

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2697, HOUSE BILL NO. 1589, HOUSE BILL NO. 1637, AND
HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2127

AN ACT

To repeal sections 43.650, 191.900, 191.905, 217.690, 491.015, 544.170, 545.473, 556.036, 556.046, 558.016, 558.019, 565.184, 566.010, 566.086, 566.149, 566.150, 566.151, 566.155, 567.030, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.095, 575.200, 575.205, 575.353, 577.010, 577.012, 578.007, 578.022, 595.201, 595.226, and 630.155, RSMo, and to enact in lieu thereof forty-three new sections relating to criminal laws, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 43.650, 191.900, 191.905, 217.690,
2 491.015, 544.170, 545.473, 556.036, 556.046, 558.016, 558.019,
3 565.184, 566.010, 566.086, 566.149, 566.150, 566.151, 566.155,
4 567.030, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070,
5 575.010, 575.095, 575.200, 575.205, 575.353, 577.010, 577.012,
6 578.007, 578.022, 595.201, 595.226, and 630.155, RSMo, are
7 repealed and forty-three new sections enacted in lieu thereof,
8 to be known as sections 43.650, 191.900, 191.905, 217.690,
9 407.501, 407.1700, 491.015, 544.170, 544.453, 545.473, 556.036,
10 556.046, 558.016, 558.019, 565.184, 566.010, 566.086, 566.149,
11 566.150, 566.151, 566.155, 567.030, 569.010, 569.100, 570.010,
12 570.030, 570.036, 571.015, 571.031, 571.070, 575.010, 575.095,
13 575.200, 575.205, 575.353, 577.010, 577.012, 578.007, 578.022,
14 589.437, 595.201, 595.226, and 630.155, to read as follows:

43.650. 1. The patrol shall, subject to
appropriation, maintain a web page on the internet which
shall be open to the public and shall include a registered
sexual offender and registered violent offender search
capability.

2. Except as provided in subsections 4 and 5 of this
section, the registered sexual offender and registered
violent offender search shall make it possible for any
person using the internet to search for and find the
information specified in subsection 4 of this section, if
known, on offenders registered in this state pursuant to
sections 589.400 to 589.425 or section 589.437.

3. The registered sexual offender and registered
violent offender search shall include the capability to
search for sexual offenders by name, by zip code, and by
typing in an address and specifying a search within a
certain number of miles radius from that address. The
search shall also have the capability to filter results by
sexual offenders or violent offenders.

4. Only the information listed in this subsection
shall be provided to the public in the registered sexual
offender and registered violent offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of
birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school
addresses of the offender, including the street address,
city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles,
including the year, make, model, color, and license plate
number;

(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail[,] or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the sexual or violent offender with the provisions of [section] sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

191.900. As used in sections 191.900 to 191.910, the following terms mean:

(1) "Abuse", the infliction of physical, sexual or emotional harm or injury. "Abuse" includes the taking, obtaining, using, transferring, concealing, appropriating or taking possession of property of another person without such person's consent;

(2) "Claim", any attempt to cause a health care payer to make a health care payment;

(3) "False", wholly or partially untrue. A false statement or false representation of a material fact means

the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

(4) "Health care", any service, assistance, care, product, device or thing provided pursuant to a medical assistance program, or for which payment is requested or received, in whole or part, pursuant to a medical assistance program;

(5) "Health care payer", a medical assistance program, or any person reviewing, adjusting, approving or otherwise handling claims for health care on behalf of or in connection with a medical assistance program;

(6) "Health care payment", a payment made, or the right under a medical assistance program to have a payment made, by a health care payer for a health care service;

(7) "Health care provider", any person delivering, or purporting to deliver, any health care, and including any employee, agent or other representative of such a person, and further including any employee, representative, or subcontractor of the state of Missouri delivering, purporting to deliver, or arranging for the delivery of any health care;

(8) "Knowing" and "knowingly", that a person, with respect to information:

(a) Has actual knowledge of the information;

(b) Acts in deliberate ignorance of the truth or falsity of the information; or

(c) Acts in reckless disregard of the truth or falsity of the information.

Use of the terms knowing or knowingly shall be construed to include the term "intentionally", which means that a person, with respect to information, intended to act in violation of the law;

(9) "Medical assistance program", MO HealthNet, or any program to provide or finance health care to participants which is established pursuant to title 42 of the United States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term "medical assistance program" shall include the medical assistance program provided by section 208.151, et seq., and any state agency or agencies administering all or any part of such a program;

(10) "Neglect", the failure to provide to a person receiving health care the care, goods, or services that are reasonable and necessary to maintain the physical and mental health of such person when such failure presents either an imminent danger to the health, safety, or welfare of the person or a substantial probability that death or serious physical harm would result;

(11) "Person", a natural person, corporation, partnership, association or any legal entity.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

13 (3) Knowingly concealing or failing to disclose any
14 information with the intent to obtain a health care payment
15 to which the health care provider or any other health care
16 provider is not entitled, or to obtain a health care payment
17 in an amount greater than that which the health care
18 provider or any other health care provider is entitled;

19 (4) Knowingly presenting a claim to a health care
20 payer that falsely indicates that any particular health care
21 was provided to a person or persons, if in fact health care
22 of lesser value than that described in the claim was
23 provided.

24 2. No person shall knowingly solicit or receive any
25 remuneration, including any kickback, bribe, or rebate,
26 directly or indirectly, overtly or covertly, in cash or in
27 kind in return for:

28 (1) Referring another person to a health care provider
29 for the furnishing or arranging for the furnishing of any
30 health care; or

31 (2) Purchasing, leasing, ordering or arranging for or
32 recommending purchasing, leasing or ordering any health care.

33 3. No person shall knowingly offer or pay any
34 remuneration, including any kickback, bribe, or rebate,
35 directly or indirectly, overtly or covertly, in cash or in
36 kind, to any person to induce such person to refer another
37 person to a health care provider for the furnishing or
38 arranging for the furnishing of any health care.

39 4. Subsections 2 and 3 of this section shall not apply
40 to a discount or other reduction in price obtained by a
41 health care provider if the reduction in price is properly
42 disclosed and appropriately reflected in the claim made by
43 the health care provider to the health care payer, or any
44 amount paid by an employer to an employee for employment in
45 the provision of health care.

46 5. Exceptions to the provisions of subsections 2 and 3
47 of this section shall be provided for as authorized in 42
48 U.S.C. Section 1320a-7b(3) (E), as may be from time to time
49 amended, and regulations promulgated pursuant thereto.

50 6. No person shall knowingly abuse or neglect a person
51 receiving health care.

52 7. A person who violates subsections 1 to 3 of this
53 section is guilty of a class D felony upon his or her first
54 conviction, and shall be guilty of a class B felony upon his
55 or her second and subsequent convictions. Any person who
56 has been convicted of such violations shall be referred to
57 the Office of Inspector General within the United States
58 Department of Health and Human Services. The person so
59 referred shall be subject to the penalties provided for
60 under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7.
61 A prior conviction shall be pleaded and proven as provided
62 by section 558.021. A person who violates subsection 6 of
63 this section shall be guilty of a class D felony, unless the
64 act involves no physical, sexual or emotional harm or injury
65 and the value of the property involved is less than five
66 hundred dollars, in which event a violation of subsection 6
67 of this section is a class A misdemeanor.

68 8. Any natural person who willfully prevents,
69 obstructs, misleads, delays, or attempts to prevent,
70 obstruct, mislead, or delay the communication of information
71 or records relating to a violation of sections 191.900 to
72 191.910 is guilty of a class E felony.

73 9. Each separate false statement or false
74 representation of a material fact proscribed by subsection 1
75 of this section or act proscribed by subsection 2 or 3 of
76 this section shall constitute a separate offense and a
77 separate violation of this section, whether or not made at
78 the same or different times, as part of the same or separate

79 episodes, as part of the same scheme or course of conduct,
80 or as part of the same claim.

81 10. In a prosecution pursuant to subsection 1 of this
82 section, circumstantial evidence may be presented to
83 demonstrate that a false statement or claim was knowingly
84 made. Such evidence of knowledge may include but shall not
85 be limited to the following:

86 (1) A claim for a health care payment submitted with
87 the health care provider's actual, facsimile, stamped,
88 typewritten or similar signature on the claim for health
89 care payment;

90 (2) A claim for a health care payment submitted by
91 means of computer billing tapes or other electronic means;

92 (3) A course of conduct involving other false claims
93 submitted to this or any other health care payer.

94 11. Any person convicted of a violation of this
95 section, in addition to any fines, penalties or sentences
96 imposed by law, shall be required to make restitution to the
97 federal and state governments, in an amount at least equal
98 to that unlawfully paid to or by the person, and shall be
99 required to reimburse the reasonable costs attributable to
100 the investigation and prosecution pursuant to sections
101 191.900 to 191.910. All of such restitution shall be paid
102 and deposited to the credit of the "MO HealthNet Fraud
103 Reimbursement Fund", which is hereby established in the
104 state treasury. Moneys in the MO HealthNet fraud
105 reimbursement fund shall be divided and appropriated to the
106 federal government and affected state agencies in order to
107 refund moneys falsely obtained from the federal and state
108 governments. All of such cost reimbursements attributable
109 to the investigation and prosecution shall be paid and
110 deposited to the credit of the "MO HealthNet Fraud
111 Prosecution Revolving Fund", which is hereby established in

the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

12. A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and

145 federal government sustained because of the act of that
146 person, except that the court may assess not more than two
147 times the amount of damages which the state and federal
148 government sustained because of the act of the person, if
149 the court finds:

150 (1) The person committing the violation of this
151 section furnished personnel employed by the attorney general
152 and responsible for investigating violations of sections
153 191.900 to 191.910 with all information known to such person
154 about the violation within thirty days after the date on
155 which the defendant first obtained the information;

156 (2) Such person fully cooperated with any government
157 investigation of such violation; and

158 (3) At the time such person furnished the personnel of
159 the attorney general with the information about the
160 violation, no criminal prosecution, civil action, or
161 administrative action had commenced with respect to such
162 violation, and the person did not have actual knowledge of
163 the existence of an investigation into such violation.

164 13. Upon conviction pursuant to this section, the
165 prosecution authority shall provide written notification of
166 the conviction to all regulatory or disciplinary agencies
167 with authority over the conduct of the defendant health care
168 provider.

169 14. The attorney general may bring a civil action
170 against any person who shall receive a health care payment
171 as a result of a false statement or false representation of
172 a material fact made or caused to be made by that person.
173 The person shall be liable for up to double the amount of
174 all payments received by that person based upon the false
175 statement or false representation of a material fact, and
176 the reasonable costs attributable to the prosecution of the
177 civil action. All such restitution shall be paid and

deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

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

2. Before ordering the parole of any offender, the parole board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the parole board. The parole board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him or her, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the parole board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the

18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

47 4. The parole board shall adopt rules not inconsistent
48 with law, in accordance with section 217.040, with respect
49 to the eligibility of offenders for parole, the conduct of
50 parole hearings or conditions to be imposed upon paroled

51 offenders. Whenever an order for parole is issued it shall
52 recite the conditions of such parole.

53 5. When considering parole for an offender with
54 consecutive sentences, the minimum term for eligibility for
55 parole shall be calculated by adding the minimum terms for
56 parole eligibility for each of the consecutive sentences,
57 except the minimum term for parole eligibility shall not
58 exceed the minimum term for parole eligibility for an
59 ordinary life sentence.

60 6. Any offender sentenced to a term of imprisonment
61 amounting to fifteen years or more or multiple terms of
62 imprisonment that, taken together, amount to fifteen or more
63 years who was under eighteen years of age at the time of the
64 commission of the offense or offenses may be eligible for
65 parole after serving fifteen years of incarceration,
66 regardless of whether the case is final for the purposes of
67 appeal, and may be eligible for reconsideration hearings in
68 accordance with regulations promulgated by the parole board.

