
30 agency goals for release decisions, supervision, revocation,
31 recidivism, and caseloads.
32 4. The parole board shall publish parole data,
33 including grant rates, revocation and recidivism rates,
34 length of time served, and successful supervision
35 completions, and other performance metrics.
36 5. The chairperson of the parole board shall employ
37 such employees as necessary to carry out its
38 responsibilities, serve as the appointing authority over
39 such employees, and provide for appropriate training to
40 members and staff, including communication skills.

6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. 1. Beginning August 28, 1996, the parole board shall consist of seven members appointed by the governor by and with the advice and consent of the senate.

2. Beginning August 28, 1996, members of the board shall be persons of recognized integrity and honor, known to possess education and ability in decision making through career experience and other qualifications for the successful performance of their official duties. Not more than four members of the board shall be of the same political party.

3. At the expiration of the term of each member and of each succeeding member, the governor shall appoint a successor who shall hold office for a term of six years and until his successor has been appointed and qualified. Members may be appointed to succeed themselves.

4. Vacancies occurring in the office of any member shall be filled by appointment by the governor for the unexpired term.

5. The governor shall designate one member of the board as **[**chairman**]** chair and one member as vice **[**chairman**]** chair. The **[**chairman**]** chair shall establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties. In the event of the **[**chairman's**]** chair's removal, death, resignation, or inability to serve, the vice **[**chairman**]** chair shall act as **[**chairman**]** chair upon written order of the governor or **[**chairman**]** chair.

6. Members of the board shall devote full time to the duties of their office and before taking office shall

31 subscribe to an oath or affirmation to support the
32 Constitution of the United States and the Constitution of
33 the State of Missouri. The oath shall be signed in the
34 office of the secretary of state.
35 7. The annual compensation for each member of the
36 board whose term commenced before August 28, 1999, shall be
37 forty-five thousand dollars plus any salary adjustment,
38 including prior salary adjustments, provided pursuant to
39 section 105.005. Salaries for board members whose terms
40 commence after August 27, 1999, shall be set as provided in
41 section 105.950; provided, however, that the compensation of
42 a board member shall not be increased during the member's
43 term of office, except as provided in section 105.005. In
44 addition to compensation provided by law, the members shall
45 be entitled to reimbursement for necessary travel and other
46 expenses incurred pursuant to section 33.090.
47 8. Any person who served as a member of the board of
48 probation and parole prior to July 1, 2000, shall be made,
49 constituted, appointed and employed by the board of trustees
50 of the state employees' retirement system as a special
51 consultant on the problems of retirement, aging and other
52 state matters. As compensation for such services, such
53 consultant shall not be denied use of any unused sick leave,
54 or the ability to receive credit for unused sick leave
55 pursuant to chapter 104, provided such sick leave was
56 maintained by the board of probation and parole in the
57 regular course of business prior to July 1, 2000, but only
58 to the extent of such sick leave records are consistent with
59 the rules promulgated pursuant to section 36.350. Nothing
60 in this section shall authorize the use of any other form of
61 leave that may have been maintained by the board prior to
62 July 1, 2000.

217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

2. Before ordering the parole of any offender, the parole board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the parole board. The parole board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him or her, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the parole board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the parole board.

3. The division of probation and parole has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under division supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected 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 sentenced to a term of imprisonment
62 amounting to fifteen years or more or multiple terms of
63 imprisonment that, taken together, amount to fifteen or more
64 years who was under eighteen years of age at the time of the
65 commission of the offense or offenses may be eligible for
66 parole after serving fifteen years of incarceration,

67 regardless of whether the case is final for the purposes of
68 appeal, and may be eligible for reconsideration hearings in
69 accordance with regulations promulgated by the parole board.
70 7. The provisions of subsection 6 of this section
71 shall not apply to an offender found guilty of murder in the
72 first degree or capital murder who was under eighteen years
73 of age when the offender committed the offense or offenses
74 who may be found ineligible for parole or whose parole
75 eligibility may be controlled by section 558.047 or 565.033.
76 **[**6.**]** 8. Any offender under a sentence for first degree
77 murder who has been denied release on parole after a parole
78 hearing shall not be eligible for another parole hearing
79 until at least three years from the month of the parole
80 denial; however, this subsection shall not prevent a release
81 pursuant to subsection 4 of section 558.011.
82 **[**7.**]** 9. A victim who has requested an opportunity to
83 be heard shall receive notice that the parole board is
84 conducting an assessment of the offender's risk and
85 readiness for release and that the victim's input will be
86 particularly helpful when it pertains to safety concerns and
87 specific protective measures that may be beneficial to the
88 victim should the offender be granted release.
89 **[**8.**]** 10. Parole hearings shall, at a minimum, contain
90 the following procedures:
91 (1) The victim or person representing the victim who
92 attends a hearing may be accompanied by one other person;
93 (2) The victim or person representing the victim who
94 attends a hearing shall have the option of giving testimony
95 in the presence of the inmate or to the hearing panel
96 without the inmate being present;
97 (3) The victim or person representing the victim may
98 call or write the parole board rather than attend the
99 hearing;

100 (4) The victim or person representing the victim may
101 have a personal meeting with a parole board member at the
102 parole board's central office;
103 (5) The judge, prosecuting attorney or circuit
104 attorney and a representative of the local law enforcement
105 agency investigating the crime shall be allowed to attend
106 the hearing or provide information to the hearing panel in
107 regard to the parole consideration; and
108 (6) The parole board shall evaluate information listed
109 in the juvenile sex offender registry pursuant to section
110 211.425, provided the offender is between the ages of
111 seventeen and twenty-one, as it impacts the safety of the
112 community.
113 **[**9.**]** 11. The parole board shall notify any person of
114 the results of a parole eligibility hearing if the person
115 indicates to the parole board a desire to be notified.
116 **[**10.**]** 12. The parole board may, at its discretion,
117 require any offender seeking parole to meet certain
118 conditions during the term of that parole so long as said
119 conditions are not illegal or impossible for the offender to
120 perform. These conditions may include an amount of
121 restitution to the state for the cost of that offender's
122 incarceration.
123 **[**11.**]** 13. Special parole conditions shall be
124 responsive to the assessed risk and needs of the offender or
125 the need for extraordinary supervision, such as electronic
126 monitoring. The parole board shall adopt rules to minimize
127 the conditions placed on low-risk cases, to frontload
128 conditions upon release, and to require the modification and
129 reduction of conditions based on the person's continuing
130 stability in the community. Parole board rules shall permit
131 parole conditions to be modified by parole officers with
132 review and approval by supervisors.

133 **[**12.**]** 14. Nothing contained in this section shall be
134 construed to require the release of an offender on parole
135 nor to reduce the sentence of an offender heretofore
136 committed.
137 **[**13.**]** 15. Beginning January 1, 2001, the parole board
138 shall not order a parole unless the offender has obtained a
139 high school diploma or its equivalent, or unless the parole
140 board is satisfied that the offender, while committed to the
141 custody of the department, has made an honest good-faith
142 effort to obtain a high school diploma or its equivalent;
143 provided that the director may waive this requirement by
144 certifying in writing to the parole board that the offender
145 has actively participated in mandatory education programs or
146 is academically unable to obtain a high school diploma or
147 its equivalent.
148 **[**14.**]** 16. Any rule or portion of a rule, as that term
149 is defined in section 536.010, that is created under the
150 authority delegated in this section shall become effective
151 only if it complies with and is subject to all of the
152 provisions of chapter 536 and, if applicable, section
153 536.028. This section and chapter 536 are nonseverable and
154 if any of the powers vested with the general assembly
155 pursuant to chapter 536 to review, to delay the effective
156 date, or to disapprove and annul a rule are subsequently
157 held unconstitutional, then the grant of rulemaking
158 authority and any rule proposed or adopted after August 28,
159 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:

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

(2) Has no prior violent felony convictions;

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

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

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

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

3. Any offender released under the provisions of this section shall be under the supervision of the **[**parole board**]** division of probation and parole for an amount of time to be determined by the parole board.

4. The parole board shall consider, but not be limited to the following criteria when making its parole decision:

(1) Length of time served;

(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**]**
48 10 of 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

such violence occurred or was continual and substantial in nature, the history of such alleged violence shall be established by other corroborative evidence in addition to witness statements, as provided by subsection 1 of this section. A contradictory statement of the victim shall not be deemed a conflicting statement for purposes of this section.

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

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

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

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

2. Each offender to be released from custody of the department who will be under the supervision of the **[**board**]** division of probation and parole, except an offender transferred to another state pursuant to the interstate corrections compact, shall shortly before release be required to: complete a registration form indicating his or her intended address upon release, employer, parent's address, and such other information as may be required; submit to photographs; submit to fingerprints; or undergo other identification procedures including but not limited to hair samples or other identification indicia. All data and indicia of identification shall be compiled in duplicate, with one set to be retained by the department, and one set for the chief law enforcement official of the county of intended residence.

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

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

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

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

217.710. 1. Probation and parole officers, supervisors and members of the [board of probation and] parole board, who are certified pursuant to the requirements of subsection 2 of this section shall have the authority to carry their firearms at all times. The department of corrections shall promulgate policies and operating regulations which govern the use of firearms by probation and parole officers, supervisors and members of the parole board when carrying out the provisions of sections 217.650 to 217.810. Mere possession of a firearm shall not constitute an employment activity for the purpose of calculating compensatory time or overtime.

2. The department shall determine the content of the required firearms safety training and provide firearms certification and recertification training for probation and parole officers, supervisors and members of the [board of probation and] parole board. A minimum of sixteen hours of firearms safety training shall be required. In no event shall firearms certification or recertification training for probation and parole officers and supervisors exceed the training required for officers of the state highway patrol.

3. The department shall determine the type of firearm to be carried by the officers, supervisors and members of the [board of probation and] parole board.

4. Any officer, supervisor or member of the [board of probation and] parole board that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

5. The department shall furnish such ammunition as is necessary for the performance of the officer's, supervisor's and member's duties.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to, section 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested 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

his or her full sentence will be considered as supervision on parole.

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

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

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

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

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

3. Every offender shall complete the form or provide for completion of the form and the offender shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate. Any person who shall knowingly provide false information on said form to state officials or employees shall be guilty of the crime of making a false affidavit as provided by section 575.050.

4. Failure by an offender to fully, adequately and correctly complete the form may be considered by the [board of probation and] parole board for purposes of a parole determination, and in determining an offender's parole release date or eligibility and shall constitute sufficient grounds for denial of parole.

5. Prior to release of any offender from imprisonment, and again prior to release from the jurisdiction of the department, the department shall request from the offender an assignment of ten percent of any wages, salary, benefits or payments from any source. Such an assignment shall be valid for the longer period of five years from the date of its execution, or five years from the date that the offender is released from the jurisdiction of the department or any of its divisions or agencies. The assignment shall secure payment of the total cost of care of the offender executing the assignment. The restrictions on the maximum amount of earnings subject to garnishment contained in section 525.030 shall apply to earnings subject to assignments executed pursuant to this subsection.

281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri[, hereafter referred to as the "director"].

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) "Applicator, operator or technician":

(a) "Certified applicator", any certified commercial applicator, certified noncommercial applicator, certified

private applicator, certified provisional private applicator, or certified public operator;

(b) "Certified commercial applicator", any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, [or] determine the need for the use of, or supervise the determination of need for any pesticide, whether classified for restricted use or for general use, while [he] the individual is engaged in the business of using pesticides on the lands of another as a direct service to the public in exchange for a fee or compensation;

[(b)] (c) "Certified noncommercial applicator", any individual, whether or not [he] the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, or to supervise the use of, any pesticide which is classified for restricted use only on lands owned or rented by [him] the individual or [his] the individual's employer;

[(c)] (d) "Certified private applicator", any individual who is certified by the director as authorized to use[, or to supervise the use of,] any pesticide [which] that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by [him] the individual or [his] the individual's employer or on the property of another person, if used without compensation other than trading of personal services between producers of agricultural commodities[, on the property of another person];

[(d)] (e) "Certified provisional private applicator", any individual who is sixteen or seventeen years of age, an immediate family member of a certified private applicator, and certified by the director to use any pesticide that is

42 classified for restricted use for purposes of producing any
43 agricultural commodity on property owned or rented by the
44 individual's immediate family member, as long as the
45 following requirements are met:
46 a. The restricted use pesticide is not a fumigant;
47 b. The restricted use pesticide does not contain
48 sodium cyanide or sodium fluoroacetate;
49 c. The individual does not apply any restricted use
50 pesticide using aerial application equipment;
51 d. The individual does not supervise the use of any
52 restricted use pesticide; and
53 e. The individual does not purchase any restricted use
54 pesticide;
55 (f) "Certified public operator", any individual who is
56 certified by the director as authorized to use, or to
57 supervise the use of, any pesticide classified for
58 restricted use in the performance of [his] the individual's
59 duties as an official or employee of any agency of the state
60 of Missouri or any political subdivision thereof, or any
61 other governmental agency;
62 [(e)] (g) "Noncertified restricted use pesticide
63 applicator", any person who is not certified in accordance
64 with sections 281.010 to 281.115 who uses or determines the
65 need for the use of restricted use pesticides under the
66 direct supervision of a certified commercial applicator or
67 uses restricted use pesticides under the direct supervision
68 of a certified noncommercial applicator or certified public
69 operator;
70 (h) "Private applicator", any person not holding a
71 certified private applicator's license or certified
72 provisional private applicator's license who [shall be
73 required to obtain a permit for the use of any restricted
74 use pesticide] uses general use pesticides or minimum risk

