

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY—TUESDAY, MAY 3, 2022

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Carl Gauck offered the following prayer:

“While you are proclaiming peace with your lips, be careful to have it even more fully in your heart.” (St. Francis of Assisi)

Heavenly Father, we know that peace within allows us to face the most stressful situations with a calm that permits us to accomplish more and communicate more effectively with those who may see things differently from us. Grant us a peace in our hearts and minds that helps us create a more tranquil senate chamber and office and home. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from Nexstar Media Group and KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Thompson Rehder	Washington	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Williams offered Senate Resolution No. 882, regarding Coumba Taiba Diallo, St. Louis, which was adopted.

Senator Schatz offered Senate Resolution No. 883, regarding Emma Rose Ploch, Labadie, which was adopted.

Senator Schatz offered Senate Resolution No. 884, regarding Isha Deol, Ellisville, which was adopted.

Senator Crawford offered Senate Resolution No. 885, regarding Avery Hlavacek, Lebanon, which was adopted.

Senator Riddle offered Senate Resolution No. 886, regarding Krista V. Orf, Troy, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 887, regarding Pam Rogers, Marys Home, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees are allowed to exceed the differences specific to the sunset on the tax credits in **SS** for **SCS** for **HCS** for **HB 1720**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1559**, entitled:

An Act to repeal sections 43.400, 43.401, 43.503, 210.004, 210.201, 210.203, 210.278, 210.482, 210.487, 210.762, 217.343, 217.690, 311.320, 328.075, 328.080, 329.050, 431.068, 455.010, 455.035, 455.513, 491.678, 544.671, 547.170, 565.002, 565.140, 566.020, 566.034, 566.064, 566.068, 566.071, 566.155, 568.045, 568.050, 568.065, 568.070, 572.020, 573.010, 573.090, 577.010, 577.013, 579.020, and 650.055, RSMo, and to enact in lieu thereof forty-three new sections relating to the protection of children, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1472**, with **SCS**; **HCS** for **HB 1734**, with **SCS**; **HCS** for **HB 2151**, with **SCS**; **HCS** for **HBs 2116, 2097, 1690** and **2221**, with **SCS**; and **HJR 116**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

PRIVILEGED MOTIONS

Senator O’Laughlin moved that the Senate refuse to concur in **SS** for **SCS** for **SBs 681** and **662**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SB 742**, introduced by Senator Crawford, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 742

An Act to repeal sections 288.132, 303.025, 303.041, 319.129, 375.159, 376.380, and 379.011, RSMo, and to enact in lieu thereof thirteen new sections relating to insurance, with penalty provisions.

Was taken up.

On motion of Senator Crawford, **SS** for **SB 742** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Beck	Bernskoetter	Brown	Burlison	Cierpiot	Crawford
Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer
May	Mosley	O’Laughlin	Onder	Razer	Riddle	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Wieland	Williams—30					

NAYS—Senator Moon—1

Absent—Senators

Bean	Brattin	Eigel—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Burlison moved that the Senate refuse to concur in **SB 820**, with **HCS**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon and allow the conferees to exceed the differences in **HA 3** and **HA 6**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1878, with **SCS**, introduced by Representative Simmons, entitled:

An Act to repeal section 115.427, RSMo, and to enact in lieu thereof one new section relating to elections.

Was called from the Informal Calendar and taken up by Senator Crawford.

SCS for **HB 1878**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1878

An Act to repeal sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.105, 115.123, 115.135, 115.151, 115.157, 115.160, 115.165, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.351, 115.417, 115.427, 115.435, 115.447, 115.652, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.902, 115.904, and 115.960, RSMo, and to enact in lieu thereof thirty-nine new sections relating to elections, with penalty provisions.

Was taken up.

Senator Crawford moved that **SCS** for **HB 1878** be adopted.

Senator Crawford offered **SS** for **SCS** for **HB 1878**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1878

An Act to repeal sections 115.013, 115.045, 115.051, 115.081, 115.085, 115.105, 115.123, 115.135, 115.151, 115.157, 115.160, 115.165, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.351, 115.417, 115.427, 115.435, 115.447, 115.652, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.902, 115.904, and 115.960, RSMo, and to enact in lieu thereof forty new sections relating to elections, with penalty provisions.

Senator Crawford moved that **SS** for **SCS** for **HB 1878** be adopted.

Senator Hough assumed the Chair.