69 7. The provisions of subsection 6 of this section
70 shall not apply to an offender found guilty of murder in the
71 first or second degree or capital murder who was under
72 eighteen years of age when the offender committed the
73 offense or offenses who may be found ineligible for parole
74 or whose parole eligibility may be controlled by section
75 558.047 or 565.033.

76 8. Any offender under a sentence for first degree
77 murder who has been denied release on parole after a parole
78 hearing shall not be eligible for another parole hearing
79 until at least three years from the month of the parole
80 denial; however, this subsection shall not prevent a release
81 pursuant to subsection 4 of section 558.011.

82 9. A victim who has requested an opportunity to be
83 heard shall receive notice that the parole board is

conducting an assessment of the offender's risk and readiness for release and that the victim's input will be particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

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

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

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

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

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

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

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

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

116 12. The parole board may, at its discretion, require
117 any offender seeking parole to meet certain conditions
118 during the term of that parole so long as said conditions
119 are not illegal or impossible for the offender to perform.
120 These conditions may include an amount of restitution to the
121 state for the cost of that offender's incarceration.

122 13. Special parole conditions shall be responsive to
123 the assessed risk and needs of the offender or the need for
124 extraordinary supervision, such as electronic monitoring.
125 The parole board shall adopt rules to minimize the
126 conditions placed on low-risk cases, to frontload conditions
127 upon release, and to require the modification and reduction
128 of conditions based on the person's continuing stability in
129 the community. Parole board rules shall permit parole
130 conditions to be modified by parole officers with review and
131 approval by supervisors.

132 14. Nothing contained in this section shall be
133 construed to require the release of an offender on parole
134 nor to reduce the sentence of an offender heretofore
135 committed.

136 15. Beginning January 1, 2001, the parole board shall
137 not order a parole unless the offender has obtained a high
138 school diploma or its equivalent, or unless the parole board
139 is satisfied that the offender, while committed to the
140 custody of the department, has made an honest good-faith
141 effort to obtain a high school diploma or its equivalent;
142 provided that the director may waive this requirement by
143 certifying in writing to the parole board that the offender
144 has actively participated in mandatory education programs or
145 is academically unable to obtain a high school diploma or
146 its equivalent.

147 16. Any rule or portion of a rule, as that term is
148 defined in section 536.010, that is created under the

149 authority delegated in this section shall become effective
150 only if it complies with and is subject to all of the
151 provisions of chapter 536 and, if applicable, section
152 536.028. This section and chapter 536 are nonseverable and
153 if any of the powers vested with the general assembly
154 pursuant to chapter 536 to review, to delay the effective
155 date, or to disapprove and annul a rule are subsequently
156 held unconstitutional, then the grant of rulemaking
157 authority and any rule proposed or adopted after August 28,
158 2005, shall be invalid and void.

407.501. 1. There is hereby established the
2 "Organized Retail Crime Task Force" within the office of the
3 attorney general to combat crimes that relate to the
4 stealing, embezzling, or obtaining by fraud, false
5 pretenses, or other illegal means of retail merchandise for
6 the purpose of reselling the items or for reentering the
7 items into the stream of commerce. The task force shall
8 investigate only offenses or violations that are under the
9 attorney general's jurisdiction.

10 2. The attorney general shall invite federal, state,
11 and local law enforcement personnel to participate in the
12 task force to more effectively use their combined skills,
13 expertise, and resources. The task force shall review,
14 investigate, and prosecute appropriate cases brought before
15 the task force by law enforcement agencies or authorized
16 loss prevention personnel, or both. Any member of the
17 general assembly may submit the name of a certified peace
18 officer to the attorney general and recommend the officer's
19 placement on the task force.

20 3. Members of the task force shall do the following:

21 (1) Investigate, apprehend, and prosecute, as
22 appropriate, individuals or entities that participate in the
23 purchase, sale, or distribution of stolen property from a

24 retail establishment or through the use of an internet site;
25 and

26 (2) Target individuals or entities that commit theft
27 and other property crimes for financial gain.

28 4. The attorney general shall use moneys appropriated
29 to the office of the attorney general for the task force to
30 enter into one or more intergovernmental agreements with
31 other state and local law enforcement agencies and with any
32 similar organized retail theft task force program that
33 coordinates a national network of coordinated task forces
34 that assist federal, state, local, and tribal law
35 enforcement agencies in investigations, forensic
36 examinations, and prosecutions related to organized retail
37 theft.

38 5. The task force shall consist of at least one full-
39 time prosecutor, one paralegal, one support staff person, at
40 least two investigators, and four peace officers. The task
41 force shall have a regularly scheduled meeting to review
42 cases and provide updates on ongoing cases to all members of
43 the task force.

44 6. On or before July first of each year, the task
45 force shall submit a report to the general assembly on the
46 task force's activities and any recommendations for
47 legislative action relating to criminal penalties for crimes
48 that have a negative impact on the state's economy.

49 7. (1) There is hereby created in the state treasury
50 the "Organized Retail Crime Task Force Fund", which shall
51 consist of moneys appropriated by the general assembly for
52 operational expenses of the task force and for hiring one
53 attorney, one paralegal, two investigators, and one support
54 person within the office of the attorney general, and four
55 peace officers who are assigned to the task force to focus
56 specifically on investigating and prosecuting organized

57 retail crime. The state treasurer shall be custodian of the
58 fund. In accordance with sections 30.170 and 30.180, the
59 state treasurer may approve disbursements. The fund shall
60 be a dedicated fund and money in the fund shall be used
61 solely by the attorney general for the purposes of this
62 section.

63 (2) Notwithstanding the provisions of section 33.080
64 to the contrary, any moneys remaining in the fund at the end
65 of the biennium shall not revert to the credit of the
66 general revenue fund.

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

407.1700. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Consumer product", any tangible personal property
4 that is distributed in commerce and that is normally used
5 for personal, family, or household purposes, including any
6 such property intended to be attached to or installed in any
7 real property without regard to whether the personal
8 property is so attached or installed;

9 (2) "High-volume third-party seller", a participant in
10 an online marketplace who is a third-party seller and who,
11 in any continuous twelve-month period during the previous
12 twenty-four months, has entered into two hundred or more
13 discrete sales or transactions of new or unused consumer
14 products with an aggregate total of five thousand dollars or
15 more in gross revenue. For purposes of calculating the
16 number of discrete sales or transactions or the aggregate
17 gross revenues under this subdivision, an online marketplace
18 shall be required to count only sales or transactions made
19 through the online marketplace and for which payment was

20 processed by the online marketplace, either directly or
21 through its payment processor;

22 (3) "Online marketplace", any person or entity that
23 operates a consumer-directed, electronically-based or
24 accessed platform that:

25 (a) Includes features that allow for, facilitate, or
26 enable third-party sellers to engage in the sale, purchase,
27 payment, storage, shipping, or delivery of a consumer
28 product in the United States;

29 (b) Is used by one or more third-party sellers for
30 such purposes; and

31 (c) Has a contractual or similar relationship with
32 consumers governing its use of the platform to purchase
33 consumer products;

34 (4) "Seller", a person who sells, offers to sell, or
35 contracts to sell a consumer product through an online
36 marketplace's platform;

37 (5) "Third-party seller", any seller, independent of
38 an online marketplace, who sells, offers to sell, or
39 contracts to sell a consumer product through an online
40 marketplace. This term shall not include a seller who:

41 (a) Operates the online marketplace's platform; or

42 (b) Is a business entity that has:

43 a. Made available to the general public the entity's
44 name, business address, and working contact information;

45 b. An ongoing contractual relationship with the online
46 marketplace to provide the online marketplace with the
47 manufacture, distribution, wholesaling, or fulfillment of
48 shipments of consumer products; and

49 c. Provided to the online marketplace identifying
50 information, as described in subparagraph a. of this
51 paragraph, that has been verified under subsection 2 of this
52 section;

53 (6) "Verify", to confirm information provided to an
54 online marketplace under this section, which may include the
55 use of one or more methods that enable the online
56 marketplace to reliably determine that any information and
57 documents provided are valid, corresponding to the seller or
58 an individual acting on the seller's behalf; not
59 misappropriated; and not falsified.

60 2. An online marketplace shall require any high-volume
61 third-party seller on the online marketplace to provide, no
62 later than ten days after qualifying as a high-volume third-
63 party seller, the following information:

64 (1) Bank account information, including a bank account
65 number or, if such seller does not have a bank account, the
66 name of the payee for payments issued by the online
67 marketplace to such seller. The bank account or payee
68 information required under this subdivision may be provided
69 by the seller in the following ways:

70 (a) To the online marketplace; or
71 (b) To a payment processor or other third party
72 contracted by the online marketplace to maintain such
73 information, provided that the online marketplace ensures
74 that it may obtain such information on demand from such
75 payment processor or other third party;

76 (2) Contact information for such seller, including the
77 following:

78 (a) With respect to a high-volume third-party seller
79 who is an individual, the individual's name; or

80 (b) With respect to a high-volume third-party seller
81 who is not an individual, one of the following forms of
82 contact information:

83 a. A copy of a valid government-issued identification
84 for an individual acting on behalf of such seller that
85 includes the individual's name; or

86 b. A copy of a valid government-issued record or tax
87 document that includes the business name and physical
88 address of such seller;

89 (3) A current working email address and phone number
90 for such seller; and

91 (4) A business tax identification number or, if such
92 seller does not have a business tax identification number, a
93 taxpayer identification number.

94 3. An online marketplace shall:

95 (1) Periodically, but no less than annually, notify
96 any high-volume third-party seller on such online
97 marketplace's platform of the requirement to keep any
98 information collected under subsection 2 of this section
99 current; and

100 (2) Require any high-volume third-party seller on such
101 online marketplace's platform to, no later than ten days
102 after receiving the notice under subdivision (1) of this
103 subsection, electronically certify that:

104 (a) The seller has provided any changes to such
105 information to the online marketplace if any such changes
106 have occurred;

107 (b) There have been no changes to such seller's
108 information; or

109 (c) Such seller has provided any changes to such
110 information to the online marketplace.

111 4. In the event that a high-volume third-party seller
112 does not provide the information or certification required
113 under subsections 2 and 3 of this section, the online
114 marketplace shall, after providing the seller with written
115 or electronic notice and an opportunity to provide such
116 information or certification no later than ten days after
117 the issuance of such notice, suspend any future sales

118 activity of such seller until such seller provides such
119 information or certification.

120 5. (1) An online marketplace shall:

121 (a) Verify the information collected in subsection 2
122 of this section no later than ten days after such
123 collection; and

124 (b) Verify any change to such information no later
125 than ten days after being notified of such change by a high-
126 volume third-party seller under subsection 3 of this section.

127 (2) In the case of a high-volume third-party seller
128 who provides a copy of a valid government-issued tax
129 document, any information contained in such tax document
130 shall be presumed to be verified as of the date of issuance
131 of such document.

132 (3) Data collected to comply solely with the
133 requirements of this section shall not be used for any other
134 purpose unless required by law.

135 (4) An online marketplace shall implement and maintain
136 reasonable security procedures and practices, including
137 administrative, physical, and technical safeguards,
138 appropriate to the nature of the data and the purposes for
139 which the data will be used, to protect the data collected
140 to comply with the requirements of this section from
141 unauthorized use, disclosure, access, destruction, or
142 modification.

143 6. (1) An online marketplace shall:

144 (a) Require any high-volume third-party seller with an
145 aggregate total of twenty thousand dollars or more in annual
146 gross revenues on such online marketplace, and that uses
147 such online marketplace's platform, to provide the
148 information described in subdivision (2) of this subsection
149 to the online marketplace; and

150 (b) Disclose the information described in subdivision
151 (2) of this subsection to consumers in a clear and
152 conspicuous manner in the order confirmation message or
153 other document or communication made to a consumer after a
154 purchase is finalized and in the consumer's account
155 transaction history.

