

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 53 & 60
101ST GENERAL ASSEMBLY

0461H.10C

DANA RADEMAN MILLER, ChiefClerk

AN ACT

To repeal sections 56.380, 56.455, 57.280, 84.400, 105.950, 149.071, 149.076, 191.677, 191.1165, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030, 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 285.575, 304.050, 447.541, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523, 475.120, 485.060, 488.029, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 558.047, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 575.040, 575.050, 575.155, 575.157, 575.160, 575.205, 575.206, 575.270, 575.280, 576.030, 589.042, 590.030, 590.070, 590.500, 610.120, 610.140, 650.055, and 650.058, RSMo, and to enact in lieu thereof one hundred thirty new sections relating to the administration of justice, with penalty provisions, a delayed effective date for a certain section, and emergency clauses for certain sections.

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

Section A. Sections 56.380, 56.455, 57.280, 84.400, 105.950, 149.071, 149.076,
2 191.677, 191.1165, 211.181, 211.211, 211.435, 211.438, 211.439, 214.392, 217.010, 217.030,
3 217.195, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.660,
4 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 221.105, 285.575, 304.050,
5 447.541, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, 455.523,
6 475.120, 485.060, 488.029, 545.940, 549.500, 556.046, 557.051, 558.011, 558.026, 558.031,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 558.046, 558.047, 559.026, 559.105, 559.106, 559.115, 559.120, 559.125, 559.600, 559.602,
8 559.607, 565.240, 566.145, 571.030, 575.040, 575.050, 575.155, 575.157, 575.160, 575.205,
9 575.206, 575.270, 575.280, 576.030, 589.042, 590.030, 590.070, 590.500, 610.120, 610.140,
10 650.055, and 650.058, RSMo, are repealed and one hundred thirty new sections enacted in lieu
11 thereof, to be known as sections 21.403, 21.405, 56.380, 56.455, 57.280, 84.400, 84.575,
12 105.950, 149.071, 149.076, 191.255, 191.677, 191.1165, 210.143, 210.493, 210.1250, 210.1253,
13 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274,
14 210.1280, 210.1283, 210.1286, 211.012, 211.181, 211.211, 211.435, 214.392, 217.010, 217.030,
15 217.195, 217.199, 217.243, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650,
16 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.777, 217.829, 217.845, 221.065,
17 221.105, 285.575, 304.050, 447.541, 452.410, 455.010, 455.032, 455.040, 455.045, 455.050,
18 455.513, 455.520, 455.523, 475.120, 479.162, 485.060, 488.016, 488.029, 491.016, 510.500,
19 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521, 545.940, 546.265, 549.500,
20 556.046, 557.051, 558.011, 558.026, 558.031, 558.046, 558.047, 559.026, 559.105, 559.106,
21 559.115, 559.120, 559.125, 559.600, 559.602, 559.607, 565.240, 566.145, 571.030, 574.110,
22 575.040, 575.050, 575.155, 575.157, 575.160, 575.205, 575.206, 575.270, 575.280, 575.330,
23 576.030, 589.042, 590.030, 590.070, 590.075, 590.192, 590.500, 590.805, 590.1210, 590.1265,
24 610.120, 610.140, 650.055, and 650.058, to read as follows:

**21.403. 1. If an individual who has been subpoenaed to testify or provide other
2 information at a proceeding before a body of the general assembly has refused to give or
3 provide such testimony or other information on the basis of his or her privilege against
4 self-incrimination, the president pro tempore or speaker of the originating body of the
5 general assembly may request the court to issue an order requiring such individual to
6 testify or provide other information, and if the court finds that such request has been
7 approved by an affirmative vote of a three-fifths majority of the members of such body of
8 the general assembly, the court shall issue an order requiring such individual to give such
9 testimony or provide other information requested or subpoenaed by such body of the
10 general assembly, which shall become effective as provided under this section.**

**11 2. After being provided written notice that an order has been issued under this
12 section, the witness shall not refuse to comply with the order on the basis of his or her
13 privilege against self-incrimination. However, no testimony or other information
14 compelled under such order, or any information directly or indirectly derived from such
15 testimony or other information, shall be used against the witness in any criminal
16 proceeding except for perjury, giving false statement, or otherwise failing to comply with
17 such order.**

21.405. 1. If a witness is summoned by a body of the general assembly and such
2 witness:

3 (1) Willfully fails to appear to testify;

4 (2) After having appeared, refuses to answer any question pertinent to the question
5 under inquiry; or

6 (3) Fails to produce required documents,
7

8 a statement of facts constituting such failure or refusal may be reported to and filed with
9 the president pro tempore or speaker of the originating body of the general assembly. Upon
10 receipt of such statement of facts, the president pro tempore or the speaker may certify
11 such statement of facts to the prosecuting attorney or such other attorney having
12 jurisdiction for prosecution under section 575.330. The state attorney general shall have
13 concurrent original jurisdiction to commence such criminal action throughout the state
14 where such violation has occurred.

15 2. Upon request by the president pro tempore or speaker of the originating body
16 of the general assembly who has certified a statement of facts under this section, the court
17 shall within fifteen days of the request appoint independent counsel, who shall have
18 jurisdiction to prosecute under section 575.330. In the event independent counsel is
19 appointed under this section, such independent counsel shall have sole jurisdiction to
20 prosecute under section 575.330.

56.380. It is unlawful for the circuit attorneys or the assistant circuit attorneys of the
2 courts of this state having jurisdiction of criminals within cities in this state having a population
3 of seven hundred thousand inhabitants or more to contract for, directly or indirectly, or to accept,
4 receive or take any fee, reward, promise or undertaking, or gift or valuable thing of any kind
5 whatsoever, except the salary of his **or her** office prescribed by law, for aiding, advising,
6 promoting or procuring any indictment, true bill or legal process of any kind whatsoever against
7 any person or party, or for aiding, promoting, counseling or procuring the detection, discovery,
8 apprehension, prosecution or conviction of any person upon any charge whatsoever, or for
9 aiding, advising or counseling of or concerning, or for procuring, promoting or effecting the
10 discovery or recovery, by any means whatever, of any valuable thing which is secreted or
11 detained from the possession of the owner or lawful custodian thereof. Any officer who is
12 convicted of the violation of any of the provisions of this section shall be punished by
13 imprisonment by the state department of corrections [~~and human resources~~] for not more than
14 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
2 shall make a detailed report of all information in his **or her** possession pertaining to each person

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

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

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall

25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

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

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

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

60 **the likely amount of such charge, and the balance of such charge shall be payable**
61 **immediately upon ascertainment of the proper amount of said charge.**

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

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

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

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

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

6 **2. On and after July 1, 2000, the salary of the directors of the above departments shall**
7 **be set by the governor within the limits of the salary ranges established pursuant to this section**
8 **and the appropriation for that purpose. Salary ranges for department directors and members of**
9 **the [board of probation and] parole board shall be set by the personnel advisory board after**
10 **considering the results of a study periodically performed or administered by the office of**

11 administration. Such salary ranges shall be published yearly in an appendix to the revised
12 statutes of Missouri.

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

149.071. Any person who shall, without the authorization of the director of revenue,
2 make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore,
3 or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating
4 the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use
5 or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by
6 any other means, or any package containing cigarettes, any unauthorized, false, altered, forged,
7 counterfeit or previously used stamp, impressions, copies, facsimiles or other evidence of
8 cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by
9 imprisonment by the state department of corrections [~~and human resources~~] for a term of not less
10 than two years nor more than five years.

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

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

**191.255. 1. Notwithstanding any other provision of law to the contrary, no state
2 agency, including employees therein, shall disclose to the federal government, any federal
3 government employee, or any unauthorized third party the statewide list or any individual
4 information of persons who have applied for or obtained a qualifying patient identification
5 card, a qualifying patient cultivation identification card, or a primary caregiver
6 identification card, as those cards are described in Article XIV, Section 1 of the
7 Constitution of Missouri relating to the right to access medical marijuana.**

8 **2. Any violation of this section is a class E felony.**

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

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

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

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

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

15 ~~—— (b) By the sharing of needles; or~~

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

19

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

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

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

30 ~~—— c. Another person provides evidence of sexual contact with the HIV-infected person after~~
31 ~~a diagnosis of an HIV status]~~ **such serious infectious or communicable disease through an**
32 **activity that creates a substantial risk of disease transmission as determined by competent**
33 **medical or epidemiological evidence; or**

34 (3) **Act in a reckless manner by exposing another person to such serious infectious**
35 **or communicable disease through an activity that creates a substantial risk of disease**
36 **transmission as determined by competent medical or epidemiological evidence.**

37 ~~[2-]~~ **3. (1) Violation of the provisions of subdivision (1) or (2) of subsection [1-] 2 of this**
38 **section is a class [B] D felony unless the victim contracts [HIV] the serious infectious or**
39 **communicable disease from the contact, in which case it is a class [A] C felony.**

40 ~~[3. The department of health and senior services or local law enforcement agency, victim~~
41 ~~or others may file a complaint with the prosecuting attorney or circuit attorney of a court of~~
42 ~~competent jurisdiction alleging that a person has violated a provision of subsection 1 of this~~
43 ~~section. The department of health and senior services shall assist the prosecutor or circuit~~
44 ~~attorney in preparing such case, and upon request, turn over to peace officers, police officers, the~~
45 ~~prosecuting attorney or circuit attorney, or the attorney general records concerning that person's~~
46 ~~HHV-infected status, testing information, counseling received, and the identity and available~~
47 ~~contact information for individuals with whom that person had sexual intercourse or deviate~~
48 ~~sexual intercourse and those individuals' test results.~~

49 ~~4. The use of condoms is not a defense to a violation of paragraph (a) of subdivision (2)~~
50 ~~of subsection 1 of this section.]~~

51 **(2) Violation of the provisions of subdivision (3) of subsection 2 of this section is a**
52 **class A misdemeanor.**

53 **4. It is an affirmative defense to a charge under this section if the person exposed**
54 **to the serious infectious or communicable disease knew that the infected person was**
55 **infected with the serious infectious or communicable disease at the time of the exposure**
56 **and consented to the exposure with such knowledge.**

57 **5. (1) For purposes of this subsection, the term "identifying characteristics"**
58 **includes, but is not limited to, the name or any part of the name, address or any part of the**
59 **address, city or unincorporated area of residence, age, marital status, place of employment,**
60 **or racial or ethnic background of the defendant or the person exposed, or the relationship**
61 **between the defendant and the person exposed.**

62 **(2) When alleging a violation of this section, the prosecuting attorney or the grand**
63 **jury shall substitute a pseudonym for the actual name of the person exposed to a serious**
64 **infectious or communicable disease. The actual name and other identifying characteristics**
65 **of the person exposed shall be revealed to the court only in camera unless the person**
66 **exposed requests otherwise, and the court shall seal the information from further**
67 **disclosure, except by counsel as part of discovery.**

68 **(3) Unless the person exposed requests otherwise, all court decisions, orders,**
69 **pleadings, and other documents, including motions and papers filed by the parties, shall**
70 **be worded so as to protect from public disclosure the name and other identifying**
71 **characteristics of the person exposed.**

72 **(4) Unless the person exposed requests otherwise, a court in which a violation of**
73 **this section is filed shall issue an order that prohibits counsel and their agents, law**
74 **enforcement personnel, and court staff from making a public disclosure of the name or any**
75 **other identifying characteristics of the person exposed.**

76 **(5) Unless the defendant requests otherwise, a court in which a violation of this**
77 **section is filed shall issue an order that prohibits counsel and their agents, law enforcement**
78 **personnel, and court staff, before a finding of guilt, from making a public disclosure of the**
79 **name or other identifying characteristics of the defendant. In any public disclosure before**
80 **a finding of guilt, a pseudonym shall be substituted for the actual name of the defendant.**

81 **(6) Before sentencing, a defendant shall be assessed for placement in one or more**
82 **community-based programs that provide counseling, supervision, and education and that**
83 **offer reasonable opportunity for the defendant to provide redress to the person exposed.**

191.1165. 1. Medication-assisted treatment (MAT) shall include pharmacologic
2 therapies. A formulary used by a health insurer or managed by a pharmacy benefits manager,
3 or medical benefit coverage in the case of medications dispensed through an opioid treatment
4 program, shall include:

- 5 (1) Buprenorphine [~~tablets~~];
- 6 (2) Methadone;
- 7 (3) Naloxone;
- 8 (4) [~~Extended-release injectable~~] Naltrexone, **including but not limited to extended-**
9 **release injectable naltrexone**; and
- 10 (5) Buprenorphine/naloxone combination.

11 2. All MAT medications required for compliance in this section shall be placed on the
12 lowest cost-sharing tier of the formulary managed by the health insurer or the pharmacy benefits
13 manager.

14 3. MAT medications provided for in this section shall not be subject to any of the
15 following:

- 16 (1) Any annual or lifetime dollar limitations;
- 17 (2) Financial requirements and quantitative treatment limitations that do not comply with
18 the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), specifically 45 CFR
19 146.136(c)(3);
- 20 (3) Step therapy or other similar drug utilization strategy or policy when it conflicts or
21 interferes with a prescribed or recommended course of treatment from a licensed health care
22 professional; and
- 23 (4) Prior authorization for MAT medications as specified in this section.

24 4. MAT medications outlined in this section shall apply to all health insurance plans
25 delivered in the state of Missouri.

26 5. Any entity that holds itself out as a treatment program or that applies for licensure by
27 the state to provide clinical treatment services for substance use disorders shall be required to
28 disclose the MAT services it provides, as well as which of its levels of care have been certified

29 by an independent, national, or other organization that has competencies in the use of the
30 applicable placement guidelines and level of care standards.

31 6. The MO HealthNet program shall cover the MAT medications and services provided
32 for in this section and include those MAT medications in its preferred drug lists for the treatment
33 of substance use disorders and prevention of overdose and death. The preferred drug list shall
34 include all current and new formulations and medications that are approved by the U.S. Food and
35 Drug Administration for the treatment of substance use disorders.

36 7. **Subject to appropriations, the department of corrections and all other state**
37 **entities responsible for the care of persons detained or incarcerated in jails or prisons shall**
38 **be required to ensure all persons under their care are assessed for substance abuse**
39 **disorders using standard diagnostic criteria by a social worker, licensed professional**
40 **counselor, licensed psychologist, or psychiatrist. The department of corrections or entity**
41 **shall make available the MAT services covered in this section, consistent with a treatment**
42 **plan developed by a physician, and shall not impose any arbitrary limitations on the type**
43 **of medication or other treatment prescribed or the dose or duration of MAT recommended**
44 **by the physician.**

45 8. Drug courts or other diversion programs that provide for alternatives to jail or prison
46 for persons with a substance use disorder shall be required to ensure all persons under their care
47 are assessed for substance use disorders using standard diagnostic criteria by a licensed physician
48 who actively treats patients with substance use disorders. The court or other diversion program
49 shall make available the MAT services covered under this section, consistent with a treatment
50 plan developed by the physician, and shall not impose any limitations on the type of medication
51 or other treatment prescribed or the dose or duration of MAT recommended by the physician.

52 [8-] 9. Requirements under this section shall not be subject to a covered person's prior
53 success or failure of the services provided.

210.143. 1. The children's division; law enforcement, including the state technical
2 **assistance team; or prosecuting attorney may petition the circuit court for an order**
3 **directing an exempt-from-licensure residential care facility, as those terms are defined**
4 **under section 210.1253, that is the subject of an investigation of child abuse or neglect to**
5 **present the child at a place and time designated by the court to a children's division worker**
6 **for an assessment of the child's health, safety, and well-being.**

7 2. The court shall enter an order under this section if:

8 (1) The court determines that there is reasonable suspicion to suspect that the child
9 has been abused or neglected and the residential care facility does not voluntarily provide
10 access to the child;

11 **(2) The assessment is reasonably necessary for the completion of an investigation**
12 **or the collection of evidence; and**

13 **(3) Doing so is in the best interest of the child.**

14 **3. If the court enters an order to produce the child under this section, the court may**
15 **expand the order to produce other children in the care of the residential care facility upon**
16 **a reasonable suspicion that such children may have been abused or neglected.**

17 **4. The petition and order may be made on an ex parte basis if it is reasonable to**
18 **believe that providing notice may place the child at risk for further abuse or neglect, if it**
19 **is reasonable to believe that providing notice may cause the child to be removed from the**
20 **state of Missouri or the jurisdiction of the court, or if it is reasonable to believe that**
21 **evidence relevant to the investigation will be unavailable if the ex parte order is not**
22 **entered.**

23 **5. Any person served with a subpoena, petition, or order under this section shall**
24 **not be required to file an answer, but may file a motion for a protective order or other**
25 **appropriate relief. The motion shall be filed at or before the time for production or**
26 **disclosure set out in the subpoena or order. The motion shall be in writing, but it may be**
27 **informal and no particular form shall be required. The clerk shall serve a copy of the**
28 **motion on the director of the children's division and any agency who applied for the order.**
29 **The court shall expedite a hearing on the motion and shall issue its decision no later than**
30 **one business day after the date the motion is filed. The court may review the motion in**
31 **camera and stay implementation of the order once for up to three days. The in camera**
32 **review shall be conducted on the record, but steps shall be taken to protect the identity of**
33 **the child. Any information that may reveal the identity of a hotline reporter shall not be**
34 **disclosed to anyone in any proceeding under this subsection unless otherwise allowed by**
35 **law.**

36 **6. The petition for an order under this section shall be filed in the juvenile or family**
37 **court that has judicial custody of the child under section 211.031 or in the circuit court of**
38 **the county:**

39 **(1) Where the child resides;**

40 **(2) Where the child may be found;**

41 **(3) Where the residential care facility is located;**

42 **(4) Where the alleged perpetrator of the child abuse or neglect resides or may be**
43 **found;**

44 **(5) Where the subject of the subpoena may be located or found; or**

45 **(6) Of Cole if none of the other venue provisions of this subsection apply.**

46 **7. The court shall expedite all proceedings under this section so as to ensure the**
47 **safety of the child, the preservation of relevant evidence, that child abuse and neglect**
48 **investigations may be completed within statutory time frames, and that due process is**
49 **provided to the parties involved.**

50 **8. Any person who knowingly violates this section shall be guilty of a class A**
51 **misdemeanor.**

52 **9. The time frames for the children's division to complete its investigation and**
53 **notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and**
54 **210.183 shall be tolled from the date that the division files a petition for a subpoena until**
55 **the information is produced in full, until such subpoena is withdrawn, or until a court of**
56 **competent jurisdiction quashes such subpoena.**

210.493. 1. Officers, managers, contractors, volunteers with access to children,
2 **employees, and other support staff of licensed residential care facilities and licensed child**
3 **placing agencies in accordance with sections 210.481 to 210.536; owners of such residential**
4 **care facilities who will have access to the facilities; and owners of such child placing**
5 **agencies who will have access to children shall submit fingerprints and any information**
6 **that the department requires to complete the background checks, as specified in**
7 **regulations established by the department, to the Missouri state highway patrol for the**
8 **purpose of conducting state and federal fingerprint-based background checks.**

9 **2. Officers, managers, contractors, volunteers with access to children, employees,**
10 **and other support staff of residential care facilities subject to the notification requirements**
11 **under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides**
12 **at or on the property of such residential care facility; any person who has unsupervised**
13 **contact with a resident of the residential care facility; and owners of such residential care**
14 **facilities who will have access to the facilities shall submit fingerprints and any information**
15 **that the department requires to complete the background checks, as specified in**
16 **regulations established by the department, to the Missouri state highway patrol for the**
17 **purpose of conducting state and federal fingerprint-based background checks.**

18 **3. A background check shall include:**

19 **(1) A Federal Bureau of Investigation fingerprint check;**

20 **(2) A search of the National Crime Information Center's National Sex Offender**
21 **Registry; and**

22 **(3) A search of the following registries, repositories, or databases in Missouri, the**
23 **state where the applicant resides, and each state where such applicant resided during the**
24 **preceding five years:**