Senator Burlison offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 6, Section 115.022, Line 6, by striking the following: "If there is not sufficient"; and further amend said section, lines 7-9, by striking all of said lines; and further amend said section, line 14, by inserting after all of said line the following:

"3. For purposes of this section, "in-kind donations" shall only include:

(1) Personal protective equipment;

(2) Water;

(3) Locations at which an election may be conducted; and

(4) Food for an election authority, staff of an election authority, election judges, watchers, and challengers.”; and

Further amend said bill, page 25, section 115.225, lines 68-72, by striking all of said lines; and

Further amend said bill and section, page 26, lines 73-84, by striking all of said lines and inserting in lieu thereof the following:

“6. (1) Each election authority that controls its own information technology department shall, once every two years, allow a cyber security review of their office by the secretary of state or alternatively by an entity that specializes in cyber security reviews. Each political subdivision that controls the information technology department for an election authority shall, once every two years, allow a cyber security review of the information technology department by the secretary of state or alternatively by an entity that specializes in cyber security reviews. The secretary of state shall, once every two years, allow a cyber security review of its office by an entity that specializes in cyber security reviews. For purposes of this section, an entity specializes in cyber security review if it employs one or more individuals who:

(a) Have at least five years management experience in information security or five years experience as an information security analyst;

(b) Have worked in at least two of the domains listed in paragraph (c) of this subdivision that are covered in the exam required by such paragraph; and

(c) Have attained an information security certification by passing an exam that covers at least three of the following topics:

a. Information technology risk management, identification, mitigation, and compliance;

b. Information security incident management;

c. Information security program development and management;

d. Risk and control monitoring and reporting;

e. Access control systems and methodology;

f. Business continuity planning and disaster recovery planning;

g. Physical security of election authority property;

h. Networking security; or

i. Security architecture application and systems development.

(2) If an election authority or political subdivision fails to have a cyber security review as required by this subsection, the secretary of state may publish a notice of noncompliance in a newspaper within the jurisdiction of the election authority or in electronic format. The secretary of state is also authorized to withhold funds from an election authority in violation of this section unless such funding is a federal mandate or part of a federal and state agreement.

7. The secretary of state shall have authority to require cyber security testing, including penetration testing, of vendor machines, programs, and systems. Failure to participate in such testing shall result in a revocation of vendor certification. Upon notice from another jurisdiction of cyber security failures or certification withholds or revocation, the secretary of state shall have authority to revoke or withhold certification for vendors. The requirements of this section shall be subject to appropriation for the purpose of cyber security testing.

8. The secretary of state may designate an organization of which each election authority shall be a member, provided there is no membership fee and the organization provides information to increase cyber security and election integrity efforts.”.

Senator Burlison moved that the above amendment be adopted.

Senator Onder offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 1, Line 14, by inserting after “challengers.” the following:

“4. The secretary of state is authorized to withhold funds from an election authority in violation of this section unless such funding is a federal mandate or part of a federal and state agreement.”.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered SA 2 to SA 1:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 1, Line 1, by striking the words “Line 6,”; and further amend said amendment and page, lines 2-4 by striking all of said lines and inserting in lieu thereof the following: “Line 14, by”.

Senator Rizzo moved that the above amendment be adopted.

Senator Bean assumed the Chair.

At the request of Senator Burlison, SA 1 was withdrawn, rendering SA 1 to SA 1 and SA 2 to SA 1 moot.

Senator Burlison offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 6, Section 115.022, Lines 1-2, by striking the words: “Notwithstanding any other law to the contrary” and inserting in lieu thereof the following: “**Except as provided in subsection 5 of this section**”; and further amend line 6, by striking the following: “If there is not sufficient”; and further amend said section, lines 7-9, by striking all of said lines; and further amend line 14, by inserting after all of said line the following:

“3. For purposes of this section, “in-kind donations” shall only include:

(1) Personal protective equipment;

(2) Water;

(3) Locations at which an election may be conducted; and

(4) Food for an election authority, staff of an election authority, election judges, watchers, and challengers.

4. The secretary of state is authorized to withhold funds from an election authority in violation of this section unless such funding is a federal mandate or part of a federal and state agreement.