75 pesticides for the purposes of producing any agricultural
76 commodity on property owned or rented by [him] the person or
77 [his] the person's employer or on the property of another
78 person, if used without compensation other than trading of
79 personal services between producers of agricultural
80 commodities[, such permit shall authorize the one-time
81 emergency purchase of a restricted use pesticide for the
82 purpose of a one-time emergency use of that pesticide];
83 [(f)] (i) "Pesticide technician", any individual
84 working under the direct supervision of a commercial
85 applicator certified in categories as specified by
86 regulation, and who having met the competency requirements
87 of [this chapter] sections 281.010 to 281.115, is authorized
88 by the director to determine the need for the use of any
89 pesticide as well as to the use of any pesticide;
90 [(g)] (j) "Pesticide technician trainee", any
91 individual working in the physical presence and under the
92 direct supervision of a certified commercial applicator to
93 gain the required on-the-job training in preparation for
94 obtaining a pesticide technician's license;
95 (3) "Beneficial insects", those insects [which] that,
96 during their life cycle, are effective pollinators of
97 plants, are parasites or predators of pests, or are
98 otherwise beneficial;
99 (4) "Defoliant", any substance or mixture of
100 substances intended for causing the leaves or foliage to
101 drop from a plant, with or without causing abscission;
102 (5) "Department" or "department of agriculture", the
103 state department of agriculture, and when by sections
104 281.010 to 281.115 the department of agriculture is charged
105 to perform a duty, the director of the department of
106 agriculture is authorized to perform such duty;

(6) "Desiccant", any substance or mixture of substances intended for artificially accelerating the drying of plant tissue;

[(6)] (7) "Determining the need for the use of any pesticide", the act of inspecting land for the presence of pests for the purpose of contracting for their control or prevention through the use of pesticides in categories as specified by regulation;

[(7)] (8) "Device", any instrument or contrivance, other than a firearm, [which] that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than man and other than bacteria, viruses, or other microorganisms on or in living man or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom;

(9) "Director", the director of the department of agriculture or the director's designee;

(10) "Distribute", to sell, offer for sale, hold for sale, deliver for transportation in intrastate commerce, or transport in intrastate commerce;

[(8)] (11) "Environment" includes, but is not limited to, water, air, land, and all plants and man and other animals living therein, and the interrelationships [which] that exist among these;

[(9)] (12) "Equipment" [means] , any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, but shall not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of

139 which the person who is applying the pesticide is the source
140 of power or energy in making such pesticide application;
141 [(10)] (13) "Fungus", any nonchlorophyll-bearing
142 thallophyte, [that] which is[,] any nonchlorophyll-bearing
143 plant of a lower order than mosses and liverworts, such as[,
144 for example,] rust, smut, mildew, mold, yeast, and bacteria,
145 except those on or in living man or other living animals,
146 and except those on or in processed food, beverages, or
147 pharmaceuticals;
148 (14) "General use pesticide", any pesticide, when
149 applied in accordance with its directions for use, warnings,
150 and cautions, and for the uses for which it is registered,
151 or for one or more of such uses, or in accordance with a
152 widespread and commonly recognized practice, that will not
153 generally cause unreasonable adverse effects on the
154 environment;
155 (15) "Immediate family", familial relationships
156 limited to the spouse, parents, stepparents, foster parents,
157 father-in-law, mother-in-law, children, stepchildren, foster
158 children, sons-in-law, daughters-in-law, grandparents,
159 brothers, sisters, brothers-in-law, sisters-in-law, aunts,
160 uncles, nieces, nephews, and first cousins. As used in
161 this subdivision, "first cousin" means the child of a
162 parent's sibling, i.e., the child of an aunt or uncle;
163 [(11)] (16) "Individual", any responsible, natural
164 human being;
165 [(12)] (17) "Insect", any of the numerous small
166 invertebrate animals generally having the body more or less
167 obviously segmented, for the most part belonging to the
168 class Insecta, comprising six-legged, usually winged forms,
169 such as[, for example,] beetles, bugs, bees, flies, and to
170 other allied classes of arthropods whose members are

171 wingless and usually have more than six legs, such as[, for
172 example,] spiders, mites, ticks, centipedes, and wood lice;
173 [(13)] (18) "Land", all land and water areas,
174 including airspace, and all plants, animals, structures,
175 buildings, contrivances, and machinery, appurtenant thereto
176 or situated thereon, fixed or mobile, including any used for
177 transportation;
178 (19) "Minimum risk pesticide", any pesticide product
179 exempted under 40 C.F.R. 152.25(f) from registration
180 requirements under the Federal Insecticide, Fungicide, and
181 Rodenticide Act (FIFRA), as amended;
182 [(14)] (20) "Misuse of a pesticide", a use of any
183 [registered] pesticide in a manner inconsistent with its
184 labeling; provided, that the use of a lesser concentration
185 than provided on the label shall not be considered the
186 misuse of a pesticide when used strictly for agricultural
187 purposes, and when requested in writing by the person on
188 whose behalf a pesticide is used;
189 [(15)] (21) "Nematode", invertebrate animals of the
190 phylum Nemathelminthes and class Nematoda, that is,
191 unsegmented round worms with elongated, fusiform, or sac-
192 like bodies covered with cuticle, and inhabiting soil,
193 water, plants, or plant parts; may also be called nemas or
194 eelworms;
195 (22) "Nontarget organism", any plant, animal, or
196 organism other than the target pests that a pesticide is
197 intended to affect;
198 [(16)] (23) "Person", any individual, partnership,
199 association, fiduciary, corporation, or any organized group
200 of persons whether incorporated or not;
201 [(17)] (24) "Pest":
202 (a) Any insect, snail, slug, rodent, nematode, fungus,
203 weed; or

204 (b) Any other form of terrestrial or aquatic plant or
205 animal life or virus, bacterium, or other microorganism,
206 except viruses, bacteria, or other microorganisms on or in
207 living man or other living animals, [which] that is normally
208 considered to be a pest;
209 [(18)] (25) "Pesticide":
210 (a) Any substance or mixture of substances intended
211 for preventing, destroying, repelling, or mitigating any
212 pest; or
213 (b) Any substance or mixture of substances intended
214 for use as a plant regulator, defoliant, or desiccant;
215 [(19)] (26) "Pesticide dealer", any individual who is
216 engaged in the business of distributing, selling, offering
217 for sale, or holding for sale at retail, or direct wholesale
218 to the end user, any pesticide classified for restricted use;
219 (27) "Pesticide dealership", any location or outlet
220 where restricted use pesticides are held for sale,
221 distributed, or sold;
222 [(20)] (28) "Plant regulator", any substance or
223 mixture of substances, intended, through physiological
224 action, for accelerating or retarding the rate of growth or
225 rate of maturation, or for otherwise altering the behavior
226 of plants or the produce thereof, but shall not include
227 substances to the extent that they are intended as plant
228 nutrients, trace elements, nutritional chemicals, plant
229 inoculants, or soil amendments. The term "plant regulator"
230 does not include any of those nutrient mixtures or soil
231 amendments [which] that are commonly known as vitamin-
232 hormone horticultural products, intended for improvement,
233 maintenance, survival, health, and propagation of plants,
234 and [which] that are not for pest destruction and are
235 nontoxic, nonpoisonous in the undiluted package
236 concentration;

237 [(21) "Private applicator permit", a written
238 certificate, issued by the director or his authorized agent,
239 authorizing the purchase, possession or use of certain
240 restricted use pesticides by a private applicator. Such
241 permit shall authorize the one-time emergency purchase of a
242 restricted use pesticide for the purpose of a one-time
243 emergency use of such pesticide;
244 (22)] (29) "Restricted use pesticide" or "RUP", any
245 pesticide when applied in accordance with its directions for
246 use, warnings, and cautions and for the uses for which it is
247 registered, or for one or more of such uses, or in
248 accordance with a widespread and commonly recognized
249 practice, the director determines may cause, without
250 additional regulatory restrictions, unreasonable adverse
251 effects on the environment, including injury to the
252 applicator;
253 [(23)] (30) "Sale", selling or offering for sale any
254 pesticide;
255 [(24)] (31) "Snails" or "slugs" includes all harmful
256 mollusks;
257 [(25)] (32) "Unreasonable adverse effects on the
258 environment", any unreasonable risk to man or the
259 environment, taking into account the economic, social, and
260 environmental costs and benefits of the use of any pesticide;
261 [(26)] (33) "Under the direct supervision of a
262 certified applicator", when a pesticide is used by a
263 competent person acting under the instructions and control
264 of a certified applicator who is available if and when
265 needed, even though such certified applicator is not
266 physically present at the time and place the pesticide is
267 used;
268 [(27)] (34) "Use", mixing, loading, or applying[,
269 storing or disposing of a] any pesticide; cleaning pesticide

equipment; or storing or disposing of pesticide containers, pesticides, spray mix, equipment wash waters, or other pesticide-containing materials;

[(28)] (35) "Weed", any plant [which] that grows where not wanted; [and

(29)] (36) "Wildlife", all living things that are neither human, domesticated, or pests, including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010 to 281.115 and shall have authority to issue regulations after a public hearing following due notice of not less than thirty days to all interested persons, in conformance with the provisions of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place, manner, methods, materials, and amounts and concentrations, in connection with the use of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors [which] that the director deems necessary to prevent damage or injury. In issuing such regulations, the director may give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources. The director may by regulation require that notice of a proposed application of a pesticide be given to landowners adjoining the property to be treated or in the immediate vicinity thereof, if [he] the director finds that such notice is necessary to carry out the purpose of sections 281.010 to 281.115. [The director may, by regulation, provide for the one-time emergency

26 purchase and one-time emergency use of a restricted use
27 pesticide by a private applicator.]
28 2. The pesticides on the list of restricted use
29 pesticides, as determined by the federal agency having
30 jurisdiction over the classification of pesticides, shall be
31 so restricted in the state of Missouri. The director shall
32 publish, at least annually, a list of pesticides [which]
33 that have restricted uses. Such publication shall be made
34 available to the public upon request. If the director
35 determines that a pesticide, when used in accordance with
36 its directions for use, warnings, and cautions, and for uses
37 for which it is registered, may cause, without additional
38 regulatory restrictions, unreasonable adverse effects on the
39 environment, including injury to the applicator or other
40 persons, the pesticide shall be used only by or under the
41 direct supervision of a certified applicator[, or a private
42 applicator with a permit]. Such pesticides may be subject
43 to other restrictions as determined by the director, to
44 include the time and conditions of possession and use.
45 3. No regulation, or any amendment or repeal thereof,
46 provided for in sections 281.010 to 281.115 shall be
47 adopted, except after public hearing giving an opportunity
48 to the public to be heard, to be held after no less than
49 thirty days' prior notice of the date, time, and place of
50 hearing, to be given by regular mail to any person who has
51 registered with the director for purposes of notice of such
52 public hearings, in accordance with procedures prescribed by
53 the director.
54 4. At any hearing, opportunity to be heard shall be
55 afforded to any interested person upon written request
56 received not later than twenty-four hours prior to the
57 hearing, and may also be afforded to other persons. In
58 addition, any interested person, whether or not heard, may

59 submit within seven days subsequent to the hearing a written
60 statement of views. The director may solicit the views in
61 writing of persons who may be affected by, or interested in
62 any proposed regulation. Any person heard or represented at
63 the hearing, or making written request for notice, shall be
64 given written notice of the action of the director with
65 respect to the subject thereof.
66 5. No rule or portion of a rule promulgated under the
67 authority of this chapter shall become effective unless it
68 has been promulgated pursuant to the provisions of section
69 536.024.

281.030. 1. The director may, by regulation, classify
2 [certified applicator, operator or technician] licenses to
3 be issued under sections 281.010 to 281.115. Such
4 classifications may include but not be limited to commercial
5 applicators, noncommercial applicators, private applicators,
6 provisional private applicators, public operators [or] ,
7 pesticide technicians, or noncertified RUP applicators.
8 Separate classifications may be specified as to ground,
9 aerial, or manual methods used by any licensee to apply
10 pesticides or to the use of pesticides for the control of
11 pests.
12 2. The director may, by regulation, establish
13 certification categories to be provided under each license
14 classification. Each certification category shall be
15 subject to separate testing procedures and requirements;
16 provided, that no individual shall be required to pay an
17 additional fee if [he] the individual is certified in one or
18 all of the certification categories provided under the
19 license for which [he] the individual has applied. The
20 director may, by regulation, establish certification
21 categories limited to the use of certain pesticides and
22 issue a license therefor. Each certification category shall

23 be subject to separate testing procedures covering only
24 those pesticides for which the applicant seeks to be
25 licensed.
26 3. The director may by regulation establish fees for
27 identification documents.

281.035. 1. No individual shall engage in the
2 business of determining the need for the use of, supervising
3 the use of, supervising the determination of the need for
4 the use of, or using any pesticide, in categories as
5 specified by regulation, on the lands of another at any time
6 without a certified commercial applicator's license issued
7 by the director. A certified commercial applicator shall
8 not determine the need for the use of, supervise the use of,
9 supervise the determination of the need for the use of, or
10 use any pesticide for any particular purpose unless [he or
11 she] the certified commercial applicator has demonstrated
12 [his or her] such certified commercial applicator's
13 competence to use pesticides for that purpose by being
14 certified by the director in the proper certification
15 category. The director shall require an annual fee of sixty-
16 five dollars for each certified commercial applicator's
17 license issued. No certified commercial applicator shall
18 knowingly authorize, direct, or instruct any individual to
19 engage in determining the need for the use of or using any
20 general use pesticide or minimum risk pesticide on the land
21 of another at any time unless such individual is a pesticide
22 technician or pesticide technician trainee in such
23 categories as specified by regulation or is working under
24 the direct supervision of a certified commercial applicator
25 so authorizing, directing or instructing, in which case the
26 certified commercial applicator shall be liable for any use
27 of a general use pesticide or minimum risk pesticide by an
28 individual operating under [his or her] the certified

commercial applicator's direct supervision. The certified commercial applicator or the employer shall assure that the director is informed in writing within ten [working] days of the employment of any person as a pesticide technician or pesticide technician trainee.

2. No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of or using any restricted use pesticide on the land of another at any time unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator so authorizing, directing, or instructing, in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

3. Application for a certified commercial applicator's license shall be [made in writing] submitted to the director on a designated form obtained from the [director's office] department. Each application shall include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified commercial applicator's license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] the applicant's competence and knowledge of the proper use of pesticides under the classifications [he or she] the applicant had applied for, and [his or her] the applicant's knowledge of the standards prescribed by regulations for the certification of commercial applicators.