- 25 (a) The state criminal registry or repository, with the use of fingerprints being
26 required in the state where the applicant resides and optional in other states;
- 27 (b) The state sex offender registry or repository;
- 28 (c) The state family care safety registry; and
- 29 (d) The state-based child abuse and neglect registry and database.
- 30 4. For the purposes this section and notwithstanding any other provision of law,
31 "department" means the department of social services.
- 32 5. The department shall be responsible for background checks as part of a
33 residential care facility or child placing agency application for licensure, renewal of
34 licensure, or for license monitoring.
- 35 6. The department shall be responsible for background checks for residential care
36 facilities subject to the notification requirements of sections 210.1250 to 210.1286.
- 37 7. Fingerprint cards and any required fees shall be sent to the Missouri state
38 highway patrol's central repository. The fingerprints shall be used for searching the state
39 criminal records repository and shall also be forwarded to the Federal Bureau of
40 Investigation for a federal criminal records search under section 43.540. The Missouri
41 state highway patrol shall notify the department of any criminal history record
42 information or lack of criminal history record information discovered on the individual.
43 Notwithstanding the provisions of section 610.120, all records related to any criminal
44 history information discovered shall be accessible and available to the department.
- 45 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of
46 conducting state and federal fingerprint-based background checks under this section shall
47 be valid for a period of five years.
- 48 9. The department shall provide the results of the background check to the
49 applicant in a statement that indicates whether the applicant is eligible or ineligible for
50 employment or presence at the licensed residential care facility or licensed child placing
51 agency. The department shall not reveal to the residential care facility or the child placing
52 agency any disqualifying offense or other related information regarding the applicant. The
53 applicant shall have the opportunity to appeal an ineligible finding.
- 54 10. The department shall provide the results of the background check to the
55 applicant in a statement that indicates whether the applicant is eligible or ineligible for
56 employment or presence at the residential care facility subject to the notification
57 requirements of sections 210.1250 to 210.1286. The department shall not reveal to the
58 residential care facility any disqualifying offense or other related information regarding
59 the applicant. The applicant shall have the opportunity to appeal an ineligible finding.
- 60 11. An applicant shall be ineligible if the applicant:

- 61 **(1) Refuses to consent to the background check as required by this section;**
62 **(2) Knowingly makes a materially false statement in connection with the**
63 **background check as required by this section;**
64 **(3) Is registered, or is required to be registered, on a state sex offender registry or**
65 **repository or the National Sex Offender Registry;**
66 **(4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to**
67 **210.183 or any other finding of child abuse or neglect based on any other state's registry**
68 **or database; or**
69 **(5) Has pled guilty or nolo contendere to or been found guilty of:**
70 **(a) Any felony for an offense against the person as defined in chapter 565;**
71 **(b) Any other offense against the person involving the endangerment of a child as**
72 **prescribed by law;**
73 **(c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;**
74 **(d) Any misdemeanor or felony for an offense against the family as defined in**
75 **chapter 568;**
76 **(e) Burglary in the first degree as defined in section 569.160;**
77 **(f) Any misdemeanor or felony for robbery as defined in chapter 570;**
78 **(g) Any misdemeanor or felony for pornography or related offense as defined in**
79 **chapter 573;**
80 **(h) Any felony for arson as defined in chapter 569;**
81 **(i) Any felony for armed criminal action as defined in section 571.015, unlawful use**
82 **of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in**
83 **section 571.070, or the unlawful possession of an explosive as defined in section 571.072;**
84 **(j) Any felony for making a terrorist threat as defined in section 574.115, 574.120,**
85 **or 574.125;**
86 **(k) A felony drug-related offense committed during the preceding five years; or**
87 **(l) Any similar offense in any federal, state, or other court of similar jurisdiction**
88 **of which the department has knowledge.**
89 **12. Any person aggrieved by a decision of the department shall have the right to**
90 **seek an administrative review. The review shall be filed with the department within**
91 **fourteen days from the mailing of the notice of ineligibility. Any decision not timely**
92 **appealed shall be final.**
93 **13. Any required fees shall be paid by the individual applicant, facility, or agency.**
94 **14. The department is authorized to promulgate rules, including emergency rules,**
95 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
96 **defined in section 536.010, that is created under the authority delegated in this section shall**

97 become effective only if it complies with and is subject to all of the provisions of chapter
98 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
99 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
100 to delay the effective date, or to disapprove and annul a rule are subsequently held
101 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
102 after the effective date of this section, shall be invalid and void.

210.1250. Sections 210.1250 to 210.1286 shall be known and may be cited as the
2 "Residential Care Facility Notification Act".

210.1253. As used in sections 210.1250 to 210.1286, unless the context clearly
2 provides otherwise, the following terms mean:

- 3 (1) "Child", a person who is under eighteen years of age;
- 4 (2) "Department", the department of social services, or the children's division
5 within the department of social services, as determined by the department;
- 6 (3) "Director", a person who is responsible for the operation of the residential care
7 facility;
- 8 (4) "Exempt-from-licensure" or "license-exempt", a residential care facility that
9 is not required to be licensed under section 210.516;
- 10 (5) "Person", an individual, partnership, organization, association, or corporation;
- 11 (6) "Residential care facility", any place, facility, or home operated by any person
12 who receives children who are not related to the operator and whose parent or guardian
13 is not a resident of the same facility and that provides such children with supervision, care,
14 lodging, and maintenance for twenty-four hours a day, with or without transfer of custody.

210.1256. 1. The department shall be the notification agency for all license-exempt
2 residential care facilities, and the department shall fulfill the duties and responsibilities of
3 the provisions of sections 210.1250 to 210.1286.

4 2. A residential care facility shall allow parents or guardians of children in the
5 residential care facility unencumbered access to the children in the residential care facility
6 without requiring prior notification to the residential care facility.

7 3. A residential care facility shall provide for adequate food, clothing, shelter,
8 medical care, and other care necessary to provide for the child's physical, mental, or
9 emotional health or development.

210.1259. 1. The director of any residential care facility shall provide the required
2 notification in accordance with sections 210.1250 to 210.1286 before such operator shall
3 accept any children.

4 **2. All residential care facilities operating on the effective date of sections 210.1250**
5 **to 210.1286 shall register accordingly within three months after the effective date of**
6 **sections 210.1250 to 210.1286.**

7 **3. The provisions of sections 210.1250 to 210.1286 shall not apply to any residential**
8 **care facility that is already licensed so long as the license, registration, or monitoring under**
9 **which such facility already operates requires of that facility all requirements provided**
10 **under sections 210.1250 to 210.1286.**

210.1262. The notification shall be filed by the director or his or her designee of the
2 **residential care facility to the department on forms provided by the department and shall**
3 **contain the following information:**

4 **(1) Name, street address, mailing address, and phone number of the residential care**
5 **facility;**

6 **(2) Name of the director, owner, operator, all staff members, volunteers, and any**
7 **individual eighteen years of age or older who resides at or on the property of the residential**
8 **care facility;**

9 **(3) Name and description of the agency or organization operating the residential**
10 **care facility, including a statement as to whether the agency or organization is**
11 **incorporated;**

12 **(4) Name and address of the sponsoring organization of the residential care facility,**
13 **if applicable;**

14 **(5) School or schools attended by the children served by the residential care facility;**

15 **(6) Fire and safety inspection certificate;**

16 **(7) Local health department inspection certificate; and**

17 **(8) Proof that medical records are maintained for each child.**

210.1263. Officers, managers, contractors, volunteers with access to children,
2 **employees, and other support staff of residential care facilities subject to the notification**
3 **requirements under sections 210.1250 to 210.1286; any person eighteen years of age or**
4 **older who resides at or on the property of such residential care facility; any person who**
5 **has unsupervised contact with a resident of such residential care facility; and owners of**
6 **such residential care facilities who will have access to the facilities shall undergo**
7 **background checks under section 210.493.**

210.1264. Upon request by the department or a law enforcement officer acting
2 **within the scope of his or her employment, any license-exempt residential care facility**
3 **subject to the notification requirements of sections 210.1250 to 210.1286 shall provide a full**
4 **census and demographic information of children at the residential care facility, including**
5 **parental or other guardian contact information and a full list of officers, managers,**

6 **contractors, volunteers with access to children, employees, and other support staff of the**
7 **residential care facility; any person eighteen years of age or older who resides at or on the**
8 **property of the residential care facility; and any person who has unsupervised contact with**
9 **a resident of the residential care facility.**

2 **210.1265. The residential care facility shall comply with all fire, safety, health, and**
3 **sanitation inspections as may be required by state law or local ordinance.**

2 **210.1268. When the department is advised or has reason to believe that any**
3 **residential care facility is operating without proper notification in accordance with sections**
4 **210.1250 to 210.1286, it shall give the director of the residential care facility written notice**
5 **by certified mail that such person shall file notification in accordance with sections**
6 **210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may**
7 **request a court injunction as provided under section 210.1271.**

2 **210.1271. 1. Notwithstanding any other remedy, the department, the prosecuting**
3 **attorney of the county where the facility is located, or the attorney general may seek**
4 **injunctive relief to cease the operation of the residential care facility and provide for the**
5 **appropriate removal of the children from the residential care facility and placement in the**
6 **custody of the parent or legal guardian or any other appropriate individual or entity in the**
7 **discretion of the court, or refer the matter to the juvenile officer of the appropriate county**
8 **for appropriate proceedings under chapter 211. Such action shall be brought in the circuit**
9 **court of the county in which such residential care facility is located and shall be initiated**
10 **only for the following violations:**

11 **(1) Providing supervision, care, lodging, or maintenance for any children in such**
12 **facility without filing notification in accordance with sections 210.1250 to 210.1286;**

13 **(2) Failing to satisfactorily comply with all fire, safety, health, and sanitation**
14 **inspections as may be required by state law or local ordinance and required under section**
15 **210.252;**

16 **(3) Failing to comply with background checks as required by section 210.493; or**

17 **(4) An immediate health, safety, or welfare concern for the children at the**
18 **residential care facility.**

19 **2. The department may notify the attorney general of any case in which the**
20 **department makes a referral to a juvenile officer for removal of a child from a residential**
21 **care facility. The notification shall include any violations under subsection 1 of this**
22 **section.**

23 **3. If the court refers the matter to a juvenile officer, the court may also enter an**
24 **order placing a child in the emergency, temporary protective custody of the children's**
25 **division within the department, as provided under this section, for a period of time not to**

25 exceed five days. Such placement shall occur only if the children's division certifies to the
26 court that the children's division has a suitable, temporary placement for the child and the
27 court makes specific, written findings that:

- 28 (1) It is contrary to the welfare of the child to remain in the residential care facility;
29 (2) The parent or legal guardian is unable or unwilling to take physical custody of
30 the child within that time; and
31 (3) There is no other temporary, suitable placement for the child.

32

33 If the parent or legal guardian of the child does not make suitable arrangements for the
34 custody and disposition of the child within five days of placement within the children's
35 division, the child shall fall under the original and exclusive jurisdiction of the juvenile
36 court under subdivision (1) or (2) of subsection 1 of section 211.031 and the juvenile officer
37 shall file a petition with the juvenile court for further proceedings. Under no
38 circumstances shall the children's division be required to retain care and custody of the
39 child for more than five days without an order from the juvenile court.

40 4. The provisions of sections 452.700 to 452.930 shall apply and the court shall
41 follow the procedures specified under section 452.755 for children who are placed at a
42 residential care facility and who are from another state or country or are under the
43 jurisdiction or authority of a court from another state.

210.1274. Nothing in the statutes of Missouri shall give any governmental agency
2 jurisdiction or authority to regulate or attempt to regulate, control, or influence the form,
3 manner, or content of the religious curriculum, program, or ministry of a school or of a
4 facility sponsored by a church or religious organization.

210.1280. The department shall maintain a list of all residential care facilities in
2 compliance with sections 210.1250 to 210.1286, and the list shall be provided upon request.
3 The list shall also include information regarding how a person may obtain information
4 about the nature and disposition of any substantiated child abuse or neglect reports at or
5 related to the residential care facility, as provided in section 210.150.

210.1283. A person is guilty of a class B misdemeanor if such person subject to
2 background check requirements knowingly fails to complete a background check, as
3 described under sections 210.493 and 210.1263.

210.1286. The department shall promulgate rules and regulations necessary for the
2 implementation of sections 210.1250 to 210.1286. Any rule or portion of a rule, as that
3 term is defined in section 536.010, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is subject to all of the provisions
5 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

6 nonseverable, and if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
9 proposed or adopted after the effective date of sections 210.1250 to 210.1286 shall be
10 invalid and void.

211.012. For purposes of this chapter, section 221.044, and the original jurisdiction
2 of the juvenile court, a person shall not be considered a child if, at the time the alleged
3 offense or violation was committed, the person was considered an adult according to then-
4 existing law.

211.181. 1. When a child is found by the court to come within the applicable provisions
2 of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a
3 finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order
4 duly entered, proceed as follows:

5 (1) Place the child under supervision in his or her own home or in the custody of a
6 relative or other suitable person after the court or a public agency or institution designated by the
7 court conducts an investigation of the home, relative or person and finds such home, relative or
8 person to be suitable and upon such conditions as the court may require;

9 (2) Commit the child to the custody of:

10 (a) A public agency or institution authorized by law to care for children or to place them
11 in family homes; except that, such child may not be committed to the department of social
12 services, division of youth services;

13 (b) Any other institution or agency which is authorized or licensed by law to care for
14 children or to place them in family homes;

15 (c) An association, school or institution willing to receive the child in another state if the
16 approval of the agency in that state which administers the laws relating to importation of children
17 into the state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child in a family home;

20 (4) Cause the child to be examined and treated by a physician, psychiatrist or
21 psychologist and when the health or condition of the child requires it, cause the child to be placed
22 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
23 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
24 of a child whose parents or guardian in good faith are providing other remedial treatment
25 recognized or permitted under the laws of this state;

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child
27 receive the necessary services in the least restrictive appropriate environment including home

28 and community-based services, treatment and support, based on a coordinated, individualized
29 treatment plan. The individualized treatment plan shall be approved by the court and developed
30 by the applicable state agencies responsible for providing or paying for any and all appropriate
31 and necessary services, subject to appropriation, and shall include which agencies are going to
32 pay for and provide such services. Such plan must be submitted to the court within thirty days
33 and the child's family shall actively participate in designing the service plan for the child;

34 (6) The department of social services, in conjunction with the department of mental
35 health, shall apply to the United States Department of Health and Human Services for such
36 federal waivers as required to provide services for such children, including the acquisition of
37 community-based services waivers.

38 2. When a child is found by the court to come within the provisions of subdivision (2)
39 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
40 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
41 proceed as follows:

42 (1) Place the child under supervision in his or her own home or in custody of a relative
43 or other suitable person after the court or a public agency or institution designated by the court
44 conducts an investigation of the home, relative or person and finds such home, relative or person
45 to be suitable and upon such conditions as the court may require;

46 (2) Commit the child to the custody of:

47 (a) A public agency or institution authorized by law to care for children or place them
48 in family homes; except that, a child may be committed to the department of social services,
49 division of youth services, only if he or she is presently under the court's supervision after an
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

51 (b) Any other institution or agency which is authorized or licensed by law to care for
52 children or to place them in family homes;

53 (c) An association, school or institution willing to receive it in another state if the
54 approval of the agency in that state which administers the laws relating to importation of children
55 into the state has been secured; or

56 (d) The juvenile officer;

57 (3) Place the child in a family home;

58 (4) Cause the child to be examined and treated by a physician, psychiatrist or
59 psychologist and when the health or condition of the child requires it, cause the child to be placed
60 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
61 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
62 of a child whose parents or guardian in good faith are providing other remedial treatment
63 recognized or permitted under the laws of this state;

64 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.
65

66 Execution of any order entered by the court pursuant to this subsection, including a commitment
67 to any state agency, may be suspended and the child placed on probation subject to such
68 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
69 suspended order executed.

70 3. When a child is found by the court to come within the provisions of subdivision (3)
71 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
72 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
73 proceed as follows:

74 (1) Place the child under supervision in his or her own home or in custody of a relative
75 or other suitable person after the court or a public agency or institution designated by the court
76 conducts an investigation of the home, relative or person and finds such home, relative or person
77 to be suitable and upon such conditions as the court may require; provided that, no child who has
78 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a
79 sex-related offense which if committed by an adult would be considered a felony offense
80 pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation,
81 and sexual abuse, and in which the victim was a child, shall be placed in any residence within
82 one thousand feet of the residence of the abused child of that offense until the abused child
83 reaches the age of eighteen, and provided further that the provisions of this subdivision regarding
84 placement within one thousand feet of the abused child shall not apply when the abusing child
85 and the abused child are siblings or children living in the same home;

86 (2) Commit the child to the custody of:

87 (a) A public agency or institution authorized by law to care for children or to place them
88 in family homes;

89 (b) Any other institution or agency which is authorized or licensed by law to care for
90 children or to place them in family homes;

91 (c) An association, school or institution willing to receive it in another state if the
92 approval of the agency in that state which administers the laws relating to importation of children
93 into the state has been secured; or

94 (d) The juvenile officer;

95 (3) Beginning January 1, 1996, the court may make further directions as to placement
96 with the division of youth services concerning the child's length of stay. The length of stay order
97 may set forth a minimum review date;

98 (4) Place the child in a family home;

99 (5) Cause the child to be examined and treated by a physician, psychiatrist or
100 psychologist and when the health or condition of the child requires it, cause the child to be placed
101 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
102 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
103 of a child whose parents or guardian in good faith are providing other remedial treatment
104 recognized or permitted under the laws of this state;

105 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
106 vehicle;

107 (7) Order the child to make restitution or reparation for the damage or loss caused by his
108 or her offense. In determining the amount or extent of the damage, the court may order the
109 juvenile officer to prepare a report and may receive other evidence necessary for such
110 determination. The child and his or her attorney shall have access to any reports which may be
111 prepared, and shall have the right to present evidence at any hearing held to ascertain the amount
112 of damages. Any restitution or reparation ordered shall be reasonable in view of the child's
113 ability to make payment or to perform the reparation. The court may require the clerk of the
114 circuit court to act as receiving and disbursing agent for any payment ordered;

115 (8) Order the child to a term of community service under the supervision of the court or
116 of an organization selected by the court. Every person, organization, and agency, and each
117 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
118 from any services performed as a result of an order issued under this subdivision, shall be
119 immune from any suit by the child ordered to perform services under this subdivision, or any
120 person deriving a cause of action from such child, if such cause of action arises from the
121 supervision of the child's performance of services under this subdivision and if such cause of
122 action does not arise from an intentional tort. A child ordered to perform services under this
123 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
124 287, nor shall the services of such child be deemed employment within the meaning of the
125 provisions of chapter 288. Execution of any order entered by the court, including a commitment
126 to any state agency, may be suspended and the child placed on probation subject to such
127 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
128 suspended order executed;

129 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
130 committed an act that would be a misdemeanor if committed by an adult, assess an amount of
131 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
132 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
133 amount of up to fifty dollars to be paid by the child to the clerk of the court.

134 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
135 minimum period during which the child shall remain in the custody of the division of youth
136 services. No court order shall require a child to remain in the custody of the division of youth
137 services for a period which exceeds the child's ~~eighteenth~~ **nineteenth** birth date except upon
138 petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In
139 any order of commitment of a child to the custody of the division of youth services, the division
140 shall determine the appropriate program or placement pursuant to subsection 3 of section
141 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody
142 of the division of youth services before the child completes the length of stay determined by the
143 court in the commitment order unless the committing court orders otherwise. The director of the
144 division of youth services may at any time petition the court for a review of a child's length of
145 stay commitment order, and the court may, upon a showing of good cause, order the early
146 discharge of the child from the custody of the division of youth services. The division may
147 discharge the child from the division of youth services without a further court order after the
148 child completes the length of stay determined by the court or may retain the child for any period
149 after the completion of the length of stay in accordance with the law.

150 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
151 this section, the assessment shall be paid to the clerk of the court in the circuit where the
152 assessment is imposed by court order, to be deposited in a fund established for the sole purpose
153 of payment of judgments entered against children in accordance with section 211.185.