5. In any even-numbered year in which the amount of state funds appropriated to proportionally compensate counties pursuant to sections 115.063 and 115.065 is less than the amount of such funds that were appropriated in the previous even-numbered year, private moneys may be received by the secretary of state to disburse to counties based on the amount of registered voters in each county. The amount of private moneys that may be received by the secretary of state shall not exceed the difference between the amount of state funds appropriated in the previous even-numbered year and the amount appropriated in the pending even-numbered year, plus ten percent of the total amount that was appropriated in the previous even-numbered year.”; and

Further amend said bill, page 25, section 115.225, lines 68-72, by striking all of said lines; and

Further amend said bill and section, page 26, lines 73-84, by striking all of said lines and inserting in lieu thereof the following:

“6. (1) Each election authority that controls its own information technology department shall, once every two years, allow a cyber security review of their office by the secretary of state or alternatively by an entity that specializes in cyber security reviews. Each political subdivision that controls the information technology department for an election authority shall, once every two years, allow a cyber security review of the information technology department by the secretary of state or alternatively by an entity that specializes in cyber security reviews. The secretary of state shall, once every two years, allow a cyber security review of its office by an entity that specializes in cyber security reviews. For purposes of this section, an entity specializes in cyber security review if it employs one or more individuals who:

(a) Have at least five years management experience in information security or five years experience as an information security analyst;

(b) Have worked in at least two of the domains listed in paragraph (c) of this subdivision that are covered in the exam required by such paragraph; and

(c) Have attained an information security certification by passing an exam that covers at least three of the following topics:

a. Information technology risk management, identification, mitigation, and compliance;

b. Information security incident management;

c. Information security program development and management;

d. Risk and control monitoring and reporting;

- e. Access control systems and methodology;
- f. Business continuity planning and disaster recovery planning;
- g. Physical security of election authority property;
- h. Networking security; or
- i. Security architecture application and systems development.

(2) If an election authority or political subdivision fails to have a cyber security review as required by this subsection, the secretary of state may publish a notice of noncompliance in a newspaper within the jurisdiction of the election authority or in electronic format. The secretary of state is also authorized to withhold funds from an election authority in violation of this section unless such funding is a federal mandate or part of a federal and state agreement.

7. The secretary of state shall have authority to require cyber security testing, including penetration testing, of vendor machines, programs, and systems. Failure to participate in such testing shall result in a revocation of vendor certification. Upon notice from another jurisdiction of cyber security failures or certification withholds or revocation, the secretary of state shall have authority to revoke or withhold certification for vendors. The requirements of this section shall be subject to appropriation for the purpose of cyber security testing.

8. The secretary of state may designate an organization of which each election authority shall be a member, provided there is no membership fee and the organization provides information to increase cyber security and election integrity efforts.”.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 15, Section 115.151, Line 28, by inserting after all of said line the following:

“115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES NO

Will you be 18 years of age on or before election day?

YES NO

IF YOU CHECKED “NO” IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT

SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

_____	_____
	Township (or Ward)
_____	_____
Name	Precinct
_____	_____
Home Address	Required Personal Identification Information

City ZIP	
_____	_____
Date of Birth	Place of Birth (Optional)
_____	_____
Telephone Number (Optional)	Mother's Maiden Name (Optional)
_____	_____
Occupation (Optional)	Last Place Previously Registered
_____	_____
Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	Under What Name
Remarks:	_____
	When

**Political Party
Affiliation (You shall
be unaffiliated unless
you designate an
affiliation.)**

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

Signature of Voter

Date

Signature of Election Official

2. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option to be unaffiliated. If an applicant does not designate an affiliation, the election authority shall mark the applicant's form as unaffiliated.

3. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

[3.] **4.** Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

[4.] **5.** If, upon receipt by mail of a voter registration application or a voter registration application

forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may file a complaint with the elections division of the secretary of state's office under and pursuant to section 115.219. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

[5.] 6. The secretary of state shall prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

[6.] 7. All voter registration applications shall be preserved in the office of the election authority.”; and

Further amend said bill, page 16, section 115.157, line 32, by inserting after “district” the following: “; and

(20) Political party affiliation”; and further amend line 44, by striking said line and inserting in lieu thereof the following: “birth [and], addresses, **and political party affiliations** of voters, or any part thereof, within”; and

Further amend said bill, page 20, section 115.160, line 64, by inserting after all of said line the following:

“115.163. 1. Each election authority shall use the Missouri voter registration system established by section 115.158 to prepare a list of legally registered voters for each precinct. The list shall be arranged alphabetically or by street address as the election authority determines and shall be known as the precinct register. The precinct registers shall be kept by the election authority in a secure place, except when given to election judges for use at an election. Except as provided in subsection 6 of section 115.157, all registration records shall be open to inspection by the public at all reasonable times.