156 (2) The information required shall be the following:

157 (a) Subject to subdivision (3) of this subsection, the
158 identity of the high-volume third-party seller, including:

159 a. The full name of the seller, which may include the
160 seller's name or seller's company name, or the name by which
161 the seller or company operates on the online marketplace;

162 b. The physical address of the seller; and

163 c. Contact information for the seller, to allow for
164 the direct, unhindered communication with high-volume third-
165 party sellers by users of the online marketplace, including:

166 (i) A current working phone number;

167 (ii) A current working email address; or

168 (iii) Other means of direct electronic messaging,
169 which may be provided to such seller by the online
170 marketplace; and

171 (b) Whether the high-volume third-party seller used a
172 different seller to supply the consumer product to the
173 consumer upon purchase and, upon the request of an
174 authenticated purchaser, the information described in
175 paragraph (a) of this subdivision relating to any such
176 seller who supplied the consumer product to the purchaser if
177 such seller is different than the high-volume third-party
178 seller listed on the product listing prior to purchase.

179 (3) Subject to subdivision (2) of this subsection,
180 upon the request of a high-volume third-party seller, an
181 online marketplace may provide for partial disclosure of the
182 identity information required under paragraph (a) of

subdivision (2) of this subsection in the following situations:

(a) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may:

a. Disclose only the country and, if applicable, the state in which such seller resides; and

b. Inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace;

(b) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns; and

(c) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(4) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subdivision (1) of this subsection or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subdivision (1) of this subsection has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email,

216 or other means of electronic messaging provided to such
217 seller by the online marketplace, the online marketplace
218 shall, after providing the seller with written or electronic
219 notice and an opportunity to respond no later than ten days
220 after the issuance of such notice, suspend any future sales
221 activity of such seller unless such seller consents to the
222 disclosure of the identity information required under
223 paragraph (a) of subdivision (2) of this subsection.

224 (5) An online marketplace shall disclose to consumers
225 in a clear and conspicuous manner on the product listing of
226 any high-volume third-party seller a reporting mechanism
227 that allows for electronic and telephonic reporting of
228 suspicious marketplace activity to the online marketplace.

229 (6) If a high-volume third-party seller does not
230 comply with the requirements to provide and disclose
231 information under this subsection, the online marketplace
232 shall, after providing the seller with written or electronic
233 notice and an opportunity to provide or disclose such
234 information no later than ten days after the issuance of
235 such notice, suspend any future sales activity of such
236 seller until the seller complies with such requirements.

237 7. (1) A violation of the provisions of this section
238 shall be treated as a violation of sections 407.010 to
239 407.130 and shall be enforced solely by the attorney
240 general. Nothing in this section shall be construed as
241 providing the basis for, or subjecting a party to, a private
242 civil action.

243 (2) The attorney general may promulgate rules and
244 regulations with respect to collecting, verifying, and
245 disclosing information under this section, provided that
246 such rules and regulations are limited to what is necessary
247 to collect, verify, or disclose such information. Any rule
248 or portion of a rule, as that term is defined in section

249 536.010, that is created under the authority delegated in
250 this section shall become effective only if it complies with
251 and is subject to all of the provisions of chapter 536 and,
252 if applicable, section 536.028. This section and chapter
253 536 are nonseverable, and if any of the powers vested with
254 the general assembly pursuant to chapter 536 to review, to
255 delay the effective date, or to disapprove and annul a rule
256 are subsequently held unconstitutional, then the grant of
257 rulemaking authority and any rule proposed or adopted after
258 the effective date of this section shall be invalid and void.

259 8. If the attorney general has reason to believe that
260 any online marketplace has violated or is violating this
261 section or a rule or regulation promulgated under this
262 section that affects one or more residents of Missouri, the
263 attorney general may bring a civil action in any appropriate
264 circuit court to:

265 (1) Enjoin further such violation by the defendant;

266 (2) Enforce compliance with this section or such rule
267 or regulation;

268 (3) Obtain other remedies permitted under state law;
269 and

270 (4) Obtain damages, restitution, or other compensation
271 on behalf of residents of this state.

491.015. 1. In prosecutions under chapter 566 or
2 prosecutions related to sexual conduct under chapter 568,
3 opinion and reputation evidence of [the complaining] a
4 victim's or witness' prior sexual conduct, acts, or
5 practices is inadmissible at any trial, hearing, or court
6 proceeding and not a subject for inquiry during a deposition
7 or discovery; evidence of specific instances of [the
8 complaining] a victim's or witness' prior sexual conduct,
9 acts, or practices or the absence of such instances or
10 conduct is inadmissible at any trial, hearing, or any other

11 court proceeding, and not a subject for inquiry during a
12 deposition or discovery, except where such specific
13 instances are:

14 (1) Evidence of the sexual conduct of [the
15 complaining] a victim or witness with the defendant to prove
16 consent where consent is a defense to the alleged crime and
17 the evidence is reasonably contemporaneous with the date of
18 the alleged crime; or

19 (2) Evidence of specific instances of sexual activity
20 showing alternative source or origin of semen, pregnancy or
21 disease;

22 (3) Evidence of immediate surrounding circumstances of
23 the alleged crime; or

24 (4) Evidence relating to the previous chastity of the
25 complaining witness in cases, where, by statute, previously
26 chaste character is required to be proved by the prosecution.

27 2. Evidence of the sexual conduct, acts, or practices
28 of [the complaining] a victim or witness offered under this
29 section is admissible to the extent that the court finds the
30 evidence relevant to a material fact or issue.

31 3. If the defendant proposes to offer evidence of the
32 sexual conduct, acts, or practices of [the complaining] a
33 victim or witness under this section, he or she shall file
34 with the court a written motion accompanied by an offer of
35 proof or make an offer of proof on the record outside the
36 hearing of the jury. The court shall hold an in camera
37 hearing to determine the sufficiency of the offer of proof
38 and may at that hearing hear evidence if the court deems it
39 necessary to determine the sufficiency of the offer of
40 proof. If the court finds any of the evidence offered
41 admissible under this section the court shall make an order
42 stating the scope of the evidence which may be introduced.
43 Objections to any decision of the court under this section

44 may be made by either the prosecution or the defendant in
45 the manner provided by law. The in camera hearing shall be
46 recorded and the court shall set forth its reasons for its
47 ruling. The record of the in camera hearing shall be sealed
48 for delivery to the parties and to the appellate court in
49 the event of an appeal or other post trial proceeding.

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

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

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

22 4. Notwithstanding the provisions of subsection 1 of
23 this section to the contrary, all persons arrested and
24 confined in any jail or other place of confinement by any
25 peace officer, without warrant or other process, for a
26 criminal offense involving a dangerous felony or deadly
27 weapon as defined in section 556.061, or on suspicion

28 thereof, shall be discharged from said custody within forty-
29 eight hours from the time of such arrest, unless they shall
30 be charged with a criminal offense by the oath of some
31 credible person, and be held by warrant to answer to such
32 offense.

544.453. Notwithstanding any provision of the law or
2 court rule to the contrary, a judge or judicial officer,
3 when setting bail or conditions of release in all courts in
4 Missouri for any offense charged, shall consider, in
5 addition to any factor required by law, whether:

6 (1) A defendant poses a danger to a victim of crime,
7 the community, any witness to the crime, or to any other
8 person;

9 (2) A defendant is a flight risk;

10 (3) A defendant has committed a violent misdemeanor
11 offense, sexual offense, or felony offense in this state or
12 any other state in the last five years; and

13 (4) A defendant has failed to appear in court as a
14 required condition of probation or parole for a violent
15 misdemeanor or felony within the last three years.

545.473. 1. Notwithstanding Missouri supreme court
2 rule 32.03, a defendant with a case filed in a county [with
3 department of corrections centers with a total average
4 yearly offender population in excess of two thousand
5 persons] having seventy-five thousand or fewer inhabitants
6 shall follow the procedure listed in subsections 2 to 5 of
7 this section in order to obtain a change of venue for
8 misdemeanors or felonies.

9 2. Upon written application of the defendant, a change
10 of venue may be ordered in any criminal proceeding for the
11 following reasons:

12 (1) That the inhabitants of the county are prejudiced
13 against the defendant; or

14 (2) That the state has an undue influence over the
15 inhabitants of the county.

16 3. In felony and misdemeanor cases, the application
17 must be filed not later than ~~[thirty]~~ ten days after
18 ~~[arraignment. In misdemeanor cases, the application must be~~
19 ~~filed not later than ten days before the date set for trial]~~
20 the initial plea is entered.

21 4. A copy of the application and a notice of the time
22 when it will be presented to the court shall be served on
23 all parties.

24 5. The application shall set forth the reason or
25 reasons for change of venue. It need not be verified and
26 shall be signed by the defendant or his attorney.

27 6. The state may, within five days after the filing of
28 the application for a change of venue, file a denial of the
29 existence of the reason or reasons alleged in the
30 application. Such denial need not be verified. If a denial
31 is filed, the court shall hear evidence and determine the
32 issues. If the issues are determined in favor of the
33 defendant, or if the truth of the grounds alleged is within
34 the knowledge of the court, or if no denial is filed, a
35 change of venue shall be ordered to some other county
36 convenient to the parties and where the reason or reasons do
37 not exist.

 556.036. 1. A prosecution for murder, rape in the
2 first degree, forcible rape, attempted rape in the first
3 degree, attempted forcible rape, sodomy in the first degree,
4 forcible sodomy, attempted sodomy in the first degree,
5 attempted forcible sodomy, sexual abuse in the first degree,
6 attempted sexual abuse in the first degree, incest, and
7 attempted incest or any class A felony may be commenced at
8 any time.

9 2. Except as otherwise provided in this section,
10 prosecutions for other offenses must be commenced within the
11 following periods of limitation:

12 (1) For any felony, three years, except as provided in
13 subdivision (4) of this subsection;

14 (2) For any misdemeanor, one year;

15 (3) For any infraction, six months;

16 (4) For any violation of section 569.040, when
17 classified as a class B felony, or any violation of section
18 569.050 or 569.055, five years.

19 3. If the period prescribed in subsection 2 of this
20 section has expired, a prosecution may nevertheless be
21 commenced for:

22 (1) Any offense a material element of which is either
23 fraud or a breach of fiduciary obligation within one year
24 after discovery of the offense by an aggrieved party or by a
25 person who has a legal duty to represent an aggrieved party
26 and who is himself or herself not a party to the offense,
27 but in no case shall this provision extend the period of
28 limitation by more than three years. As used in this
29 subdivision, the term "person who has a legal duty to
30 represent an aggrieved party" shall mean the attorney
31 general or the prosecuting or circuit attorney having
32 jurisdiction pursuant to section 407.553, for purposes of
33 offenses committed pursuant to sections 407.511 to 407.556;
34 and

35 (2) Any offense based upon misconduct in office by a
36 public officer or employee at any time when the person is in
37 public office or employment or within two years thereafter,
38 but in no case shall this provision extend the period of
39 limitation by more than three years; and

40 (3) Any offense based upon an intentional and willful
41 fraudulent claim of child support arrearage to a public

42 servant in the performance of his or her duties within one
43 year after discovery of the offense, but in no case shall
44 this provision extend the period of limitation by more than
45 three years.

46 4. An offense is committed either when every element
47 occurs, or, if a legislative purpose to prohibit a
48 continuing course of conduct plainly appears, at the time
49 when the course of conduct or the person's complicity
50 therein is terminated. Time starts to run on the day after
51 the offense is committed.

52 5. A prosecution is commenced for a misdemeanor or
53 infraction when the information is filed and for a felony
54 when the complaint or indictment is filed.

55 6. The period of limitation does not run:

56 (1) During any time when the accused is absent from
57 the state, but in no case shall this provision extend the
58 period of limitation otherwise applicable by more than three
59 years;

60 (2) During any time when the accused is concealing
61 himself or herself from justice either within or without
62 this state;

63 (3) During any time when a prosecution against the
64 accused for the offense is pending in this state;

65 (4) During any time when the accused is found to lack
66 mental fitness to proceed pursuant to section 552.020; or

67 (5) During any period of time after which a DNA
68 profile is developed from evidence collected in relation to
69 the commission of a crime and included in a published
70 laboratory report until the date upon which the accused is
71 identified by name based upon a match between that DNA
72 evidence profile and the known DNA profile of the accused.
73 For purposes of this section, the term "DNA profile" means

74 the collective results of the DNA analysis of an evidence
75 sample.