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

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

7 3. **(1)** When a petition has been filed under subdivision (2) or (3) of subsection 1 of
8 section 211.031, the court ~~shall~~ **may** appoint counsel for the child except if private counsel has
9 entered his or her appearance on behalf of the child or if counsel has been waived in accordance
10 with law; **except that, counsel shall not be waived for any proceeding specified under**
11 **subsection 10 of this section unless the child has had the opportunity to meaningfully**
12 **consult with counsel and the court has conducted a hearing on the record.**

13 **(2)** If a child waives his or her right to counsel, such waiver shall be made in open
14 court and be recorded and in writing and shall be made knowingly, intelligently, and
15 voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily
16 waived his or her right to counsel, the court shall look to the totality of the circumstances

17 **including, but not limited to, the child's age, intelligence, background, and experience**
18 **generally and in the court system specifically; the child's emotional stability; and the**
19 **complexity of the proceedings.**

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

22 (1) That the custodian is indigent; and

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

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

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

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

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

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

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

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

43 (1) **At a detention hearing under Missouri supreme court rule 127.08 unless an**
44 **agreement is otherwise reached;**

45 (2) **At a certification hearing under section 211.071 or a dismissal hearing under**
46 **Missouri supreme court rule 129.04;**

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

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

51 (5) **At a hearing on a motion to modify or revoke supervision under subdivision (2)**
52 **or (3) of subsection 1 of section 211.031.**

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

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

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

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

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

37 **juvenile treatment services as provided in this chapter and chapter 210 or funding as**
38 **otherwise required by law.**

214.392. 1. The division shall:

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

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

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

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

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

13 (6) The division may promulgate rules necessary to implement the provisions of sections
14 214.270 to 214.516, including but not limited to:

15 (a) Rules setting the amount of fees authorized pursuant to sections 214.270 to
16 214.516. The fees shall be set at a level to produce revenue that shall not substantially exceed the
17 cost and expense of administering sections 214.270 to 214.516. All moneys received by the
18 division pursuant to sections 214.270 to 214.516 shall be collected by the director who shall
19 transmit such moneys to the department of revenue for deposit in the state treasury to the credit
20 of the endowed care cemetery audit fund created in section 193.265;

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

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

25 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
26 under the authority delegated in this section shall become effective only if it complies with and
27 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
28 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
29 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
30 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
31 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
2 otherwise, the following terms shall mean:

- 3 (1) "Administrative segregation unit", a cell for the segregation of offenders from the
4 general population of a facility for relatively extensive periods of time;
- 5 (2) "Board", the ~~board of probation and~~ parole **board**;
- 6 (3) "Chief administrative officer", the institutional head of any correctional facility or
7 his **or her** designee;
- 8 (4) "Correctional center", any premises or institution where incarceration, evaluation,
9 care, treatment, or rehabilitation is provided to persons who are under the department's authority;
- 10 (5) "Department", the department of corrections of the state of Missouri;
- 11 (6) "Director", the director of the department of corrections or his **or her** designee;
- 12 (7) "Disciplinary segregation", a cell for the segregation of offenders from the general
13 population of a correctional center because the offender has been found to have committed a
14 violation of a division or facility rule and other available means are inadequate to regulate the
15 offender's behavior;
- 16 (8) "Division", a statutorily created agency within the department or an agency created
17 by the departmental organizational plan;
- 18 (9) "Division director", the director of a division of the department or his **or her**
19 designee;
- 20 (10) "Local volunteer community board", a board of qualified local community
21 volunteers selected by the court for the purpose of working in partnership with the court and the
22 department of corrections in a reparative probation program;
- 23 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder
24 in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or
25 second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape,
26 sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first
27 degree;
- 28 (12) "Offender", a person under supervision or an inmate in the custody of the
29 department;
- 30 (13) "Probation", a procedure under which a defendant found guilty of a crime upon
31 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
32 the court and subject to the supervision of the ~~board~~ **division of probation of parole**;
- 33 (14) "Volunteer", any person who, of his **or her** own free will, performs any assigned
34 duties for the department or its divisions with no monetary or material compensation.

217.030. The director shall appoint the directors of the divisions of the department;
2 ~~except the chairman of the parole board who shall be appointed by the governor~~. Division
3 directors shall serve at the pleasure of the director~~, except the chairman of the parole board who~~
4 ~~shall serve in the capacity of chairman at the pleasure of the governor~~. The director of the

5 department shall be the appointing authority under chapter 36 to employ such administrative,
6 technical and other personnel who may be assigned to the department generally rather than to any
7 of the department divisions or facilities and whose employment is necessary for the performance
8 of the powers and duties of the department.

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

4 2. ~~[Each correctional center shall keep revenues received from the canteen or~~
5 ~~commissary established and operated by the correctional center in a separate account]~~ **The**
6 **"Inmate Canteen Fund" is hereby established in the state treasury and shall consist of**
7 **funds received from the operation of the inmate canteens.** The acquisition cost of goods sold
8 and other expenses shall be paid from this account. A minimum amount of money necessary to
9 meet cash flow needs and current operating expenses may be kept in this ~~[account]~~ **fund.** The
10 ~~[remaining funds from sales of each commissary or canteen shall be deposited monthly in a~~
11 ~~special fund to be known as the "Inmate Canteen Fund" which is hereby created and shall be~~
12 ~~expended by the appropriate division, for the benefit of]~~ **proceeds generated from the**
13 **operation of the inmate canteens shall be expended solely for any of the following, or**
14 **combination thereof:** the offenders in the improvement of recreational, religious, ~~[or]~~
15 educational services, **or reentry services. All interest earned by the fund shall be credited**
16 **to the fund and shall be used solely for the purposes described in this section.** The
17 provisions of section 33.080 to the contrary notwithstanding, ~~[the]~~ **any money remaining** in the
18 inmate canteen fund **at the end of the biennium** shall be retained for the purposes specified in
19 this section and shall not revert **to the credit of** or be transferred to general revenue. ~~[The~~
20 ~~department shall keep accurate records of the source of money deposited in the inmate canteen~~
21 ~~fund and shall allocate appropriations from the fund to the appropriate correctional center.]~~

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

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

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

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

9 **3. The general assembly may appropriate funds to assist the director in satisfying**
10 **the requirements of this section.**

217.243. 1. Effective January 1, 2023, any inmate who receives an on-site nonemergency medical examination or treatment from the correctional center's medical personnel shall be assessed a co-pay fee of fifty cents per visit for the medical examination or treatment.

2. Inmates shall not be charged a co-pay fee for the following:

(1) Staff-approved follow-up treatment for chronic illnesses;

(2) Preventive health care;

(3) Emergency services;

(4) Prenatal care;

(5) Diagnosis or treatment of infectious diseases;

(6) Mental health care; or

(7) Substance abuse treatment.

3. Inmates without funds shall not be charged, provided they are considered to be indigent and are unable to pay the co-pay fee.

4. The department shall deposit all funds collected pursuant to this section in the general revenue fund of the state.

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 board who in their discretion may grant a medical parole or at their discretion may recommend to the governor the granting or denial of a commutation.

217.270. All correctional employees shall:

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

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

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

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

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

20 3. Upon successful completion of the program, the ~~[board]~~ **division** of probation and
21 parole shall advise the sentencing court of an offender's probationary release date thirty days
22 prior to release. If the court determines that probation is not appropriate the court may order the
23 execution of the offender's sentence.

24 4. If it is determined by the department that the offender has not successfully completed
25 the program, or that the offender is not cooperatively participating in the program, the offender
26 shall be removed from the program and the court shall be advised. Failure of an offender to
27 complete the program shall cause the offender to serve the sentence prescribed by the court and
28 void the right to be considered for probation on this sentence.

29 5. An offender's first incarceration in a department of corrections program pursuant to
30 this section prior to release on probation shall not be considered a previous prison commitment
31 for the purpose of determining a minimum prison term pursuant to the provisions of section
32 558.019.

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

6 2. As used in this section, the term "offenders under treatment program" means a one-
7 hundred-eighty-day institutional correctional program for the monitoring, control and treatment

8 of certain substance abuse offenders and certain nonviolent offenders followed by placement on
9 parole with continued supervision.

10 3. The following offenders may participate in the program as determined by the
11 department:

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

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

19 4. This program shall be used as an intermediate sanction by the department. The
20 program may include education, treatment and rehabilitation programs. If an offender
21 successfully completes the institutional phase of the program, the department shall notify the
22 ~~[board of probation and]~~ parole **board** within thirty days of completion. Upon notification from
23 the department that the offender has successfully completed the program, the ~~[board of probation~~
24 ~~and]~~ parole **board** may at its discretion release the offender on parole as authorized in subsection
25 1 of section 217.690.

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

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

30 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,
2 who shall forthwith:

3 (1) Certify the term of commitment under which the offender is being held, the time
4 already served, the time remaining to be served on the sentence, the time of parole eligibility of
5 the offender, and any decisions of the state ~~[board of probation and]~~ parole **board** relating to the
6 offender; and

7 (2) Send by registered or certified mail, return receipt requested, one copy of the request
8 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
2 director or his **or her** designee may extend the limits of confinement of offenders serving
3 sentences for class D or E felonies who have one year or less remaining prior to release on
4 parole, conditional release, or discharge to participate in the house arrest program.

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

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

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

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

29 6. Each offender who is released to house arrest shall pay a percentage of his **or her**
30 wages, established by department rules, to a maximum of the per capita cost of the house arrest
31 program. The money received from the offender shall be deposited in the inmate fund and shall
32 be expended to support the house arrest program.

217.650. As used in sections 217.650 to 217.810, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) [~~"Board", the state board of probation and parole;~~
4 ~~——(2)"Chairman"] **"Chairperson"**, [~~chairman~~] **chairperson** of the [~~board of probation and~~]
5 parole **board who shall be appointed by the governor;**~~

6 [~~(3)~~] (2) "Diversionary program", a program designed to utilize alternatives to
7 incarceration undertaken under the supervision of the [~~board~~] **division of probation and parole**
8 after commitment of an offense and prior to arraignment;

9 ~~[(4)]~~ (3) "Parole", the release of an offender to the community by the court or the state
10 ~~[board of probation and]~~ parole **board** prior to the expiration of his term, subject to conditions
11 imposed by the court or the **parole** board and to its supervision **by the division of probation**
12 **and parole**;

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

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

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

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

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

217.655. 1. The parole board shall be responsible for determining whether a person
2 confined in the department shall be paroled or released conditionally as provided by section
3 558.011. The **parole** board shall receive administrative support from the division of probation
4 and parole. The division of probation and parole shall provide supervision to all persons referred
5 by the circuit courts of the state as provided by sections 217.750 and 217.760. The **parole** board
6 shall exercise independence in making decisions about individual cases, but operate
7 cooperatively within the department and with other agencies, officials, courts, and stakeholders
8 to achieve systemic improvement including the requirements of this section.

9 2. The **parole** board shall adopt parole guidelines to:

10 (1) Preserve finite prison capacity for the most serious and violent offenders;

11 (2) Release supervision-manageable cases consistent with section 217.690;

12 (3) Use finite resources guided by validated risk and needs assessments;

13 (4) Support a seamless reentry process;

14 (5) Set appropriate conditions of supervision; and

15 (6) Develop effective strategies for responding to violation behaviors.

16 3. The **parole** board shall collect, analyze, and apply data in carrying out its
17 responsibilities to achieve its mission and end goals. The **parole** board shall establish agency
18 performance and outcome measures that are directly responsive to statutory responsibilities and

19 consistent with agency goals for release decisions, supervision, revocation, recidivism, and
20 caseloads.

21 4. The **parole** board shall publish parole data, including grant rates, revocation and
22 recidivism rates, length of time served, and successful supervision completions, and other
23 performance metrics.

24 5. The **chairperson of the board shall employ such employees as necessary to carry**
25 **out its responsibilities, serve as the appointing authority over such employees, and provide**
26 for appropriate training to members and staff, including communication skills.

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

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

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

16 3. The division of probation and parole has discretionary authority to require the payment
17 of a fee, not to exceed sixty dollars per month, from every offender placed under division
18 supervision on probation, parole, or conditional release, to waive all or part of any fee, to
19 sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee
20 collections services. All fees collected shall be deposited in the inmate fund established in
21 section 217.430. Fees collected may be used to pay the costs of contracted collections services.
22 The fees collected may otherwise be used to provide community corrections and intervention
23 services for offenders. Such services include substance abuse assessment and treatment, mental
24 health assessment and treatment, electronic monitoring services, residential facilities services,
25 employment placement services, and other offender community corrections or intervention
26 services designated by the division of probation and parole to assist offenders to successfully

27 complete probation, parole, or conditional release. The ~~[board]~~ **division of probation and**
28 **parole** shall adopt rules not inconsistent with law, in accordance with section 217.040, with
29 respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using
30 fees.

31 4. The **parole** board shall adopt rules not inconsistent with law, in accordance with
32 section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole
33 hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is
34 issued it shall recite the conditions of such parole.

35 5. When considering parole for an offender with consecutive sentences, the minimum
36 term for eligibility for parole shall be calculated by adding the minimum terms for parole
37 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
38 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

39 6. Any offender under a sentence for first degree murder who has been denied release
40 on parole after a parole hearing shall not be eligible for another parole hearing until at least three
41 years from the month of the parole denial; however, this subsection shall not prevent a release
42 pursuant to subsection 4 of section 558.011.

43 7. A victim who has requested an opportunity to be heard shall receive notice that the
44 **parole** board is conducting an assessment of the offender's risk and readiness for release and that
45 the victim's input will be particularly helpful when it pertains to safety concerns and specific
46 protective measures that may be beneficial to the victim should the offender be granted release.

47 8. Parole hearings shall, at a minimum, contain the following procedures:

48 (1) The victim or person representing the victim who attends a hearing may be
49 accompanied by one other person;

50 (2) The victim or person representing the victim who attends a hearing shall have the
51 option of giving testimony in the presence of the inmate or to the hearing panel without the
52 inmate being present;

53 (3) The victim or person representing the victim may call or write the parole board rather
54 than attend the hearing;

55 (4) The victim or person representing the victim may have a personal meeting with a
56 **parole** board member at the **parole** board's central office;

57 (5) The judge, prosecuting attorney or circuit attorney and a representative of the local
58 law enforcement agency investigating the crime shall be allowed to attend the hearing or provide
59 information to the hearing panel in regard to the parole consideration; and

60 (6) The **parole** board shall evaluate information listed in the juvenile sex offender
61 registry pursuant to section 211.425, provided the offender is between the ages of seventeen and
62 twenty-one, as it impacts the safety of the community.

63 9. The **parole** board shall notify any person of the results of a parole eligibility hearing
64 if the person indicates to the **parole** board a desire to be notified.

65 10. The **parole** board may, at its discretion, require any offender seeking parole to meet
66 certain conditions during the term of that parole so long as said conditions are not illegal or
67 impossible for the offender to perform. These conditions may include an amount of restitution
68 to the state for the cost of that offender's incarceration.

69 11. Special parole conditions shall be responsive to the assessed risk and needs of the
70 offender or the need for extraordinary supervision, such as electronic monitoring. The **parole**
71 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
72 conditions upon release, and to require the modification and reduction of conditions based on
73 the person's continuing stability in the community. **Parole** board rules shall permit parole
74 conditions to be modified by parole officers with review and approval by supervisors.

75 12. Nothing contained in this section shall be construed to require the release of an
76 offender on parole nor to reduce the sentence of an offender heretofore committed.

77 13. Beginning January 1, 2001, the **parole** board shall not order a parole unless the
78 offender has obtained a high school diploma or its equivalent, or unless the **parole** board is
79 satisfied that the offender, while committed to the custody of the department, has made an honest
80 good-faith effort to obtain a high school diploma or its equivalent; provided that the director may
81 waive this requirement by certifying in writing to the **parole** board that the offender has actively
82 participated in mandatory education programs or is academically unable to obtain a high school
83 diploma or its equivalent.

84 14. Any rule or portion of a rule, as that term is defined in section 536.010, that is
85 created under the authority delegated in this section shall become effective only if it complies
86 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
87 This section and chapter 536 are nonseverable and if any of the powers vested with the general
88 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
89 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
90 any rule proposed or adopted after August 28, 2005, shall be invalid and void.

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

- 5 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;
- 6 (2) Has no prior violent felony convictions;
- 7 (3) No longer has a cognizable legal claim or legal recourse; and

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

13

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

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

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

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

26 (1) Length of time served;

27 (2) Prison record and self-rehabilitation efforts;

28 (3) Whether the history of the case included corroborative material of physical, sexual,
29 mental, or emotional abuse of the offender, including but not limited to witness statements,
30 hospital records, social service records, and law enforcement records;

31 (4) If an offer of a plea bargain was made and if so, why the offender rejected or
32 accepted the offer;

33 (5) Any victim information outlined in subsection 8 of section 217.690 and section
34 595.209;

35 (6) The offender's continued claim of innocence;

36 (7) The age and maturity of the offender at the time of the **parole** board's decision;

37 (8) The age and maturity of the offender at the time of the crime and any contributing
38 influence affecting the offender's judgment;

39 (9) The presence of a workable parole plan; and

40 (10) Community and family support.

41 5. Nothing in this section shall limit the review of any offender's case who is eligible for
42 parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole
43 prior to fifteen years.

44 6. Nothing in this section shall limit the review of any offender's case who has applied
45 for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

46 7. It shall be the responsibility of the offender to petition the **parole** board for a hearing
47 under this section.

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

51 9. In cases where witness statements alleging physical or sexual domestic violence are
52 in conflict as to whether such violence occurred or was continual and substantial in nature, the
53 history of such alleged violence shall be established by other corroborative evidence in addition
54 to witness statements, as provided by subsection 1 of this section. A contradictory statement of
55 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:

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

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

5 (3) "Offender", a person in the custody of the department or under the supervision of the
6 **parole** board.

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

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

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

23 5. The department, the ~~[board]~~ **division of probation and parole**, and the chief law
24 enforcement official shall cause the information collected on the initial registration and any

25 subsequent changes in residence or registration to be recorded with the highway patrol criminal
26 information system.

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

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

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

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

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

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

21 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
22 promulgated under the authority of this chapter, shall become effective only if the agency has
23 fully complied with all of the requirements of chapter 536 including but not limited to, section
24 536.028, if applicable, after August 28, 1998. All rulemaking authority delegated prior to
25 August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing
26 in section 571.030 or this section shall be interpreted to repeal or affect the validity of any rule
27 adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply,
28 the provisions of this section are nonseverable and if any of the powers vested with the general
29 assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and
30 annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of
31 rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be

32 invalid and void, except that nothing in section 571.030 or this section shall affect the validity
33 of any rule adopted and promulgated prior to August 28, 1998.

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

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

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

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
12 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim,
13 or violating subdivision (2) of subsection 1 of section 568.045.

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

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

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

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

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

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

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

8 (3) Provide structured opportunities for local communities to determine effective local
9 sentencing options to assure that individual community programs are specifically designed to
10 meet local needs;

11 (4) Reduce the cost of punishment, supervision and treatment significantly below the
12 annual per-offender cost of confinement within the traditional prison system;

13 (5) Utilize community supervision centers to effectively respond to violations and
14 prevent revocations; ~~and~~

15 (6) Improve public confidence in the criminal justice system by involving the public in
16 the development of community-based sentencing options for eligible offenders; **and**

17 **(7) Promote opportunities for nonviolent primary caregivers to care for their**
18 **dependent children.**

19 2. The program shall be designed to implement and operate community-based restorative
20 justice projects including, but not limited to: preventive or diversionary programs,
21 community-based intensive probation and parole services, community-based treatment centers,
22 day reporting centers, and the operation of facilities for the detention, confinement, care and
23 treatment of adults under the purview of this chapter.

24 3. The department shall promulgate rules and regulations for operation of the program
25 established pursuant to this section as provided for in section 217.040 and chapter 536.

26 4. Any proposed program or strategy created pursuant to this section shall be developed
27 after identification of a need in the community for such programs, through consultation with
28 representatives of the general public, judiciary, law enforcement and defense and prosecution
29 bar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
20 are properly chargeable to the state. The chief executive may by notification to the department
21 of corrections delegate such responsibility to another duly sworn official of such city not within
22 a county. The clerk of the court of any city not within a county shall not include such fees in the
23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
24 manual in accordance with this provision.

25 3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri

30 department of corrections or otherwise held at the request of the Missouri department of
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
32 incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations~~], but not less than the amount appropriated in the previous~~
37 ~~fiscal year].~~

38 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by
39 the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses
40 may include pretrial assessment and supervision strategies for defendants who are ultimately
41 eligible for state incarceration. A county may not receive more than its share of the amount
42 appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge.
43 Any county shall convey such proposal to the department, and any such proposal presented by
44 a presiding judge shall include the documented agreement with the proposal by the county
45 governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the
46 county responsible for custody or incarceration of prisoners of the county represented in the
47 proposal. Any county that declines to convey a proposal to the department, pursuant to the
48 provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners
49 chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this
50 section.

285.575. 1. This section shall be known and may be cited as the "Whistleblower's
2 Protection Act".