2. A new precinct register shall be prepared by the election authority prior to each election.

3. (1) The election authority shall send to each voter, except those who registered by mail and have not voted, a voter identification card no later than ninety days prior to the date of a primary or general election for federal office, unless the voter has received such a card during the preceding six months. The election authority shall send to each voter who registered by mail and has not voted the verification notice required under section 115.155 no later than ninety days prior to the date of a primary or general election for federal office.

(2) The voter identification card shall contain the voter's name, address, **political party affiliation**, and precinct. The card also shall inform the voter of the personal identification requirement in section 115.427 and may also contain other voting information at the discretion of the election authority.

(3) The voter identification card shall be sent to a voter, except those who registered by mail and have not voted, after a new registration or a change of address. If any voter, except those who registered by mail and have not voted, shall lose his **or her** voter identification card **or change political party affiliation**, he **or she** may request a new [one] **card** from the election authority.

(4) The voter identification card authorized pursuant to this section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.

(5) Except as provided in subsection 2 of section 115.157, anyone, upon request and payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters or voters deleted from the voting rolls, since the last canvass or updating of the rolls.

(6) The election authority may authorize the use of the postal service contractors under the federal National Change of Address program to identify those voters whose address is not correct on the voter registration records. The election authority shall not be required to mail a voter registration card to those voters whose addresses are incorrect. Confirmation notices to such voters required by section 115.193 shall be sent to the corrected address provided by the National Change of Address program.”; and

Further amend said bill, page 22, section 115.165, line 61, by inserting after all of said line the following:

“115.168. 1. If a registered voter chooses to change his or her political party affiliation, the voter may notify the election authority of such change. Any change of political party affiliation shall be made by signed, written notice in substantially the same manner as a change of address application is filed under section 115.165.

2. For purposes of this section, the phrase “change his or her political party affiliation” shall mean changing affiliation from one established political party to another established political party, changing from affiliation with an established political party to unaffiliated, or changing from unaffiliated to affiliation with an established political party.”; and

Further amend said bill, page 72, section 115.447, line 34, by inserting after all of said line the following:

“115.628. 1. The secretary of state shall maintain voter registration records in accordance with the Missouri voter registration system defined under section 115.158.

2. Local election authorities shall notify registered voters of the political party affiliation opportunities of this section using all current election mailings that would otherwise be mailed to registered voters prior to January 1, 2025.

3. Beginning January 1, 2023, the voter registration application form shall be amended to include a choice of political party affiliation.

4. Notwithstanding any other provision of law to the contrary, beginning January 1, 2023, voters may declare political party affiliation during the voter check-in process at any election. Appropriate software shall be provided at voter check-in for political party affiliation so as to minimize later data entry for election authorities. If the election authority does not use electronic poll books, then a signed, written notice in substantially the same manner as a change of address application is filed under section 115.165 is adequate. The election authority shall process this initial political party registration through its normal means of administration.

5. Notwithstanding any other provision of law to the contrary, all current processes for registering voters in the various counties shall remain in place.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted.

Senator Schupp offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 2, Line 54, by inserting after “Affiliation (“ the following: “**OPTIONAL:**”.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that SA 3, as amended, be adopted, which motion prevailed.

Senator Brattin offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 11, Section 115.105, Line 52, by inserting after all of said line the following:

“115.111. 1. The election authority shall clearly designate observation areas for challengers and watchers. For watchers, designated areas shall, to the extent possible within the physical space of the polling place, be no closer than three feet and no further than six feet from the ballot processing area and shall be so positioned as to allow all watchers to readily observe all public aspects of the voting process and counting, in accordance with their legally prescribed duties. For challengers, designated areas shall, to the extent possible within the physical space of the polling place, be no closer than three feet and no further than six feet from the election check-in area and shall be so positioned as to allow all challengers, in accordance with their legally prescribed duties, to observe the names, identification, and addresses of people checking in to vote.

2. (1) The election authority shall provide challengers and watchers uniform and nondiscriminatory access to observe all stages of the election process, including but not limited to the certification of voting systems, testing of tabulating equipment, absentee voting in person at the office of the election authority, canvassing, voter appeals, vote tabulation, ballot transport, audits, and recounts.