[4.] 5. The director may renew any certified commercial applicator's license under the classification for which such applicant is licensed, [subject to] upon

62 successful completion of approved recertification training
63 or reexamination for additional knowledge that may be
64 required to use pesticides safely and properly either
65 manually or with equipment the applicant has been licensed
66 to operate.
67 [5.] 6. If the director finds the applicant qualified
68 to use pesticides in the classification for which
69 application has been made, and if the applicant files
70 evidence that the requirement for bonds or insurance has
71 been met as required under section 281.065, the director
72 shall issue a certified commercial applicator's license
73 limited to the classifications for which [he or she] the
74 applicant is qualified, which shall expire one year from
75 date of issuance unless [it] the license has been revoked or
76 suspended prior thereto by the director for cause; provided,
77 such financial responsibility required under section 281.065
78 does not expire at an earlier date, in which case [said] the
79 license shall expire upon the expiration date of the
80 financial responsibility. The director may limit the
81 license of the applicant to the use of certain [restricted
82 use] pesticides, or to certain areas, or to certain types of
83 equipment if the applicant is only so qualified. If a
84 license is not issued as applied for, the director shall
85 inform the applicant in writing of the reasons therefor.
86 [6.] 7. The director shall require each certified
87 commercial applicator or [his or her] the certified
88 commercial applicator's employer to maintain records with
89 respect to applications of any pesticide, including
90 pesticides used under direct supervision by licensed
91 pesticide technicians, pesticide technician trainees, and
92 licensed noncertified RUP applicators. Such relevant
93 information as the director may deem necessary may be
94 specified by regulation. Such records shall be kept for a

period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified commercial applicator or [his or her] the certified commercial applicator's employer.

[7.] 8. A person or individual engaged in the business of using pesticides on the lands of another, who is deprived of [his or her] such person's or individual's sole certified commercial applicator by reason of death, illness, incapacity, or any absence which the director determines is unavoidable, is authorized to continue business operations without the services of a certified commercial applicator for a period of time deemed appropriate by the director, but not to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used, by such person or individual. Any such person or individual shall immediately notify the director as to the absence of [his or her] such person's or individual's sole certified commercial applicator.

[8.] 9. Every certified commercial applicator shall display [his or her] the certified commercial applicator's license in a prominent place at the site, location, or office from which [he or she] the certified commercial applicator will operate as a certified commercial applicator; that place, location, or office being at the address printed on the license.

[9.] 10. Every certified commercial applicator who changes the address from which [he or she] the certified commercial applicator will operate as a certified commercial applicator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised

128 license. The expiration date of the revised license shall
129 be the same as the expiration date for the original license.

281.037. 1. Any individual who is not certified
2 pursuant to section 281.035, 281.040, or 281.045[, or has
3 not been issued a private applicator permit pursuant to
4 subsection 5 of section 281.040] shall not use, or supervise
5 the use of, any [restricted-use] restricted use pesticide
6 without a certified noncommercial applicator license. A
7 certified noncommercial applicator shall not use, or
8 supervise the use of, any restricted use pesticide for any
9 purpose unless [he or she] the certified noncommercial
10 applicator has demonstrated [his or her] the certified
11 noncommercial applicator's competence to use pesticides for
12 that purpose by being certified by the director in the
13 proper certification category.

14 2. No certified noncommercial applicator shall
15 knowingly authorize, direct, or instruct any individual to
16 engage in using any restricted use pesticide on lands or
17 structures owned, leased, or rented by the certified
18 noncommercial applicator or the certified noncommercial
19 applicator's employer unless such individual is licensed as
20 a noncertified RUP applicator while working under the direct
21 supervision of a certified noncommercial applicator so
22 authorizing, directing, or instructing, in which case the
23 certified noncommercial applicator shall be liable for any
24 use of a restricted use pesticide by an individual operating
25 under the certified noncommercial applicator's direct
26 supervision.

27 3. Application for a certified noncommercial
28 applicator license shall be [made in writing] submitted to
29 the director on a designated form obtained from the
30 [director's office] department. Each application shall

include such information as prescribed by the director by regulation.

[3.] 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his or her] the applicant's competence and knowledge of the proper use of pesticides under the classifications for which [he or she] the applicant has applied, and [his or her] the applicant's knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

[4.] 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which [he or she] the applicant has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which [he or she] the applicant is certified. The license shall expire one year from the date of issuance unless [it] the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[5.] 6. The director may renew any certified noncommercial applicator license under the classification for which the license is issued [subject to] upon successful completion of approved recertification training or reexamination for additional knowledge [which] that may be required to apply pesticides safely and properly.

62 [6.] 7. The director shall collect a fee of thirty-
63 five dollars for each certified noncommercial applicator
64 license issued.
65 [7.] 8. Any certified noncommercial applicator may
66 use, or supervise the use of, restricted use pesticides only
67 to or on lands or structures owned, leased or rented by
68 [himself or herself] the certified noncommercial applicator
69 or [his or her] the certified noncommercial applicator's
70 employer.
71 [8.] 9. The director shall require the certified
72 noncommercial applicator or [his or her] the certified
73 noncommercial applicator's employer to maintain records with
74 respect to applications of restricted use pesticides. Any
75 relevant information [which] that the director may deem
76 necessary may be required by regulation. Such records shall
77 be kept for a period of three years from the date of the
78 application of the pesticide to which such records refer,
79 and the director shall, upon request in writing, be
80 furnished with a copy of such records by any certified
81 noncommercial applicator or [his or her] the certified
82 noncommercial applicator's employer.
83 [9.] 10. Every certified noncommercial applicator
84 shall display [his or her] the certified noncommercial
85 applicator's license in a prominent place at the site,
86 location, or office from which [he or she] the certified
87 noncommercial applicator will operate as a certified
88 noncommercial applicator; that place, location, or office
89 being at the address printed on the license.
90 [10.] 11. Every certified noncommercial applicator who
91 changes the address from which [he or she] the certified
92 noncommercial applicator will operate as a certified
93 noncommercial applicator shall immediately notify the
94 director. The director shall immediately issue a revised

license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

281.038. 1. [After July 1, 1990,] No individual working under the direct supervision of a certified commercial applicator shall determine the need for the use of or use any general use pesticide [nor use any] or minimum risk pesticide in categories as specified by regulation, unless and until the individual has met the requirements of [this chapter] sections 281.010 to 281.115.

2. Application for a pesticide technician's license shall be [made in writing] submitted to the director on a designated form obtained from the [director's office] department. Each application shall include such information as prescribed by the director by regulation and shall be received by the director within forty-five days of employment of the pesticide technician or pesticide technician trainee.

3. The director shall not issue a pesticide technician's license until the individual has demonstrated [his or her] the applicant's competence by completion of an approved training program to the satisfaction of the director.

4. The director may renew any pesticide technician's license under the classification for which that applicant is licensed subject to completion of an additional approved training program to the satisfaction of the director as prescribed by regulation.

5. The director shall collect a fee of thirty-five dollars for each pesticide technician license issued.

6. If the director finds the applicant qualified to use pesticides in the classification for which application has been made, the director shall issue a pesticide technician's license limited to the classifications for which [he or she] the applicant is qualified, which shall expire one year from date of issuance unless [it] the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons for such denial of license.

7. In order for pesticide technicians to use or determine the need for the use of any general use pesticide:

(1) A certified commercial applicator shall be licensed to work from the same physical location as the pesticide technician; and

(2) The licensed certified commercial applicator shall be certified in the same use categories as the pesticide technician as specified by regulation.

8. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

281.040. 1. No private applicator shall use any [restricted-use] restricted use pesticide unless [he] the private applicator first complies with the requirements determined pursuant to subsection [2 or 5] 3 of this section, as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use.

2. No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator.

3. The private applicator shall qualify for a certified private applicator's license or a certified provisional private applicator's license by [either] attending [a course or completing an online course of instruction] an approved certification training program provided by University of Missouri Extension, completing an online certification training program provided by University of Missouri Extension, or by passing the required private applicator certification examination provided by the director on the use, handling, storage, and application of [restricted-use] restricted use pesticides in the proper certification categories as specified by regulation. The content of the instruction shall be determined and revised as necessary by the director. Upon completion of the [course] certification training program, completion of the online certification training program, or passage of the required private applicator certification examination, the director shall issue a certified private applicator's license or certified provisional private applicator's license to the applicant. The director shall not collect a fee for the issuance of such license[, but the] . University of Missouri Extension [service may] shall collect [a fee for the actual cost of the materials necessary to complete the course of instruction] reasonable fees for study materials and for enrollment in certification or recertification programs administered in-person or online.

41 [However, no fee] Such fees shall be assessed [or collected
42 from an individual completing an online course of
43 instruction. Both the director of the department and of the
44 University of Missouri Extension service shall review such
45 costs annually.] based on the majority decision of a review
46 committee convened every five years or as needed by the
47 director. Such fees shall not exceed seventy-five dollars
48 per program per applicant unless the members of the review
49 committee representing statewide agricultural organizations
50 vote unanimously in favor of setting the fee in an amount in
51 excess of seventy-five dollars. Such committee shall be
52 provided revenue and expense information for the training
53 program from the University of Missouri Extension and
54 information on the content of the instruction and method of
55 delivery from the director. The review committee shall also
56 determine a maximum in-seat training time limit for the
57 training programs. The committee shall report its minutes,
58 fee decisions, time limitation decisions, and its evaluation
59 of the training provided to the chairs of the House of
60 Representatives and Senate agriculture or equivalent
61 committees. The review committee shall be composed of five
62 members including:
63 (1) The director;
64 (2) The director of the University of Missouri
65 Extension, or such director's designee;
66 (3) The president of a statewide corn producers
67 organization who actively grows corn, or such president's
68 designee;
69 (4) The president of a statewide soybean producers
70 organization who actively grows soybeans, or such
71 president's designee; and
72 (5) The president of the state's largest general farm
73 membership organization, or such president's designee.

[3.] 4. A certified private applicator's license shall expire five years from date of issuance and may then be renewed without charge or additional fee. Any certified private applicator holding a valid license may renew that license for the next five years [without additional training unless the director determines that additional knowledge related to the use of agricultural pesticides makes additional training necessary.] upon successful completion of approved recertification training or by passing the required private applicator certification examination.

5. On the date of the certified provisional private applicator's eighteenth birthday, such certified provisional private applicator's license shall automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire five years from date of issuance and may be renewed as a certified private applicator's license without charge or additional fee.

[4.] 6. If the director does not qualify the private applicator under this section [he] , the director shall inform the applicant in writing of the reasons therefor.

[5. The private applicator may apply to the director, or his designated agent, for a private applicator permit for the one-time emergency purchase and use of restricted use pesticides. When the private applicator has demonstrated his competence in the use of the pesticides to be purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time emergency purchase and use of restricted use pesticides. The director or his designated agent shall not collect a fee for the issuance of such permit.]

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof, and any other governmental agency shall be subject to the provisions of sections 281.010 to 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

2. Public operators for agencies listed in subsection 1 of this section shall not use, or supervise the use of, any restricted use pesticides on any land or structure without a certified public operator license issued by the director. The certified public operator shall not use or supervise the use of any restricted use pesticide for any purpose unless **[**he**]** the certified public operator has demonstrated **[**his**]** the certified public operator's competence to use pesticides for that purpose by being certified by the director in the proper certification category. **[**Any employee of any agency listed in subsection 1 of this section who is not licensed as a certified public operator may use restricted use pesticides only under the direct supervision of a certified public operator.**]**

3. No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator so authorizing, directing, or instructing, in which case the certified public operator shall be liable for any use of a restricted use pesticide by an individual operating under the certified public operator's direct supervision.

4. Application for a certified public operator license shall be **[**made in writing**]** submitted to the director on a designated form obtained from the **[**director's office**]**

department. Each application shall include all information prescribed by the director by regulation.

[4.] 5. The director shall not issue a certified public operator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director [his] the applicant's competence and knowledge of the proper use of pesticides under the classifications for which [he] the applicant has applied, and [his] the applicant's knowledge of the standards prescribed by regulations for the certification of public operators.

[5.] 6. If the director finds the applicant qualified to use pesticides in the classification for which [he] the applicant has applied, the director shall issue a license, without a fee, to the certified public operator who has so qualified. The certified public operator license shall be valid only when the operator is acting as an operator using, or supervising the use of, restricted use pesticides in the course of [his] the operator's employment. A certified public operator license shall expire three years from the date of issuance unless [it] the license has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

[6.] 7. The director may renew any certified public operator license under the classification for which that applicant is licensed[, subject to] upon successful completion of approved recertification training or reexamination for additional knowledge [which] that may be

required to use pesticides safely and properly either manually or with equipment the applicant has been licensed to operate.

[7.] 8. The director shall require the certified public operator, or [his] the certified public operator's employer, to maintain records with respect to applications of restricted use pesticides. Any relevant information which the director may deem necessary may be required by regulation. Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records by any certified public operator or [his] the certified public operator's employer.

[8.] 9. Agencies listed in subsection 1 of this section shall be subject to a legal action by any person damaged by any use of any pesticide, which may be brought in the county where the damage or any part thereof occurred.

[9.] 10. Every certified public operator shall display [his] the certified public operator's license in a prominent place at the site, location, or office from which [he] the certified public operator will operate as a certified public operator, that place, location, or office being at the address printed on the license.

[10.] 11. Every certified public operator who changes the address from which [he] the certified public operator will operate as a certified public operator shall immediately notify the director. The director shall immediately issue a revised license upon which shall be printed the changed address. The director shall not collect a fee for the issuance of a revised license. The expiration date of the revised license shall be the same as the expiration date for the original license.

99 12. Any person who volunteers to work for a public
100 agency may use general use pesticides without a license
101 under the supervision of the public agency on lands owned or
102 managed by the state agency, political subdivision, or
103 governmental agency.

281.048. 1. No individual shall use or determine the
2 need for the use of any restricted use pesticide while
3 working under the direct supervision of a certified
4 commercial applicator until the individual has met the
5 requirements of this section.

6 2. No individual shall use restricted use pesticides
7 while working under the direct supervision of a certified
8 noncommercial applicator or certified public operator until
9 the individual has met the requirements of this section.

10 3. Application for a noncertified RUP applicator's
11 license shall be submitted to the director on a designated
12 form obtained from the department. Each application shall
13 include such information as prescribed by the director by
14 regulation.

15 4. The director shall issue or renew a noncertified
16 RUP applicator license once an individual has met the
17 requirements set forth in 40 C.F.R. 171.201(c)(1) or (3).
18 The director shall collect an annual fee of thirty-five
19 dollars for each noncertified RUP applicator license
20 issued. The license shall be valid for one year unless
21 revoked or suspended by the department prior to its
22 expiration. Any individual whose application is denied
23 shall receive a written explanation as to the determination
24 of the denial.