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

4 (1) "Because" or "because of", as it relates to the adverse decision or action, the person's
5 status as a protected person was the motivating factor;

6 (2) "Employer", an entity that has six or more employees for each working day in each
7 of twenty or more calendar weeks in the current or preceding calendar year. "Employer" shall
8 not include the state of Missouri or its agencies, instrumentalities, or political subdivisions,
9 including but not limited to any public institution of higher education, a corporation wholly
10 owned by the state of Missouri, an individual employed by an employer, or corporations and
11 associations owned or operated by religious or sectarian organizations; **except that, "employer"**
12 **shall include law enforcement agencies;**

13 (3) "Proper authorities", a governmental or law enforcement agency, an officer of an
14 employee's employer, the employee's supervisor employed by the employer, or the employee's
15 human resources representative employed by the employer;

16 (4) "Protected person", an employee of an employer who has reported to the proper
17 authorities an unlawful act of his or her employer; an employee of an employer who reports to
18 his or her employer serious misconduct of the employer that violates a clear mandate of public
19 policy as articulated in a constitutional provision, statute, or regulation promulgated under
20 statute; or an employee of an employer who has refused to carry out a directive issued by his or
21 her employer that if completed would be a violation of the law[. ~~An employee of an employer
22 is not a protected person if:~~

23 ~~— (a) The employee is a supervisory, managerial, or executive employee or an officer of
24 his or her employer and the unlawful act or serious misconduct reported concerns matters upon
25 which the employee is employed to report or provide professional opinion; or~~

26 ~~— (b) The proper authority or person to whom the employee makes his or her report is the
27 person whom the employee claims to have committed the unlawful act or violation of a clear
28 mandate of public policy];~~

29 (5) "The motivating factor", the employee's protected classification actually played a role
30 in the adverse decision or action and had a determinative influence on the adverse decision or
31 action.

32 3. This section is intended to codify the existing common law exceptions to the at-will
33 employment doctrine and to limit their future expansion by the courts. This section, in addition
34 to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all claims of
35 unlawful employment practices.

36 4. It shall be an unlawful employment practice for an employer to discharge an individual
37 defined as a protected person in this section because of that person's status as a protected person.

38 5. A protected person aggrieved by a violation of this section shall have a private right
39 of action for actual damages for violations of this section but not for punitive damages.
40 [~~However, if a private right of action for damages exists under another statutory or regulatory
41 scheme, whether under state or federal law, no private right of action shall exist under this
42 statute.~~]

43 6. Any party to any action initiated under this section may demand a trial by jury.

44 7. A protected person aggrieved by a violation of this section shall have a private right
45 of action that may be filed in a court of competent jurisdiction. The only remedies available in
46 such an action shall be:

47 (1) Back pay;

48 (2) Reimbursement of medical bills directly related to a violation of this section; and

49 (3) Additionally, if a protected person proves, by clear and convincing evidence, that the
50 conduct of the employer was outrageous because of the employer's evil motive or reckless
51 indifference to the rights of others, then, such person may receive double the amount awarded

52 under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this
53 subdivision, the provisions of section 510.263 shall be applied as though liquidated damages
54 were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of this
55 subsection were compensatory damages.

56 8. The court, in addition to the damages set forth in subsection 7 of this section, may
57 award the prevailing party court costs and reasonable attorney fees; except that a prevailing
58 respondent may be awarded reasonable attorney fees only upon a showing that the case was
59 without foundation.

304.050. 1. (1) The driver of a vehicle upon a highway upon meeting or overtaking
2 from either direction any school bus which has stopped on the highway for the purpose of
3 receiving or discharging any school children and whose driver has in the manner prescribed by
4 law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not
5 proceed until such school bus resumes motion, or until signaled by its driver to proceed.

6 (2) **School buses under the provisions of subsections 1, 2, 5, 6, 7, 8, and 9 of this**
7 **section shall include Head Start buses that have been certified by the Missouri highway**
8 **patrol as meeting the provisions of section 307.375, are operated by a holder of a valid**
9 **school bus endorsed commercial driver's license, and who meet the equivalent medical**
10 **requirements prescribed in section 162.064, and which are transporting Head Start**
11 **students to and from Head Start.**

12 2. Every bus used for the transportation of school children shall bear upon the front and
13 rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight
14 inches in height. Each bus shall have lettered on the rear in plain and distinct type the following:
15 "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions
16 of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling
17 device approved by the state board of education, which will display a signal plainly visible from
18 the front and rear and indicating intention to stop.

19 3. Every school bus operated to transport students in the public school system which has
20 a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted
21 entirely in front of the windshield and the entrance door behind the front wheels, and which is
22 used for the transportation of school children shall be equipped no later than August 1, 1998,
23 with a crossing control arm. The crossing control arm, when activated, shall extend a minimum
24 of five feet six inches from the face of the front bumper. The crossing control arm shall be
25 attached on the right side of the front bumper and shall be activated by the same controls which
26 activate the mechanical and electrical signaling devices described in subsection 2 of this section.
27 This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all

28 other Missouri schoolchildren who have been injured or killed during the operation of a school
29 bus.

30 4. Except as otherwise provided in this section, the driver of a school bus in the process
31 of loading or unloading students upon a street or highway shall activate the mechanical and
32 electrical signaling devices, in the manner prescribed by the state board of education, to
33 communicate to drivers of other vehicles that students are loading or unloading. A public school
34 district shall have the authority pursuant to this section to adopt a policy which provides that the
35 driver of a school bus in the process of loading or unloading students upon a divided highway
36 of four or more lanes may pull off of the main roadway and load or unload students without
37 activating the mechanical and electrical signaling devices in a manner which gives the signal for
38 other drivers to stop and may use the amber signaling devices to alert motorists that the school
39 bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes
40 and also provided that the emergency flashing signal lights are activated in a manner which
41 indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may
42 proceed past the school bus with due caution.

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

52 ~~5.]~~ 6. The driver of a vehicle upon a highway with separate roadways need not stop
53 upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding
54 in the opposite direction on a highway containing four or more lanes of traffic, or which is
55 stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access
56 highway at a point where pedestrians are not permitted to cross the roadway.

57 ~~6.]~~ 7. The driver of any school bus driving upon the highways of this state after loading
58 or unloading school children, shall remain stopped if the bus is followed by three or more
59 vehicles, until such vehicles have been permitted to pass the school bus, if the conditions
60 prevailing make it safe to do so.

61 ~~7.]~~ 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have
62 violated the provisions of this section and the identity of the operator is not otherwise apparent,
63 it shall be a rebuttable presumption that the person in whose name such vehicle is registered

64 committed the violation. In the event that charges are filed against multiple owners of a motor
65 vehicle, only one of the owners may be convicted and court costs may be assessed against only
66 one of the owners. If the vehicle which is involved in the violation is registered in the name of
67 a rental or leasing company and the vehicle is rented or leased to another person at the time of
68 the violation, the rental or leasing company may rebut the presumption by providing the peace
69 officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time
70 of the violation. No prosecuting authority may bring any legal proceedings against a rental or
71 leasing company under this section unless prior written notice of the violation has been given to
72 that rental or leasing company by registered mail at the address appearing on the registration and
73 the rental or leasing company has failed to provide the rental or lease agreement copy within
74 fifteen days of receipt of such notice.

75 [8.] 9. Notwithstanding the provisions in section 301.130, every school bus shall be
76 required to have two license plates.

447.541. 1. Within two hundred forty days from the due date of the report required by
2 section 447.539, the treasurer shall cause notice to be published at least once each week for two
3 successive weeks in a newspaper of general circulation as defined in section 493.050 in the
4 county in this state in which is located the last known address of any person to be named in the
5 notice, **or by any other method which the treasurer, in his or her discretion, deems**
6 **appropriate and consistent with the intent of this section to notify the owners of property**
7 **presumed abandoned and reported under section 447.539.** If no address is listed or if the
8 address is outside this state and the property may be subject to sale or liquidation, the notice shall
9 be published in the county in which the holder of the abandoned property has his principal place
10 of business within this state.

11 2. The published notice **required under subsection 1 of this section** shall be entitled
12 "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and shall
13 contain:

14 (1) The names in alphabetical order and last known addresses, if any, of persons listed
15 in the report and entitled to notice within the county as specified in subsection 1 of this section;

16 (2) A statement that information concerning the amount or description of the property
17 and the name and address of the holder may be obtained by any persons possessing an interest
18 in the property by addressing an inquiry to the treasurer;

19 (3) A statement that if proof of claim is not presented by the owner to the holder and if
20 the owner's right to receive the property is not established to the treasurer's satisfaction within
21 one year from the date of the delivery of the property to the treasurer, the abandoned property
22 will be sold as provided in section 447.558. The treasurer is not required to publish in the notice
23 any items of less than fifty dollars unless, in the aggregate, the items total fifty or more dollars

24 for any one individual. The treasurer shall use reasonable diligence to determine if small items
25 in fact belong to the same individual.

26 3. Within one hundred twenty days from the receipt of the report required by section
27 447.539, the treasurer shall mail a notice, **or provide a notice by any other method which the**
28 **treasurer, in his or her discretion, deems appropriate and consistent with the intent of this**
29 **subsection**, to each person having an address listed therein who appears to be entitled to property
30 of the value of fifty dollars or more presumed abandoned under sections 447.500 to 447.595.

31 4. The ~~mailed~~ notice **required under subsection 3 of this section** shall contain:

32 (1) A statement that, according to a report filed with the treasurer, property is being held
33 by the treasurer to which the addressee appears entitled; and

34 (2) A statement that, if satisfactory proof of claim is not presented by the owner to the
35 treasurer by the date specified in the published notice, the property will be sold as provided in
36 section 447.558.

37 5. Subsections 1 and 4 of this section are not applicable to sums payable on traveler's
38 checks or money orders.

39 6. In addition to the above forms of notice to owners of abandoned property, the treasurer
40 shall work with other state agencies to provide notice to holders of their rights and
41 responsibilities pursuant to sections 447.500 to 447.595 by including information regarding
42 Missouri's unclaimed property laws.

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

11 2. If either parent files a motion to modify an award of joint legal custody or joint
12 physical custody, each party shall be entitled to a change of judge as provided by supreme court
13 rule.

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

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to this chapter, except abuse

5 shall not include abuse inflicted on a child by accidental means by an adult household member
6 or discipline of a child, including spanking, in a reasonable manner:

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

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

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

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

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

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

23 b. Peering in the window or lingering outside the residence of another; but does not
24 include constitutionally protected activity;

25 [~~(e)~~] (f) "Sexual assault", causing or attempting to cause another to engage involuntarily
26 in any sexual act by force, threat of force, duress, or without that person's consent;

27 [~~(f)~~] (g) "Unlawful imprisonment", holding, confining, detaining or abducting another
28 person against that person's will;

29 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

30 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

31 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

32 (5) "Domestic violence", abuse or stalking committed by a family or household member,
33 as such terms are defined in this section;

34 (6) "Ex parte order of protection", an order of protection issued by the court before the
35 respondent has received notice of the petition or an opportunity to be heard on it;

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

41 (8) "Full order of protection", an order of protection issued after a hearing on the record
42 where the respondent has received notice of the proceedings and has had an opportunity to be
43 heard;

44 (9) "Order of protection", either an ex parte order of protection or a full order of
45 protection;

46 (10) "Pending", exists or for which a hearing date has been set;

47 (11) "**Pet**", **a living creature maintained by a household member for companionship**
48 **and not for commercial purposes**;

49 (12) "Petitioner", a family or household member who has been a victim of domestic
50 violence, or any person who has been the victim of stalking or sexual assault, or a person filing
51 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
52 provisions of section 455.020 or section 455.505;

53 ~~[(12)]~~ (13) "Respondent", the family or household member alleged to have committed
54 an act of domestic violence, or person alleged to have committed an act of stalking or sexual
55 assault, against whom a verified petition has been filed or a person served on behalf of a child
56 pursuant to section 455.503;

57 ~~[(13)]~~ (14) "Sexual assault", as defined under subdivision (1) of this section;

58 ~~[(14)]~~ (15) "Stalking" is when any person purposely engages in an unwanted course of
59 conduct that causes alarm to another person, or a person who resides together in the same
60 household with the person seeking the order of protection when it is reasonable in that person's
61 situation to have been alarmed by the conduct. As used in this subdivision:

62 (a) "Alarm" means to cause fear of danger of physical harm; and

63 (b) "Course of conduct" means a pattern of conduct composed of two or more acts over
64 a period of time, however short, that serves no legitimate purpose. Such conduct may include,
65 but is not limited to, following the other person or unwanted communication or unwanted
66 contact.

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

455.040. 1. **(1)** Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence, stalking, or sexual assault by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, **and unless after an evidentiary hearing the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner,** ~~[except that]~~ the protective order shall be valid for at least one hundred eighty days and not more than one year. **If, after an evidentiary hearing, the court makes specific written findings that the respondent poses a serious danger to the physical or mental health of the petitioner or of a minor household member of the petitioner, the protective order shall be valid for at least two years and not more than ten years.**

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

(3) The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection ~~[for one year]~~ shall be automatically ~~[renew]~~ **renewed for any term of renewal of a full order of protection as set forth in this section** unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for ~~[at least one hundred eighty days and not more than one year]~~ **any term of renewal of a full order as set**

37 **forth in this section.** For purposes of this subsection, a finding by the court of a subsequent act
38 of domestic violence, stalking, or sexual assault is not required for a renewal order of protection.

39 **(4) In determining under this section whether a respondent poses a serious danger**
40 **to the physical or mental health of a petitioner or of a minor household member of the**
41 **petitioner, the court shall consider all relevant evidence including, but not limited to:**

42 **(a) The weight of the evidence;**

43 **(b) The respondent's history of inflicting or causing physical harm, bodily injury,**
44 **or assault;**

45 **(c) The respondent's history of stalking or causing fear of physical harm, bodily**
46 **injury, or assault on the petitioner or a minor household member of the petitioner;**

47 **(d) The respondent's criminal record;**

48 **(e) Whether any prior full orders of adult or child protection have been issued**
49 **against the respondent;**

50 **(f) Whether the respondent has been found guilty of any dangerous felony under**
51 **Missouri law; and**

52 **(g) Whether the respondent violated any term or terms of probation or parole or**
53 **violated any term of a prior full or temporary order of protection and which violated terms**
54 **were intended to protect the petitioner or a minor household member of the petitioner.**

55 **(5) If a court finds that a respondent poses a serious risk to the physical or mental**
56 **health of the petitioner or of a minor household member of the petitioner, the court shall**
57 **not modify such order until a period of at least two years from the date the original full**
58 **order was issued and only after the court makes specific written findings after a hearing**
59 **held that the respondent has shown proof of treatment and rehabilitation and that the**
60 **respondent no longer poses a serious danger to the petitioner or to a minor household**
61 **member of the petitioner.**

62 2. The court shall cause a copy of the petition and notice of the date set for the hearing
63 on such petition and any ex parte order of protection to be served upon the respondent as
64 provided by law or by any sheriff or police officer at least three days prior to such hearing. The
65 court shall cause a copy of any full order of protection to be served upon or mailed by certified
66 mail to the respondent at the respondent's last known address. Notice of an ex parte or full order
67 of protection shall be served at the earliest time, and service of such notice shall take priority
68 over service in other actions, except those of a similar emergency nature. Failure to serve or mail
69 a copy of the full order of protection to the respondent shall not affect the validity or
70 enforceability of a full order of protection.

71 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
72 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where

73 the petitioner resides. ~~[The clerk shall also issue a copy of any order of protection to the local~~
74 ~~law enforcement agency responsible for maintaining the Missouri uniform law enforcement~~
75 ~~system or any other comparable law enforcement system the same day the order is granted. The~~
76 ~~law enforcement agency responsible for maintaining MULES shall, for purposes of verification,~~
77 ~~within twenty-four hours from the time the order is granted,] **The court shall provide all**~~
78 **necessary information, including the respondent's relationship to the petitioner, for entry**
79 **of the order of protection into MULES and NCIC. Upon receiving the order under this**
80 **subsection, the sheriff shall make the entry into MULES within twenty-four hours.**
81 **MULES shall forward the order information to NCIC, which shall then make the order**
82 **viewable within NCIS. The sheriff shall enter information contained in the order including**
83 but not limited to any orders regarding child custody or visitation and all specifics as to times and
84 dates of custody or visitation that are provided in the order. A notice of expiration or of
85 termination of any order of protection or any change in child custody or visitation within that
86 order shall be issued to the local law enforcement agency ~~[and to the law enforcement agency~~
87 ~~responsible for maintaining]~~ **for entry into MULES or any other comparable law enforcement**
88 **system. [The law enforcement agency responsible for maintaining the applicable law**
89 ~~enforcement system shall enter such information in the system within twenty-four hours of~~
90 ~~receipt of information evidencing such expiration or termination.]~~ The information contained
91 in an order of protection may be entered ~~[in the Missouri uniform law enforcement system]~~ **into**
92 **MULES or any other** comparable law enforcement system using a direct automated data
93 transfer from the court automated system to the law enforcement system.

94 4. The court shall cause a copy of any objection filed by the respondent and notice of the
95 date set for the hearing on such objection to an automatic renewal of a full order of protection
96 for a period of one year to be personally served upon the petitioner by personal process server
97 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such
98 service of process shall be served at the earliest time and shall take priority over service in other
99 actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to
2 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and
3 may include:

- 4 (1) Restraining the respondent from committing or threatening to commit domestic
5 violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;
- 6 (2) Restraining the respondent from entering the premises of the dwelling unit of
7 petitioner when the dwelling unit is:
 - 8 (a) Jointly owned, leased or rented or jointly occupied by both parties; or
 - 9 (b) Owned, leased, rented or occupied by petitioner individually; or

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) Temporarily enjoining the respondent from communicating with the petitioner in any
18 manner or through any medium.

19 2. Mutual orders of protection are prohibited unless both parties have properly filed
20 written petitions and proper service has been made in accordance with sections 455.010 to
21 455.085.

22 3. When the court has, after a hearing for any full order of protection, issued an order of
23 protection, it may, in addition:

24 (1) Award custody of any minor child born to or adopted by the parties when the court
25 has jurisdiction over such child and no prior order regarding custody is pending or has been
26 made, and the best interests of the child require such order be issued;

27 (2) Establish a visitation schedule that is in the best interests of the child;

28 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

29 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
30 in accordance with chapter 452;

31 (5) Order respondent to make or to continue to make rent or mortgage payments on a
32 residence occupied by the petitioner if the respondent is found to have a duty to support the
33 petitioner or other dependent household members;

34 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
35 previously shared by the parties if the respondent is found to have a duty to support the petitioner
36 and the petitioner requests alternative housing;

37 (7) Order that the petitioner be given temporary possession of specified personal
38 property, such as automobiles, checkbooks, keys, and other personal effects;

39 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
40 specified property mutually owned or leased by the parties;

41 (9) Order the respondent to participate in a court-approved counseling program designed
42 to help batterers stop violent behavior or to participate in a substance abuse treatment program;

43 (10) Order the respondent to pay a reasonable fee for housing and other services that
44 have been provided or that are being provided to the petitioner by a shelter for victims of
45 domestic violence;

46 (11) Order the respondent to pay court costs;

47 (12) Order the respondent to pay the cost of medical treatment and services that have
48 been provided or that are being provided to the petitioner as a result of injuries sustained to the
49 petitioner by an act of domestic violence committed by the respondent;

50 **(13) Award possession and care of any pet, along with any moneys necessary to**
51 **cover medical costs that may have resulted from abuse of the pet.**

52 4. A verified petition seeking orders for maintenance, support, custody, visitation,
53 payment of rent, payment of monetary compensation, possession of personal property,
54 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a
55 shelter for victims of domestic violence, shall contain allegations relating to those orders and
56 shall pray for the orders desired.

57 5. In making an award of custody, the court shall consider all relevant factors including
58 the presumption that the best interests of the child will be served by placing the child in the
59 custody and care of the nonabusive parent, unless there is evidence that both parents have
60 engaged in abusive behavior, in which case the court shall not consider this presumption but may
61 appoint a guardian ad litem or a court-appointed special advocate to represent the children in
62 accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

63 6. The court shall grant to the noncustodial parent rights to visitation with any minor
64 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
65 endanger the child's physical health, impair the child's emotional development or would
66 otherwise conflict with the best interests of the child, or that no visitation can be arranged which
67 would sufficiently protect the custodial parent from further domestic violence. The court may
68 appoint a guardian ad litem or court-appointed special advocate to represent the minor child in
69 accordance with chapter 452 whenever the custodial parent alleges that visitation with the
70 noncustodial parent will damage the minor child.