(2) Watchers or challengers shall wear a badge with the name of the individual and the name of the political party or ballot measure committee the individual is representing.

(3) A watcher or challenger shall not wear any campaign material advocating voting for or against a candidate or for or against any position on a ballot measure.

(4) If any watcher or challenger interferes with the orderly process of voting, or is guilty of misconduct or any law violation, the election judges shall ask the watcher or challenger to leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any watcher or challenger from the polling place or the place where votes are being counted. If any challenger is excluded, another may be substituted by the designating committee chairman.

(5) A watcher or challenger shall not interfere with any voter in the preparation or casting of the voter's ballot or hinder or prevent the performance of the duties of any election official.

(6) A watcher or challenger is entitled to bring in voter lists to observe the voting process.

(7) A watcher or challenger is entitled to challenge any ballot in the same manner as qualifications to vote are challenged under section 115.429.

3. An election official who violates this section is guilty of a class four election offense.”; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted.

Senator O’Laughlin assumed the Chair.

Senator Beck offered SA 1 to SA 4:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 1, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following: “Amend SS/SCS/HB 1878, page 11, section 115.105, line 44, by inserting after the second use of “challenger.” the following: **“Additionally, no person shall be selected as a challenger who is known to affiliate with any group or organization that advocates or supports violence against any person or group of individuals on the basis of sex, race, color, religion, national origin, sexual orientation, or gender identity. Any person selected as a challenger shall not serve in such capacity unless he or she has submitted to a criminal history review by the Federal Bureau of Investigation.**”

5. If any challenger injures or otherwise physically harms any voter at the polling place, the chair of the county committee who designated the challenger for such polling place shall be personally liable to such voter in an amount not to exceed one million dollars.”; and further renumber the remaining subsections accordingly; and further amend line 52, by inserting after all of said line the following:

“115.107. 1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required under sections 115.447 to 115.491 are completed. A watcher may also remain present at each location at which absentee ballots are counted and may remain present while such ballots are being prepared for counting and counted.

5. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election

authority for which the watcher is designated as a watcher. **Additionally, no person shall be selected as a watcher who is known to affiliate with any group or organization that advocates or supports violence against any person or group of individuals on the basis of sex, race, color, religion, national origin, sexual orientation, or gender identity. Any person selected as a watcher shall not serve in such capacity unless he or she has submitted to a criminal history review by the Federal Bureau of Investigation.**

5. If any watcher injures or otherwise physically harms any voter at the polling place, the chairman of the county committee who designated the watcher for such polling place shall be personally liable to such voter in an amount not to exceed one million dollars.”; and

Further amend said amendment, page 2, line 55, by inserting after all of said line the following:

“Further amend said bill, page 72, section 115.447, line 34, by inserting after all of said line the following:

“115.631. The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of this chapter, including but not limited to statements specifically required to be made “under penalty of perjury”; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made “under penalty of perjury”, such individual shall be guilty of a class D felony;

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his or her own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him or her to cast a vote which will be rejected, or otherwise defrauding him or her of his or her vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his or her official capacity, knowingly violating any of the

provisions of this chapter or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate;

(25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; [and]

(26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls; **and**

(27) Harassing, intimidating, or otherwise harming an election authority, any employee of an election authority, an election judge, a challenger, or a watcher.”; and”.

Senator Beck moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

At the request of Senator Brattin, SA 4 was withdrawn, rendering SA 1 to SA 4 moot.

Senator Rizzo offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 32, Section 115.277, Lines 1-10 , by striking all of said lines and inserting in lieu thereof the following:

“115.277. 1. (1) Beginning on the sixth Tuesday prior to an election and ending at 5:00 p.m. on the fourth Monday prior to an election, a registered voter of this state may cast an absentee ballot in person at the office of the election authority for all candidates and issues for which such voter is eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to one of the reasons listed in subsection 3 of this section.

(2) Beginning on the fourth Tuesday prior to an election, a registered voter of this state may cast an absentee ballot in person at the office of the election authority and, the provisions of section 115.287 to the contrary notwithstanding, at no more than four additional locations designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place without having to state a reason.