25 5. Individuals holding a valid noncertified RUP
26 applicator license may use and determine the need for the
27 use of restricted use pesticides, general use pesticides,
28 and minimum risk pesticides under the direct supervision of

29 a certified commercial applicator and only for the
30 categories in which the commercial applicator is certified.
31 The director may limit the license of the applicant to the
32 use of certain pesticides, to certain areas, or to certain
33 types of equipment if the applicant is only so qualified.
34 6. Every certified commercial applicator, certified
35 noncommercial applicator, or certified public operator
36 providing direct supervision to a licensed noncertified RUP
37 applicator shall immediately notify the director when the
38 licensed noncertified RUP applicator has changed address
39 from which the applicator or operator will operate as a
40 licensed noncertified RUP applicator or when the
41 noncertified RUP applicator's employment has been
42 terminated. The director shall immediately issue a revised
43 license upon which shall be printed the change of address.
44 The director shall not collect a fee for the issuance of a
45 revised license. The expiration date of the revised license
46 shall be the same as the expiration date for the original
47 license.
48 7. A noncertified RUP applicator may complete
49 retraining requirements and renew the applicator's license
50 without a certified commercial applicator, certified
51 noncommercial applicator, or certified public operator
52 working from the same physical location.
53 8. Every licensed noncertified RUP applicator shall
54 display the applicator's license in a prominent place at the
55 site, location, or office from which the applicator will
56 operate as a noncertified RUP applicator, that place,
57 location, or office being at the address printed on the
58 license.
281.050. 1. No individual shall act in the capacity
2 of a pesticide dealer or shall engage in the business of,
3 advertise as, or assume to act as a pesticide dealer unless

[he or she] the individual has obtained a license from the director [which] that shall expire one year from date of issuance. [An individual shall be required to obtain a license for] Each pesticide dealership location or outlet from which [such] restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user[. Pesticide dealers may be designated by the director as agents of the state for the purpose of issuing permits for restricted use pesticides to private applicators] shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use pesticides and selling or holding and offering for sale restricted use pesticides at retail or wholesale from a motor vehicle shall be licensed as a pesticide dealer. For the purposes of this subsection, "selling or holding and offering for sale" shall not include solely transporting product in commerce. No individual shall be issued more than one pesticide dealer license.

2. Application for a pesticide dealer's license shall be made on a designated form obtained from the [director's office] department. The director shall collect a fee of thirty-five dollars for the issuance of each license. The provisions of this section shall not apply to a pesticide applicator who sells pesticides only as an integral part of [his or her] the applicator's pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applications. The provisions of this section shall not apply to any federal, state, or county agency [which] that provides pesticides for its own programs.

3. Each applicant shall satisfy the director as to [his or her] the applicant's knowledge of the laws and regulations governing the use and sale of pesticides and

[his or her] the applicant's responsibility in carrying on the business of a pesticide dealer by passing a pesticide dealer examination provided by the director. Each licensed pesticide dealer shall be responsible for insuring that all of [his or her] the dealer's employees and agents who sell or recommend restricted use pesticides have adequate knowledge of the laws and regulations governing the use and sale of such restricted use pesticides.

4. Each pesticide dealer shall be responsible for the acts of each person employed by [him or her] the dealer in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to denial, suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115 whether committed by the dealer, or by the dealer's officer, agent or employee.

5. No pesticide dealer shall sell, give away or otherwise make available any restricted use pesticides to anyone but certified commercial applicators, certified noncommercial applicators [or], certified public operators, or to certified private applicators [who have met the requirements of subsection 5 of section 281.040,] holding valid certifications in proper certification categories or to other licensed pesticide dealers, except that pesticide dealers may allow the designated representative of such certified applicators, operators or private applicators to take possession of restricted use pesticides when those restricted use pesticides are purchased by and for use by or under the direct supervision of such certified applicator, operator or private applicator.

6. The director shall require the pesticide dealer, or [his or her] the dealer's employer, to maintain books and records with respect to sales of restricted use pesticides

at each dealership location or outlet. Such relevant information as the director may deem necessary may be specified by regulation. Such records shall be kept for a period of three years from the date of sale of the restricted use pesticide to which such records refer, and the director shall upon request in writing be furnished with a copy of such records by any licensed pesticide dealer or [his or her] the dealer's employer.

7. Every licensed pesticide dealer who changes [his or her] the dealer's address or place of business shall immediately notify the director.

281.055. 1. If the [application for] renewal of any license[,] or certification [or permit] provided for in [this chapter] sections 281.010 to 281.115 is not filed prior to the expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license[,] or certification [or permit] shall be renewed[; provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit]. Any person holding a current valid license[,] or certification [or permit] may renew the license[,] or certification [or permit] for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration [then] , the license shall be cancelled and the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use**[,]** a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for **[**said**]** the publication.

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license**[**, permit,**]** or certification issued under sections 281.010 to 281.115, if **[**he**]** the director finds that the applicant or the holder of a license**[**, permit,**]** or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in **[**another**]** this state or in any state or protectorate of the United States, or has had a pesticide applicator license**[,]** or certificate **[**or permit**]** denied, suspended, revoked or modified by **[**another**]** any state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under **[**this chapter**]** sections 281.010 to 281.115, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral

turpitude, whether or not sentence is imposed. Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.

2. If the director determines, after inquiry and opportunity for a hearing, that any [individual] person is in violation of any provision of sections 281.010 to 281.115, or any regulations issued thereunder, the director shall have the authority to assess a civil penalty of not more than one thousand dollars for each violation, and in addition, may order that restitution be made to any person.

3. In the event that a person penalized or ordered to pay restitution under this section fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

281.063. The director may subpoena witnesses and compel the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license[,] or certificate [or permit] issued under the provisions of sections 281.010 to 281.115.

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of [the operations of] pesticide use by the applicant; except that, such surety bond or liability insurance policy need not apply to damages or

injury to crops, plants or land being worked upon by the applicant. Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director **[**or his or her designee**]** at a reasonable time during regular business hours or, upon a request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten **[**working**]** days of receipt of the request.

2. The amount of the surety bond or liability insurance required by this section shall be not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction of the surety bond or liability insurance. If the surety bond or liability insurance policy which provides the financial responsibility for the certified commercial applicator is provided by the employer of the certified commercial applicator, the employer of the certified commercial applicator shall immediately notify the director upon the termination of the employment of the certified commercial applicator or when a condition exists under which the certified commercial applicator is no longer provided bond or insurance coverage by the employer. The certified commercial applicator shall then immediately execute and

43 submit to the director a surety bond or an insurance policy
44 to cover the financial responsibility requirements of this
45 section and the certified commercial applicator or the
46 applicator's employer shall maintain the surety bond or
47 liability insurance certificate at the business location
48 from which the certified commercial applicator is licensed.
49 The director may accept a liability insurance policy or
50 surety bond in the proper sum which has a deductible clause
51 in an amount not exceeding one thousand dollars; except
52 that, if the bond- or policyholder has not satisfied the
53 requirement of the deductible amount in any prior legal
54 claim, such deductible clause shall not be accepted by the
55 director unless the bond- or policyholder executes and
56 maintains a surety bond or liability insurance which shall
57 satisfy the amount of the deductible as to all claims that
58 may arise in [his or her] the bond- or policyholder's
59 application of pesticides.
60 3. If the surety becomes unsatisfactory, the
61 commercial applicator license shall expire and become
62 invalid and the bond- or policyholder shall immediately
63 execute and submit to the director a new bond or insurance
64 policy and maintain the surety bond or liability insurance
65 certificate at the business location from which the
66 certified commercial applicator is licensed, and if [he or
67 she] the bond- or policyholder fails to do so, the director
68 shall cancel [his or her] the bond- or policyholder license,
69 or deny the license of an applicant, and give [him or her]
70 the bond- or policyholder notice of cancellation or denial,
71 and it shall be unlawful thereafter for the applicant to
72 engage in the business of using pesticides until the bond or
73 insurance is brought into compliance with the requirements
74 of subsection 1 of this section. If the bond- or
75 policyholder does not execute a new bond or insurance policy

within sixty days of expiration of such bond or policy, the licensee shall be required to satisfy all the requirements for licensure as if never before licensed.

4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules and regulations of the director.

281.070. 1. The director may investigate the use of any pesticide or claims of damages **[**which**]** that result from the use of any pesticide.

2. Any person who claims to have been damaged as a result of a pesticide use and who requests an investigation of that damage by the director shall file with the director, on a form provided by the director, a written statement claiming that **[**he**]** the person has been damaged. Damage statements shall be filed within thirty days after the date the damage is alleged to have occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged to have been damaged, the damage statement shall be filed at least two weeks prior to the time that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the statement, notify the person alleged to have caused the damage and the owner or lessee of the land, or other person who may be charged with the responsibility of the damages claimed, and furnish copies of any statements which may be requested. The director shall inspect damages whenever possible and **[**he**]** the director shall make **[**his**]** the director's inspection reports available to the person claiming damage and to the person who is alleged to have caused the damage. Where damage is alleged to have occurred, the claimant shall permit the director, the licensee, and **[**his**]** the licensee's representatives, such

26 as the bondsman or insurer, to observe, within reasonable
27 hours, the lands or nontarget organism alleged to have been
28 damaged.
29 3. The filing of or the failure to file need not be
30 alleged in any complaint which might be filed in a court of
31 law, and the failure to file a damage claim shall not be
32 considered any bar to the maintenance of any criminal or
33 civil action. The failure to file such a report shall not
34 be a violation of sections 281.010 to 281.115. However, if
35 the person failing to file such report is the only one
36 injured from such use or application of a pesticide by
37 others, the director may, when in the public interest,
38 refuse to hold a hearing for the denial, suspension, or
39 revocation of a license [or permit] issued under sections
40 281.010 to 281.115 until such report is filed.
41 4. The director may in the conduct of any
42 investigation or hearing authorized or held by [him] the
43 director:
44 (1) Examine, or cause to be examined, under oath, any
45 person;
46 (2) Examine, or cause to be examined, books and
47 records of the sale or use of any pesticide directly related
48 to the investigation;
49 (3) Hear such testimony and take such evidence as will
50 assist [him] the director in the discharge of [his] the
51 director's duties under [this chapter] sections 281.010 to
52 281.115;
53 (4) Administer or cause to be administered [oath]
54 oaths; and
55 (5) Issue subpoenas to require the attendance of
56 witnesses and the production of books and records directly
57 related to the investigation.

281.075. [1.] The director may issue a [license or] pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed [or] as a certified [in another state substantially] applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state. A pesticide applicator certification shall be issued in accordance with the provisions of sections 281.010 to 281.115; except that, financial responsibility [must] shall be filed pursuant to section 281.065. Fees collected shall be the same as for resident licenses or certification.

[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038 or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as the agent of such nonresident upon whom process may be served as provided by law; except that, any such nonresident who has designated a resident agent upon whom process may be served as provided by law shall not be required to designate the secretary of state as such agent. The secretary of state shall be allowed such fees therefor as provided by law for designating resident agents. The director shall be furnished with a copy of such designation of the secretary of state or of a resident agent, such copy to be certified by the secretary of state.]

281.085. No person shall discard, transport, or store any pesticide or pesticide containers in such a manner that is inconsistent with label directions or as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director may promulgate rules and regulations governing the discarding and storing of such pesticide or pesticide containers. In determining these rules and regulations the

director shall take into consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any [individual] person to violate any provision of sections 281.010 to 281.115, or any regulation issued thereunder.

2. The following are determined to be unlawful acts:

(1) It shall be unlawful to recommend for use, [to] cause to use, use, or [to] supervise the use of any pesticide in a manner inconsistent with its labeling required by labeling requirements of FIFRA, the Missouri pesticide use act or the Missouri pesticide registration act;

(2) It shall be unlawful for any [individual] person to misuse any pesticide;

(3) It shall be unlawful for any person to use or supervise the use of pesticides that are cancelled or suspended;

(4) It shall be unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides;

(5) It shall be unlawful to make any false or misleading statements during the course of an investigation into the sale, distribution, use, or misuse of any pesticide;

[(4)] (6) It shall be unlawful to make any false or misleading statement on any application, form, or document submitted to the director concerning licensing pursuant to sections 281.010 to 281.115 or any regulations issued thereunder;

[(5)] (7) It shall be unlawful to make any false, misleading, or fraudulent statement or claim, through any media, [which] that misrepresents the effects of any pesticide, the methods to be utilized in the application of any pesticide, or the qualifications of the person

determining the need for the use of any pesticide or using any pesticide;

[(6)**]** (8) It shall be unlawful to make any false or misleading statement specifying**[,]** or inferring that a person or **[**his**]** the person's methods are recommended by any branch of government or that any pesticide work done will be inspected by any branch of government;

[(7)**]** (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder; and

(10) It shall be unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or to aid or abet any person in stealing or attempting to steal examinations or examination materials, cheating on examinations, or evading recertification or retraining requirements.