71 7. The court shall make an order requiring the noncustodial party to pay an amount
72 reasonable and necessary for the support of any child to whom the party owes a duty of support
73 when no prior order of support is outstanding and after all relevant factors have been considered,
74 in accordance with Missouri supreme court rule 88.01 and chapter 452.

75 8. The court may grant a maintenance order to a party for a period of time, not to exceed
76 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with
77 chapter 452.

78 9. (1) The court may, in order to ensure that a petitioner can maintain an existing
79 wireless telephone number or numbers, issue an order, after notice and an opportunity to be
80 heard, directing a wireless service provider to transfer the billing responsibility for and rights to
81 the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless
82 service accountholder.

83 (2) (a) The order transferring billing responsibility for and rights to the wireless
84 telephone number or numbers to the petitioner shall list the name and billing telephone number
85 of the accountholder, the name and contact information of the person to whom the telephone
86 number or numbers will be transferred, and each telephone number to be transferred to that
87 person. The court shall ensure that the contact information of the petitioner is not provided to
88 the accountholder in proceedings held under this chapter.

89 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either
90 electronically or by certified mail, to the wireless service provider's registered agent listed with
91 the secretary of state, or electronically to the email address provided by the wireless service
92 provider. Such transmittal shall constitute adequate notice for the wireless service provider
93 acting under this section and section 455.523.

94 (c) If the wireless service provider cannot operationally or technically effectuate the
95 order due to certain circumstances, the wireless service provider shall notify the petitioner within
96 three business days. Such circumstances shall include, but not be limited to, the following:

97 a. The accountholder has already terminated the account;

98 b. The differences in network technology prevent the functionality of a device on the
99 network; or

100 c. There are geographic or other limitations on network or service availability.

101 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone
102 number or numbers to the petitioner under this subsection by a wireless service provider, the
103 petitioner shall assume all financial responsibility for the transferred wireless telephone number
104 or numbers, monthly service costs, and costs for any mobile device associated with the wireless
105 telephone number or numbers.

106 (b) This section shall not preclude a wireless service provider from applying any routine
107 and customary requirements for account establishment to the petitioner as part of this transfer
108 of billing responsibility for a wireless telephone number or numbers and any devices attached
109 to that number or numbers including, but not limited to, identification, financial information, and
110 customer preferences.

111 (4) This section shall not affect the ability of the court to apportion the assets and debts
112 of the parties as provided for in law, or the ability to determine the temporary use, possession,
113 and control of personal property.

114 (5) No cause of action shall lie against any wireless service provider, its officers,
115 employees, or agents, for actions taken in accordance with the terms of a court order issued under
116 this section.

117 (6) As used in this section and section 455.523, a "wireless service provider" means a
118 provider of commercial mobile service under Section 332(d) of the Federal Telecommunications
119 Act of 1996 (47 U.S.C. Section 151, et seq.).

455.513. 1. The court may immediately issue an ex parte order of protection upon the
2 filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the
3 petition, and upon finding that:

4 (1) No prior order regarding custody involving the respondent and the child is pending
5 or has been made; or

6 (2) The respondent is less than seventeen years of age.
7

8 An immediate and present danger of domestic violence, **including danger to the child's pet**,
9 stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An
10 ex parte order of protection entered by the court shall be in effect until the time of the hearing.
11 The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized
12 to seek relief pursuant to section 455.505.

13 2. Upon the entry of the ex parte order of protection, the court shall enter its order
14 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

15 3. If the allegations in the petition would give rise to jurisdiction under section 211.031,
16 the court may direct the children's division to conduct an investigation and to provide appropriate
17 services. The division shall submit a written investigative report to the court and to the juvenile
18 officer within thirty days of being ordered to do so. The report shall be made available to the
19 parties and the guardian ad litem or court-appointed special advocate.

20 4. If the allegations in the petition would give rise to jurisdiction under section 211.031
21 because the respondent is less than seventeen years of age, the court may issue an ex parte order
22 and shall transfer the case to juvenile court for a hearing on a full order of protection. Service
23 of process shall be made pursuant to section 455.035.

 455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from domestic violence, **including danger to the child's pet**,
3 stalking, or sexual assault and may include such terms as the court reasonably deems necessary
4 to ensure the victim's safety, including but not limited to:

5 (1) Restraining the respondent from committing or threatening to commit domestic
6 violence, stalking, sexual assault, molesting, or disturbing the peace of the victim;

7 (2) Restraining the respondent from entering the family home of the victim except as
8 specifically authorized by the court;

9 (3) Restraining the respondent from communicating with the victim in any manner or
10 through any medium, except as specifically authorized by the court;

11 (4) A temporary order of custody of minor children;

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

13 2. No ex parte order of protection excluding the respondent from the family home shall
14 be issued unless the court finds that:

15 (1) The order is in the best interests of the child or children remaining in the home;

16 (2) The verified allegations of domestic violence present a substantial risk to the child
17 or children unless the respondent is excluded; and

18 (3) A remaining adult family or household member is able to care adequately for the
19 child or children in the absence of the excluded party.

 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall
2 be to protect the victim from domestic violence, **including danger to the child's pet**, stalking,
3 and sexual assault may include such terms as the court reasonably deems necessary to ensure the
4 petitioner's safety, including but not limited to:

5 (1) Temporarily enjoining the respondent from committing domestic violence or sexual
6 assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or
7 disturbing the peace of the victim;

8 (2) Temporarily enjoining the respondent from entering the family home of the victim,
9 except as specifically authorized by the court;

10 (3) Temporarily enjoining the respondent from communicating with the victim in any
11 manner or through any medium, except as specifically authorized by the court.

12 2. When the court has, after hearing for any full order of protection, issued an order of
13 protection, it may, in addition:

14 (1) Award custody of any minor child born to or adopted by the parties when the court
15 has jurisdiction over such child and no prior order regarding custody is pending or has been
16 made, and the best interests of the child require such order be issued;

17 (2) Award visitation;

18 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

19 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
20 in accordance with chapter 452;

21 (5) Order respondent to make or to continue to make rent or mortgage payments on a
22 residence occupied by the victim if the respondent is found to have a duty to support the victim
23 or other dependent household members;

24 (6) Order the respondent to participate in a court-approved counseling program designed
25 to help stop violent behavior or to treat substance abuse;

26 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
27 treatment, together with the treatment costs incurred by the victim;

28 (8) Order the respondent to pay a reasonable fee for housing and other services that have
29 been provided or that are being provided to the victim by a shelter for victims of domestic
30 violence;

31 (9) Order a wireless service provider, in accordance with the process, provisions, and
32 requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the
33 billing responsibility for and rights to the wireless telephone number or numbers of any minor
34 children in the petitioner's care to the petitioner, if the petitioner is not the wireless service
35 accountholder;

36 **(10) Award possession and care of any pet, along with any moneys necessary to**
37 **cover medical costs that may have resulted from abuse of the pet.**

475.120. 1. The guardian of the person of a minor shall be entitled to the custody and
2 control of the ward and shall provide for the ward's education, support, and maintenance.

3 2. A guardian or limited guardian of an incapacitated person shall act in the best interest
4 of the ward. A limited guardian of an incapacitated person shall have the powers and duties
5 enumerated by the court in the adjudication order or any later modifying order.

6 **3. Except as otherwise limited by the court, a guardian shall make decisions**
7 **regarding the adult ward's support, care, education, health, and welfare. A guardian shall**
8 **exercise authority only as necessitated by the adult ward's limitations and, to the extent**
9 **possible, shall encourage the adult ward to participate in decisions, act on the adult ward's**
10 **own behalf, and develop or regain the capacity to manage the adult ward's personal**
11 **affairs.** The general powers and duties of a guardian of an incapacitated person [~~shall be to take~~
12 ~~charge of the person of the ward and to provide for the ward's care, treatment, habilitation,~~
13 ~~education, support and maintenance; and the powers and duties]~~ shall include, but not be limited
14 to, the following:

15 (1) Assure that the ward resides in the best and least restrictive setting reasonably
16 available;

17 (2) Assure that the ward receives medical care and other services that are needed;

18 (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

19 (4) Provide required consents on behalf of the ward;

20 (5) To exercise all powers and discharge all duties necessary or proper to implement the
21 provisions of this section.

22 4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's
23 appointment to use the guardian's own financial resources for the support of the ward. If the
24 ward's estate and available public benefits are inadequate for the proper care of the ward, the
25 guardian or conservator may apply to the county commission pursuant to section 475.370.

26 5. No guardian of the person shall have authority to seek admission of the guardian's
27 ward to a mental health or intellectual disability facility for more than thirty days for any purpose
28 without court order except as otherwise provided by law.

29 6. Only the director or chief administrative officer of a social service agency serving as
30 guardian of an incapacitated person, or such person's designee, is legally authorized to act on
31 behalf of the ward.

32 7. A social service agency serving as guardian of an incapacitated person shall notify the
33 court within fifteen days after any change in the identity of the professional individual who has
34 primary responsibility for providing guardianship services to the incapacitated person.

35 8. Any social service agency serving as guardian may not provide other services to the
36 ward.

37 9. In the absence of any written direction from the ward to the contrary, a guardian may
38 execute a preneed contract for the ward's funeral services, including cremation, or an irrevocable
39 life insurance policy to pay for the ward's funeral services, including cremation, and authorize
40 the payment of such services from the ward's resources. Nothing in this section shall interfere
41 with the rights of next-of-kin to direct the disposition of the body of the ward upon death under

42 section 194.119. If a preneed arrangement such as that authorized by this subsection is in place
43 and no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the
44 guardian may sign consents for the disposition of the body, including cremation, without any
45 liability therefor. A guardian who exercises the authority granted in this subsection shall not be
46 personally financially responsible for the payment of services.

47 ~~[10. Except as otherwise limited by the court, a guardian shall make decisions regarding~~
48 ~~the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority~~
49 ~~only as necessitated by the adult ward's limitations and, to the extent possible, shall encourage~~
50 ~~the adult ward to participate in decisions, act on the adult ward's own behalf, and develop or~~
51 ~~regain the capacity to manage the adult ward's personal affairs.]~~

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

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985,
3 and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405[;].

6 3. **Beginning January 1, 2022, the annual salary, as modified under section 476.405,**
7 **shall be adjusted upon meeting the minimum number of cumulative years of service as a**
8 **court reporter with a circuit court of this state by the following schedule:**

9 (1) **For each court reporter with zero to five years of service: the annual salary**
10 **shall be increased only by any salary adjustment provided by section 476.405;**

11 (2) **For each court reporter with six to ten years of service: the annual salary shall**
12 **be increased by five and one-quarter percent;**

13 (3) **For each court reporter with eleven to fifteen years of service: the annual salary**
14 **shall be increased by eight and one-quarter percent;**

15 (4) **For each court reporter with sixteen to twenty years of service: the annual**
16 **salary shall be increased by eight and one-half percent; or**

17 (5) **For each court reporter with twenty-one or more years of service: the annual**
18 **salary shall be increased by eight and three-quarters percent.**

19

20 A court reporter may receive multiple adjustments under this subsection as his or her
21 cumulative years of service increase, but only one percentage listed in subdivisions (1) to
22 (5) of this subsection shall apply to the annual salary at a time.

23 4. Salaries shall be payable in equal monthly installments on the certification of the
24 judge of the court or division in whose court the reporter is employed. [~~When~~] If paid by the
25 state, the salaries of such court reporters shall be paid in semimonthly or monthly installments,
26 as designated by the commissioner of administration.

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

2 488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars
3 in all criminal cases for any violation of chapter [~~195~~] 579 in which a crime laboratory makes
4 analysis of a controlled substance, but no such surcharge shall be assessed when the costs are
5 waived or are to be paid by the state or when a criminal proceeding or the defendant has been
6 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions
7 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All
8 such moneys shall be payable to the director of revenue, who shall deposit all amounts collected
9 pursuant to this section to the credit of the state forensic laboratory account to be administered
10 by the department of public safety pursuant to section 650.105.

2 491.016. 1. A statement made by a witness that is not otherwise admissible is
3 admissible in evidence in a criminal proceeding as substantive evidence to prove the truth
4 of the matter asserted if, after a hearing, the court finds, by a preponderance of the
5 evidence, that:

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

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

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

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

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

2 **510.500. Sections 510.500 to 510.521 shall be known and may be cited as the**
3 **"Uniform Interstate Depositions and Discovery Act".**

4 **510.503. As used in sections 510.500 to 510.521, the following terms mean:**

5 (1) **"Foreign jurisdiction", a state other than this state;**

6 (2) **"Foreign subpoena", a subpoena issued under authority of a court of record of**
7 **a foreign jurisdiction;**

8 (3) **"Person", an individual, corporation, business trust, estate, trust, partnership,**
9 **limited liability company, association, joint venture, public corporation, government or**
10 **political subdivision, agency or instrumentality, or any other legal or commercial entity;**

11 (4) **"State", a state of the United States, the District of Columbia, Puerto Rico, the**
12 **United States Virgin Islands, a federally recognized Indian tribe, or any territory or**
13 **insular**
14 **possession subject to the jurisdiction of the United States;**

15 (5) **"Subpoena", a document, however denominated, issued under authority of a**
16 **court of record requiring a person to:**

17 (a) **Attend and give testimony at a deposition;**

18 (b) **Produce and permit inspection and copying of designated books, documents,**
19 **records, electronically stored information, or tangible items in the possession, custody, or**
20 **control of the person; or**

21 (c) **Permit inspection of premises under the control of the person.**

22 **510.506. 1. To request issuance of a subpoena under this section, a party shall**
23 **submit a foreign subpoena to a clerk of court in the county in which discovery is sought to**
24 **be conducted in this state. A request for the issuance of a subpoena under sections 510.500**
25 **to 510.521 shall not constitute an appearance in the courts of this state.**

26 **2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk,**
27 **in accordance with such court's procedure, shall promptly issue a subpoena for service**
28 **upon the**
29 **person to which the foreign subpoena is directed.**

30 **3. A subpoena under subsection 2 of this section shall:**

31 (1) **Incorporate the terms used in the foreign subpoena; and**

32 (2) **Contain or be accompanied by the names, addresses, and telephone numbers**
33 **of all counsel of record in the proceeding to which the subpoena relates and of any party**
34 **not represented by counsel.**

35 **510.509. A subpoena issued by a clerk of court under section 510.506 shall be**
36 **served in compliance with the Missouri supreme court rules of civil procedure and laws of**
37 **this state.**

2 **510.512. The Missouri supreme court rules of civil procedure and laws of this state,**
2 **and any amendments thereto, apply to subpoenas issued under section 510.506.**

2 **510.515. An application to the court for a protective order or to enforce, quash, or**
2 **modify a subpoena issued by a clerk of court under section 510.506 shall comply with the**
3 **Missouri supreme court rules of civil procedure and statutes of this state and be submitted**
4 **to the court in the county in which discovery is to be conducted.**

2 **510.518. In applying and construing sections 510.500 to 510.521, consideration shall**
2 **be given to the need to promote**
3 **uniformity of the law with respect to its subject matter among states that enact it.**

2 **510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases**
2 **pending on August 28, 2021.**

2 545.940. 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney
2 with notice given to the defense attorney and for good cause shown, in any criminal case in
3 which a defendant has been charged by the prosecuting attorney's office or circuit attorney's
4 office with any offense under chapter 566 or section 565.050, assault in the first degree; section
5 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third
6 degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the
7 first degree; section 565.073, domestic assault in the second degree; section 565.074, domestic
8 assault in the third degree; section 565.075, assault while on school property; section 565.076,
9 domestic assault in the fourth degree; section 565.081, 565.082, or 565.083, assault of a law
10 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
11 zone or work zone, utility worker, cable worker, or probation and parole officer in the first,
12 second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare
13 of a child in the first degree; section 568.050, endangering the welfare of a child in the second
14 degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest;
15 or ~~paragraph (a), (b), or (c), of~~ subdivision (2) or (3) of subsection [4] 2 of section 191.677,
16 **knowingly or recklessly exposing a person to [HIV] a serious infectious or communicable**
17 **disease**, the court may order that the defendant be conveyed to a state-, city-, or county-operated
18 HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The
19 results of such tests shall be released to the victim and his or her parent or legal guardian if the
20 victim is a minor. The results of such tests shall also be released to the prosecuting attorney or
21 circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's
22 order of the same, and the test results shall be sealed in the court file.

23 2. As used in this section, "HIV" means the human immunodeficiency virus that causes
24 acquired immunodeficiency syndrome.

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

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

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

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

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

14 (2) By way of any discovery procedure.

15 3. Any person arrested or charged with a criminal offense may petition the court
 16 for an in camera inspection of the records of a privileged communication concerning the
 17 report such person made to a crime stoppers organization. The petition shall allege facts
 18 showing that such records would provide evidence favorable to the defendant and relevant
 19 to the issue of guilt or punishment. If the court determines that the person is entitled to all
 20 or any part of such records, the court may order production and disclosure as the court
 21 deems appropriate.

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

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

3 (1) It is established by ~~proof~~ **evidence** of the same or less than all the ~~facts~~ **elements**
 4 required to establish the commission of the offense charged; or

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

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

8 2. The court shall ~~not~~ be obligated to charge the jury with respect to an included
 9 offense ~~unless~~ **only if:**

10 **(1) The offense is established by evidence of the same or less than all the elements**
 11 **required to establish the commission of the charged offense;**

12 **(2) There is a rational basis in the evidence for a verdict acquitting the person of the**
 13 **offense charged and convicting him or her of the included offense; and**

14 **(3) Either party requests the court to charge the jury with respect to a specific**
 15 **included offense.**

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

18 **4.** An offense is charged for purposes of this section if

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

20 (2) It is an offense submitted to the jury because there is a **rational basis in the evidence**
 21 for a verdict acquitting the person of the offense charged and convicting the person of the
 22 included offense.

23 ~~[3. The court shall be obligated to instruct the jury with respect to a particular included~~
 24 ~~offense only if there is a basis in the evidence for acquitting the person of the immediately higher~~
 25 ~~included offense and there is a basis in the evidence for convicting the person of that particular~~
 26 ~~included offense.]~~

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

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

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

20 (2) Be prohibited from providing assessment or counseling services or any program of
21 treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with
22 the ~~[state board]~~ **division** of probation and parole or any office thereof; and

23 (3) Be prohibited from having any financial interest, whether direct or indirect, in any
24 private entity which provides assessment or counseling services or any program of treatment,
25 education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the ~~[state~~
26 ~~board]~~ **division** of probation and parole or any office thereof.

27 3. The provisions of subsection 2 of this section shall not apply when the department of
28 corrections has identified only one qualified service provider within reasonably accessible
29 distance from the offender or when the only providers available within a reasonable distance are
30 related within the third degree of consanguinity or affinity to any person who has a financial
31 interest in the service provider.

558.011. 1. The authorized terms of imprisonment, including both prison and
2 conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
4 years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
6 years;

7 (3) For a class C felony, a term of years not less than three years and not to exceed ten
8 years;

9 (4) For a class D felony, a term of years not to exceed seven years;

10 (5) For a class E felony, a term of years not to exceed four years;

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

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

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

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

19 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
20 commit the person to the custody of the department of corrections for the term imposed under
21 section 557.036, or until released under procedures established elsewhere by law.

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

25 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for
26 felonies other than dangerous felonies as defined in section 556.061, and other than sentences
27 of imprisonment which involve the individual's fourth or subsequent remand to the department
28 of corrections shall consist of a prison term and a conditional release term. The conditional
29 release term of any term imposed under section 557.036 shall be:

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

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

32 (c) Five years for terms more than fifteen years; and the prison term shall be the
33 remainder of such term. The prison term may be extended by the ~~[board of probation and]~~ parole
34 **board** pursuant to subsection 5 of this section.

35 (2) "Conditional release" means the conditional discharge of an offender by the ~~[board~~
36 ~~of probation and]~~ parole **board**, subject to conditions of release that the **parole** board deems
37 reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under
38 the ~~[state board]~~ **division** of probation and parole. The conditions of release shall include
39 avoidance by the offender of any other offense, federal or state, and other conditions that the
40 **parole** board in its discretion deems reasonably necessary to assist the releasee in avoiding
41 further violation of the law.