(3) Any registered voter casting a ballot under the provisions of this subsection shall provide a form of personal photo identification that is consistent with subsection 1 of section 115.427.” ; and

Further amend line 13, by inserting after “ballot” the following: **“not in person at a location designated by the election authority”;** and

Further amend said bill, section 115.283, page 41, lines 26-27, by striking said lines and inserting in lieu thereof the following:

“2. The statement for persons who are registered voters and are voting absentee ballots [who are

registered voters] pursuant to subdivision (1) of subsection 1 of section 115.277 or subsection 2 of section 115.277 shall be in substantially the”; and

Further amend said bill and section, page 43, line 87, by inserting after “3.” the following: “The statement for persons who are registered voters and are voting absentee ballots pursuant to subdivision (2) of subsection 1 of section 115.277 shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Assisting Voter
(if applicable)

Signed _____

Signed _____

Address of Voter

Mailing addresses
(if different)
authorized to
administer oaths

Signature of Person

Subscribed and sworn

to before me this

_____ day of _____, _____

Signature of notary or
other officer

4.”; and further renumber the remaining subsections accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Eigel requested a roll call vote be taken and was joined in his request by Senators Brattin, Burlison, Hoskins and Onder.

At the request of Senator Rizzo, SA 5 was withdrawn.

Senator O’Laughlin assumed the Chair.

Senator Rizzo offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 32, Section 115.277, Line 10, by inserting at the end of said line the following: “**Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of this section shall not be required.**”; and

Further amend line 13, by inserting after “ballot” the following: “**not in person at a location designated by the election authority**”.

Senator Rizzo moved that the above amendment be adopted.

Senator Rizzo offered SA 1 to SA 6:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 1, Line 5, by inserting after “required” the following: “, **provided that the provisions of section 1.140 to the contrary notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any provision of section 115.427 is for any reason held to be invalid, such decision shall invalidate this sentence**”.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo moved that SA 6, as amended, be adopted, which motion prevailed.

Senator Eigel offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 80, Section 1, Line 5, by inserting after all of said line the following:

“**Section 2. 1. As used in this section, the term “public official” means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.**

2. In any civil action in a state or federal court, no public official, including any attorney representing or acting on behalf of a public official, has any authority to compromise or settle an action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with any provision of chapters 115 to 128.

3. Any compromise, settlement, condition, or order to which a public official agrees that conflicts with subsection 2 of this section is void and has no legal effect.

4. Nothing in this section shall be construed to limit or otherwise restrict any powers granted by articles III or VIII of the Constitution of Missouri.

5. When a party to an action in state or federal court challenges the constitutionality of a statute facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, that party

shall provide a copy of the pleading to the speaker of the house of representatives and the president pro tempore of the senate within fourteen days of filing the pleading with the court. The speaker of the house of representatives and the president pro tempore of the senate may intervene to defend against the action at any time in the action as a matter of right by serving motion upon the parties as provided by applicable rules of civil procedure.

6. The speaker of the house of representatives may intervene at any time in an action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes.

7. The president pro tempore of the senate may intervene at any time in an action on behalf of the senate. The president pro tempore may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president pro tempore intervenes.

8. The president pro tempore of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in an action on behalf of the general assembly. The president pro tempore and the speaker, acting jointly, may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the general assembly in any action in which the president pro tempore and speaker jointly intervene.

9. No individual member, or group of members, of the senate or of the house of representatives, except the president pro tempore and the speaker as provided under this section, shall intervene in an action described in this section or obtain legal counsel at public expense under this section in the member's or group's capacity as a member or members of the senate or the house of representatives.

10. Notwithstanding any contrary provision of law, the participation of the speaker of the house of representatives or the president pro tempore of the senate in any state or federal action, as a party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege of any member, officer, or staff of the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 16, Section 115.157, Line 51, by striking the opening bracket “[”]; and

Further amend said section, page 17, line 70, by striking the closing bracket “]”; and further amend line 76, by striking the opening bracket “[”]; and further amend line 86, by striking the closing bracket “]”; and further renumber the remaining subsection accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Burlison offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Page 80, Section

1, Line 5, by inserting after all of said line the following:

“Section 2. All audits required by subsection 6 of section 115.225 that are conducted by the secretary of state shall be solely paid for by state and federal funding.”; and

Further amend the title and enacting clause accordingly.