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

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

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

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

11 2. The court shall not be obligated to charge the jury
12 with respect to an included offense unless there is a
13 rational basis for a verdict acquitting the person of the
14 offense charged and convicting him or her of the included
15 offense. An offense is charged for purposes of this section
16 if:

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

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

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

558.016. 1. The court may sentence a person who has
2 been found guilty of an offense to a term of imprisonment as
3 authorized by section 558.011 or to a term of imprisonment

4 authorized by a statute governing the offense if it finds
5 the defendant is a prior offender or a persistent
6 misdemeanor offender. The court may sentence a person to an
7 extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a
9 dangerous offender, and the person is sentenced under
10 subsection 7 of this section;

11 (2) The statute under which the person was found
12 guilty contains a sentencing enhancement provision that is
13 based on a prior finding of guilt or a finding of prior
14 criminal conduct and the person is sentenced according to
15 the statute; or

16 (3) A more specific sentencing enhancement provision
17 applies that is based on a prior finding of guilt or a
18 finding of prior criminal conduct.

19 2. A "prior offender" is one who has been found guilty
20 of one felony.

21 3. A "persistent offender" is one who has been found
22 guilty of two or more felonies committed at different times.

23 4. A "dangerous offender" is one who:

24 (1) Is being sentenced for a felony during the
25 commission of which he knowingly murdered or endangered or
26 threatened the life of another person or knowingly inflicted
27 or attempted or threatened to inflict serious physical
28 injury on another person; ~~[and]~~ or

29 (2) Has been found guilty of a class A or B felony or
30 a dangerous felony as defined by section 556.061.

31 5. A "persistent misdemeanor offender" is one who has
32 been found guilty of two or more offenses, committed at
33 different times that are classified as A or B misdemeanors
34 under the laws of this state.

35 6. The findings of guilt shall be prior to the date of
36 commission of the present offense.

37 7. The court shall sentence a person, who has been
38 found to be a persistent offender or a dangerous offender,
39 and is found guilty of a class B, C, D, or E felony to the
40 authorized term of imprisonment for the offense that is one
41 class higher than the offense for which the person is found
42 guilty.

558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not
4 affect those provisions of section 565.020[,], or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,
22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,

577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

61 3. Other provisions of the law to the contrary
62 notwithstanding, any offender who has been found guilty of a
63 dangerous felony as defined in section 556.061 and is
64 committed to the department of corrections shall be required
65 to serve a minimum prison term of eighty-five percent of the
66 sentence imposed by the court or until the offender attains
67 seventy years of age, and has served at least forty percent
68 of the sentence imposed, whichever occurs first.

69 4. For the purpose of determining the minimum prison
70 term to be served, the following calculations shall apply:

71 (1) A sentence of life shall be calculated to be
72 thirty years;

73 (2) Any sentence either alone or in the aggregate with
74 other consecutive sentences for offenses committed at or
75 near the same time which is over seventy-five years shall be
76 calculated to be seventy-five years.

77 5. For purposes of this section, the term "minimum
78 prison term" shall mean time required to be served by the
79 offender before he or she is eligible for parole,
80 conditional release or other early release by the department
81 of corrections.

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions
86 under subsection 2 of this section, and shall be eligible
87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

90 7. (1) A sentencing advisory commission is hereby
91 created to consist of eleven members. One member shall be
92 appointed by the speaker of the house. One member shall be
93 appointed by the president pro tem of the senate. One

94 member shall be the director of the department of
95 corrections. Six members shall be appointed by and serve at
96 the pleasure of the governor from among the following: the
97 public defender commission; private citizens; a private
98 member of the Missouri Bar; the board of probation and
99 parole; and a prosecutor. Two members shall be appointed by
100 the supreme court, one from a metropolitan area and one from
101 a rural area. All members shall be appointed to a four-year
102 term. All members of the sentencing commission appointed
103 prior to August 28, 1994, shall continue to serve on the
104 sentencing advisory commission at the pleasure of the
105 governor.

106 (2) The commission shall study sentencing practices in
107 the circuit courts throughout the state for the purpose of
108 determining whether and to what extent disparities exist
109 among the various circuit courts with respect to the length
110 of sentences imposed and the use of probation for offenders
111 convicted of the same or similar offenses and with similar
112 criminal histories. The commission shall also study and
113 examine whether and to what extent sentencing disparity
114 among economic and social classes exists in relation to the
115 sentence of death and if so, the reasons therefor, if
116 sentences are comparable to other states, if the length of
117 the sentence is appropriate, and the rate of rehabilitation
118 based on sentence. It shall compile statistics, examine
119 cases, draw conclusions, and perform other duties relevant
120 to the research and investigation of disparities in death
121 penalty sentencing among economic and social classes.

122 (3) The commission shall study alternative sentences,
123 prison work programs, work release, home-based
124 incarceration, probation and parole options, and any other
125 programs and report the feasibility of these options in
126 Missouri.

127 (4) The governor shall select a chairperson who shall
128 call meetings of the commission as required or permitted
129 pursuant to the purpose of the sentencing commission.

130 (5) The members of the commission shall not receive
131 compensation for their duties on the commission, but shall
132 be reimbursed for actual and necessary expenses incurred in
133 the performance of these duties and for which they are not
134 reimbursed by reason of their other paid positions.

135 (6) The circuit and associate circuit courts of this
136 state, the office of the state courts administrator, the
137 department of public safety, and the department of
138 corrections shall cooperate with the commission by providing
139 information or access to information needed by the
140 commission. The office of the state courts administrator
141 will provide needed staffing resources.

142 8. Courts shall retain discretion to lower or exceed
143 the sentence recommended by the commission as otherwise
144 allowable by law, and to order restorative justice methods,
145 when applicable.

146 9. If the imposition or execution of a sentence is
147 suspended, the court may order any or all of the following
148 restorative justice methods, or any other method that the
149 court finds just or appropriate:

150 (1) Restitution to any victim or a statutorily created
151 fund for costs incurred as a result of the offender's
152 actions;

153 (2) Offender treatment programs;

154 (3) Mandatory community service;

155 (4) Work release programs in local facilities; and

156 (5) Community-based residential and nonresidential
157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment

of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a person to make payment.

12. A person who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person either willfully refused to make the payment or that the person willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

565.184. 1. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

(1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person.

7 The course of conduct shall be such as would cause a
8 reasonable elderly person, person with a disability, or
9 vulnerable person to suffer substantial emotional distress;
10 or

11 (2) Intentionally fails to provide care, goods or
12 services to an elderly person, a person with a disability,
13 or a vulnerable person. The result of the conduct shall be
14 such as would cause a reasonable elderly person, person with
15 a disability, or vulnerable person to suffer physical or
16 emotional distress; or

17 (3) Knowingly acts or knowingly fails to act in a
18 manner which results in a substantial risk to the life, body
19 or health of an elderly person, a person with a disability,
20 or a vulnerable person.

21 2. The offense of abuse of an elderly person, a person
22 with a disability, or a vulnerable person is a class [A
23 misdemeanor] D felony. Nothing in this section shall be
24 construed to mean that an elderly person, a person with a
25 disability, or a vulnerable person is abused solely because
26 such person chooses to rely on spiritual means through
27 prayer, in lieu of medical care, for his or her health care,
28 as evidence by such person's explicit consent, advance
29 directive for health care, or practice.

566.010. As used in this chapter and chapter 568, the
2 following terms mean:

3 (1) "Aggravated sexual offense", any sexual offense,
4 in the course of which, the actor:

5 (a) Inflicts serious physical injury on the victim;

6 (b) Displays a deadly weapon or dangerous instrument
7 in a threatening manner;

8 (c) Subjects the victim to sexual intercourse or
9 deviate sexual intercourse with more than one person;

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

(e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or

(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:

- a. Ancestor or descendant by blood or adoption;
- b. Stepchild while the marriage creating that relationship exists;
- c. Brother or sister of the whole or half blood; or
- d. Uncle, aunt, nephew, or niece of the whole blood;

(2) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

43 (4) "Forced labor", a condition of servitude induced
44 by means of:
45 (a) Any scheme, plan, or pattern of behavior intended
46 to cause a person to believe that, if the person does not
47 enter into or continue the servitude, such person or another
48 person will suffer substantial bodily harm or physical
49 restraint; or
50 (b) The abuse or threatened abuse of the legal process;
51 (5) "Sexual conduct", sexual intercourse, deviate
52 sexual intercourse or sexual contact;
53 (6) "Sexual contact", any touching of another person
54 with the genitals or any touching of the genitals or anus of
55 another person, or the breast of a female person, or such
56 touching through the clothing, or causing semen, seminal
57 fluid, or other ejaculate to come into contact with another
58 person, for the purpose of arousing or gratifying the sexual
59 desire of any person or for the purpose of terrorizing the
60 victim;
61 (7) "Sexual intercourse", any penetration, however
62 slight, of the female genitalia by the penis.

566.086. 1. A person commits the offense of sexual
2 contact with a student if he or she has sexual contact with
3 a student of the school and is:
4 (1) A teacher, as that term is defined in subdivisions
5 (4), (5), and (7) of section 168.104;
6 (2) A student teacher; [or]
7 (3) An employee of the school; [or]
8 (4) A volunteer of the school or of an organization
9 working with the school on a project or program who is not a
10 student at the school; [or]
11 (5) An elected or appointed official of the school
12 district; [or]

(6) A person employed by an entity that contracts with the school or school district to provide services; or

(7) A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association. For purposes of this subdivision, "school-aged team, club, or ensemble" means any group consisting of any child or children under the age of eighteen organized for individual or group competition for the performance of sports activities or any group organized for individual or group presentation for fine or performing arts.

2. For the purposes of this section, "school" shall mean any public or private school in this state serving kindergarten through grade twelve or any school bus used by the school district.

3. The offense of sexual contact with a student is a class E felony.

4. It is not a defense to prosecution for a violation of this section that the student consented to the sexual contact.

566.149. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting child pornography;

or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or

45 she wishes to attend for which he or she has not yet had
46 permission granted.

47 3. Regardless of the person's knowledge of his or her
48 proximity to school property or a school-related activity,
49 violation of the provisions of this section is a class A
50 misdemeanor.

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 section 573.200, use of a child in a sexual performance;
6 section 573.205, promoting a sexual performance by a child;
7 section 573.023, sexual exploitation of a minor; section
8 573.025, promoting child pornography; section 573.037,
9 possession of child pornography; or section 573.040,
10 furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if
12 committed in this state, would be a violation listed in this
13 section;

14 shall not knowingly be present in or loiter within five
15 hundred feet of any real property comprising any public park
16 with playground equipment, a public swimming pool, athletic
17 complex or athletic fields if such facilities exist for the
18 primary use of recreation for children, any museum if such
19 museum holds itself out to the public as and exists with the
20 primary purpose of entertaining or educating children under
21 eighteen years of age, or Missouri department of
22 conservation nature or education center properties.

23 2. The first violation of the provisions of this
24 section is a class E felony.

25 3. A second or subsequent violation of this section is
26 a class D felony.

27 4. Any person who has been found guilty of an offense
28 under subdivision (1) or (2) of subsection 1 of this section
29 who is the parent, legal guardian, or custodian of a child
30 under the age of eighteen attending a program on the
31 property of a nature or education center of the Missouri
32 department of conservation may receive permission from the
33 nature or education center manager to be present on the
34 property with the child during the program.

 566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she
3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than
6 ~~[fifteen]~~ seventeen years of age for the purpose of engaging
7 in sexual conduct.

8 2. It is not a defense to a prosecution for a
9 violation of this section that the other person was a peace
10 officer masquerading as a minor.

11 3. Enticement of a child or an attempt to commit
12 enticement of a child is a felony for which the authorized
13 term of imprisonment shall be not less than five years and
14 not more than thirty years. No person convicted under this
15 section shall be eligible for parole, probation, conditional
16 release, or suspended imposition or execution of sentence
17 for a period of five calendar years.