42 5. The date of conditional release from the prison term may be extended up to a
43 maximum of the entire sentence of imprisonment by the ~~[board of probation and]~~ parole **board**.
44 The director of any division of the department of corrections except the ~~[board]~~ **division** of
45 probation and parole may file with the ~~[board of probation and]~~ parole **board** a petition to extend
46 the conditional release date when an offender fails to follow the rules and regulations of the
47 division or commits an act in violation of such rules. Within ten working days of receipt of the
48 petition to extend the conditional release date, the ~~[board of probation and]~~ parole **board** shall
49 convene a hearing on the petition. The offender shall be present and may call witnesses in his
50 or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be
51 conducted as provided in section 217.670. If the violation occurs in close proximity to the
52 conditional release date, the conditional release may be held for a maximum of fifteen working
53 days to permit necessary time for the division director to file a petition for an extension with the
54 **parole** board and for the **parole** board to conduct a hearing, provided some affirmative
55 manifestation of an intent to extend the conditional release has occurred prior to the conditional
56 release date. If at the end of a fifteen-working-day period a **parole** board decision has not been
57 reached, the offender shall be released conditionally. The decision of the **parole** board shall be
58 final.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
2 specifies that they shall run consecutively; except in the case of multiple sentences of

3 imprisonment imposed for any offense committed during or at the same time as, or multiple
4 offenses of, the following felonies:

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

6 (2) Statutory rape in the first degree;

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

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

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

13 2. If a person who is on probation, parole or conditional release is sentenced to a term
14 of imprisonment for an offense committed after the granting of probation or parole or after the
15 start of his **or her** conditional release term, the court shall direct the manner in which the
16 sentence or sentences imposed by the court shall run with respect to any resulting probation,
17 parole or conditional release revocation term or terms. If the subsequent sentence to
18 imprisonment is in another jurisdiction, the court shall specify how any resulting probation,
19 parole or conditional release revocation term or terms shall run with respect to the foreign
20 sentence of imprisonment.

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

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

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

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

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

13 (3) As provided in section 559.100.

14 ~~[3-]~~ 3. The officer required by law to deliver a person convicted of an offense in this state
15 to the department of corrections shall endorse upon the papers required by section 217.305 both
16 the dates the offender was in custody and the period of time to be credited toward the service of
17 the sentence of imprisonment, except as endorsed by such officer.

18 ~~[3-]~~ 4. If a person convicted of an offense escapes from custody, such escape shall
19 interrupt the sentence. The interruption shall continue until such person is returned to the
20 correctional center where the sentence was being served, or in the case of a person committed
21 to the custody of the department of corrections, to any correctional center operated by the
22 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
23 sentence which had not commenced when the escape occurred.

24 ~~[4-]~~ 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the
25 offender for that offense, all time served under the vacated sentence shall be credited against the
26 new sentence, unless the time has already been credited to another sentence as provided in
27 subsection 1 of this section.

28 ~~[5-]~~ 6. If a person released from imprisonment on parole or serving a conditional release
29 term violates any of the conditions of his or her parole or release, he or she may be treated as a
30 parole violator. If the ~~[board of probation and]~~ parole **board** revokes the parole or conditional
31 release, the paroled person shall serve the remainder of the prison term and conditional release
32 term, as an additional prison term, and the conditionally released person shall serve the
33 remainder of the conditional release term as a prison term, unless released on parole.

34 **7. Subsection 2 of this section shall be applicable to offenses occurring on or after**
35 **August 28, 2021.**

558.046. The sentencing court may, upon petition, reduce any term of sentence or
2 probation pronounced by the court or a term of conditional release or parole pronounced by the
3 ~~[state board of probation and]~~ parole **board** if the court determines that:

4 (1) The convicted person was:

- 5 (a) Convicted of an offense that did not involve violence or the threat of violence; and
6 (b) Convicted of an offense that involved alcohol or illegal drugs; and

7 (2) Since the commission of such offense, the convicted person has successfully
8 completed a detoxification and rehabilitation program; and

9 (3) The convicted person is not:

10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
11 misdemeanor offender as defined by section 558.016; or

- 12 (b) A persistent sexual offender as defined in section 566.125; or
13 (c) A prior offender, a persistent offender or a class X offender as defined in section
14 558.019.

558.047. 1. ~~[(1)]~~ Any person sentenced to a term of imprisonment for life **with or**
2 without eligibility for parole ~~[before August 28, 2016]~~, **a term of imprisonment amounting to**
3 **fifteen years or more, or multiple terms of imprisonment that, taken together, amount to**
4 **fifteen or more years** who was under eighteen years of age at the time of the commission of the
5 offense or offenses~~;~~ may submit to the parole board a petition for a review of his or her
6 sentence, regardless of whether the case is final for purposes of appeal, after serving ~~[twenty-~~
7 ~~five]~~ **fifteen** years of incarceration ~~[on the sentence of life without parole]~~ **and shall thereafter**
8 **be eligible for reconsideration hearings every three years until a presumptive release date**
9 **has been established by the parole board.**

~~[(2)] Any person found guilty of murder in the first degree who was sentenced on or after~~
11 ~~August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of~~
12 ~~imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen~~
13 ~~years of age at the time of the commission of the offense or offenses may submit to the parole~~
14 ~~board a petition for a review of his or her sentence, regardless of whether the case is final for~~
15 ~~purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition~~
16 ~~after serving thirty-five years of incarceration.]~~

17 2. A copy of the petition shall be served on the office of the prosecutor in the judicial
18 circuit of original jurisdiction. The petition shall include the person's statement that he or she
19 was under eighteen years of age at the time of the offense, is eligible to petition under this
20 section, and requests that his or her sentence be reviewed.

21 3. If any of the information required in subsection 2 of this section is missing from the
22 petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole
23 board shall return the petition to the person and advise him or her that the matter cannot be
24 considered without the missing information.

25 4. The parole board shall hold a hearing and determine if the defendant shall be granted
26 parole. At such a hearing, the victim or victim's family members shall retain their rights under
27 section 595.209.

28 5. In a parole review hearing under this section, the board shall consider, in addition to
29 the factors listed in section 565.033:

30 (1) Efforts made toward rehabilitation since the offense or offenses occurred, including
31 participation in educational, vocational, or other programs during incarceration, when available;

32 (2) The subsequent growth and increased maturity of the person since the offense or
33 offenses occurred;

- 34 (3) Evidence that the person has accepted accountability for the offense or offenses,
35 except in cases where the person has maintained his or her innocence;
36 (4) The person's institutional record during incarceration; and
37 (5) Whether the person remains the same risk to society as he or she did at the time of
38 the initial sentencing.

559.026. Except in infraction cases, when probation is granted, the court, in addition to
2 conditions imposed pursuant to section 559.021, may require as a condition of probation that the
3 offender submit to a period of detention up to forty-eight hours after the determination by a
4 probation or parole officer that the offender violated a condition of continued probation or parole
5 in an appropriate institution at whatever time or intervals within the period of probation,
6 consecutive or nonconsecutive, the court shall designate, or the ~~board~~ **division** of probation and
7 parole shall direct. Any person placed on probation in a county of the first class or second class
8 or in any city with a population of five hundred thousand or more and detained as herein
9 provided shall be subject to all provisions of section 221.170, even though he **or she** was not
10 convicted and sentenced to a jail or workhouse.

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

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

16 (3) If probation is revoked and a term of imprisonment is served by reason thereof, the
17 time spent in a jail, half-way house, honor center, workhouse or other institution as a detention
18 condition of probation shall be credited against the prison or jail term served for the offense in
19 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
2 may be ordered by the court to make restitution to the victim for the victim's losses due to such
3 offense. Restitution pursuant to this section shall include, but not be limited to a victim's
4 reasonable expenses to participate in the prosecution of the crime.

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

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

13 4. The court may set an amount of restitution to be paid by the defendant. Said amount
14 may be taken from the inmate's account at the department of corrections while the defendant is
15 incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution
16 is unpaid, the payment of the unpaid balance may be collected as a condition of conditional
17 release or parole by the prosecuting attorney or circuit attorney under section 559.100. The
18 prosecuting attorney or circuit attorney may refer any failure to make such restitution as a
19 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
2 probation to an offender who has been found guilty of an offense in:

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

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

9
10 the court shall order that the offender be supervised by the ~~[board]~~ **division** of probation and
11 parole for the duration of his or her natural life.

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

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

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

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

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

8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection or order such placement under subsection
14 4 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate one hundred twenty-day
16 program in which to place the offender, which may include placement in the shock incarceration
17 program or institutional treatment program. When the court recommends and receives placement
18 of an offender in a department of corrections one hundred twenty-day program, the offender shall
19 be released on probation if the department of corrections determines that the offender has
20 successfully completed the program except as follows. Upon successful completion of a
21 program under this subsection, the ~~board~~ **division** of probation and parole shall advise the
22 sentencing court of an offender's probationary release date thirty days prior to release. The court
23 shall follow the recommendation of the department unless the court determines that probation
24 is not appropriate. If the court determines that probation is not appropriate, the court may order
25 the execution of the offender's sentence only after conducting a hearing on the matter within
26 ninety to one hundred twenty days from the date the offender was delivered to the department
27 of corrections. If the department determines the offender has not successfully completed a one
28 hundred twenty-day program under this subsection, the offender shall be removed from the
29 program and the court shall be advised of the removal. The department shall report on the
30 offender's participation in the program and may provide recommendations for terms and
31 conditions of an offender's probation. The court shall then have the power to grant probation or
32 order the execution of the offender's sentence.

33 4. If the court is advised that an offender is not eligible for placement in a one hundred
34 twenty-day program under subsection 3 of this section, the court shall consider other authorized
35 dispositions. If the department of corrections one hundred twenty-day program under subsection
36 3 of this section is full, the court may place the offender in a private program approved by the
37 department of corrections or the court, the expenses of such program to be paid by the offender,
38 or in an available program offered by another organization. If the offender is convicted of a class
39 C, class D, or class E nonviolent felony, the court may order probation while awaiting
40 appointment to treatment.

41 5. Except when the offender has been found to be a predatory sexual offender pursuant
42 to section 566.125, the court shall request the department of corrections to conduct a sexual
43 offender assessment if the defendant has been found guilty of sexual abuse when classified as

44 a class B felony. Upon completion of the assessment, the department shall provide to the court
45 a report on the offender and may provide recommendations for terms and conditions of an
46 offender's probation. The assessment shall not be considered a one hundred twenty-day program
47 as provided under subsection 3 of this section. The process for granting probation to an offender
48 who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

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

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

59 8. Notwithstanding any other provision of law, probation may not be granted pursuant
60 to this section to offenders who have been convicted of murder in the second degree pursuant
61 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,
62 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060
63 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory
64 rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant
65 to section 566.062; child molestation in the first degree pursuant to section 566.067 when
66 classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a
67 class A felony; or an offender who has been found to be a predatory sexual offender pursuant to
68 section 566.125; or any offense in which there exists a statutory prohibition against either
69 probation or parole.

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

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

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

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

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

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

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

559.600. 1. In cases where the ~~[board of probation and parole]~~ **division of probation**
2 **and parole** is not required under section 217.750 to provide probation supervision and
3 rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a
4 circuit may contract with one or more private entities or other court-approved entity to provide
5 such services. The court-approved entity, including private or other entities, shall act as a
6 misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract,
7 supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor
8 offenses, specifically including persons placed on probation for violations of section
9 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the ~~[board]~~
10 **division** of probation and parole, or the court, from supervising misdemeanor offenders in a
11 circuit where the judges have entered into a contract with a probation entity.

12 2. In all cases, the entity providing such private probation service shall utilize the cutoff
13 concentrations utilized by the department of corrections with regard to drug and alcohol
14 screening for clients assigned to such entity. A drug test is positive if drug presence is at or
15 above the cutoff concentration or negative if no drug is detected or if drug presence is below the
16 cutoff concentration.

17 3. In all cases, the entity providing such private probation service shall not require the
18 clients assigned to such entity to travel in excess of fifty miles in order to attend their regular
19 probation meetings.

 559.602. A private entity seeking to provide probation supervision and rehabilitation
2 services to misdemeanor offenders shall make timely written application to the judges in a
3 circuit. When approved by the judges of a circuit, the application, the judicial order of approval
4 and the contract shall be forwarded to the ~~[board]~~ **division** of probation and parole. The contract
5 shall contain the responsibilities of the private entity, including the offenses for which persons
6 will be supervised. The ~~[board]~~ **division** may then withdraw supervision of misdemeanor
7 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
2 presiding judge, either may contract with a private or public entity or may employ any qualified
3 person to serve as the city's probation officer to provide probation and rehabilitation services for
4 persons placed on probation for violation of any ordinance of the city, specifically including the
5 offense of operating or being in physical control of a motor vehicle while under the influence of
6 intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part
7 of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615.
8 Persons found guilty or pleading guilty to ordinance violations and placed on probation by
9 municipal or city court judges shall contribute a service fee to the court in the amount set forth
10 in section 559.604 to pay the cost of their probation supervision provided by a probation officer
11 employed by the court or by a contract probation officer as provided for in section 559.604.

12 2. When approved by municipal court judges in the municipal division, the application,
13 judicial order of approval, and the contract shall be forwarded to and filed with the ~~[board]~~
14 **division** of probation and parole. The court-approved private or public entity or probation
15 officer employed by the court shall then function as the probation office for the city, pursuant to
16 the terms of the contract or conditions of employment and the terms of probation ordered by the
17 judge. Any city in this state which presently does not have probation services available for
18 persons convicted of its ordinance violations, or that contracts out those services with a private
19 entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and
20 continue to contract with a private entity or employ any qualified person and contract with the
21 municipal division to provide such probation supervision and rehabilitation services.

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

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

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

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

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

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

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

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

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

(b) **On duty; and**

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

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

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

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

22 ~~[(2)]~~ (3) "Prisoner", includes any person who is in the custody of a jail, whether pretrial
23 or after disposition of a charge.

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

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

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

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

6 (2) Sets a spring gun; or

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

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

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

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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 579.015.

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

39 (1) All state, county and municipal peace officers who have completed the training
40 required by the police officer standards and training commission pursuant to sections 590.030
41 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
42 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
43 such officers are on or off duty, and whether such officers are within or outside of the law
44 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
45 12 of this section, and who carry the identification defined in subsection 13 of this section, or
46 any person summoned by such officers to assist in making arrests or preserving the peace while
47 actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

64 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
65 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person

66 appointed by a court to be a special prosecutor who has completed the firearms safety training
67 course required under subsection 2 of section 571.111;

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

73 (12) Upon the written approval of the governing body of a fire department or fire
74 protection district, any paid fire department or fire protection district member who is employed
75 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
76 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
77 necessary to the fulfillment of such person's official duties.

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

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

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

99 6. Notwithstanding any provision of this section to the contrary, the state shall not
100 prohibit any state employee from having a firearm in the employee's vehicle on the state's
101 property provided that the vehicle is locked and the firearm is not visible. This subsection shall

102 only apply to the state as an employer when the state employee's vehicle is on property owned
103 or leased by the state and the state employee is conducting activities within the scope of his or
104 her employment. For the purposes of this subsection, "state employee" means an employee of
105 the executive, legislative, or judicial branch of the government of the state of Missouri.

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

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

113 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a
114 class E felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

170 (3) A certification issued by the state in which the individual resides that indicates that
171 the individual has, not less recently than one year before the date the individual is carrying the
172 concealed firearm, been tested or otherwise found by the state to meet the standards established

173 by the state for training and qualification for active peace officers to carry a firearm of the same
174 type as the concealed firearm.

**574.110. 1. A person commits the offense of using a laser pointer if such person
2 knowingly directs a light from a laser pointer at a uniformed safety officer, including a
3 peace officer as defined under section 590.010, security guard, firefighter, emergency
4 medical worker, or other uniformed municipal, state, or federal officer.**

**5 2. As used in this section, "laser pointer" means a device that emits a visible light
6 amplified by the stimulated emission of radiation.**

7 3. The offense of using a laser pointer is a class A misdemeanor.

575.040. 1. A person commits the offense of perjury if, with the purpose to deceive, he
2 or she knowingly testifies falsely to any material fact upon oath or affirmation legally
3 administered, in any official proceeding before any court, public body, notary public or other
4 officer authorized to administer oaths.

5 2. A fact is material, regardless of its admissibility under rules of evidence, if it could
6 substantially affect, or did substantially affect, the course or outcome of the cause, matter or
7 proceeding.

8 3. Knowledge of the materiality of the statement is not an element of this crime, and it
9 is no defense that:

10 (1) The person mistakenly believed the fact to be immaterial; or

11 (2) The person was not competent, for reasons other than mental disability or immaturity,
12 to make the statement.

13 4. It is a defense to a prosecution under subsection 1 of this section that the person
14 retracted the false statement in the course of the official proceeding in which it was made
15 provided he or she did so before the falsity of the statement was exposed. Statements made in
16 separate hearings at separate stages of the same proceeding, including but not limited to
17 statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial,
18 are made in the course of the same proceeding.

19 5. The defendant shall have the burden of injecting the issue of retraction under
20 subsection 4 of this section.

21 6. The offense of perjury committed in any proceeding not involving a felony charge is
22 a class E felony.

23 7. The offense of perjury committed in any proceeding involving a felony charge is a
24 class D felony unless:

25 (1) It is committed during a criminal trial for the purpose of securing the conviction of
26 an accused for any felony except murder, in which case it is a class B felony; or

27 (2) It is committed during a criminal trial for the purpose of securing the conviction of
28 an accused for murder, in which case it is a class A felony.

29 **8. The offense of perjury committed in any proceeding before a body of the general**
30 **assembly is a class D felony.**

575.050. 1. A person commits the offense of making a false affidavit if, with purpose
2 to mislead any person, he or she, in any affidavit, swears falsely to a fact which is material to the
3 purpose for which said affidavit is made.

4 2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions
5 under subsection 1 of this section.

6 3. It is a defense to a prosecution under subsection 1 of this section that the person
7 retracted the false statement by affidavit or testimony but this defense shall not apply if the
8 retraction was made after:

9 (1) The falsity of the statement was exposed; or

10 (2) Any person took substantial action in reliance on the statement.

11 4. The defendant shall have the burden of injecting the issue of retraction under
12 subsection 3 of this section.

13 5. The offense of making a false affidavit is a class C misdemeanor, unless done for the
14 purpose of misleading a public servant in the performance of his or her duty, in which case it is
15 a class A misdemeanor.

16 **6. The offense of making a false affidavit when done in any proceeding before a**
17 **body of the general assembly is a class A misdemeanor.**

575.155. 1. An offender or prisoner commits the offense of endangering a corrections
2 employee, a visitor to a correctional center, county or city jail, or another offender or prisoner
3 if he or she attempts to cause or knowingly causes such person to come into contact with blood,
4 seminal fluid, urine, feces, or saliva.

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

6 (1) "Corrections employee", a person who is an employee, or contracted employee of a
7 subcontractor, of a department or agency responsible for operating a jail, prison, correctional
8 facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison,
9 correctional facility, or sexual offender treatment center;

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

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

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

14 3. The offense of endangering a corrections employee, a visitor to a correctional center,
15 county or city jail, or another offender or prisoner is a class E felony unless the substance is

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

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

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

6 (1) "Department of mental health employee", a person who is an employee of the
7 department of mental health, an employee or contracted employee of a subcontractor of the
8 department of mental health, or an employee or contracted employee of a subcontractor of an
9 entity responsible for confining offenders as authorized by section 632.495;

10 (2) "Offender", persons ordered to the department of mental health after a determination
11 by the court that such persons may meet the definition of a sexually violent predator, persons
12 ordered to the department of mental health after a finding of probable cause under section
13 632.489, and persons committed for control, care, and treatment by the department of mental
14 health under sections 632.480 to 632.513;

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

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

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

575.160. 1. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.

2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court **or body of the general assembly**.

3. The offense of interference with legal process is a class B misdemeanor.

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

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

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

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

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

575.270. 1. A person commits the offense of tampering with a witness or victim if:

(1) With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

(a) Threatens or causes harm to any person or property; or

(b) Uses force, threats or deception; or

(c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;

or

(d) Conveys any of the foregoing to another in furtherance of a conspiracy; or

(2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

(a) Making any report of such victimization to any peace officer, state, local or federal law enforcement officer, prosecuting agency, or judge;

(b) Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;

(c) Arresting or causing or seeking the arrest of any person in connection with such victimization.

19 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless
20 the original charge is a felony, in which case tampering with a witness or victim is a class D
21 felony. Persons convicted under this section shall not be eligible for parole.