Senator Burlison moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1878, Pages 26-28, Section 115.237, by striking all of said section and inserting in lieu thereof the following:

“115.237. 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. **Beginning January 1, 2023, the official ballot shall be a paper ballot that is hand-marked by the voter or by the voter’s designee as permitted in section 115.445, unless such voter chooses to use a ballot marking device as provided in section 115.225.** As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. In polling places using electronic voting systems, the ballot information may be arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event, the name of each candidate, the candidate’s party, the office for which he or she is a candidate, and each question shall be indicated clearly on the ballot.

3. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

4. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be provided by the election authority to permit each voter to write in the names of persons whose names do not appear on the ballot.

5. No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a “straight political party ticket” means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

6. The secretary of state shall promulgate rules that specify uniform standards for ballot layout for each electronic or computerized ballot counting system approved under the provisions of section 115.225 so that the ballot used with any counting system is, where possible, consistent with the intent of this section. Nothing in this section shall be construed to require the format specified in this section if it does not meet

the requirements of the ballot counting system used by the election authority.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion prevailed.

Senator Crawford moved that **SS for SCS for HB 1878**, as amended, be adopted, which motion prevailed.

Senator Crawford moved that **SS for SCS for HB 1878**, as amended, be read the 3rd time and passed and was recognized to close.

Senator Rowden assumed the Chair.

President Pro Tem Schatz referred **SS for SCS for HB 1878**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **HB 2365** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SBs 775, 751 & 640**, entitled:

An Act to repeal sections 491.015, 566.149, 566.150, 566.155, 595.201, and 595.226, RSMo, and to enact in lieu thereof eight new sections relating to judicial proceedings, with penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment No. 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment Nos. 8 and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“210.1500. 1. When a child is located by a police officer or law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of trafficking as those terms are defined under 22 U.S.C. Section 7102, the police officer or law enforcement official

shall immediately cause a report to be made to the children’s division in accordance with section 210.115. Upon receipt of a report by the children’s division and if the children’s division determines that the report merits an investigation, the reporting official and the children’s division shall ensure the immediate safety of the child and shall coinvestigate the complaint to its conclusion.

2. If the police officer or law enforcement official has reasonable cause to believe that the child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect due to sex trafficking or sexual exploitation and such officer or official has reasonable cause to believe the harm or threat to life may occur before a juvenile court is able to issue a temporary protective custody order or before a juvenile officer is able to take the child into protective custody, the police officer or law enforcement official may take or retain temporary protective custody of the child without the consent of the child’s parent or parents, guardian, or any other person legally responsible for the child’s care, as provided under section 210.125.

3. If the child is already under the jurisdiction of the court under paragraph (a) of subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the children’s division, the police officer or law enforcement official, along with the children’s division, shall secure placement for the child in the least restrictive setting in order to ensure the safety of the child from further sex trafficking or severe forms of trafficking.

4. The children’s division and the reporting officer or official shall ensure a referral is made to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the medical safety of the child, by a SAFE CARE provider as defined under section 334.950. The child shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the appropriate resources are secured for the treatment of the child.

5. For purposes of this section, multidisciplinary teams shall be used when conducting an investigation. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement upon the request by the department of social services, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private, to secure appropriate services to meet the needs of the child.

210.1505. 1. There is hereby created the “Statewide Council on Sex Trafficking and Sexual Exploitation of Children” to consist of the following members:

(1) The following four members of the general assembly:

(a) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate; and

(b) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) The director of the children’s division or his or her designee;

(3) The director of the department of public safety or his or her designee;

(4) The director of the department of mental health or his or her designee;

(5) The director of the office of prosecution services or his or her designee;

- (6) The superintendent of the Missouri state highway patrol or his or her designee;**
- (7) The executive director of the statewide network of child advocacy organizations specializing in the prevention of child abuse or neglect or his or her designee;**
- (8) The executive director of the statewide coalition against domestic and sexual violence or his or her designee;**
- (9) The executive director of the Missouri Juvenile Justice Association or his or her designee;**
- (10) The director of the attorney general's human trafficking task force or his or her designee;**
- (11) Two representatives from agencies providing services to victims of child sex trafficking and sexual exploitation who reflect the geographic diversity of the state and who shall be appointed by the director of the department of social services; and**
- (12) A member of the judiciary, who shall be appointed by the supreme court.**

2. A majority of the members of the council shall constitute a quorum. The council shall hold its first meeting within thirty days after the council's creation and organize by selecting a chair and a vice chair. The council shall meet at the call of the chair.