3. Other acts **[**which**]** that are not specified, but **[**which**]** that violate sections 281.010 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and

as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

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

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

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

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

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

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer **[**or**]** coroner<u>, medical examiner, or forensic</u>

41 investigator of the county medical examiner's office, or by
42 a privately owned emergency vehicle company;
43 (2) A vehicle operated as an ambulance or operated
44 commercially for the purpose of transporting emergency
45 medical supplies or organs;
46 (3) Any vehicle qualifying as an emergency vehicle
47 pursuant to section 307.175;
48 (4) Any wrecker, or tow truck or a vehicle owned and
49 operated by a public utility or public service corporation
50 while performing emergency service;
51 (5) Any vehicle transporting equipment designed to
52 extricate human beings from the wreckage of a motor vehicle;
53 (6) Any vehicle designated to perform emergency
54 functions for a civil defense or emergency management agency
55 established pursuant to the provisions of chapter 44;
56 (7) Any vehicle operated by an authorized employee of
57 the department of corrections who, as part of the employee's
58 official duties, is responding to a riot, disturbance,
59 hostage incident, escape or other critical situation where
60 there is the threat of serious physical injury or death,
61 responding to mutual aid call from another criminal justice
62 agency, or in accompanying an ambulance which is
63 transporting an offender to a medical facility;
64 (8) Any vehicle designated to perform hazardous
65 substance emergency functions established pursuant to the
66 provisions of sections 260.500 to 260.550;
67 (9) Any vehicle owned by the state highways and
68 transportation commission and operated by an authorized
69 employee of the department of transportation that is marked
70 as a department of transportation emergency response or
71 motorist assistance vehicle; or
72 (10) Any vehicle owned and operated by the civil
73 support team of the Missouri National Guard while in

74 response to or during operations involving chemical,
75 biological, or radioactive materials or in support of
76 official requests from the state of Missouri involving
77 unknown substances, hazardous materials, or as may be
78 requested by the appropriate state agency acting on behalf
79 of the governor.
80 5. (1) The driver of any vehicle referred to in
81 subsection 4 of this section shall not sound the siren
82 thereon or have the front red lights or blue lights on
83 except when such vehicle is responding to an emergency call
84 or when in pursuit of an actual or suspected law violator,
85 or when responding to, but not upon returning from, a fire.
86 (2) The driver of an emergency vehicle may:
87 (a) Park or stand irrespective of the provisions of
88 sections 304.014 to 304.025;
89 (b) Proceed past a red or stop signal or stop sign,
90 but only after slowing down as may be necessary for safe
91 operation;
92 (c) Exceed the prima facie speed limit so long as the
93 driver does not endanger life or property;
94 (d) Disregard regulations governing direction of
95 movement or turning in specified directions.
96 (3) The exemptions granted to an emergency vehicle
97 pursuant to subdivision (2) of this subsection shall apply
98 only when the driver of any such vehicle while in motion
99 sounds audible signal by bell, siren, or exhaust whistle as
100 may be reasonably necessary, and when the vehicle is
101 equipped with at least one lighted lamp displaying a red
102 light or blue light visible under normal atmospheric
103 conditions from a distance of five hundred feet to the front
104 of such vehicle.
105 6. No person shall purchase an emergency light as
106 described in this section without furnishing the seller of

107 such light an affidavit stating that the light will be used
108 exclusively for emergency vehicle purposes.
109 7. Violation of this section shall be deemed a class A
110 misdemeanor.

307.175. 1. Motor vehicles and equipment which are
2 operated by any member of an organized fire department,
3 ambulance association, or rescue squad, whether paid or
4 volunteer, may be operated on streets and highways in this
5 state as an emergency vehicle under the provisions of
6 section 304.022 while responding to a fire call or ambulance
7 call or at the scene of a fire call or ambulance call and
8 while using or sounding a warning siren and using or
9 displaying thereon fixed, flashing or rotating blue lights,
10 but sirens and blue lights shall be used only in bona fide
11 emergencies.
12 2. (1) Notwithstanding subsection 1 of this section,
13 the following vehicles may use or display fixed, flashing,
14 or rotating red or red and blue lights:
15 (a) Emergency vehicles, as defined in section 304.022,
16 when responding to an emergency;
17 (b) Vehicles operated as described in subsection 1 of
18 this section;
19 (c) Vehicles and equipment owned or leased by a
20 contractor or subcontractor performing work for the
21 department of transportation, except that the red or red and
22 blue lights shall be displayed on vehicles or equipment
23 described in this paragraph only between dusk and dawn, when
24 such vehicles or equipment are stationary, such vehicles or
25 equipment are located in a work zone as defined in section
26 304.580, highway workers as defined in section 304.580 are
27 present, and such work zone is designated by a sign or
28 signs. No more than two vehicles or pieces of equipment in

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

62 utility that provides gas, heat, electricity, water, steam,
63 telecommunications or cable services, or sewer services,
64 whether privately, municipally, or cooperatively owned.
65 3. Permits for the operation of such vehicles equipped
66 with sirens or blue lights shall be in writing and shall be
67 issued and may be revoked by the chief of an organized fire
68 department, organized ambulance association, rescue squad,
69 or the state highways and transportation commission and no
70 person shall use or display a siren or blue lights on a
71 motor vehicle, fire, ambulance, or rescue equipment without
72 a valid permit authorizing the use. A permit to use a siren
73 or lights as heretofore set out does not relieve the
74 operator of the vehicle so equipped with complying with all
75 other traffic laws and regulations. Violation of this
76 section constitutes a class A misdemeanor.
311.060. 1. No person shall be granted a license
2 hereunder unless such person is of good moral character and
3 a qualified legal voter and a taxpaying citizen of the
4 county, town, city or village, nor shall any corporation be
5 granted a license hereunder unless the managing officer of
6 such corporation is of good moral character and a qualified
7 legal voter and taxpaying citizen of the county, town, city
8 or village; and, except as otherwise provided under
9 subsection 7 of this section, no person shall be granted a
10 license or permit hereunder whose license as such dealer has
11 been revoked, or who has been convicted, since the
12 ratification of the twenty-first amendment to the
13 Constitution of the United States, of a violation of the
14 provisions of any law applicable to the manufacture or sale
15 of intoxicating liquor, or who employs in his or her
16 business as such dealer any person whose license has been
17 revoked unless five years have passed since the revocation
18 as provided under subsection 6 of this section, or who has

19 been convicted of violating such law since the date
20 aforesaid; provided, that nothing in this section contained
21 shall prevent the issuance of licenses to nonresidents of
22 Missouri or foreign corporations for the privilege of
23 selling to duly licensed wholesalers and soliciting orders
24 for the sale of intoxicating liquors to, by or through a
25 duly licensed wholesaler, within this state.
26 2. (1) No person, partnership or corporation shall be
27 qualified for a license under this law if such person, any
28 member of such partnership, or such corporation, or any
29 officer, director, or any stockholder owning, legally or
30 beneficially, directly or indirectly, ten percent or more of
31 the stock of such corporation, or other financial interest
32 therein, or ten percent or more of the interest in the
33 business for which the person, partnership or corporation is
34 licensed, or any person employed in the business licensed
35 under this law shall have had a license revoked under this
36 law except as otherwise provided under subsections 6 and 7
37 of this section, or shall have been convicted of violating
38 the provisions of any law applicable to the manufacture or
39 sale of intoxicating liquor since the ratification of the
40 twenty-first amendment to the Constitution of the United
41 States, or shall not be a person of good moral character.
42 (2) No license issued under this chapter shall be
43 denied, suspended, revoked or otherwise affected based
44 solely on the fact that an employee of the licensee has been
45 convicted of a felony unrelated to the manufacture or sale
46 of intoxicating liquor. **[**Each employer shall report the
47 identity of any employee convicted of a felony to the
48 division of liquor control.**]** The division of liquor control
49 shall promulgate rules to enforce the provisions of this
50 subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

4. The term "financial interest" as used in this chapter is defined to mean all interest, legal or

84 beneficial, direct or indirect, in the capital devoted to
85 the licensed enterprise and all such interest in the net
86 profits of the enterprise, after the payment of reasonable
87 and necessary operating business expenses and taxes,
88 including interest in dividends, preferred dividends,
89 interest and profits, directly or indirectly paid as
90 compensation for, or in consideration of interest in, or for
91 use of, the capital devoted to the enterprise, or for
92 property or money advanced, loaned or otherwise made
93 available to the enterprise, except by way of ordinary
94 commercial credit or bona fide bank credit not in excess of
95 credit customarily granted by banking institutions, whether
96 paid as dividends, interest or profits, or in the guise of
97 royalties, commissions, salaries, or any other form
98 whatsoever.
99 5. The supervisor shall by regulation require all
100 applicants for licenses to file written statements, under
101 oath, containing the information reasonably required to
102 administer this section. Statements by applicants for
103 licenses as wholesalers and retailers shall set out, with
104 other information required, full information concerning the
105 residence of all persons financially interested in the
106 business to be licensed as required by regulation. All
107 material changes in the information filed shall be promptly
108 reported to the supervisor.
109 6. Any person whose license or permit issued under
110 this chapter has been revoked shall be automatically
111 eligible to work as an employee of an establishment holding
112 a license or permit under this chapter five years after the
113 date of the revocation.
114 7. Any person whose license or permit issued under
115 this chapter has been revoked shall be eligible to apply and
116 be qualified for a new license or permit five years after

117 the date of the revocation. The person may be issued a new
118 license or permit at the discretion of the division of
119 alcohol and tobacco control. If the division denies the
120 request for a new permit or license, the person may not
121 submit a new application for five years from the date of the
122 denial. If the application is approved, the person shall
123 pay all fees required by law for the license or permit. Any
124 person whose request for a new license or permit is denied
125 may seek a determination by the administrative hearing
126 commission as provided under section 311.691.

311.660. 1. The supervisor of liquor control shall
2 have the authority to suspend or revoke for cause all such
3 licenses; and to make the following regulations, without
4 limiting the generality of provisions empowering the
5 supervisor of liquor control as in this chapter set forth as
6 to the following matters, acts and things:

7 (1) Fix and determine the nature, form and capacity of
8 all packages used for containing intoxicating liquor of any
9 kind, to be kept or sold under this law;

10 (2) Prescribe an official seal and label and determine
11 the manner in which such seal or label shall be attached to
12 every package of intoxicating liquor so sold under this law;
13 this includes prescribing different official seals or
14 different labels for the different classes, varieties or
15 brands of intoxicating liquor;

16 (3) Prescribe all forms, applications and licenses and
17 such other forms as are necessary to carry out the
18 provisions of this chapter, except that when a licensee
19 substantially complies with all requirements for the renewal
20 of a license by the date on which the application for
21 renewal is due, such licensee shall be permitted at least an
22 additional ten days from the date notice is sent that the

application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law.

2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193.

313.220. 1. The commission shall promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable to fully implement the mandate of the people

expressed in the approval of the lottery amendment to Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

2. The commission shall have the authority to require a fingerprint background check on any person seeking employment or employed by the commission, any person seeking contract with or contracted to the commission and any person seeking license from or licensed by the commission. The background check shall include a check of the Missouri criminal records repository and when the commission deems it necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required. Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal history information when fingerprints are submitted. <u>The commission shall not prohibit a person from participating in the sale of lottery tickets solely on the basis of the person being found guilty of any criminal offense; except that, the person shall not be eligible to be a licensed lottery game retailer under subsection 2 of section 313.260.</u>

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

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

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

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

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

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

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

(7) "Credit instrument", a written check, negotiable 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**]** <u>,</u>
63 other floating facility<u>, or any nonfloating facility</u>
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**]** <u>,</u> 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

excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

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

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

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

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

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

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

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

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

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

(2) The applicant shall not in any manner permit a 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**]** <u>shall</u> 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
138 floating facilities as now or hereafter provided
139 by 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.

542.525. No employee of a state agency or a political
2 subdivision of the state shall place any surveillance camera
3 or game camera on private property without first obtaining
4 consent from the landowner or the landowner's designee; a
5 search warrant as required under Article I, Section 15 of
6 the Constitution of Missouri or the fourth and fourteenth
7 amendments of the Constitution of the United States; or
8 permission from the highest ranking law enforcement chief or
9 officer of the agency or political subdivision, provided
10 that permission of the highest ranking law enforcement chief
11 or officer of the agency or political subdivision is valid

only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location.

549.500. All documents prepared or obtained in the discharge of official duties by any member or employee of the [board of probation and] parole board or employee of the division of probation and parole shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the parole board and other authorized employees of the department pursuant to section 217.075. The parole board may at its discretion permit the inspection of the report or parts thereof by the offender or his or her attorney or other persons having a proper interest therein.

557.045. No person found guilty of, or pleading guilty to, the following offenses shall be eligible for probation, suspended imposition or execution of sentence, or conditional release, and shall be sentenced to a term of imprisonment pursuant to subdivision (1) of subsection 2 of section 557.011:

(1) Second degree murder when a person knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person, as defined in subdivision (1) of subsection 1 of section 565.021;

(2) Any dangerous felony, as the term is defined in section 556.061, where the person has been previously found guilty of a class A or B felony or a dangerous felony; [or]

(3) Any dangerous felony, as the term is defined in section 556.061, where the commission of the felony involves the use of a deadly weapon, as that term is defined in section 556.061; or

(4) Any dangerous felony, as the term is defined in section 556.061, where the victim is a law enforcement

21 officer, firefighter, or an emergency service provider while
22 in the performance of his or her duties.

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 county jail or other authorized penal
23 institution, and the place of confinement shall be fixed by
24 the court. If the court imposes a sentence of imprisonment
25 for a term longer than one year upon a person convicted of a
26 class D or E felony, it shall commit the person to the
27 custody of the department of corrections.
28 3. (1) When a regular sentence of imprisonment for a
29 felony is imposed, the court shall commit the person to the
30 custody of the department of corrections for the term
31 imposed under section 557.036, or until released under
32 procedures established elsewhere by law.
33 (2) A sentence of imprisonment for a misdemeanor shall
34 be for a definite term and the court shall commit the person
35 to the county jail or other authorized penal institution for
36 the term of his or her sentence or until released under
37 procedure established elsewhere by law.
38 4. (1) Except as otherwise provided, a sentence of
39 imprisonment for a term of years for felonies other than
40 dangerous felonies as defined in section 556.061, and other
41 than sentences of imprisonment which involve the
42 individual's fourth or subsequent remand to the department
43 of corrections shall consist of a prison term and a
44 conditional release term. The conditional release term of
45 any term imposed under section 557.036 shall be:
46 (a) One-third for terms of nine years or less;
47 (b) Three years for terms between nine and fifteen
48 years;

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

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

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

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

8 (2) Statutory rape in the first degree;

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

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

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

18 2. If a person who is on probation, parole or
19 conditional release is sentenced to a term of imprisonment
20 for an offense committed after the granting of probation or
21 parole or after the start of his or her conditional release
22 term, the court shall direct the manner in which the
23 sentence or sentences imposed by the court shall run with
24 respect to any resulting probation, parole or conditional

release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the [board of probation and] parole board shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after [the offense occurred] conviction and before the commencement of the sentence, when the time in custody was related to that offense, and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment, except:

(1) Such credit shall only be applied once when sentences are consecutive;

(2) Such credit shall only be applied if the person 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

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

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

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

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

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

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

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

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

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

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

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

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 permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the **[**state board**]** division of probation and parole, a copy of the order shall be sent to the **[**board**]** division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

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

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

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 supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the **[**board**]** division of probation and parole. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The **[**board**]** division may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit.