 566.155. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 section 573.200, use of a child in a sexual performance;
6 section 573.205, promoting a sexual performance by a child;
7 section 573.023, sexual exploitation of a minor; section
8 573.037, possession of child pornography; section 573.025,

9 promoting child pornography; or section 573.040, furnishing
10 pornographic material to minors; [or]

11 (2) Any offense in any other jurisdiction which, if
12 committed in this state, would be a violation listed in this
13 section; or

14 (3) Any tier III offense listed under section 589.414
15 shall not serve as an athletic coach, manager, or athletic
16 trainer for any sports team in which a child less than
17 [seventeen] eighteen years of age is a member or shall not
18 supervise or employ any child under eighteen years of age.

19 2. The first violation of the provisions of this
20 section is a class E felony.

21 3. A second or subsequent violation of this section is
22 a class D felony.

567.030. 1. A person commits the offense of
2 patronizing prostitution if he or she:

3 (1) Pursuant to a prior understanding, gives something
4 of value to another person as compensation for having
5 engaged in sexual conduct with any person; or

6 (2) Gives or agrees to give something of value to
7 another person with the understanding that such person or
8 another person will engage in sexual conduct with any
9 person; or

10 (3) Solicits or requests another person to engage in
11 sexual conduct with any person in return for something of
12 value.

13 2. It shall not be a defense that the person believed
14 that the individual he or she patronized for prostitution
15 was eighteen years of age or older.

16 3. The offense of patronizing prostitution is a class
17 B misdemeanor, unless the individual who the person
18 patronizes is less than eighteen years of age but older than

19 ~~[fourteen]~~ fifteen years of age, in which case patronizing
20 prostitution is a class E felony.

21 4. The offense of patronizing prostitution is a class
22 ~~[D]~~ B felony if the individual who the person patronizes is
23 ~~[fourteen]~~ fifteen years of age or younger. Nothing in this
24 section shall preclude the prosecution of an individual for
25 the offenses of:

26 (1) Statutory rape in the first degree pursuant to
27 section 566.032;

28 (2) Statutory rape in the second degree pursuant to
29 section 566.034;

30 (3) Statutory sodomy in the first degree pursuant to
31 section 566.062; or

32 (4) Statutory sodomy in the second degree pursuant to
33 section 566.064.

 569.010. As used in this chapter the following terms
2 mean:

3 (1) "Cave or cavern", any naturally occurring
4 subterranean cavity enterable by a person including, without
5 limitation, a pit, pothole, natural well, grotto, and
6 tunnel, whether or not the opening has a natural entrance;

7 (2) "Enter unlawfully or remain unlawfully", a person
8 enters or remains in or upon premises when he or she is not
9 licensed or privileged to do so. A person who, regardless
10 of his or her purpose, enters or remains in or upon premises
11 which are at the time open to the public does so with
12 license and privilege unless he or she defies a lawful order
13 not to enter or remain, personally communicated to him or
14 her by the owner of such premises or by other authorized
15 person. A license or privilege to enter or remain in a
16 building which is only partly open to the public is not a
17 license or privilege to enter or remain in that part of the
18 building which is not open to the public;

19 (3) "Nuclear power plant", a power generating facility
20 that produces electricity by means of a nuclear reactor
21 owned by a utility or a consortium utility. Nuclear power
22 plant shall be limited to property within the structure or
23 fenced yard, as defined in section 563.011;

24 (4) "To tamper", to interfere with something
25 improperly, to meddle with it, displace it, make unwarranted
26 alterations in its existing condition, or to deprive,
27 temporarily, the owner or possessor of that thing;

28 (5) "Teller machine", an automated teller machine
29 (ATM) or interactive teller machine (ITM) is a remote
30 computer terminal owned or controlled by a financial
31 institution or a private business that allows individuals to
32 obtain financial services including obtaining cash,
33 transferring or transmitting money or digital currencies,
34 payment of bills, loading money or digital currency to a
35 payment card or other device without physical in-person
36 assistance from another person. "Teller machine" does not
37 include personally owned electronic devices used to access
38 financial services;

39 (6) "Utility", an enterprise which provides gas,
40 electric, steam, water, sewage disposal, or communication,
41 video, internet, or voice over internet protocol services,
42 and any common carrier. It may be either publicly or
43 privately owned or operated.

 569.100. 1. A person commits the offense of property
2 damage in the first degree if such person:

3 (1) Knowingly damages property of another to an extent
4 exceeding seven hundred fifty dollars; or

5 (2) Damages property to an extent exceeding seven
6 hundred fifty dollars for the purpose of defrauding an
7 insurer; [or]

8 (3) Knowingly damages a motor vehicle of another and
9 the damage occurs while such person is making entry into the
10 motor vehicle for the purpose of committing the crime of
11 stealing therein or the damage occurs while such person is
12 committing the crime of stealing within the motor vehicle; or

13 (4) Knowingly damages, modifies, or destroys a teller
14 machine or otherwise makes it inoperable.

15 2. The offense of property damage in the first degree
16 committed under subdivision (1) or (2) of subsection 1 of
17 this section is a class E felony, unless the offense of
18 property damage in the first degree was committed under
19 subdivision (1) of subsection 1 of this section and the
20 victim was intentionally targeted as a law enforcement
21 officer, as defined in section 556.061, or the victim is
22 targeted because he or she is a relative within the second
23 degree of consanguinity or affinity to a law enforcement
24 officer, in which case it is a class D felony. The offense
25 of property damage in the first degree committed under
26 subdivision (3) of subsection 1 of this section is a class D
27 felony unless committed as a second or subsequent violation
28 of subdivision (3) of subsection 1 of this section in which
29 case it is a class B felony. The offense of property damage
30 in the first degree committed under subdivision (4) of
31 subsection 1 of this section is a class D felony unless
32 committed for the purpose of executing any scheme or
33 artifice to defraud or obtain any property, the value of
34 which exceeds seven hundred fifty dollars or the damage to
35 the teller machine exceeds seven hundred fifty dollars in
36 which case it is a class C felony; or unless committed to
37 obtain the personal financial credentials of another person
38 or committed as a second or subsequent violation of
39 subsection (4) of subsection 1 of this section in which
40 case it is a class B felony.

570.010. As used in this chapter, the following terms

mean:

(1) "Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

(3) "Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) "Coercion", a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

33 (5) "Credit device", a writing, card, code, number or
34 other device purporting to evidence an undertaking to pay
35 for property or services delivered or rendered to or upon
36 the order of a designated person or bearer;

37 (6) "Dealer", a person in the business of buying and
38 selling goods;

39 (7) "Debit device", a writing, card, code, number or
40 other device, other than a check, draft or similar paper
41 instrument, by the use of which a person may initiate an
42 electronic fund transfer, including but not limited to
43 devices that enable electronic transfers of benefits to
44 public assistance recipients;

45 (8) "Deceit or deceive", making a representation which
46 is false and which the actor does not believe to be true and
47 upon which the victim relies, as to a matter of fact, law,
48 value, intention or other state of mind, or concealing a
49 material fact as to the terms of a contract or agreement.
50 The term "deceit" does not, however, include falsity as to
51 matters having no pecuniary significance, or puffing by
52 statements unlikely to deceive ordinary persons in the group
53 addressed. Deception as to the actor's intention to perform
54 a promise shall not be inferred from the fact alone that he
55 did not subsequently perform the promise;

56 (9) "Deprive":

57 (a) To withhold property from the owner permanently; or

58 (b) To restore property only upon payment of reward or
59 other compensation; or

60 (c) To use or dispose of property in a manner that
61 makes recovery of the property by the owner unlikely;

62 (10) "Electronic benefits card" or "EBT card", a debit
63 card used to access food stamps or cash benefits issued by
64 the department of social services;

65 (11) "Financial institution", a bank, trust company,
66 savings and loan association, or credit union;

67 (12) "Food stamps", the nutrition assistance program
68 in Missouri that provides food and aid to low-income
69 individuals who are in need of benefits to purchase food
70 operated by the United States Department of Agriculture
71 (USDA) in conjunction with the department of social services;

72 (13) "Forcibly steals", a person, in the course of
73 stealing, uses or threatens the immediate use of physical
74 force upon another person for the purpose of:

75 (a) Preventing or overcoming resistance to the taking
76 of the property or to the retention thereof immediately
77 after the taking; or

78 (b) Compelling the owner of such property or another
79 person to deliver up the property or to engage in other
80 conduct which aids in the commission of the theft;

81 (14) "Internet service", an interactive computer
82 service or system or an information service, system, or
83 access software provider that provides or enables computer
84 access by multiple users to a computer server, and includes,
85 but is not limited to, an information service, system, or
86 access software provider that provides access to a network
87 system commonly known as the internet, or any comparable
88 system or service and also includes, but is not limited to,
89 a world wide web page, newsgroup, message board, mailing
90 list, or chat area on any interactive computer service or
91 system or other online service;

92 (15) "Means of identification", anything used by a
93 person as a means to uniquely distinguish himself or herself;

94 (16) "Merchant", a person who deals in goods of the
95 kind or otherwise by his or her occupation holds oneself out
96 as having knowledge or skill peculiar to the practices or
97 goods involved in the transaction or to whom such knowledge

or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

(17) "Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

(19) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(20) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;

(21) "Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) "Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

(23) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) that is a remote computer terminal or other device owned or controlled by a financial institution or a private business that allows individuals to obtain financial services, including obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or loading moneys or digital currency to a payment card, without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(24) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile

service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

[(24)] (25) "Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

[(25)] (26) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
- (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

10 (3) For the purpose of depriving the owner of a lawful
11 interest therein, receives, retains or disposes of property
12 of another knowing that it has been stolen, or believing
13 that it has been stolen.

14 2. The offense of stealing is a class A felony if the
15 property appropriated consists of any of the following
16 containing any amount of anhydrous ammonia: a tank truck,
17 tank trailer, rail tank car, bulk storage tank, field nurse,
18 field tank or field applicator.

19 3. The offense of stealing is a class B felony if:

20 (1) The property appropriated or attempted to be
21 appropriated consists of any amount of anhydrous ammonia or
22 liquid nitrogen;

23 (2) The property consists of any animal considered
24 livestock as the term livestock is defined in section
25 144.010, or any captive wildlife held under permit issued by
26 the conservation commission, and the value of the animal or
27 animals appropriated exceeds three thousand dollars and that
28 person has previously been found guilty of appropriating any
29 animal considered livestock or captive wildlife held under
30 permit issued by the conservation commission.

31 Notwithstanding any provision of law to the contrary, such
32 person shall serve a minimum prison term of not less than
33 eighty percent of his or her sentence before he or she is
34 eligible for probation, parole, conditional release, or
35 other early release by the department of corrections;

36 (3) A person appropriates property consisting of a
37 motor vehicle, watercraft, or aircraft, and that person has
38 previously been found guilty of two stealing-related
39 offenses committed on two separate occasions where such
40 offenses occurred within ten years of the date of occurrence
41 of the present offense;

42 (4) The property appropriated or attempted to be
43 appropriated consists of any animal considered livestock as
44 the term is defined in section 144.010 if the value of the
45 livestock exceeds ten thousand dollars; or

46 (5) The property appropriated or attempted to be
47 appropriated is owned by or in the custody of a financial
48 institution and the property is taken or attempted to be
49 taken physically from an individual person to deprive the
50 owner or custodian of the property.

51 4. The offense of stealing is a class C felony if the
52 value of the property or services appropriated is twenty-
53 five thousand dollars or more or the property is a teller
54 machine or the contents of a teller machine including cash
55 regardless of the value or amount.