22 **3. The offense of tampering with a witness subpoenaed in a proceeding before a**
23 **body of the general assembly is a class E felony.**

575.280. 1. A person commits the offense of acceding to corruption if he or she:

2 (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts,
3 or agrees to accept any benefit, direct or indirect, on the representation or understanding that it
4 will influence his or her official action in a judicial proceeding pending in any court or before
5 such official or juror;

6 (2) Is a witness or prospective witness in any official proceeding and knowingly solicits,
7 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
8 that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid
9 subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

10 2. The offense of acceding to corruption under subdivision (1) of subsection 1 of this
11 section is a class C felony. The offense of acceding to corruption under subdivision (2) of
12 subsection 1 of this section in a felony prosecution [œ] , on the representation or understanding
13 of testifying falsely, **or in a proceeding before a body of the general assembly** is a class D
14 felony. Otherwise acceding to corruption is a class A misdemeanor.

575.330. 1. A person commits the offense of contempt of a body of the general
2 **assembly if he or she was subpoenaed as a witness by a body of the general assembly to**
3 **give testimony or to produce documents or provide other information upon any matter**
4 **under inquiry before the body of the general assembly and he or she willfully:**

5 **(1) Fails to appear to testify;**

6 **(2) After having appeared, refuses to answer any question pertinent to the question**
7 **under inquiry; or**

8 **(3) Fails to produce required documents.**

9 **2. The offense of contempt of a body of the general assembly is a class A**
10 **misdemeanor.**

11 **3. The offense of contempt of a body of the general assembly after an order has**
12 **been issued under section 21.403 is a class E felony.**

576.030. 1. A person commits the offense of obstructing government operations if he
2 or she purposely obstructs, impairs, hinders or perverts the performance of a governmental
3 function by the use or threat of **harm, intimidation, coercion**, violence, force, or other physical
4 interference or obstacle.

5 2. The offense of obstructing government operations is a class ~~[B]~~ **A** misdemeanor,
6 **unless committed against a body of the general assembly, in which case it is a class E**
7 **felony.**

 589.042. The court or the ~~[board of probation and]~~ parole **board** shall have the authority
2 to require a person who is required to register as a sexual offender under sections 589.400 to
3 589.425 to give his or her assigned probation or parole officer access to his or her personal home
4 computer as a condition of probation or parole in order to monitor and prevent such offender
5 from obtaining and keeping child pornography or from committing an offense under chapter 566.
6 Such access shall allow the probation or parole officer to view the internet use history, computer
7 hardware, and computer software of any computer, including a laptop computer, that the offender
8 owns.

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

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

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

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

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

 (1) Obtain continuing law enforcement education pursuant to rules to be promulgated
16 by the POST commission; ~~and~~

 (2) Maintain a current address of record on file with the director; **and**

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a
19 **peace officer is commissioned with a different law enforcement agency, for the purpose of**
20 **a criminal history background check and enrollment in the state and federal Rap Back**
21 **programs, pursuant to section 43.540. The criminal history background check shall**
22 **include the records of the Federal Bureau of Investigation. The resulting report shall be**
23 **forwarded to the officer's commissioning law enforcement agency at the time of enrollment**
24 **and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of**
25 **section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps**

26 **to maintain enrollment in Rap Back at all law enforcement agencies where the officer is**
27 **commissioned for as long as the officer is commissioned with that agency.**

28 6. A peace officer license shall automatically expire if the licensee fails to hold a
29 commission as a peace officer for a period of five consecutive years, provided that the POST
30 commission shall provide for the relicensure of such persons and may require retraining as a
31 condition of eligibility for relicensure, and provided that the director may provide for the
32 continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement
33 commission requiring a peace officer license but not meeting the definition of a peace officer
34 pursuant to this chapter.

35 **7. All law enforcement agencies shall enroll in the state and federal Rap Back**
36 **programs on or before January 1, 2022, and continue to remain enrolled. The law**
37 **enforcement agency shall take all necessary steps to maintain officer enrollment for all**
38 **officers commissioned with that agency in the Rap Back programs. An officer shall submit**
39 **to being fingerprinted at any law enforcement agency upon commissioning and for as long**
40 **as the officer is commissioned with that agency.**

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

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

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

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

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

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

16 3. Whenever the chief executive officer of a law enforcement agency has reasonable
17 grounds to believe that any peace officer commissioned by the agency is subject to discipline
18 pursuant to section 590.080, the chief executive officer shall report such knowledge to the
19 director.

20 **4. Notwithstanding any other provision of law to the contrary, the chief executive**
21 **officer of each law enforcement agency has absolute immunity from suit for compliance**

22 with this section, unless the chief executive officer presented false information to the
23 director with the intention of causing reputational harm to the peace officer.

590.075. The chief executive officer of each law enforcement agency shall, prior to
2 commissioning any peace officer, request a certified copy from the director of all
3 notifications received pursuant to section 590.070 and the director shall provide all
4 notifications stored electronically to the chief executive officer who requested the
5 notifications within three business days after receipt of request. If the director receives any
6 additional notifications regarding the candidate for commissioning within sixty days of a
7 chief executive officer's request under this section, a copy of such notifications shall be
8 forwarded by the director to the requesting chief executive officer within three business
9 days following receipt.

590.192. 1. There is hereby established the "Critical Incident Stress Management
2 Program" within the department of public safety. The program shall provide services for
3 peace officers to assist in coping with stress and potential psychological trauma resulting
4 from a response to a critical incident or emotionally difficult event. Such services may
5 include consultation, risk assessment, education, intervention, and other crisis intervention
6 services provided by the department to peace officers affected by a critical incident. For
7 purposes of this section, a "critical incident" shall mean any event outside the usual realm
8 of human experience that is markedly distressing or evokes reactions of intense fear,
9 helplessness, or horror and involves the perceived threat to a person's physical integrity
10 or the physical integrity of someone else.

11 2. All peace officers shall be required to meet with a program service provider once
12 every three to five years for a mental health check-in. The program service provider shall
13 send a notification to the peace officer's commanding officer that he or she completed such
14 check-in.

15 3. Any information disclosed by a peace officer shall be privileged and shall not be
16 used as evidence in criminal, administrative, or civil proceedings against the peace officer
17 unless:

18 (1) A program representative reasonably believes the disclosure is necessary to
19 prevent harm to a person who received services or to prevent harm to another person;

20 (2) The person who received the services provides written consent to the disclosure;
21 or

22 (3) The person receiving services discloses information that is required to be
23 reported under mandatory reporting laws.

24 4. (1) There is hereby created in the state treasury the "988 Public Safety Fund",
25 which shall consist of moneys appropriated by the general assembly. The state treasurer

26 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
27 treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in
28 the fund shall be used solely by the department of public safety for the purposes of
29 providing services for peace officers pursuant to subsection 1 of this section. Such services
30 may include consultation, risk assessment, education, intervention, and other crisis
31 intervention services provided by the department to peace officers affected by a critical
32 incident. The director of public safety may prescribe rules and regulations necessary to
33 carry out the provisions of this section. Any rule or portion of a rule, as that term is
34 defined in section 536.010, that is created under the authority delegated in this section shall
35 become effective only if it complies with and is subject to all of the provisions of chapter
36 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
37 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
38 to delay the effective date, or to disapprove and annul a rule are subsequently held
39 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
40 after August 28, 2021, shall be invalid and void.

41 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
42 remaining in the fund at the end of the biennium shall not revert to the credit of the
43 general revenue fund.

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

590.500. 1. ~~[Any law enforcement officer, other than an elected sheriff or deputy, who
2 possesses the duty and power of arrest for violations of the criminal laws of this state or for
3 violations of ordinances of counties or municipalities of this state, who is regularly employed for
4 more than thirty hours per week, and who is employed by a law enforcement agency of this state
5 or political subdivision of this state which employs more than fifteen law enforcement officers,
6 shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary
7 demotion or suspension that results in a reduction or withholding of salary or compensatory time.
8 The meeting shall be held before any individual or board as designated by the governing body.
9 At any such meeting, the employing law enforcement agency shall at a minimum provide a brief
10 statement, which may be oral, of the reason of the discharge, disciplinary demotion or
11 suspension, and permit the law enforcement officer the opportunity to respond. The results from
12 such meeting shall be reduced to writing.] The provisions of this section shall be known and
13 may be cited as the "Law Enforcement Officers' Bill of Rights". Any law enforcement
14 agency that has substantially similar or greater procedures shall be deemed to be in compliance~~

15 with this section. [~~This section shall not apply to an officer serving in a probationary period or~~
16 ~~to the highest ranking officer of any law enforcement agency.~~]

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

18 **(1) "Board", any individual or body authorized by an agency or department to**
19 **hear and make final decisions regarding appeals of disciplinary actions issued by an**
20 **agency or department;**

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

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

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

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

36 **(6) "Record", any transcription or audio or video recording of all interviews or**
37 **hearings and complete documentary file.**

38 **3. Whenever a law enforcement officer is under administrative investigation or is**
39 **subjected to administrative questioning that the officer reasonably believes could lead to**
40 **disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead**
41 **to economic loss, the investigation or questioning shall be conducted under the following**
42 **conditions:**

43 **(1) The law enforcement officer who is the subject of the investigation shall be**
44 **informed, in writing, of the existence and nature of the alleged violation and the individuals**
45 **who will be conducting the investigation. Notice shall be provided to the officer along with**
46 **a copy of the complaint at least twenty-four hours prior to any interrogation or interview**
47 **of the officer;**

48 **(2) Any person, including members of the same agency or department as the officer**
49 **under investigation, filing a complaint against a law enforcement officer shall have the**
50 **complaint supported by a written statement outlining the complaint that includes the**

51 personal identifying information of the person filing the complaint. All personal
52 identifying information shall be held confidential by the investigating agency;

53 (3) When a law enforcement officer is questioned or interviewed regarding matters
54 pertaining to his or her law enforcement duties or actions taken within the scope of his or
55 her employment, such questioning shall be conducted for a reasonable length of time and
56 only while the officer is on duty unless exigent circumstances exist that necessitate
57 questioning the officer while he or she is off duty;

58 (4) Any interviews or questioning shall be conducted at a secure location at the
59 agency that is conducting the investigation or at the place where the officer reports to
60 work, unless the officer consents to another location;

61 (5) Law enforcement officers may be questioned by up to two investigators and
62 shall be informed of the name, rank, and command of the officer or officers conducting the
63 investigation; except that, separate investigators shall be assigned to investigate alleged
64 department policy violations and alleged criminal violations;

65 (6) Interview sessions shall be for a reasonable period of time. There shall be times
66 provided for the officer to allow for such personal necessities and rest periods as are
67 reasonably necessary;

68 (7) Prior to an interview session, the investigator or investigators conducting the
69 investigation shall advise the law enforcement officer of the rule set out in *Garrity v. New*
70 *Jersey*, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered
71 to answer questions under threat of disciplinary action and that the officer's answers to the
72 questions will not be used against the officer in criminal proceedings;

73 (8) Law enforcement officers shall not be threatened, harassed, or promised
74 rewards to induce them into answering any question; except that, law enforcement officers
75 may be compelled by their employer to give protected *Garrity* statements to an investigator
76 under the direct control of the employer, but such compelled statements shall not be used
77 or derivatively used against the officer in any aspect of a criminal case brought against the
78 officer;

79 (9) Law enforcement officers under investigation are entitled to have an attorney
80 or any duly authorized representative present during any questioning that the law
81 enforcement officer reasonably believes may result in disciplinary action. The attorney or
82 representative shall be permitted to confer with the officer but shall not unduly disrupt or
83 interfere with the interview. The questioning shall be suspended for a period of up to
84 twenty-four hours if the officer requests representation;

85 (10) Prior to the law enforcement officer being interviewed, the officer and his or
86 her representative shall have the opportunity to review the complaint;

87 **(11) Law enforcement officers or their designated representative shall have the**
88 **right to bring their own recording device and may record all aspects of the interview;**

89 **(12) The law enforcement agency conducting the investigation shall have ninety**
90 **days from receipt of a citizen complaint or from the date the agency became aware of the**
91 **alleged conduct upon which the allegation rests to complete the investigation. The date**
92 **shall be stated on the document providing notice to the law enforcement officer. The**
93 **agency shall determine the disposition of the complaint and render a disciplinary decision,**
94 **if any, within ninety days. The agency may, for good cause, petition the board overseeing**
95 **the administration of discipline for an extension of time to complete the investigation.**
96 **Absent consent from the officer being investigated, the board overseeing the administration**
97 **of discipline shall set the petition for extension for hearing and provide notice of the**
98 **hearing to the law enforcement officer under investigation. The officer shall have the right**
99 **to attend the hearing and to present evidence and arguments against extension. If the**
100 **board finds the agency has shown good cause for the granting of an extension of time to**
101 **complete the investigation, the board shall grant an extension of up to sixty days. The**
102 **agency shall be limited to two extensions per investigation; except that, if there is an**
103 **ongoing criminal investigation, there shall be no limitation on the amount of sixty-day**
104 **extensions. For good cause shown, the internal investigation may be tolled until the**
105 **conclusion of a concurrent criminal investigation arising out of the same alleged conduct;**

106 **(13) Within five days of the conclusion of the administrative investigation, the**
107 **investigator shall inform the officer in writing of the investigative findings and any**
108 **recommendation for further action, including discipline;**

109 **(14) A complete record of the administrative investigation shall be kept by the law**
110 **enforcement agency conducting such investigation. Upon completion of the investigation,**
111 **a copy of the entire record including, but not limited to, audio, video, or transcribed**
112 **statements, shall be provided to the officer or the officer's representative within five**
113 **business days of the officer's written request. The agency may request a protective order**
114 **to redact all personal identifying witness information;**

115 **(15) Law enforcement officers shall have the right to compensation for any**
116 **economic loss incurred during an investigation if the alleged misconduct is not sustained**
117 **by the agency conducting the investigation; and**

118 **(16) All records compiled as a result of any investigation subject to the provisions**
119 **of this section shall be held confidential and shall not be subject to disclosure under**
120 **chapter 610 except by court order.**

121 **4. Law enforcement officers who are suspended without pay, demoted, terminated,**
122 **transferred, or placed on a status resulting in economic loss shall be entitled to a full due**

123 process hearing. The proceeding shall constitute a contested case under chapter 536. The
124 components of the hearing shall include, at a minimum:

125 (1) The right of the law enforcement officer to be represented by an attorney or
126 other individual of his or her choice during the hearing;

127 (2) The right of the law enforcement officer or his or her attorney to conduct
128 discovery prior to the hearing. Depositions may be taken in the same manner and under
129 the same conditions as provided for in the Missouri civil rules of civil procedure for civil
130 cases in the circuit court. Subpoenas may be issued by the board conducting the hearing
131 or by the circuit court or the office of the clerk for the county where the agency has its
132 principal place of business;

133 (3) Seven days' notice of the hearing date and time;

134 (4) An opportunity for the law enforcement officer or his or her attorney to access
135 and review the investigatory record at least seven days prior to the hearing;

136 (5) The right of the law enforcement officer or his or her attorney to present
137 witnesses and evidence in the officer's defense and a right to cross-examine any adverse
138 witnesses against the officer;

139 (6) The right of the law enforcement officer to refuse to testify at the hearing if the
140 officer is concurrently facing criminal charges in connection with the same incident. A law
141 enforcement officer's decision not to testify shall not result in additional internal charges
142 or discipline;

143 (7) A complete record of the hearing to be kept by the agency for purposes of
144 appeal. The record shall be provided to the law enforcement officer or his or her attorney
145 upon written request; and

146 (8) The entire record of the hearing to remain confidential and shall not be subject
147 to disclosure under chapter 610 except by lawful subpoena or court order.

148 5. Any decision, order, or action taken following the hearing shall be in writing and
149 shall be accompanied by findings of fact. The findings shall consist of a concise statement
150 upon each issue in the case. A copy of the decision or order accompanying the findings and
151 conclusions along with the written action and right of appeal, if any, shall be delivered or
152 mailed promptly to the law enforcement officer or to the officer's attorney or
153 representative of record.

154 6. Law enforcement officers shall have the opportunity to provide a written
155 response to any adverse materials placed in their personnel file, and such written response
156 shall be permanently attached to the adverse material.

157 **7. Law enforcement officers shall have the right to compensation for any economic**
158 **loss incurred as a result of disciplinary action by an agency if the alleged misconduct is not**
159 **sustained by the administrative body hearing the disciplinary appeal.**

160 **8. Law enforcement officers may petition the circuit court in the county in which**
161 **the law enforcement agency has its principal place of business to review the decision of the**
162 **administrative body hearing the appeal of discipline. Upon a finding that the discipline**
163 **was not justified, the circuit court may award the law enforcement officer back pay and**
164 **costs incurred in bringing the suit, including attorney's fees.**

165 **9. Employers shall defend and indemnify law enforcement officers from and**
166 **against civil claims made against them in their official and individual capacities if the**
167 **alleged conduct arose in the course and scope of their obligations and duties as law**
168 **enforcement officers. This includes any actions taken while off duty if such actions were**
169 **taken under color of law. In the event a law enforcement officer is convicted of or pleads**
170 **guilty to criminal charges arising out of the same conduct, the employer shall no longer be**
171 **obligated to defend and indemnify the officer in connection with related civil claims.**

172 **10. No law enforcement officer shall be disciplined, demoted, dismissed,**
173 **transferred, or placed on a status resulting in economic loss as a result of the officer's**
174 **assertion of his or her constitutional rights in any judicial proceeding unless the officer**
175 **admits to wrongdoing, in which case the provisions of this section shall not apply.**

176 **11. No state or local governmental unit including, but not limited to, a county,**
177 **charter county, city, charter city, municipality, district, college, university, or any other**
178 **political subdivision that employs a law enforcement officer shall enact, promulgate,**
179 **enforce, or follow any law, regulation, or policy that would abolish, conflict with, modify,**
180 **or in any way diminish any right or remedy provided to law enforcement officers under**
181 **this section.**

182 **12. The rights set out in this section are minimum standards to be applied**
183 **throughout the state. However, nothing in this section shall prohibit a law enforcement**
184 **agency and the authorized bargaining representative for a law enforcement officer**
185 **employed by that agency from reaching written agreements providing disciplinary**
186 **procedures more favorable than those provided in this section.**

187 **13. The remedies provided by this section against law enforcement agencies or**
188 **governmental bodies shall be in addition to those provided by any other provision of law.**
189 **Any aggrieved law enforcement officer or authorized representative may seek judicial**
190 **enforcement of the requirements of these sections. Suits to enforce these sections shall be**
191 **brought in the circuit court for the county in which the law enforcement agency or**
192 **governmental body has its principal place of business.**

193 **14. Upon a finding by a preponderance of the evidence that a law enforcement**
194 **agency, governmental body, or member of such an entity has violated any provision of this**
195 **section, a court shall void any action taken under this section. Suit for enforcement shall**
196 **be brought within one year from the time a violation is ascertainable.**

197 **15. Nothing in this section shall apply to any investigation or other action by the**
198 **director regarding a license issued by the director under this chapter.**

590.805. 1. A law enforcement officer shall not knowingly use a respiratory
2 **choke-hold unless the use is in defense of the officer or another from serious physical**
3 **injury or death.**

4 **2. A respiratory choke-hold includes the use of any body part or object to attempt**
5 **to control or disable by applying pressure to a person's neck with the purpose of**
6 **controlling or**
7 **restricting such person's breathing.**

590.1210. No law enforcement agency shall adopt any policy that requires the
2 **closure or redaction of certain information from a public record, as defined in section**
3 **610.010, unless the record or portion of the record is required to be closed or redacted**
4 **under chapter 610 or any other provision of law.**

590.1265. 1. The provisions of this section shall be known and may be cited as the
2 **"Police Use of Force Transparency Act of 2021".**

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

4 **(1) "Law enforcement agency", the same meaning as defined in section 590.1040;**

5 **(2) "Peace officer", the same meaning as defined in section 590.010;**

6 **(3) "Serious physical injury", the same meaning as defined in section 556.061;**

7 **(4) "Use-of-force incident", an incident in which:**

8 **(a) A fatality occurs that is connected to a use of force by a peace officer;**

9 **(b) Serious bodily injury occurs that is connected to a use of force by a peace**
10 **officer; or**

11 **(c) In the absence of death or serious physical injury, a peace officer discharges a**
12 **firearm at, or in the direction of, a person.**

13 **3. Starting on March 1, 2022, and at least annually thereafter, each law**
14 **enforcement agency shall collect and report local data on use-of-force incidents involving**
15 **peace officers to the National Use of Force Data Collection through the Law Enforcement**
16 **Enterprise Portal administered by the Federal Bureau of Investigation. Law enforcement**
17 **agencies shall not include personally identifying information of individual peace officers**
18 **in their reports.**

19 **4. Each law enforcement agency shall additionally report the data submitted under**
20 **subsection 3 of this section to the department of public safety. Law enforcement agencies**
21 **shall not include personally identifying information of individual peace officers in their**
22 **reports.**

23 **5. The department of public safety shall, no later than October 31, 2021, develop**
24 **standards and procedures governing the collection and reporting of use-of-force data**
25 **under this section. The standards and procedures shall be consistent with the**
26 **requirements, definitions, and methods of the National Use of Force Data Collection**
27 **administered by the Federal Bureau of Investigation.**

28 **6. By March 1, 2023, and at least annually thereafter, the department of public**
29 **safety shall publish the data reported by law enforcement agencies under subsection 4 of**
30 **this section, including statewide aggregate data and agency-specific data, in a publicly**
31 **available report on the department of public safety's website. Such data shall be deemed**
32 **a public record consistent with the provisions and exemptions contained in chapter 610.**

33 **7. The department of public safety shall undertake an analysis of any trends and**
34 **disparities in rates of use of force by all law enforcement agencies, with a report to be**
35 **released to the public no later than June 30, 2025. The report shall be updated periodically**
36 **thereafter, but not less than once every five years.**

610.120. 1. Except as otherwise provided under section 610.124, records required to be
2 closed shall not be destroyed; they shall be inaccessible to the general public and to all persons
3 other than the defendant except as provided in this section and chapter 43. Closed records shall
4 be available to: criminal justice agencies for the administration of criminal justice pursuant to
5 section 43.500, criminal justice employment, screening persons with access to criminal justice
6 facilities, procedures, and sensitive information; to law enforcement agencies for issuance or
7 renewal of a license, permit, certification, or registration of authority from such agency including
8 but not limited to watchmen, security personnel, **and** private investigators, [~~and persons seeking~~
9 ~~permits to purchase or possess a firearm~~]; those agencies authorized by chapter 43 and applicable
10 state law when submitting fingerprints to the central repository; the sentencing advisory
11 commission created in section 558.019 for the purpose of studying sentencing practices in
12 accordance with chapter 43; to qualified entities for the purpose of screening providers defined
13 in chapter 43; the department of revenue for driver license administration; the department of
14 public safety for the purposes of determining eligibility for crime victims' compensation pursuant
15 to sections 595.010 to 595.075, department of health and senior services for the purpose of
16 licensing and regulating facilities and regulating in-home services provider agencies and federal
17 agencies for purposes of criminal justice administration, criminal justice employment, child,

18 elderly, or disabled care, and for such investigative purposes as authorized by law or presidential
19 executive order.