559.607. 1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604.

2. When approved by municipal court judges in the municipal division, the application, judicial order of

22 approval, and the contract shall be forwarded to and filed
23 with the [board] division of probation and parole. The
24 court-approved private or public entity or probation officer
25 employed by the court shall then function as the probation
26 office for the city, pursuant to the terms of the contract
27 or conditions of employment and the terms of probation
28 ordered by the judge. Any city in this state which
29 presently does not have probation services available for
30 persons convicted of its ordinance violations, or that
31 contracts out those services with a private entity, may,
32 under the procedures authorized in sections 559.600 to
33 559.615, contract with and continue to contract with a
34 private entity or employ any qualified person and contract
35 with the municipal division to provide such probation
36 supervision and rehabilitation services.

565.058. 1. Any special victim as defined under
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.

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) The offense was committed by means of coercion as
23 defined in section 566.200.
24 2. For the purposes of this section the following
25 terms shall mean:
26 (1) "Detainee", a person deprived of liberty and kept
27 under involuntary restraint, confinement, or custody;
28 (2) "Offender", includes any person in the custody of
29 a prison or correctional facility and any person who is
30 under the supervision of the [state board] division of
31 probation and parole;
32 [(2)] (3) "Prisoner", includes any person who is in
33 the custody of a jail, whether pretrial or after disposition
34 of a charge.
35 3. The offense of sexual conduct [with a prisoner or
36 offender] in the course of public duty is a class E felony.
37 4. Consent of a detainee, a prisoner [or], an
38 offender, or any other person is not a defense.
571.030. 1. A person commits the offense of unlawful
2 use of weapons, except as otherwise provided by sections
3 571.101 to 571.121, if he or she knowingly:

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

(2) Sets a spring gun; or

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

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

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

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

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

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

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or

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.

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

3 (1) "Interstate highway", a highway located in this
4 state that is included in the national system of interstate
5 highways, as officially designated or as may be hereafter
6 designated by the Missouri highways and transportation
7 commission within the Missouri department of transportation
8 and approved by the United States Secretary of
9 Transportation;

10 (2) "Unlawful assembly", when a person knowingly
11 assembles with six or more other persons and agrees with
12 such persons to violate any of the criminal laws of this
13 state or of the United States with force or violence.

14 2. A person commits the offense of unlawful traffic
15 interference if, with the intention to impede vehicular
16 traffic, the person walks, stands, sits, kneels, lies, or
17 places an object in such a manner as to block passage by a
18 vehicle on any public street, highway, or interstate
19 highway. This section shall not apply to the blocking of
20 passage by any person who has permission to do so from a
21 government authority, who is a law enforcement officer, or
22 who does so to direct traffic away from hazardous road
23 conditions, an obstacle, or a scene of an accident.

24 3. The offense of unlawful traffic interference on a
25 public street or highway is an infraction for the first
26 violation. Any second violation that occurs on a public
27 street or highway is a class B misdemeanor. Any third or
28 subsequent violation that occurs on a public street or
29 highway is a class E felony.

4. The offense of unlawful traffic interference on any public street, highway, or interstate highway while part of an unlawful assembly is an infraction for the first violation. Any second violation that occurs on a public street, highway, or interstate highway while part of an unlawful assembly is a class A misdemeanor. Any third or subsequent violation that occurs on a public street, highway, or interstate highway while part of an unlawful assembly is a class D felony.

574.085. 1. A person commits the offense of institutional vandalism if he or she knowingly vandalizes, defaces, or otherwise damages:

(1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;

(3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection;

(5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; **[**or**]**

(6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children; or

(7) Any public monument or structure on public property owned or operated by a public entity.

2. The offense of institutional vandalism is a class A misdemeanor, unless the value of the property damage is seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value of the property damage is more than five thousand dollars, in which case the offense is a class D felony.

3. In determining the amount of damage to property, for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged.

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

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

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

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

2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a 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.

574.204. 1. Except as otherwise protected by state or
2 federal law, a person commits the offense of interference
3 with an ambulance service if the person acts alone or in
4 concert with others to willfully or recklessly interfere
5 with access to or from an ambulance or willfully or
6 recklessly disrupt any ambulance service by threatening to
7 inflict injury on any person providing ambulance services or
8 damage the ambulance.
9 2. The offense of interference with an ambulance
10 service is a class D misdemeanor for a first offense and a
11 class C misdemeanor for any second or subsequent offense.
12 3. As used in this section, "ambulance service" means
13 a person or entity that provides emergency or nonemergency
14 ambulance transportation and services, or both.

575.205. 1. A person commits the offense of tampering
2 with electronic monitoring equipment if he or she
3 intentionally removes, alters, tampers with, damages, or
4 destroys electronic monitoring equipment which a court, the
5 division of probation and parole or the [board of probation
6 and] parole board has required such person to wear.
7 2. This section does not apply to the owner of the
8 equipment or an agent of the owner who is performing
9 ordinary maintenance or repairs on the equipment.
10 3. The offense of tampering with electronic monitoring
11 equipment is a class D felony.

575.206. 1. A person commits the offense of violating
2 a condition of lifetime supervision if he or she knowingly

violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the [board of probation and] parole board under section 217.735.

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

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

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

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

3. The director shall provide for the licensure, with or without additional basic training, of peace officers

15 possessing credentials by other states or jurisdictions,
16 including federal and military law enforcement officers.
17 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.
20 5. As conditions of licensure, all licensed peace
21 officers shall:
22 (1) Obtain continuing law enforcement education
23 pursuant to rules to be promulgated by the POST commission;
24 **[**and**]**
25 (2) Maintain a current address of record on file with
26 the director; and
27 (3) Submit to being fingerprinted on or before January
28 1, 2022, and at any time a peace officer is commissioned
29 with a different law enforcement agency, for the purposes 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 for as
40 long as the officer is commissioned with a law enforcement
41 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.
590.192. 1. There is hereby created in the state
2 treasury the "988 Public Safety Fund", which shall consist
3 of moneys appropriated by the general assembly. The state
4 treasurer shall be custodian of the fund. In accordance
5 with sections 30.170 and 30.180, the state treasurer may
6 approve disbursements. The fund shall be a dedicated fund
7 and moneys in the fund shall be used solely by the
8 department of public safety for the purposes of providing
9 services for peace officers to assist in coping with stress
10 and potential psychological trauma resulting from a response
11 to a critical incident or emotionally difficult event. Such
12 services may include consultation, risk assessment,
13 education, intervention, and other crisis intervention
14 services provided by the department to peace officers
15 affected by a critical incident.
16 2. Notwithstanding the provisions of section 33.080 to
17 the contrary, any moneys remaining in the fund at the end of
18 the biennium shall not revert to the credit of the general
19 revenue fund.

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

590.502. 1. For purposes of this section, the following shall mean:

(1) "Administering authority", any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency;

(2) "Color of law", any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public;

(3) "Economic loss", any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay;

(4) "Good cause", sufficient evidence or facts that would support a party's request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein;

(5) "Law enforcement officer", any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. "Law enforcement officer" shall not include any officer who is the highest ranking officer in the law enforcement agency.

2. Whenever a law enforcement officer is under administrative investigation or is subjected to

30 administrative questioning that the officer reasonably
31 believes could lead to disciplinary action, demotion,
32 dismissal, transfer, or placement on a status that could
33 lead to economic loss, the investigation or questioning
34 shall be conducted under the following conditions:
35 (1) The law enforcement officer who is the subject of
36 the investigation shall be informed, in writing, of the
37 existence and nature of the alleged violation and the
38 individuals who will be conducting the investigation.
39 Notice shall be provided to the officer along with a copy of
40 the complaint at least twenty-four hours prior to any
41 interrogation or interview of the officer;
42 (2) Any person, including members of the same agency
43 or department as the officer under investigation, filing a
44 complaint against a law enforcement officer shall have the
45 complaint supported by a written statement outlining the
46 complaint that includes the personal identifying information
47 of the person filing the complaint. All personal
48 identifying information shall be held confidential by the
49 investigating agency;
50 (3) When a law enforcement officer is questioned or
51 interviewed regarding matters pertaining to his or her law
52 enforcement duties or actions taken within the scope of his
53 or her employment, such questioning shall be conducted for a
54 reasonable length of time and only while the officer is on
55 duty unless reasonable circumstances exist that necessitate
56 questioning the officer while he or she is off duty;
57 (4) Any interviews or questioning shall be conducted
58 at a secure location at the agency that is conducting the
59 investigation or at the place where the officer reports to
60 work, unless the officer consents to another location;
61 (5) Law enforcement officers shall be questioned by up
62 to two investigators and shall be informed of the name,

63 rank, and command of the investigator or investigators
64 conducting the investigation; except that, separate
65 investigators shall be assigned to investigate alleged
66 department policy violations and alleged criminal violations;
67 (6) Interview sessions shall be for a reasonable
68 period of time. There shall be times provided for the
69 officer to allow for such personal necessities and rest
70 periods as are reasonably necessary;
71 (7) Prior to an interview session, the investigator or
72 investigators conducting the investigation shall advise the
73 law enforcement officer of the rule set out in *Garrity v.*
74 *New Jersey*, 385 U.S. 493 (1967), specifically that the law
75 enforcement officer is being ordered to answer questions
76 under threat of disciplinary action and that the officer's
77 answers to the questions will not be used against the
78 officer in criminal proceedings;
79 (8) Law enforcement officers shall not be threatened,
80 harassed, or promised rewards to induce them into answering
81 any question; except that, law enforcement officers may be
82 compelled by their employer to give protected *Garrity*
83 statements to an investigator under the direct control of
84 the employer, but such compelled statements shall not be
85 used or derivatively used against the officer in any aspect
86 of a criminal case brought against the officer;
87 (9) Law enforcement officers under investigation are
88 entitled to have an attorney or any duly authorized
89 representative present during any questioning that the law
90 enforcement officer reasonably believes may result in
91 disciplinary action. The attorney or representative shall
92 be permitted to confer with the officer but shall not unduly
93 disrupt or interfere with the interview. The questioning
94 shall be suspended for a period of up to twenty-four hours
95 if the officer requests representation;

96 (10) Prior to the law enforcement officer being
97 interviewed, the officer and his or her attorney or
98 representative shall have the opportunity to review the
99 complaint;
100 (11) The law enforcement agency conducting the
101 investigation shall have ninety days from receipt of a
102 citizen complaint to complete such investigation. The
103 agency shall determine the disposition of the complaint and
104 render a disciplinary decision, if any, within ninety days.
105 The agency may, for good cause, petition the administering
106 authority overseeing the administration of discipline for an
107 extension of time to complete the investigation. If the
108 administering authority finds the agency has shown good
109 cause for the granting of an extension of time to complete
110 the investigation, the administering authority shall grant
111 an extension of up to sixty days. The agency is limited to
112 two extensions per investigation; except that, if there is
113 an ongoing criminal investigation there shall be no
114 limitation on the amount of sixty-day extensions. For good
115 cause shown, the internal investigation may be tolled until
116 the conclusion of a concurrent criminal investigation
117 arising out of the same alleged conduct. Absent consent
118 from the officer being investigated, the administering
119 authority overseeing the administration of discipline shall
120 set the matter for hearing and shall provide notice of the
121 hearing to the law enforcement officer under investigation.
122 The officer shall have the right to attend the hearing and
123 to present evidence and arguments against extension;
124 (12) Within five days of the conclusion of the
125 administrative investigation, the investigator shall inform
126 the officer, in writing, of the investigative findings and
127 any recommendation for further action, including discipline;

128 (13) A complete record of the administrative
129 investigation shall be kept by the law enforcement agency
130 conducting such investigation. Upon completion of the
131 investigation, a copy of the entire record, including, but
132 not limited to, audio, video, and transcribed statements,
133 shall be provided to the officer or the officer's
134 representative within five business days of the officer's
135 written request. The agency may request a protective order
136 to redact all personal identifying witness information; and
137 (14) All records compiled as a result of any
138 investigation subject to the provisions of this section
139 shall be held confidential and shall not be subject to
140 disclosure under chapter 610, except by lawful subpoena or
141 court order, by release approved by the officer, or as
142 provided in section 590.070.
143 3. Law enforcement officers who are suspended without
144 pay, demoted, terminated, transferred, or placed on a status
145 resulting in economic loss shall be entitled to a full due
146 process hearing. However, nothing in this section shall
147 prohibit a law enforcement agency and the authorized
148 bargaining representative for a law enforcement officer
149 employed by that agency from reaching written agreements
150 providing disciplinary procedures more favorable than those
151 provided for this section. The components of the hearing
152 shall include, at a minimum:
153 (1) The right to be represented by an attorney or
154 other individual of their choice during the hearing;
155 (2) Seven days' notice of the hearing date and time;
156 (3) An opportunity to access and review documents, at
157 least seven days in advance of the hearing, that are in the
158 employer's possession and that were used as a basis for the
159 disciplinary action;

160 (4) The right to refuse to testify at the hearing if
161 the officer is concurrently facing criminal charges in
162 connection with the same incident. A law enforcement
163 officer's decision not to testify shall not result in
164 additional internal charges or discipline;
165 (5) A complete record of the hearing shall be kept by
166 the agency for purposes of appeal. The record shall be
167 provided to the officer or his or her attorney upon written
168 request;
169 (6) The entire record of the hearing shall remain
170 confidential and shall not be subject to disclosure under
171 chapter 610, except by lawful subpoena or court order.
172 4. Any decision, order, or action taken following the
173 hearing shall be in writing and shall be accompanied by
174 findings of fact. The findings shall consist of a concise
175 statement upon each issue in the case. A copy of the
176 decision or order accompanying findings and conclusions
177 along with the written action and right of appeal, if any,
178 shall be delivered or mailed promptly to the law enforcement
179 officer or to the officer's attorney or representative of
180 record.
181 5. Law enforcement officers shall have the opportunity
182 to provide a written response to any adverse materials
183 placed in their personnel file, and such written response
184 shall be permanently attached to the adverse material.
185 6. Law enforcement officers shall have the right to
186 compensation for any economic loss incurred during an
187 investigation if the officer is found to have committed no
188 misconduct.
189 7. Employers shall defend and indemnify law
190 enforcement officers from and against civil claims made
191 against them in their official and individual capacities if
192 the alleged conduct arose in the course and scope of their

193 obligations and duties as law enforcement officers. This
194 includes any actions taken off duty if such actions were
195 taken under color of law. In the event the law enforcement
196 officer is convicted of, or pleads guilty to, criminal
197 charges arising out of the same conduct, the employer shall
198 no longer be obligated to defend and indemnify the officer
199 in connection with related civil claims.
200 8. Law enforcement officers shall not be disciplined,
201 demoted, dismissed, transferred, or placed on a status
202 resulting in economic loss as a result of the assertion of
203 their constitutional rights in any judicial proceeding,
204 unless the officer admits to wrong-doing, in which case the
205 provisions of this section shall not apply.
206 9. Any aggrieved law enforcement officer or authorized
207 representative may seek judicial enforcement of the
208 requirements of this section. Suits to enforce this section
209 shall be brought in the circuit court for the county in
210 which the law enforcement agency or governmental body has
211 its principal place of business.
212 10. Upon a finding by a preponderance of the evidence
213 that a law enforcement agency, governmental body, or member
214 of same has violated any provision of this section, a court
215 shall void any action taken in violation of this section.
216 The court may also award the law enforcement officer the
217 costs of bringing the suit including, but not limited to,
218 attorneys' fees. A lawsuit for enforcement shall be brought
219 within one year from which the violation is ascertainable.
220 11. Nothing in this section apply to any investigation
221 or other action action by the director regarding a license
222 issued by the director under this chapter.
223 12. A law enforcement agency that has substantially
224 similar or greater procedures shall be deemed in compliance
225 with this section.