56 5. The offense of stealing is a class D felony if:

57 (1) The value of the property or services appropriated
58 is seven hundred fifty dollars or more;

59 (2) The offender physically takes the property
60 appropriated from the person of the victim; or

61 (3) The property appropriated consists of:

62 (a) Any motor vehicle, watercraft or aircraft;

63 (b) Any will or unrecorded deed affecting real
64 property;

65 (c) Any credit device, debit device or letter of
66 credit;

67 (d) Any firearms;

68 (e) Any explosive weapon as defined in section 571.010;

69 (f) Any United States national flag designed, intended
70 and used for display on buildings or stationary flagstaffs
71 in the open;

72 (g) Any original copy of an act, bill or resolution,
73 introduced or acted upon by the legislature of the state of
74 Missouri;

(h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

(i) Any book of registration or list of voters required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal;

(2) The property is a catalytic converter; **[or]**

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or

(4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was

108 delivered by common carrier or delivery service and not yet
109 received by the addressee or that had been left to be
110 collected for shipment by a common carrier or delivery
111 service.

112 7. The offense of stealing is a class D misdemeanor if
113 the property is not of a type listed in subsection 2, 3, 5,
114 or 6 of this section, the property appropriated has a value
115 of less than one hundred fifty dollars, and the person has
116 no previous findings of guilt for a stealing-related offense.

117 8. The offense of stealing is a class A misdemeanor if
118 no other penalty is specified in this section.

119 9. If a violation of this section is subject to
120 enhanced punishment based on prior findings of guilt, such
121 findings of guilt shall be pleaded and proven in the same
122 manner as required by section 558.021.

123 10. The appropriation of any property or services of a
124 type listed in subsection 2, 3, 5, or 6 of this section or
125 of a value of seven hundred fifty dollars or more may be
126 considered a separate felony and may be charged in separate
127 counts.

128 11. The value of property or services appropriated
129 pursuant to one scheme or course of conduct, whether from
130 the same or several owners and whether at the same or
131 different times, constitutes a single criminal episode and
132 may be aggregated in determining the grade of the offense,
133 except as set forth in subsection 10 of this section.

570.036. 1. A person commits the offense of organized
2 retail theft if he or she, while alone or with any other
3 person or persons, commits a series of thefts of retail
4 merchandise against one or more persons either on the
5 premises of a merchant or through the use of an internet or
6 network site in this state with the intent to:

7 (1) Return the merchandise to the merchant for value;
8 or

9 (2) Resell, trade, or barter the merchandise for value
10 in any manner including, but not limited to, through the use
11 of an internet or network site.

12 2. The offense of organized retail theft is a class D
13 felony if the aggregated value of the property or services
14 involved in all thefts committed in this state during a
15 period of one hundred twenty days is no less than one
16 thousand five hundred dollars and no more than ten thousand
17 dollars.

18 3. The offense of organized retail theft is a class C
19 felony if the aggregated value of the property or services
20 involved in all thefts committed in this state during a
21 period of one hundred twenty days is more than ten thousand
22 dollars.

23 4. In addition to any other penalty, the court shall
24 order a person who violates this section to pay restitution.

25 5. For the purposes of this section, in determining
26 the aggregated value of the property or services involved in
27 all thefts committed in this state during a period of one
28 hundred twenty days:

29 (1) The amount involved in a single theft shall be
30 deemed to be the highest value, by any reasonable standard,
31 of the property or services that are obtained; and

32 (2) The amounts involved in all thefts committed by
33 all participants in the organized retail theft shall be
34 aggregated.

35 6. In any prosecution for a violation of this section,
36 the violation shall be deemed to have been committed and may
37 be prosecuted in any jurisdiction in this state in which any
38 theft committed by any participant in the organized retail

39 theft was committed regardless of whether the defendant was
40 ever physically present in such jurisdiction.

571.015. 1. Any person who commits any felony under
2 the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly
4 weapon is also guilty of the offense of armed criminal
5 action, the offense of armed criminal action shall be an
6 unclassified felony, and, upon conviction, shall be punished
7 by imprisonment by the department of corrections for a term
8 of not less than three years [and not to exceed fifteen
9 years], unless the person is unlawfully possessing a
10 firearm, in which case the term of imprisonment shall be for
11 a term of not less than five years. The punishment imposed
12 pursuant to this subsection shall be in addition to and
13 consecutive to any punishment provided by law for the crime
14 committed by, with, or through the use, assistance, or aid
15 of a dangerous instrument or deadly weapon. No person
16 convicted under this subsection shall be eligible for
17 parole, probation, conditional release, or suspended
18 imposition or execution of sentence [for a period of three
19 calendar years].

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years [and not to exceed
24 thirty years], unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for

32 parole, probation, conditional release, or suspended
33 imposition or execution of sentence [for a period of five
34 calendar years].

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be punished by imprisonment by the department
38 of corrections for a term of not less than ten years, unless
39 the person is unlawfully possessing a firearm, in which case
40 the term of imprisonment shall be no less than fifteen
41 years. The punishment imposed pursuant to this subsection
42 shall be in addition to and consecutive to any punishment
43 provided by law for the crime committed by, with, or through
44 the use, assistance, or aid of a dangerous instrument or
45 deadly weapon. No person convicted under this subsection
46 shall be eligible for parole, probation, conditional
47 release, or suspended imposition or execution of sentence
48 [for a period of ten calendar years].

571.031. 1. This section shall be known and may be
2 cited as "Blair's Law".

3 2. A person commits the offense of unlawful discharge
4 of a firearm if, with criminal negligence, he or she
5 discharges a firearm within or into the limits of any
6 municipality.

7 3. This section shall not apply if the firearm is
8 discharged:

9 (1) As allowed by a defense of justification under
10 chapter 563;

11 (2) On a properly supervised shooting range;

12 (3) To lawfully take wildlife during an open season
13 established by the department of conservation. Nothing in
14 this subdivision shall prevent a municipality from adopting
15 an ordinance restricting the discharge of a firearm within
16 one-quarter mile of an occupied structure;

17 (4) For the control of nuisance wildlife as permitted
18 by the department of conservation or the United States Fish
19 and Wildlife Service;

20 (5) By special permit of the chief of police of the
21 municipality;

22 (6) As required by an animal control officer in the
23 performance of his or her duties;

24 (7) Using blanks;

25 (8) More than one mile from any occupied structure;

26 (9) In self-defense or defense of another person
27 against an animal attack if a reasonable person would
28 believe that deadly physical force against the animal is
29 immediately necessary and reasonable under the circumstances
30 to protect oneself or the other person; or

31 (10) By law enforcement personnel, as defined in
32 section 590.1040, or a member of the United States Armed
33 Forces if acting in an official capacity.

34 4. A person who commits the offense of discharge of a
35 firearm shall be guilty of:

36 (1) For a first offense, a class A misdemeanor;

37 (2) For a second offense, a class E felony; and

38 (3) For a third or subsequent offense, a class D
39 felony.

571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any
6 state or of the United States which, if committed within
7 this state, would be a felony; or

8 (2) Such person is a fugitive from justice, is
9 habitually in an intoxicated or drugged condition, or is
10 currently adjudged mentally incompetent.

11 2. Unlawful possession of a firearm is a class ~~[D]~~ C
12 felony, unless a person has been convicted of a dangerous
13 felony as defined in section 556.061 or the person has a
14 prior conviction for unlawful possession of a firearm, in
15 which case it is a class ~~[C]~~ B felony.

16 3. The provisions of subdivision (1) of subsection 1
17 of this section shall not apply to the possession of an
18 antique firearm.

 575.010. The following definitions shall apply to this
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and
5 which is sworn to before a person authorized to administer
6 oaths;

7 (2) "Government" means any branch or agency of the
8 government of this state or of any political subdivision
9 thereof;

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public
12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

14 (4) "Judicial proceeding" means any official
15 proceeding in court, or any proceeding authorized by or held
16 under the supervision of a court;

17 (5) "Juror" means a grand or petit juror, including a
18 person who has been drawn or summoned to attend as a
19 prospective juror;

20 (6) "Jury" means a grand or petit jury, including any
21 panel which has been drawn or summoned to attend as
22 prospective jurors;

23 (7) "Law enforcement animal" means a dog, horse, or
24 other animal used in law enforcement or a correctional
25 facility, or by a municipal police department, fire

department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

(8) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

[(8) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;]

(9) "Public record" means any document which a public servant is required by law to keep;

(10) "Testimony" means any oral statement under oath or affirmation;

(11) "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;

(12) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

(b) Whose declaration under oath is received as evidence for any purpose; or

(c) Who has reported any crime to any peace officer or prosecutor; or

(d) Who has been served with a subpoena issued under the authority of any court of this state.

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

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

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

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

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

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

17 (5) Disseminates through any means, including by
18 posting on the internet, the judicial officer's or the
19 judicial officer's family's personal information. For
20 purposes of this section, "personal information" includes a
21 home address, home or mobile telephone number, personal
22 email address, Social Security number, federal tax
23 identification number, checking or savings account numbers,
24 marital status, and identity of a child under eighteen years
25 of age.

26 2. A judicial officer for purposes of this section
27 shall be a judge or commissioner of a state or federal
28 court, arbitrator, special master, juvenile officer, deputy
29 juvenile officer, state prosecuting or circuit attorney,
30 state assistant prosecuting or circuit attorney, juvenile
31 court commissioner, state probation or parole officer, [or]
32 referee, or the attorney general or his or her assistant
33 attorneys general authorized under section 27.020.

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

- 36 (1) Such officer's spouse; or
37 (2) Such officer or such officer's spouse's ancestor
38 or descendant by blood or adoption; or
39 (3) Such officer's stepchild, while the marriage
40 creating that relationship exists.

41 4. The offense of tampering with a judicial officer is
42 a class D felony.

43 5. If a violation of this section results in death or
44 bodily injury to a judicial officer or a member of the
45 judicial officer's family, the offense is a class B felony.

 575.200. 1. A person commits the offense of escape
2 from custody or attempted escape from custody if, while
3 being held in custody after arrest for any [crime] offense
4 or violation of probation or parole, he or she escapes or
5 attempts to escape from custody.

6 2. The offense of escape or attempted escape from
7 custody is a class A misdemeanor unless:

8 (1) The person escaping or attempting to escape is
9 under arrest for a felony, in which case it is a class E
10 felony; or

11 (2) The offense is committed by means of a deadly
12 weapon or dangerous instrument or by holding any person as
13 hostage, in which case it is a class A felony.

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

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

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

13 4. The offense of tampering with electronic monitoring
14 equipment if a person fails to charge or otherwise disables
15 electronic monitoring equipment is a class E felony, unless
16 the offense for which the person was placed on electronic
17 monitoring was a misdemeanor, in which case it is a class A
18 misdemeanor.

 575.353. 1. This section shall be known and may be
2 cited as "Max's Law".

3 2. A person commits the offense of assault on a
4 [police] law enforcement animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a [police] law
7 enforcement animal when that animal is involved in law
8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of
11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] law
14 enforcement animal is a [class C misdemeanor, unless]:

15 (1) Class A misdemeanor, if the law enforcement animal
16 is not injured to the point of requiring veterinary care or
17 treatment;

18 (2) Class E felony if the law enforcement animal is
19 seriously injured to the point of requiring veterinary care
20 or treatment; and

21 (3) Class D felony if the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

577.010. 1. A person commits the offense of driving
while intoxicated if he or she operates a vehicle while in
an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is
present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant
acts with criminal negligence to cause physical injury to
another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant
acts with criminal negligence to cause physical injury to a
law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant
acts with criminal negligence to cause serious physical
injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant
acts with criminal negligence to cause serious physical
injury to a law enforcement officer or emergency personnel;
or

(c) While driving while intoxicated, the defendant
acts with criminal negligence to cause the death of another
person;

(6) A class B felony if:

(a) The defendant is a habitual offender;

34 (b) While driving while intoxicated, the defendant
35 acts with criminal negligence to cause the death of a law
36 enforcement officer or emergency personnel;

37 (c) While driving while intoxicated, the defendant
38 acts with criminal negligence to cause the death of any
39 person not a passenger in the vehicle operated by the
40 defendant, including the death of an individual that results
41 from the defendant's vehicle leaving a highway, as defined
42 in section 301.010, or the highway's right-of-way;

43 (d) While driving while intoxicated, the defendant
44 acts with criminal negligence to cause the death of two or
45 more persons; or

46 (e) While driving while intoxicated, the defendant
47 acts with criminal negligence to cause the death of any
48 person while he or she has a blood alcohol content of at
49 least eighteen-hundredths of one percent by weight of
50 alcohol in such person's blood;

51 (7) A class A felony if the defendant has previously
52 been found guilty of an offense under paragraphs (a) to (e)
53 of subdivision (6) of this subsection and is found guilty of
54 a subsequent violation of such paragraphs.