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

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

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

- 18 (1) Any class A felony offense;
- 19 (2) Any dangerous felony as that term is defined in section 556.061;
- 20 (3) Any offense that requires registration as a sex offender;
- 21 (4) Any felony offense where death is an element of the offense;
- 22 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
- 23 or felony offense of kidnapping;

24 (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478,
25 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991,
26 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130,
27 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045,
28 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055,
29 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223, 570.224,
30 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115,
31 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200,
32 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008,
33 578.305, 578.310, or 632.520;

34 (7) Any offense eligible for expungement under section 577.054 or 610.130;

35 (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or
36 any offense of operating an aircraft with an excessive blood alcohol content or while in an
37 intoxicated condition;

38 (9) Any ordinance violation that is the substantial equivalent of any offense that is not
39 eligible for expungement under this section;

40 (10) Any violation of any state law or county or municipal ordinance regulating the
41 operation of motor vehicles when committed by an individual who has been issued a commercial
42 driver's license or is required to possess a commercial driver's license issued by this state or any
43 other state; and

44 (11) Any offense of section 571.030, except any offense under subdivision (1) of
45 subsection 1 of section 571.030 where the person was convicted or found guilty prior to January
46 1, 2017, **or any offense under subdivision (4) of subsection 1 of section 571.030.**

47 3. The petition shall name as defendants all law enforcement agencies, courts,
48 prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of
49 criminal records, or others who the petitioner has reason to believe may possess the records
50 subject to expungement for each of the offenses, violations, and infractions listed in the petition.
51 The court's order of expungement shall not affect any person or entity not named as a defendant
52 in the action.

53 4. The petition shall include the following information:

54 (1) The petitioner's:

55 (a) Full name;

56 (b) Sex;

57 (c) Race;

58 (d) Driver's license number, if applicable; and

59 (e) Current address;

60 (2) Each offense, violation, or infraction for which the petitioner is requesting
61 expungement;

62 (3) The approximate date the petitioner was charged for each offense, violation, or
63 infraction; and

64 (4) The name of the county where the petitioner was charged for each offense, violation,
65 or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the
66 name of the municipality for each offense, violation, or infraction; and

67 (5) The case number and name of the court for each offense.

68 5. The clerk of the court shall give notice of the filing of the petition to the office of the
69 prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the
70 offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit
71 attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she
72 shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon
73 by the parties, the court shall hold a hearing within sixty days after any written objection is filed,
74 giving reasonable notice of the hearing to the petitioner. If no objection has been filed within
75 thirty days after receipt of service, the court may set a hearing on the matter and shall give
76 reasonable notice of the hearing to each entity named in the petition. At any hearing, the court
77 may accept evidence and hear testimony on, and may consider, the following criteria for each of
78 the offenses, violations, or infractions listed in the petition for expungement:

79 (1) At the time the petition is filed, it has been at least seven years if the offense is a
80 felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction,
81 from the date the petitioner completed any authorized disposition imposed under section 557.011
82 for each offense, violation, or infraction listed in the petition;

83 (2) The person has not been found guilty of any other misdemeanor or felony, not
84 including violations of the traffic regulations provided under chapters 304 and 307, during the
85 time period specified for the underlying offense, violation, or infraction in subdivision (1) of this
86 subsection;

87 (3) The person has satisfied all obligations relating to any such disposition, including the
88 payment of any fines or restitution;

89 (4) The person does not have charges pending;

90 (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to
91 the public safety of the state; and

92 (6) The expungement is consistent with the public welfare and the interests of justice
93 warrant the expungement.

94

95 A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and
96 (6) of this subsection shall create a rebuttable presumption that the expungement is warranted
97 so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise
98 satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal
99 prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction
100 listed in the petition shall have an opportunity to be heard at any hearing held under this section,
101 and the court may make a determination based solely on such victim's testimony.

102 6. A petition to expunge records related to an arrest for an eligible offense, violation, or
103 infraction may be made in accordance with the provisions of this section to a court of competent
104 jurisdiction in the county where the petitioner was arrested no earlier than three years from the
105 date of arrest; provided that, during such time, the petitioner has not been charged and the
106 petitioner has not been found guilty of any misdemeanor or felony offense.

107 7. If the court determines that such person meets all the criteria set forth in subsection
108 5 of this section for each of the offenses, violations, or infractions listed in the petition for
109 expungement, the court shall enter an order of expungement. In all cases under this section, the
110 court shall issue an order of expungement or dismissal within six months of the filing of the
111 petition. A copy of the order of expungement shall be provided to the petitioner and each entity
112 possessing records subject to the order, and, upon receipt of the order, each entity shall close any
113 record in its possession relating to any offense, violation, or infraction listed in the petition, in
114 the manner established by section 610.120. The records and files maintained in any
115 administrative or court proceeding in a municipal, associate, or circuit court for any offense,
116 infraction, or violation ordered expunged under this section shall be confidential and only
117 available to the parties or by order of the court for good cause shown. The central repository
118 shall request the Federal Bureau of Investigation to expunge the records from its files.

119 8. The order shall not limit any of the petitioner's rights that were restricted as a collateral
120 consequence of such person's criminal record, and such rights shall be restored upon issuance
121 of the order of expungement. Except as otherwise provided under this section, the effect of such
122 order shall be to restore such person to the status he or she occupied prior to such arrests, pleas,
123 trials, or convictions as if such events had never taken place. No person as to whom such order
124 has been entered shall be held thereafter under any provision of law to be guilty of perjury or
125 otherwise giving a false statement by reason of his or her failure to recite or acknowledge such
126 arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her
127 and no such inquiry shall be made for information relating to an expungement, except the
128 petitioner shall disclose the expunged offense, violation, or infraction to any court when asked
129 or upon being charged with any subsequent offense, violation, or infraction. The expunged

130 offense, violation, or infraction may be considered a prior offense in determining a sentence to
131 be imposed for any subsequent offense that the person is found guilty of committing.

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

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

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

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

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

143 (5) Employment with any entity engaged in the business of insurance or any insurer for
144 the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar
145 law which requires an employer engaged in the business of insurance to exclude applicants with
146 certain criminal convictions from employment; or

147 (6) Employment with any employer that is required to exclude applicants with certain
148 criminal convictions from employment due to federal or state law, including corresponding rules
149 and regulations.

150

151 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
152 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
153 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
154 may be a factor for denying employment, or a professional license, certificate, or permit; except
155 that, an offense, violation, or infraction expunged under the provisions of this section may be
156 grounds for automatic disqualification if the application is for employment under subdivisions
157 (4) to (6) of this subsection.

158 10. A person who has been granted an expungement of records pertaining to a
159 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an
160 employer's inquiry into whether the person has ever been convicted of a crime if, after the
161 granting of the expungement, the person has no public record of a misdemeanor or felony
162 offense, an ordinance violation, or an infraction. The person, however, shall answer such an
163 inquiry affirmatively and disclose his or her criminal convictions, including any offense or
164 violation expunged under this section or similar law, if the employer is required to exclude

165 applicants with certain criminal convictions from employment due to federal or state law,
166 including corresponding rules and regulations.

167 11. If the court determines that the petitioner has not met the criteria for any of the
168 offenses, violations, or infractions listed in the petition for expungement or the petitioner has
169 knowingly provided false information in the petition, the court shall enter an order dismissing
170 the petition. Any person whose petition for expungement has been dismissed by the court for
171 failure to meet the criteria set forth in subsection 5 of this section may not refile another petition
172 until a year has passed since the date of filing for the previous petition.

173 12. A person may be granted more than one expungement under this section provided
174 that during his or her lifetime, the total number of offenses, violations, or infractions for which
175 orders of expungement are granted to the person shall not exceed the following limits:

176 (1) Not more than two misdemeanor offenses or ordinance violations that have an
177 authorized term of imprisonment; and

178 (2) Not more than one felony offense.

179

180 A person may be granted expungement under this section for any number of infractions. Nothing
181 in this section shall prevent the court from maintaining records to ensure that an individual has
182 not exceeded the limitations of this subsection. Nothing in this section shall be construed to
183 limit or impair in any way the subsequent use of any record expunged under this section of any
184 arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting
185 attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense,
186 violation, or infraction.

187 13. The court shall make available a form for pro se petitioners seeking expungement,
188 which shall include the following statement: "I declare under penalty of perjury that the
189 statements made herein are true and correct to the best of my knowledge, information, and
190 belief".

191 14. Nothing in this section shall be construed to limit or restrict the availability of
192 expungement to any person under any other law.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

3 (2) Is seventeen years of age or older and arrested for burglary in the first degree under
4 section 569.160, or burglary in the second degree under section 569.170, or a felony offense
5 under chapter 565, 566, 567, 568, or 573; or

6 (3) Has been determined to be a sexually violent predator pursuant to sections 632.480
7 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under sections 589.400 to
9 589.425;
10
11 shall have a fingerprint and blood or scientifically accepted biological sample collected for
12 purposes of DNA profiling analysis.

13 2. Any individual subject to DNA collection and profiling analysis under this section
14 shall provide a DNA sample:

15 (1) Upon booking at a county jail or detention facility; or
16 (2) Upon entering or before release from the department of corrections reception and
17 diagnostic centers; or
18 (3) Upon entering or before release from a county jail or detention facility, state
19 correctional facility, or any other detention facility or institution, whether operated by a private,
20 local, or state agency, or any mental health facility if committed as a sexually violent predator
21 pursuant to sections 632.480 to 632.513; or
22 (4) When the state accepts a person from another state under any interstate compact, or
23 under any other reciprocal agreement with any county, state, or federal agency, or any other
24 provision of law, whether or not the person is confined or released, the acceptance is conditional
25 on the person providing a DNA sample if the person was found guilty of a felony offense in any
26 other jurisdiction; or
27 (5) If such individual is under the jurisdiction of the department of corrections. Such
28 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
29 217.650, and on parole, as also defined in section 217.650; or
30 (6) At the time of registering as a sex offender under sections 589.400 to 589.425.

31 3. The Missouri state highway patrol and department of corrections shall be responsible
32 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
33 this section shall be required to provide such sample, without the right of refusal, at a collection
34 site designated by the Missouri state highway patrol and the department of corrections.
35 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
36 civil or criminal action when the act is performed in a reasonable manner. Such force may be
37 used as necessary to the effectual carrying out and application of such processes and operations.
38 The enforcement of these provisions by the authorities in charge of state correctional institutions
39 and others having custody or jurisdiction over individuals included in subsection 1 of this section
40 which shall not be set aside or reversed is hereby made mandatory. The ~~board~~ **division** of
41 probation or parole shall recommend that an individual on probation or parole who refuses to
42 provide a DNA sample have his or her probation or parole revoked. In the event that a person's
43 DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

44 4. The procedure and rules for the collection, analysis, storage, expungement, use of
45 DNA database records and privacy concerns shall not conflict with procedures and rules
46 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
47 databank system.

48 5. Unauthorized use or dissemination of individually identifiable DNA information in
49 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

50 6. Implementation of sections 650.050 to 650.100 shall be subject to future
51 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
52 Investigation's DNA databank system.

53 7. All DNA records and biological materials retained in the DNA profiling system are
54 considered closed records pursuant to chapter 610. All records containing any information held
55 or maintained by any person or by any agency, department, or political subdivision of the state
56 concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed,
57 except to:

58 (1) Peace officers, as defined in section 590.010, and other employees of law
59 enforcement agencies who need to obtain such records to perform their public duties;

60 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
61 defined in chapter 27;

62 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their
63 employees who need to obtain such records to perform their public duties;

64 (4) The individual whose DNA sample has been collected, or his or her attorney; or

65 (5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
66 judges, and their employees who need to obtain such records to perform their public duties.

67 8. Any person who obtains records pursuant to the provisions of this section shall use
68 such records only for investigative and prosecutorial purposes, including but not limited to use
69 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
70 including identification of human remains. Such records shall be considered strictly confidential
71 and shall only be released as authorized by this section.

72 9. (1) An individual may request expungement of his or her DNA sample and DNA
73 profile through the court issuing the reversal or dismissal, or through the court granting an
74 expungement of all official records under section 568.040.A certified copy of the court order
75 establishing that such conviction has been reversed, guilty plea has been set aside, or
76 expungement has been granted under section 568.040 shall be sent to the Missouri state highway
77 patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the
78 requesting individual has no other qualifying offense as a result of any separate plea or
79 conviction and no other qualifying arrest prior to expungement.

80 (2) A person whose DNA record or DNA profile has been included in the state DNA
81 database in accordance with this section and sections 650.050, 650.052, and 650.100 may request
82 expungement on the grounds that the conviction has been reversed, the guilty plea on which the
83 authority for including that person's DNA record or DNA profile was based has been set aside,
84 or an expungement of all official records has been granted by the court under section 568.040.

85 (3) Upon receipt of a written request for expungement, a certified copy of the final court
86 order reversing the conviction, setting aside the plea, or granting an expungement of all official
87 records under section 568.040, and any other information necessary to ascertain the validity of
88 the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records
89 and identifiable information in the state DNA database pertaining to the person and destroy the
90 DNA sample of the person, unless the Missouri state highway patrol determines that the person
91 is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court
92 order, the Missouri state highway patrol shall notify the individual that it has expunged his or her
93 DNA sample and DNA profile, or the basis for its determination that the person is otherwise
94 obligated to submit a DNA sample.

95 (4) The Missouri state highway patrol is not required to destroy any item of physical
96 evidence obtained from a DNA sample if evidence relating to another person would thereby be
97 destroyed.

98 (5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
99 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
100 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
101 DNA records.

102 10. When a DNA sample is taken from an individual pursuant to subdivision (2) of
103 subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting
104 agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime
105 laboratory within ninety days of receiving such notification. Within thirty days of being notified
106 by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway
107 patrol crime laboratory shall determine whether the individual has any other qualifying offenses
108 or arrests that would require a DNA sample to be taken and retained. If the individual has no
109 other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the
110 database taken at the arrest for which the prosecution was declined pertaining to the person and
111 destroy the DNA sample of such person.

112 11. When a DNA sample is taken of an arrestee for any offense listed under subsection
113 1 of this section and charges are filed:

114 (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol
115 crime laboratory that such charges have been withdrawn;

116 (2) If the case is dismissed, the court shall notify the state highway patrol crime
117 laboratory of such dismissal;

118 (3) If the court finds at the preliminary hearing that there is no probable cause that the
119 defendant committed the offense, the court shall notify the state highway patrol crime laboratory
120 of such finding;

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

123

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

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

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

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

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

22 (4) Testing ordered under section 547.035, or testing by the order of any state or federal
23 court, if such person was exonerated on or before August 28, 2004, or testing ordered under

24 section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a
25 person's innocence of the crime for which the person is in custody.

26

27 Any individual who receives restitution under this section shall be prohibited from seeking any
28 civil redress from the state, its departments and agencies, or any employee thereof, or any
29 political subdivision or its employees. This section shall not be construed as a waiver of
30 sovereign immunity for any purposes other than the restitution provided for herein. The
31 department of corrections shall determine the aggregate amount of restitution owed during a
32 fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such
33 persons, the department shall pay each individual who has received an order awarding restitution
34 a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the
35 department, the amounts owed to such individual shall be paid on June thirtieth of each
36 subsequent fiscal year, until such time as the restitution to the individual has been paid in full.
37 However, no individual awarded restitution under this subsection shall receive more than thirty-
38 six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall
39 be awarded to the individual. No individual who has been determined by the court to be actually
40 innocent shall be responsible for the costs of care under section 217.831.

41 2. If the results of the DNA testing confirm the person's guilt, then the person filing for
42 DNA testing under section 547.035, shall:

43 (1) Be liable for any reasonable costs incurred when conducting the DNA test, including
44 but not limited to the cost of the test. Such costs shall be determined by the court and shall be
45 included in the findings of fact and conclusions of law made by the court; and

46 (2) Be sanctioned under the provisions of section 217.262.

47 3. A petition for payment of restitution under this section may only be filed by the
48 individual determined to be actually innocent or the individual's legal guardian. No claim or
49 petition for restitution under this section may be filed by the individual's heirs or assigns. An
50 individual's right to receive restitution under this section is not assignable or otherwise
51 transferrable. The state's obligation to pay restitution under this section shall cease upon the
52 individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise
53 convey the right to receive such restitution shall be void and unenforceable.

54 4. An individual who is determined to be actually innocent of a crime under this chapter
55 shall automatically be granted an order of expungement from the court in which he or she pled
56 guilty or was sentenced to expunge from all official records all recordations of his or her arrest,
57 plea, trial or conviction. Upon granting of the order of expungement, the records and files
58 maintained in any administrative or court proceeding in an associate or circuit division of the
59 court shall be confidential and only available to the parties or by order of the court for good cause

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

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

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

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

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

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

2 Section C. Because immediate action is necessary to ensure women incarcerated or held
3 in custody are able to address their basic health needs, the enactment of sections 217.199 and
4 221.065 of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety and is hereby declared to be an emergency act within the meaning of
6 the constitution, and the enactment of sections 217.199 and 221.065 of this act shall be in full
7 force and effect upon its passage and approval.

2 Section D. Because immediate action is necessary to expand services from seventeen
3 years of age to eighteen years of age, the enactment of section 211.012, the repeal and
4 reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439
5 of section A of this act are deemed necessary for the immediate preservation of the public health,
6 welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning
7 of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections
8 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act
shall be in full force and effect upon its passage and approval.

Section E. Because immediate action is necessary to protect children, the enactment of
2 sections 210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263,
3 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283, and 210.1286 of
4 section A of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
6 the constitution, and the enactment of sections 210.143, 210.493, 210.1250, 210.1253, 210.1256,
7 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280,
8 210.1283, and 210.1286 of section A of this act shall be in full force and effect upon its passage
9 and approval.

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