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) "Use-of-force incident", an incident in which:
11 (a) A fatality occurs that is connected to a use-of-
12 force by a peace officer;
13 (b) Serious bodily injury occurs that is connected to
14 a use-of-force by a peace officer; or
15 (c) In the absence of death or serious bodily injury,
16 a peace officer discharges a firearm at, or in the direction
17 of, a person.
18 3. Each law enforcement agency shall, at least
19 annually, collect and report local data on use-of-force
20 incidents involving peace officers to the National Use of
21 Force Data Collection through the Law Enforcement Enterprise
22 Portal administered by the Federal Bureau of Investigation.
23 4. Each law enforcement agency shall additionally
24 report the data submitted under subsection 3 of this section
25 to the department of public safety. Law enforcement
26 agencies shall not include personally identifying
27 information of individual peace officers in their reports.
28 5. The department of public safety shall, no later
29 than June 30, 2022, develop standards and procedures
30 governing the collection and reporting of use-of-force data
31 under this section. The standards and procedures shall be
32 consistent with the requirements, definitions, and methods

33 of the National Use of Force Data Collection administered by
34 the Federal Bureau of Investigation.
35 6. The department of public safety shall publish the
36 data reported by law enforcement agencies under subsection 4
37 of this section, including statewide aggregate data and
38 agency-specific data, in a publicly available report. Such
39 data shall be deemed a public record consistent with the
40 provisions and exemptions contained in chapter 610.
41 7. The department of public safety shall undertake an
42 analysis of any trends and disparities in rates of use-of-
43 force by all law enforcement agencies, with a report to be
44 released to the public no later than January 1, 2025. The
45 report shall be updated periodically thereafter, but not
46 less than once every five years.
610.140. 1. Notwithstanding any other provision of
2 law and subject to the provisions of this section, any
3 person may apply to any court in which such person was
4 charged or found guilty of any offenses, violations, or
5 infractions for an order to expunge records of such arrest,
6 plea, trial, or conviction. Subject to the limitations of
7 subsection 12 of this section, a person may apply to have
8 one or more offenses, violations, or infractions expunged if
9 such offense, violation, or infraction occurred within the
10 state of Missouri and was prosecuted under the jurisdiction
11 of a Missouri municipal, associate circuit, or circuit
12 court, so long as such person lists all the offenses,
13 violations, and infractions he or she is seeking to have
14 expunged in the petition and so long as all such offenses,
15 violations, and infractions are not excluded under
16 subsection 2 of this section. If the offenses, violations,
17 or infractions were charged as counts in the same indictment
18 or information or were committed as part of the same course
19 of criminal conduct, the person may include all the related

20 offenses, violations, and infractions in the petition,
21 regardless of the limits of subsection 12 of this section,
22 and the petition shall only count as a petition for
23 expungement of the highest level violation or offense
24 contained in the petition for the purpose of determining
25 future eligibility for expungement.
26 2. The following offenses, violations, and infractions
27 shall not be eligible for expungement under this section:
28 (1) Any class A felony offense;
29 (2) Any dangerous felony as that term is defined in
30 section 556.061;
31 (3) Any offense that requires registration as a sex
32 offender;
33 (4) Any felony offense where death is an element of
34 the offense;
35 (5) Any felony offense of assault; misdemeanor or
36 felony offense of domestic assault; or felony offense of
37 kidnapping;
38 (6) Any offense listed, or previously listed, in
39 chapter 566 or section 105.454, 105.478, 115.631, 130.028,
40 188.030, 188.080, 191.677, 194.425, 217.360, 217.385,
41 334.245, 375.991, 389.653, 455.085, 455.538, 557.035,
42 565.084, 565.085, 565.086, 565.095, 565.120, 565.130,
43 565.156, 565.200, 565.214, 566.093, 566.111, 566.115,
44 568.020, 568.030, 568.032, 568.045, 568.060, 568.065,
45 568.080, 568.090, 568.175, 569.030, 569.035, 569.040,
46 569.050, 569.055, 569.060, 569.065, 569.067, 569.072,
47 569.160, 570.025, 570.090, 570.180, 570.223, 570.224,
48 570.310, 571.020, 571.060, 571.063, 571.070, 571.072,
49 571.150, 574.070, 574.105, 574.115, 574.120, 574.130,
50 575.040, 575.095, 575.153, 575.155, 575.157, 575.159,
51 575.195, 575.200, 575.210, 575.220, 575.230, 575.240,

52 575.350, 575.353, 577.078, 577.703, 577.706, 578.008,
53 578.305, 578.310, or 632.520;
54 (7) Any offense eligible for expungement under section
55 577.054 or 610.130;
56 (8) Any intoxication-related traffic or boating
57 offense as defined in section 577.001, or any offense of
58 operating an aircraft with an excessive blood alcohol
59 content or while in an intoxicated condition;
60 (9) Any ordinance violation that is the substantial
61 equivalent of any offense that is not eligible for
62 expungement under this section;
63 (10) Any violation of any state law or county or
64 municipal ordinance regulating the operation of motor
65 vehicles when committed by an individual who has been issued
66 a commercial driver's license or is required to possess a
67 commercial driver's license issued by this state or any
68 other state; and
69 (11) Any offense of section 571.030, except any
70 offense under subdivision (1) of subsection 1 of section
71 571.030 where the person was convicted or found guilty prior
72 to January 1, 2017.
73 3. The petition shall name as defendants all law
74 enforcement agencies, courts, prosecuting or circuit
75 attorneys, municipal prosecuting attorneys, central state
76 repositories of criminal records, or others who the
77 petitioner has reason to believe may possess the records
78 subject to expungement for each of the offenses, violations,
79 and infractions listed in the petition. The court's order
80 of expungement shall not affect any person or entity not
81 named as a defendant in the action.
82 4. The petition shall include the following
83 information:
84 (1) The petitioner's:

85 (a) Full name;
86 (b) Sex;
87 (c) Race;
88 (d) Driver's license number, if applicable; and
89 (e) Current address;
90 (2) Each offense, violation, or infraction for which
91 the petitioner is requesting expungement;
92 (3) The approximate date the petitioner was charged
93 for each offense, violation, or infraction; and
94 (4) The name of the county where the petitioner was
95 charged for each offense, violation, or infraction and if
96 any of the offenses, violations, or infractions occurred in
97 a municipality, the name of the municipality for each
98 offense, violation, or infraction; and
99 (5) The case number and name of the court for each
100 offense.
101 5. The clerk of the court shall give notice of the
102 filing of the petition to the office of the prosecuting
103 attorney, circuit attorney, or municipal prosecuting
104 attorney that prosecuted the offenses, violations, or
105 infractions listed in the petition. If the prosecuting
106 attorney, circuit attorney, or municipal prosecuting
107 attorney objects to the petition for expungement, he or she
108 shall do so in writing within thirty days after receipt of
109 service. Unless otherwise agreed upon by the parties, the
110 court shall hold a hearing within sixty days after any
111 written objection is filed, giving reasonable notice of the
112 hearing to the petitioner. If no objection has been filed
113 within thirty days after receipt of service, the court may
114 set a hearing on the matter and shall give reasonable notice
115 of the hearing to each entity named in the petition. At any
116 hearing, the court may accept evidence and hear testimony
117 on, and may consider, the following criteria for each of the

118 offenses, violations, or infractions listed in the petition
119 for expungement:
120 (1) At the time the petition is filed, it has been at
121 least seven years if the offense is a felony, or at least
122 three years if the offense is a misdemeanor, municipal
123 offense, or infraction, from the date the petitioner
124 completed any authorized disposition imposed under section
125 557.011 for each offense, violation, or infraction listed in
126 the petition;
127 (2) The person has not been found guilty of any other
128 misdemeanor or felony, not including violations of the
129 traffic regulations provided under chapters 304 and 307,
130 during the time period specified for the underlying offense,
131 violation, or infraction in subdivision (1) of this
132 subsection;
133 (3) The person has satisfied all obligations relating
134 to any such disposition, including the payment of any fines
135 or restitution;
136 (4) The person does not have charges pending;
137 (5) The petitioner's habits and conduct demonstrate
138 that the petitioner is not a threat to the public safety of
139 the state; and
140 (6) The expungement is consistent with the public
141 welfare and the interests of justice warrant the expungement.

142 A pleading by the petitioner that such petitioner meets the
143 requirements of subdivisions (5) and (6) of this subsection
144 shall create a rebuttable presumption that the expungement
145 is warranted so long as the criteria contained in
146 subdivisions (1) to (4) of this subsection are otherwise
147 satisfied. The burden shall shift to the prosecuting
148 attorney, circuit attorney, or municipal prosecuting
149 attorney to rebut the presumption. A victim of an offense,
150 violation, or infraction listed in the petition shall have

151 an opportunity to be heard at any hearing held under this
152 section, and the court may make a determination based solely
153 on such victim's testimony.
154 6. A petition to expunge records related to an arrest
155 for an eligible offense, violation, or infraction may be
156 made in accordance with the provisions of this section to a
157 court of competent jurisdiction in the county where the
158 petitioner was arrested no earlier than three years from the
159 date of arrest; provided that, during such time, the
160 petitioner has not been charged and the petitioner has not
161 been found guilty of any misdemeanor or felony offense.
162 7. If the court determines that such person meets all
163 the criteria set forth in subsection 5 of this section for
164 each of the offenses, violations, or infractions listed in
165 the petition for expungement, the court shall enter an order
166 of expungement. In all cases under this section, the court
167 shall issue an order of expungement or dismissal within six
168 months of the filing of the petition. A copy of the order
169 of expungement shall be provided to the petitioner and each
170 entity possessing records subject to the order, and, upon
171 receipt of the order, each entity shall close any record in
172 its possession relating to any offense, violation, or
173 infraction listed in the petition, in the manner established
174 by section 610.120. The records and files maintained in any
175 administrative or court proceeding in a municipal,
176 associate, or circuit court for any offense, infraction, or
177 violation ordered expunged under this section shall be
178 confidential and only available to the parties or by order
179 of the court for good cause shown. The central repository
180 shall request the Federal Bureau of Investigation to expunge
181 the records from its files.
182 8. The order shall not limit any of the petitioner's
183 rights that were restricted as a collateral consequence of

184 such person's criminal record, and such rights shall be
185 restored upon issuance of the order of expungement. For
186 purposes of 18 U.S.C. 921(a)33(B)(ii), an order or
187 expungement granted pursuant to this section shall be
188 considered a complete removal of all effects of the expunged
189 conviction. Except as otherwise provided under this
190 section, the effect of such order shall be to restore such
191 person to the status he or she occupied prior to such
192 arrests, pleas, trials, or convictions as if such events had
193 never taken place. No person as to whom such order has been
194 entered shall be held thereafter under any provision of law
195 to be guilty of perjury or otherwise giving a false
196 statement by reason of his or her failure to recite or
197 acknowledge such arrests, pleas, trials, convictions, or
198 expungement in response to an inquiry made of him or her and
199 no such inquiry shall be made for information relating to an
200 expungement, except the petitioner shall disclose the
201 expunged offense, violation, or infraction to any court when
202 asked or upon being charged with any subsequent offense,
203 violation, or infraction. The expunged offense, violation,
204 or infraction may be considered a prior offense in
205 determining a sentence to be imposed for any subsequent
206 offense that the person is found guilty of committing.
207 9. Notwithstanding the provisions of subsection 8 of
208 this section to the contrary, a person granted an
209 expungement shall disclose any expunged offense, violation,
210 or infraction when the disclosure of such information is
211 necessary to complete any application for:
212 (1) A license, certificate, or permit issued by this
213 state to practice such individual's profession;
214 (2) Any license issued under chapter 313 or permit
215 issued under chapter 571;

216 (3) Paid or unpaid employment with an entity licensed
217 under chapter 313, any state-operated lottery, or any
218 emergency services provider, including any law enforcement
219 agency;
220 (4) Employment with any federally insured bank or
221 savings institution or credit union or an affiliate of such
222 institution or credit union for the purposes of compliance
223 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;
224 (5) Employment with any entity engaged in the business
225 of insurance or any insurer for the purpose of complying
226 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
227 other similar law which requires an employer engaged in the
228 business of insurance to exclude applicants with certain
229 criminal convictions from employment; or
230 (6) Employment with any employer that is required to
231 exclude applicants with certain criminal convictions from
232 employment due to federal or state law, including
233 corresponding rules and regulations.