55 3. Notwithstanding the provisions of subsection 2 of
56 this section, a person found guilty of the offense of
57 driving while intoxicated as a first offense shall not be
58 granted a suspended imposition of sentence:

59 (1) Unless such person shall be placed on probation
60 for a minimum of two years; or

61 (2) In a circuit where a DWI court or docket created
62 under section 478.007 or other court-ordered treatment
63 program is available, and where the offense was committed
64 with fifteen-hundredths of one percent or more by weight of
65 alcohol in such person's blood, unless the individual

participates and successfully completes a program under such
DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or
subsequent offense of driving while intoxicated, the court
may order the person to submit to a period of continuous
alcohol monitoring or verifiable breath alcohol testing
performed a minimum of four times per day as a condition of
probation.

5. If a person is not granted a suspended imposition
of sentence for the reasons described in subsection 3 of
this section:

(1) If the individual operated the vehicle with
fifteen-hundredths to twenty-hundredths of one percent by
weight of alcohol in such person's blood, the required term
of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with
greater than twenty-hundredths of one percent by weight of
alcohol in such person's blood, the required term of
imprisonment shall be not less than five days.

6. A person found guilty of the offense of driving
while intoxicated:

(1) As a prior offender, persistent offender,
aggravated offender, chronic offender, or habitual offender
shall not be granted a suspended imposition of sentence or
be sentenced to pay a fine in lieu of a term of
imprisonment, section 557.011 to the contrary
notwithstanding;

(2) As a prior offender shall not be granted parole or
probation until he or she has served a minimum of ten days
imprisonment:

(a) Unless as a condition of such parole or probation
such person performs at least thirty days involving at least
two hundred forty hours of community service under the

99 supervision of the court in those jurisdictions which have a
100 recognized program for community service; or

101 (b) The offender participates in and successfully
102 completes a program established under section 478.007 or
103 other court-ordered treatment program, if available, and as
104 part of either program, the offender performs at least
105 thirty days of community service under the supervision of
106 the court;

107 (3) As a persistent offender shall not be eligible for
108 parole or probation until he or she has served a minimum of
109 thirty days imprisonment:

110 (a) Unless as a condition of such parole or probation
111 such person performs at least sixty days of community
112 service under the supervision of the court in those
113 jurisdictions which have a recognized program for community
114 service; or

115 (b) The offender participates in and successfully
116 completes a program established under section 478.007 or
117 other court-ordered treatment program, if available, and as
118 part of either program, the offender performs at least sixty
119 days of community service under the supervision of the court;

120 (4) As an aggravated offender shall not be eligible
121 for parole or probation until he or she has served a minimum
122 of sixty days imprisonment;

123 (5) As a chronic or habitual offender shall not be
124 eligible for parole or probation until he or she has served
125 a minimum of two years imprisonment; and

126 (6) Any probation or parole granted under this
127 subsection may include a period of continuous alcohol
128 monitoring or verifiable breath alcohol testing performed a
129 minimum of four times per day.

577.012. 1. A person commits the offense of driving
2 with excessive blood alcohol content if such person operates:

3 (1) A vehicle while having eight-hundredths of one
4 percent or more by weight of alcohol in his or her blood; or

5 (2) A commercial motor vehicle while having four one-
6 hundredths of one percent or more by weight of alcohol in
7 his or her blood.

8 2. As used in this section, percent by weight of
9 alcohol in the blood shall be based upon grams of alcohol
10 per one hundred milliliters of blood or two hundred ten
11 liters of breath and may be shown by chemical analysis of
12 the person's blood, breath, saliva or urine. For the
13 purposes of determining the alcoholic content of a person's
14 blood under this section, the test shall be conducted in
15 accordance with the provisions of sections 577.020 to
16 577.041.

17 3. The offense of driving with excessive blood alcohol
18 content is:

19 (1) A class B misdemeanor;

20 (2) A class A misdemeanor if the defendant is alleged
21 and proved to be a prior offender;

22 (3) A class E felony if the defendant is alleged and
23 proved to be a persistent offender;

24 (4) A class D felony if the defendant is alleged and
25 proved to be an aggravated offender;

26 (5) A class C felony if the defendant is alleged and
27 proved to be a chronic offender;

28 (6) A class B felony if the defendant is alleged and
29 proved to be a habitual offender.

30 4. A person found guilty of the offense of driving
31 with an excessive blood alcohol content as a first offense
32 shall not be granted a suspended imposition of sentence:

33 (1) Unless such person shall be placed on probation
34 for a minimum of two years; or

35 (2) In a circuit where a DWI court or docket created
36 under section 478.007 or other court-ordered treatment
37 program is available, and where the offense was committed
38 with fifteen-hundredths of one percent or more by weight of
39 alcohol in such person's blood, unless the individual
40 participates in and successfully completes a program under
41 such DWI court or docket or other court-ordered treatment
42 program.

43 5. If a person is not granted a suspended imposition
44 of sentence for the reasons described in subsection 4 of
45 this section:

46 (1) If the individual operated the vehicle with
47 fifteen-hundredths to twenty-hundredths of one percent by
48 weight of alcohol in such person's blood, the required term
49 of imprisonment shall be not less than forty-eight hours;

50 (2) If the individual operated the vehicle with greater
51 than twenty-hundredths of one percent by weight of alcohol
52 in such person's blood, the required term of imprisonment
53 shall be not less than five days.

54 6. If a person is found guilty of a second or
55 subsequent offense of driving with an excessive blood
56 alcohol content, the court may order the person to submit to
57 a period of continuous alcohol monitoring or verifiable
58 breath alcohol testing performed a minimum of four times per
59 day as a condition of probation.

60 7. A person found guilty of driving with excessive
61 blood alcohol content:

62 (1) As a prior offender, persistent offender,
63 aggravated offender, chronic offender or habitual offender
64 shall not be granted a suspended imposition of sentence or
65 be sentenced to pay a fine in lieu of a term of
66 imprisonment, section 557.011 to the contrary
67 notwithstanding;

68 (2) As a prior offender shall not be granted parole or
69 probation until he or she has served a minimum of ten days
70 imprisonment:

71 (a) Unless as a condition of such parole or probation
72 such person performs at least thirty days of community
73 service under the supervision of the court in those
74 jurisdictions which have a recognized program for community
75 service; or

76 (b) The offender participates in and successfully
77 completes a program established under section 478.007 or
78 other court-ordered treatment program, if available, and as
79 part of either program, the offender performs at least
80 thirty days of community service under the supervision of
81 the court;

82 (3) As a persistent offender shall not be granted
83 parole or probation until he or she has served a minimum of
84 thirty days imprisonment:

85 (a) Unless as a condition of such parole or probation
86 such person performs at least sixty days involving at least
87 four hundred eighty hours of community service under the
88 supervision of the court in those jurisdictions which have a
89 recognized program for community service; or

90 (b) The offender participates in and successfully
91 completes a program established under section 478.007 or
92 other court-ordered treatment program, if available, and as
93 part of either program, the offender performs at least sixty
94 days of community service under the supervision of the court;

95 (4) As an aggravated offender shall not be eligible
96 for parole or probation until he or she has served a minimum
97 of sixty days imprisonment;

98 (5) As a chronic or habitual offender shall not be
99 eligible for parole or probation until he or she has served
100 a minimum of two years imprisonment; and

101 (6) Any probation or parole granted under this
102 subsection may include a period of continuous alcohol
103 monitoring or verifiable breath alcohol testing performed a
104 minimum of four times per day.

 578.007. The provisions of section 574.130[,] and
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but this exemption shall
26 not include [police or guard dogs] the killing or injuring
27 of a law enforcement animal while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites or injures another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], 578.012, and
6 578.024.

589.437. 1. For purposes of this section and section
2 43.650, the following persons shall be known as violent
3 offenders:

4 (1) Any person who is on probation or parole for:

5 (a) The offense of murder in the first degree under
6 section 565.020;

7 (b) The offense of murder in the second degree under
8 section 565.021; or

9 (c) An offense in a jurisdiction outside of this state
10 that would qualify under paragraph (a) or (b) of this
11 subdivision if the offense were to have been committed in
12 this state; and

13 (2) Any person who was found not guilty by reason of
14 mental disease or defect of an offense listed under
15 subdivision (1) of this subsection.

16 2. The division of probation and parole of the
17 department of corrections, or the department of mental
18 health if the person qualifies as a violent offender under
19 subdivision (2) of subsection 1 of this section, shall
20 notify the Missouri state highway patrol if a violent
21 offender is placed on probation or parole, is placed on
22 conditional release, is removed from probation or parole, or
23 relocates to this state under the interstate compact for
24 adult offender supervision, sections 589.500 to 589.569, so

25 that the Missouri state highway patrol can update the
26 offender registry under section 43.650.

595.201. 1. This section shall be known and may be
2 cited as the "Sexual Assault Survivors' Bill of Rights".
3 These rights shall be in addition to other rights as
4 designated by law and no person shall discourage a person
5 from exercising these rights. For the purposes of this
6 section, "sexual assault survivor" means any person who is
7 fourteen years of age or older and who may be a victim of a
8 sexual offense who presents themselves to an appropriate
9 medical provider, law enforcement officer, prosecuting
10 attorney, or court.

11 2. [The rights provided to survivors in this section
12 attach whenever a survivor is subject to a forensic
13 examination, as provided in section 595.220; and whenever a
14 survivor is subject to an interview by a law enforcement
15 official, prosecuting attorney, or defense attorney.] A
16 sexual assault survivor retains all the rights of this
17 section [at all times] regardless of whether [the survivor
18 agrees to participate in the criminal justice system or in
19 family court; and regardless of whether the survivor
20 consents to a forensic examination to collect sexual assault
21 forensic evidence. The following rights shall be afforded
22 to sexual assault survivors] a criminal investigation or
23 prosecution results or if the survivor has previously waived
24 any of these rights. A sexual assault survivor has the
25 right to:

26 (1) [A survivor has the right to] Consult with an
27 employee or volunteer of a rape crisis center [during any
28 forensic examination that is subject to confidentiality
29 requirements pursuant to section 455.003, as well as the
30 right to have a support person of the survivor's choosing
31 present, subject to federal regulations as provided in 42

CFR 482; and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains this right even if the survivor has waived the right in a previous examination or interview;

(2) Reasonable costs incurred by a medical provider for the forensic examination portion of the examination of a survivor shall be paid by the department of public safety, out of appropriations made for that purpose, as provided under section 595.220. Evidentiary collection kits shall be developed and made available, subject to appropriations, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety;

(3) Before a medical provider commences a forensic examination of a survivor, the medical provider shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center, to be summoned by the medical provider before the commencement of the forensic examination, unless no employee or volunteer of a rape

65 crisis center can be summoned in a reasonably timely manner,
66 and to have present at least one support person of the
67 victim's choosing;

68 (c) If an employee or volunteer of a rape crisis
69 center or a support person cannot be summoned in a timely
70 manner, the ramifications of delaying the forensic
71 examination; and

72 (d) After the forensic examination, the survivor's
73 right to shower at no cost, unless showering facilities are
74 not reasonably available;

75 (4) Before commencing an interview of a survivor, a
76 law enforcement officer, prosecuting attorney, or defense
77 attorney shall inform the survivor of the following:

78 (a) The survivor's rights pursuant to this section and
79 other rules and regulations by the department of public
80 safety and the department of health and senior services,
81 which shall be signed by the survivor of sexual assault to
82 confirm receipt;

83 (b) The survivor's right to consult with an employee
84 or volunteer of a rape crisis center during any interview by
85 a law enforcement official, prosecuting attorney, or defense
86 attorney, to be summoned by the interviewer before the
87 commencement of the interview, unless no employee or
88 volunteer of a rape crisis center can be summoned in a
89 reasonably timely manner;