234 An employer shall notify an applicant of the requirements
235 under subdivisions (4) to (6) of this subsection.
236 Notwithstanding any provision of law to the contrary, an
237 expunged offense, violation, or infraction shall not be
238 grounds for automatic disqualification of an applicant, but
239 may be a factor for denying employment, or a professional
240 license, certificate, or permit; except that, an offense,
241 violation, or infraction expunged under the provisions of
242 this section may be grounds for automatic disqualification
243 if the application is for employment under subdivisions (4)
244 to (6) of this subsection.
245 10. A person who has been granted an expungement of
246 records pertaining to a misdemeanor or felony offense, an
247 ordinance violation, or an infraction may answer "no" to an
248 employer's inquiry into whether the person has ever been

249 convicted of a crime if, after the granting of the
250 expungement, the person has no public record of a
251 misdemeanor or felony offense, an ordinance violation, or an
252 infraction. The person, however, shall answer such an
253 inquiry affirmatively and disclose his or her criminal
254 convictions, including any offense or violation expunged
255 under this section or similar law, if the employer is
256 required to exclude applicants with certain criminal
257 convictions from employment due to federal or state law,
258 including corresponding rules and regulations.
259 11. If the court determines that the petitioner has
260 not met the criteria for any of the offenses, violations, or
261 infractions listed in the petition for expungement or the
262 petitioner has knowingly provided false information in the
263 petition, the court shall enter an order dismissing the
264 petition. Any person whose petition for expungement has
265 been dismissed by the court for failure to meet the criteria
266 set forth in subsection 5 of this section may not refile
267 another petition until a year has passed since the date of
268 filing for the previous petition.
269 12. A person may be granted more than one expungement
270 under this section provided that during his or her lifetime,
271 the total number of offenses, violations, or infractions for
272 which orders of expungement are granted to the person shall
273 not exceed the following limits:
274 (1) Not more than two misdemeanor offenses or
275 ordinance violations that have an authorized term of
276 imprisonment; and
277 (2) Not more than one felony offense.

278 A person may be granted expungement under this section for
279 any number of infractions. Nothing in this section shall
280 prevent the court from maintaining records to ensure that an
281 individual has not exceeded the limitations of this

282 subsection. Nothing in this section shall be construed to
283 limit or impair in any way the subsequent use of any record
284 expunged under this section of any arrests or findings of
285 guilt by a law enforcement agency, criminal justice agency,
286 prosecuting attorney, circuit attorney, or municipal
287 prosecuting attorney, including its use as a prior offense,
288 violation, or infraction.
289 13. The court shall make available a form for pro se
290 petitioners seeking expungement, which shall include the
291 following statement: "I declare under penalty of perjury
292 that the statements made herein are true and correct to the
293 best of my knowledge, information, and belief.".
294 14. Nothing in this section shall be construed to
295 limit or restrict the availability of expungement to any
296 person under any other law.
650.055. 1. Every individual who:
2 (1) Is found guilty of a felony or any offense under
3 chapter 566; or
4 (2) Is seventeen years of age or older and arrested
5 for burglary in the first degree under section 569.160, or
6 burglary in the second degree under section 569.170, or a
7 felony offense under chapter 565, 566, 567, 568, or 573; or
8 (3) Has been determined to be a sexually violent
9 predator pursuant to sections 632.480 to 632.513; or
10 (4) Is an individual required to register as a sexual
11 offender under sections 589.400 to 589.425;

12 shall have a fingerprint and blood or scientifically
13 accepted biological sample collected for purposes of DNA
14 profiling analysis.
15 2. Any individual subject to DNA collection and
16 profiling analysis under this section shall provide a DNA
17 sample:

18 (1) Upon booking at a county jail or detention
19 facility; or
20 (2) Upon entering or before release from the
21 department of corrections reception and diagnostic centers;
22 or
23 (3) Upon entering or before release from a county jail
24 or detention facility, state correctional facility, or any
25 other detention facility or institution, whether operated by
26 a private, local, or state agency, or any mental health
27 facility if committed as a sexually violent predator
28 pursuant to sections 632.480 to 632.513; or
29 (4) When the state accepts a person from another state
30 under any interstate compact, or under any other reciprocal
31 agreement with any county, state, or federal agency, or any
32 other provision of law, whether or not the person is
33 confined or released, the acceptance is conditional on the
34 person providing a DNA sample if the person was found guilty
35 of a felony offense in any other jurisdiction; or
36 (5) If such individual is under the jurisdiction of
37 the department of corrections. Such jurisdiction includes
38 persons currently incarcerated, persons on probation, as
39 defined in section 217.650, and on parole, as also defined
40 in section 217.650; or
41 (6) At the time of registering as a sex offender under
42 sections 589.400 to 589.425.
43 3. The Missouri state highway patrol and department of
44 corrections shall be responsible for ensuring adherence to
45 the law. Any person required to provide a DNA sample
46 pursuant to this section shall be required to provide such
47 sample, without the right of refusal, at a collection site
48 designated by the Missouri state highway patrol and the
49 department of corrections. Authorized personnel collecting
50 or assisting in the collection of samples shall not be

51 liable in any civil or criminal action when the act is
52 performed in a reasonable manner. Such force may be used as
53 necessary to the effectual carrying out and application of
54 such processes and operations. The enforcement of these
55 provisions by the authorities in charge of state
56 correctional institutions and others having custody or
57 jurisdiction over individuals included in subsection 1 of
58 this section which shall not be set aside or reversed is
59 hereby made mandatory. The **[**board**]** division of probation
60 **[**or**]** and parole shall recommend that an individual on
61 probation or parole who refuses to provide a DNA sample have
62 his or her probation or parole revoked. In the event that a
63 person's DNA sample is not adequate for any reason, the
64 person shall provide another sample for analysis.
65 4. The procedure and rules for the collection,
66 analysis, storage, expungement, use of DNA database records
67 and privacy concerns shall not conflict with procedures and
68 rules applicable to the Missouri DNA profiling system and
69 the Federal Bureau of Investigation's DNA databank system.
70 5. Unauthorized use or dissemination of individually
71 identifiable DNA information in a database for purposes
72 other than criminal justice or law enforcement is a class A
73 misdemeanor.
74 6. Implementation of sections 650.050 to 650.100 shall
75 be subject to future appropriations to keep Missouri's DNA
76 system compatible with the Federal Bureau of Investigation's
77 DNA databank system.
78 7. All DNA records and biological materials retained
79 in the DNA profiling system are considered closed records
80 pursuant to chapter 610. All records containing any
81 information held or maintained by any person or by any
82 agency, department, or political subdivision of the state

83 concerning an individual's DNA profile shall be strictly
84 confidential and shall not be disclosed, except to:
85 (1) Peace officers, as defined in section 590.010, and
86 other employees of law enforcement agencies who need to
87 obtain such records to perform their public duties;
88 (2) The attorney general or any assistant attorneys
89 general acting on his or her behalf, as defined in chapter
90 27;
91 (3) Prosecuting attorneys or circuit attorneys as
92 defined in chapter 56, and their employees who need to
93 obtain such records to perform their public duties;
94 (4) The individual whose DNA sample has been
95 collected, or his or her attorney; or
96 (5) Associate circuit judges, circuit judges, judges
97 of the courts of appeals, supreme court judges, and their
98 employees who need to obtain such records to perform their
99 public duties.
100 8. Any person who obtains records pursuant to the
101 provisions of this section shall use such records only for
102 investigative and prosecutorial purposes, including but not
103 limited to use at any criminal trial, hearing, or
104 proceeding; or for law enforcement identification purposes,
105 including identification of human remains. Such records
106 shall be considered strictly confidential and shall only be
107 released as authorized by this section.
108 9. (1) An individual may request expungement of his
109 or her DNA sample and DNA profile through the court issuing
110 the reversal or dismissal, or through the court granting an
111 expungement of all official records under section 568.040.
112 A certified copy of the court order establishing that such
113 conviction has been reversed, guilty plea has been set
114 aside, or expungement has been granted under section 568.040
115 shall be sent to the Missouri state highway patrol crime

116 laboratory. Upon receipt of the court order, the laboratory
117 will determine that the requesting individual has no other
118 qualifying offense as a result of any separate plea or
119 conviction and no other qualifying arrest prior to
120 expungement.
121 (2) A person whose DNA record or DNA profile has been
122 included in the state DNA database in accordance with this
123 section and sections 650.050, 650.052, and 650.100 may
124 request expungement on the grounds that the conviction has
125 been reversed, the guilty plea on which the authority for
126 including that person's DNA record or DNA profile was based
127 has been set aside, or an expungement of all official
128 records has been granted by the court under section 568.040.
129 (3) Upon receipt of a written request for expungement,
130 a certified copy of the final court order reversing the
131 conviction, setting aside the plea, or granting an
132 expungement of all official records under section 568.040,
133 and any other information necessary to ascertain the
134 validity of the request, the Missouri state highway patrol
135 crime laboratory shall expunge all DNA records and
136 identifiable information in the state DNA database
137 pertaining to the person and destroy the DNA sample of the
138 person, unless the Missouri state highway patrol determines
139 that the person is otherwise obligated to submit a DNA
140 sample. Within thirty days after the receipt of the court
141 order, the Missouri state highway patrol shall notify the
142 individual that it has expunged his or her DNA sample and
143 DNA profile, or the basis for its determination that the
144 person is otherwise obligated to submit a DNA sample.
145 (4) The Missouri state highway patrol is not required
146 to destroy any item of physical evidence obtained from a DNA
147 sample if evidence relating to another person would thereby
148 be destroyed.

149 (5) Any identification, warrant, arrest, or
150 evidentiary use of a DNA match derived from the database
151 shall not be excluded or suppressed from evidence, nor shall
152 any conviction be invalidated or reversed or plea set aside
153 due to the failure to expunge or a delay in expunging DNA
154 records.
155 10. When a DNA sample is taken from an individual
156 pursuant to subdivision (2) of subsection 1 of this section
157 and the prosecutor declines prosecution and notifies the
158 arresting agency of that decision, the arresting agency
159 shall notify the Missouri state highway patrol crime
160 laboratory within ninety days of receiving such
161 notification. Within thirty days of being notified by the
162 arresting agency that the prosecutor has declined
163 prosecution, the Missouri state highway patrol crime
164 laboratory shall determine whether the individual has any
165 other qualifying offenses or arrests that would require a
166 DNA sample to be taken and retained. If the individual has
167 no other qualifying offenses or arrests, the crime
168 laboratory shall expunge all DNA records in the database
169 taken at the arrest for which the prosecution was declined
170 pertaining to the person and destroy the DNA sample of such
171 person.
172 11. When a DNA sample is taken of an arrestee for any
173 offense listed under subsection 1 of this section and
174 charges are filed:
175 (1) If the charges are later withdrawn, the prosecutor
176 shall notify the state highway patrol crime laboratory that
177 such charges have been withdrawn;
178 (2) If the case is dismissed, the court shall notify
179 the state highway patrol crime laboratory of such dismissal;
180 (3) If the court finds at the preliminary hearing that
181 there is no probable cause that the defendant committed the

offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.

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

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

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

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent 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.

650.335. 1. (1) Any county or any home rule city
2 with more than fifteen thousand but fewer than seventeen
3 thousand inhabitants and partially located in any county of
4 the third classification without a township form of
5 government and with more than thirty-seven thousand but
6 fewer than forty-one thousand inhabitants, when the prepaid
7 wireless emergency telephone service charge is collected in
8 the county or city, may submit an application for loan funds
9 or other financial assistance to the board for the purpose
10 of financing all or a portion of the costs incurred in
11 implementing a 911 communications service project. If a
12 county has an elected emergency services board, the elected

13 emergency service board shall be eligible for loan funds or
14 other financial assistance under this section.
15 (2) The application shall be accompanied by a
16 technical assistance report. The application and the
17 technical assistance report shall be in such form and
18 contain such information, financial or otherwise, as
19 prescribed by the board.
20 (3) This section shall not preclude any applicant or
21 borrower from joining in a cooperative project with any
22 other political subdivision or with any state or federal
23 agency or entity in a 911 communications service project,
24 provided that all other requirements of this section have
25 been met.
26 2. Applications may be approved for loans only in
27 those instances where the applicant has furnished the board
28 information satisfactory to assure that the project cost
29 will be recovered during the repayment period of the loan.
30 In no case shall a loan be made to an applicant unless the
31 approval of the governing body of the applicant to the loan
32 agreement is obtained and a written certification of such
33 approval is provided, where applicable. Repayment periods
34 are to be determined by the board.
35 3. The board shall approve or disapprove all
36 applications for loans which are sent by certified or
37 registered mail or hand delivered and received by the board
38 upon a schedule as determined by the board.
39 4. Each applicant to whom a loan has been made under
40 this section shall repay such loan, with interest. The rate
41 of interest shall be the rate required by the board. The
42 number, amounts, and timing of the payments shall be as
43 determined by the board.

44 5. Any applicant who receives a loan under this
45 section shall annually budget an amount which is at least
46 sufficient to make the payments required under this section.
47 6. Repayment of principal and interest on loans shall
48 be credited to the Missouri 911 service trust fund
49 established under section 190.420.
50 7. If a loan recipient fails to remit a payment to the
51 board in accordance with this section within sixty days of
52 the due date of such payment, the board shall notify the
53 director of the department of revenue to deduct such payment
54 amount from first, the prepaid wireless emergency telephone
55 service charge remitted to the county or city under section
56 190.460; and if insufficient to affect repayment of the
57 loan, next, the regular apportionment of local sales tax
58 distributions to that county or city. Such amount shall
59 then immediately be deposited in the Missouri 911 service
60 trust fund and credited to the loan recipient.
61 8. All applicants having received loans under this
62 section shall remit the payments required by subsection 4 of
63 this section to the board or such other entity as may be
64 directed by the board. The board or such other entity shall
65 immediately deposit such payments in the Missouri 911
66 service trust fund.
67 9. Loans made under this section shall be used only
68 for the purposes specified in an approved application or
69 loan agreement. In the event the board determines that loan
70 funds have been expended for purposes other than those
71 specified in an approved application or loan agreement or
72 any event of default of the loan agreement occurs without
73 resolution, the board shall take appropriate actions to
74 obtain the return of the full amount of the loan and all
75 moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330.

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

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

Section B. The repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of this act and the enactment of section 281.048 of this act shall become effective on January 1, 2024.

✓

Bill Eigel

Nick Schroer