90 (c) The survivor's right to have a support person of
91 the survivor's choosing present during any interview by a
92 law enforcement officer, prosecuting attorney, or defense
93 attorney, unless the law enforcement officer, prosecuting
94 attorney, or defense attorney determines in his or her good
95 faith professional judgment that the presence of that
96 individual would be detrimental to the purpose of the
97 interview; and

98 (d) For interviews by a law enforcement officer, the
99 survivor's right to be interviewed by a law enforcement
100 official of the gender of the survivor's choosing. If no
101 law enforcement official of that gender is reasonably
102 available, the survivor shall be interviewed by an available
103 law enforcement official only upon the survivor's consent;

104 (5) The right to counsel during an interview by a law
105 enforcement officer or during any interaction with the legal
106 or criminal justice systems within the state;

107 (6) A law enforcement official, prosecuting attorney,
108 or defense attorney shall not, for any reason, discourage a
109 survivor from receiving a forensic examination;

110 (7) A survivor has the right to prompt analysis of
111 sexual assault forensic evidence, as provided under section
112 595.220;

113 (8) A survivor has the right to be informed, upon the
114 survivor's request, of the results of the analysis of the
115 survivor's sexual assault forensic evidence, whether the
116 analysis yielded a DNA profile, and whether the analysis
117 yielded a DNA match, either to the named perpetrator or to a
118 suspect already in CODIS. The survivor has the right to
119 receive this information through a secure and confidential
120 message in writing from the crime laboratory so that the
121 survivor can call regarding the results;

122 (9) A defendant or person accused or convicted of a
123 crime against a survivor shall have no standing to object to
124 any failure to comply with this section, and the failure to
125 provide a right or notice to a survivor under this section
126 may not be used by a defendant to seek to have the
127 conviction or sentence set aside;

128 (10) The failure of a law enforcement agency to take
129 possession of any sexual assault forensic evidence or to
130 submit that evidence for analysis within the time prescribed

under section 595.220 does not alter the authority of a law enforcement agency to take possession of that evidence or to submit that evidence to the crime laboratory, and does not alter the authority of the crime laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that evidence into CODIS. The failure to comply with the requirements of this section does not constitute grounds in any criminal or civil proceeding for challenging the validity of a database match or of any database information, and any evidence of that DNA record shall not be excluded by a court on those grounds;

(11) No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185; or as a basis to search for further evidence of any unrelated misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185, that shall have been committed by the survivor, except that sexual assault forensic evidence shall be admissible as evidence in any criminal or civil proceeding against the defendant or person accused;

(12) Upon initial interaction with a survivor, a law enforcement officer shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) A clear statement that a survivor is not required to participate in the criminal justice system or to receive

a forensic examination in order to retain the rights provided by this section and other relevant law;

(b) Telephone and internet means of contacting nearby rape crisis centers and employees or volunteers of a rape crisis center;

(c) Forms of law enforcement protection available to the survivor, including temporary protection orders, and the process to obtain such protection;

(d) Instructions for requesting the results of the analysis of the survivor's sexual assault forensic evidence; and

(e) State and federal compensation funds for medical and other costs associated with the sexual assault and any municipal, state, or federal right to restitution for survivors in the event of a criminal trial;

(13) A law enforcement official shall, upon written request by a survivor, furnish within fourteen days of receiving such request a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency;

(14) A prosecuting attorney shall, upon written request by a survivor, provide:

(a) Timely notice of any pretrial disposition of the case;

(b) Timely notice of the final disposition of the case, including the conviction, sentence, and place and time of incarceration;

(c) Timely notice of a convicted defendant's location, including whenever the defendant receives a temporary, provisional, or final release from custody, escapes from custody, is moved from a secure facility to a less secure facility, or reenters custody; and

(d) A convicted defendant's information on a sex offender registry, if any;

(15) In either a civil or criminal case relating to the sexual assault, a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(16) A survivor has the right to be free from intimidation, harassment, and abuse, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;

(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post arrest release decision, plea, sentencing, post conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

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

(1) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(2) "Crime", an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or

229 violence by the offender upon the victim and shall include
230 the crime of driving while intoxicated, vehicular
231 manslaughter and hit and run; and provided, further, that no
232 act involving the operation of a motor vehicle, except
233 driving while intoxicated, vehicular manslaughter and hit
234 and run, which results in injury to another shall constitute
235 a crime for the purpose of this section, unless such injury
236 was intentionally inflicted through the use of a motor
237 vehicle. A crime shall also include an act of terrorism, as
238 defined in 18 U.S.C. Section 2331, which has been committed
239 outside of the United States against a resident of Missouri;

240 (3) "Crime laboratory", a laboratory operated or
241 supported financially by the state, or any unit of city,
242 county, or other local Missouri government that employs at
243 least one scientist who examines physical evidence in
244 criminal matters and provides expert or opinion testimony
245 with respect to such physical evidence in a state court of
246 law;

247 (4) "Disposition", the sentencing or determination of
248 a penalty or punishment to be imposed upon a person
249 convicted of a crime or found delinquent or against who a
250 finding of sufficient facts for conviction or finding of
251 delinquency is made;

252 (5) "Law enforcement official", a sheriff and his
253 regular deputies, municipal police officer, or member of the
254 Missouri state highway patrol and such other persons as may
255 be designated by law as peace officers;

256 (6) "Medical provider", any qualified health care
257 professional, hospital, other emergency medical facility, or
258 other facility conducting a forensic examination of the
259 survivor;

260 (7) "Rape crisis center", any public or private agency
261 that offers assistance to victims of sexual assault, as the

term sexual assault is defined in section 455.010, who are adults, as defined by section 455.010, or qualified minors, as defined by section 431.056;

(8) "Restitution", money or services which a court orders a defendant to pay or render to a survivor as part of the disposition;

(9) "Sexual assault survivor", any person who is a victim of an alleged sexual offense under sections 566.010 to 566.223 and, if the survivor is incompetent, deceased, or a minor who is unable to consent to counseling services, the parent, guardian, spouse, or any other lawful representative of the survivor, unless such person is the alleged assailant;

(10) "Sexual assault forensic evidence", any human biological specimen collected by a medical provider during a forensic medical examination from an alleged survivor, as provided for in section 595.220, including, but not limited to, a toxicology kit;

(11) "Survivor", a natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime. The term "victim" also includes the family members of a minor, incompetent or homicide victim.] as defined in section 455.003;

(2) A sexual assault forensic examination as provided in section 595.220, or when a telehealth network is established, a forensic examination as provided in section 192.2520 and section 197.135;

(3) A shower and a change of clothing, as reasonably available, at no cost to the sexual assault survivor;

(4) Request to be examined by an appropriate medical provider or interviewed by a law enforcement officer of the gender of the sexual assault survivor's choosing, when there is an available appropriate medical provider or law

enforcement official of the gender of the sexual assault survivor's choosing;

(5) An interpreter who can communicate in the language of the sexual assault survivor's choice, as is reasonably available, in a timely manner;

(6) Notification and basic overview of the options of choosing a reported evidentiary collection kit, unreported evidentiary collection kit, or anonymous evidentiary collection kit as defined in section 595.220;

(7) Notification about the evidence tracking system as defined in subsection 9 of section 595.220;

(8) Notification about the right to information pursuant to subsection 4 of section 610.100;

(9) Be free from intimidation, harassment, and abuse in any related criminal or civil proceeding and the right to reasonable protection from the offender or any person acting on behalf of the offender from harm and threats of harm arising out of the survivor's disclosure of the sexual assault.

3. An appropriate medical provider, law enforcement officer, and prosecuting attorney shall provide the sexual assault survivor with notification of the rights of survivors pursuant to subsection 2 of this section in a timely manner. Each appropriate medical provider, law enforcement officer, and prosecuting attorney shall ensure that the sexual assault survivor has been notified of these rights.

4. The department of public safety shall develop a document in collaboration with Missouri-based stakeholders. Missouri-based stakeholders shall include, but not be limited to, the following:

(1) Prosecuting attorneys;

(2) Chief law enforcement officers or their designees;

328 (3) Appropriate medical providers, as defined in
329 section 595.220;
330 (4) Representatives of the statewide coalition against
331 domestic and sexual violence;
332 (5) Representatives of rape crisis centers;
333 (6) Representatives of the Missouri Hospital
334 Association;
335 (7) The director of the Missouri highway patrol crime
336 lab or their designee; and
337 (8) The director of the department of health and
338 senior services or their designee.

339 5. The document shall include the following:
340 (1) A description of the rights of the sexual assault
341 survivor pursuant to this section; and
342 (2) Telephone and internet means for contacting the
343 local rape crisis center, as defined in section 455.003.

344 The department of public safety shall provide this document
345 in clear language that is comprehensible to a person
346 proficient in English and shall provide this document in any
347 other foreign language spoken by at least five percent of
348 the population in any county or city not within a county in
349 Missouri.

595.226. 1. After August 28, 2007, any information
2 contained in any court record, whether written or published
3 on the internet, including any visual or aural recordings
4 that could be used to identify or locate any victim of an
5 offense under chapter 566 or a victim of domestic assault or
6 stalking shall be closed and redacted from such record prior
7 to disclosure to the public. Identifying information shall
8 include, but shall not be limited to, the name, home or
9 temporary address, personal email address, telephone number,
10 Social Security number, birth date, place of employment, any
11 health information, including human immunodeficiency virus

12 (HIV) status, any information from a forensic testing
13 report, or physical characteristics, including an
14 unobstructed visual image of the victim's face or body.

15 2. [If the court determines that a person or entity
16 who is requesting identifying information of a victim has a
17 legitimate interest in obtaining such information, the court
18 may allow access to the information, but only if the court
19 determines that disclosure to the person or entity would not
20 compromise the welfare or safety of such victim,] Any person
21 who is requesting identifying information of a victim and
22 who has a legitimate interest in obtaining such information
23 may petition the court for an in camera inspection of the
24 records. If the court determines the person is entitled to
25 all or any part of such records, the court may order
26 production and disclosure of the records, but only if the
27 court determines that the disclosure to the person or entity
28 would not compromise the welfare or safety of the victim,
29 and only after providing reasonable notice to the victim and
30 after allowing the victim the right to respond to such
31 request.

32 3. Notwithstanding the provisions of subsection 1 of
33 this section, the judge presiding over a case under chapter
34 566 or a case of domestic assault or stalking shall have the
35 discretion to publicly disclose identifying information
36 regarding the defendant which could be used to identify or
37 locate the victim of the crime. The victim may provide a
38 statement to the court regarding whether he or she desires
39 such information to remain closed. When making the decision
40 to disclose such information, the judge shall consider the
41 welfare and safety of the victim and any statement to the
42 court received from the victim regarding the disclosure.

630.155. 1. A person commits the offense of patient,
2 resident or client abuse or neglect against any person

3 admitted on a voluntary or involuntary basis to any mental
4 health facility or mental health program in which people may
5 be civilly detained pursuant to chapter 632, or any patient,
6 resident or client of any residential facility, day program
7 or specialized service operated, funded or licensed by the
8 department if he knowingly does any of the following:

9 (1) Beats, strikes or injures any person, patient,
10 resident or client;

11 (2) Mistreats or maltreats, handles or treats any such
12 person, patient, resident or client in a brutal or inhuman
13 manner;

14 (3) Uses any more force than is reasonably necessary
15 for the proper control, treatment or management of such
16 person, patient, resident or client;

17 (4) Fails to provide services which are reasonable and
18 necessary to maintain the physical and mental health of any
19 person, patient, resident or client when such failure
20 presents either an imminent danger to the health, safety or
21 welfare of the person, patient, resident or client, or a
22 substantial probability that death or serious physical harm
23 will result.

24 2. Patient, resident or client abuse or neglect is a
25 class A misdemeanor unless committed under subdivision (2)
26 or (4) of subsection 1 of this section in which case such
27 abuse or neglect shall be a class **[E]** D felony.

Section B. Section 407.1700 of section A of this act
2 shall become effective on February 28, 2023.