3. The council shall:

(1) Collect and analyze data relating to sex trafficking and sexual exploitation of children, including the number of reports made to the children's division under section 210.115, any information obtained from phone calls to the national sex trafficking hotline, the number of reports made to law enforcement, arrests, prosecution rates, and any other data important for any recommendations of the council. State departments and council members shall provide relevant data as requested by the council to fulfill the council's duties; and

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children, including identification and assessment of victims; response and treatment coordination and collaboration across systems; trauma-informed, culturally competent victim-centered services; training for professionals in all systems; and investigating and prosecuting perpetrators.

4. The department of social services shall provide administrative support to the council.

5. On or before December 31, 2023, the council shall submit a report of the council's activities to the governor and general assembly and the joint committee on child abuse and neglect under section 21.771. The report shall include recommendations for priority needs and actions, including statutory or regulatory changes relating to the response to sex trafficking and sexual exploitation of children and services for child victims.

6. The council shall expire on December 31, 2023.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in [sections 487.010 to 487.190] **chapter 487** shall have exclusive original jurisdiction in proceedings:

- (1) Involving any child who may be a resident of or found within the county and who is alleged to be**

in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child is otherwise without proper care, custody or support;

(c) The child was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

(d) The child is in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school;

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control;

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification;

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child to the guardianship of the department of social services as provided by law; [and]

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than eighteen years of age; **and**

(7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person eighteen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child to the court located in the county of the child's residence, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child to the court located in the county of the child's residence for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child taken into custody in a county other than the county of the child's residence, the juvenile court of the county of the child's residence shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.”; and

Further amend said bill, Page 4, Section 566.155, Line 14, by inserting after all of said section and line the following:

“567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to

engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, “HIV” means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant’s sentence.

5. [In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant] **A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person** was under the age of eighteen [and was acting under the coercion, as defined in section 566.200, of an agent] at the time [of] the offense [charged] **occurred**. In such cases where the [defendant] **person** was under the age of eighteen, the [defendant] **person** shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported **immediately to the children’s division**, as required under section 210.115 **and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207, 210, and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children’s division and the juvenile officer in conducting the investigation.**

573.010. As used in this chapter the following terms shall mean:

(1) “Adult cabaret”, a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(2) “Characterized by”, describing the essential character or dominant theme of an item;

(3) “Child”, any person under the age of fourteen;

(4) “Child pornography”:

(a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit

conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor;

(5) "Employ", "employee", or "employment", any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

(6) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(8) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

(9) "Minor", any person less than eighteen years of age;

(10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola;

(11) "Obscene", any material or performance if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

(12) “Operator”, any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;

(13) “Performance”, any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

(14) “Pornographic for minors”, any material or performance if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) “Premises”, the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;

(16) “Promote”, to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(17) “Regularly”, the consistent and repeated doing of the act so described;

(18) “Sadomasochistic abuse”, flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(19) “Semi-nude” or “state of semi-nudity”, the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(20) “Sexual conduct”, actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(21) “Sexually explicit conduct”, actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

- (b) Bestiality;
 - (c) Masturbation;
 - (d) Sadistic or masochistic abuse; or
 - (e) Lascivious exhibition of the genitals or pubic area of any person;
- (22) “Sexually oriented business” includes:

(a) An adult bookstore or adult video store. “Adult bookstore” or “adult video store” means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

- a. Has a substantial portion of its displayed merchandise which consists of such items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or
- d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of such items; or
- f. Maintains an adult arcade. “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. “Semi-nude model studio” means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

- a. By a college, junior college, or university supported entirely or partly by taxation;
- b. By a private college or university which maintains and operates educational programs in which credits

are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. “Sexual encounter center” means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than [seventeen] **eighteen** years of age;

(24) “Specified anatomical areas” include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) “Specified sexual activity”, includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) “Substantial”, at least thirty percent of the item or items so modified;

(27) “Visual depiction”, includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

573.024. 1. A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of section 566.210, 566.211, 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or 573.205.

2. The offense of enabling sexual exploitation of a minor is a class E felony for the first offense and a class C felony for a second or subsequent offense.

3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner of a business or the owner’s agent and the business provided the location or locations for such exploitation, the business location or locations shall be required to close for up to one year for the first offense, and the length of time shall be determined by the court. For a second offense, such business location or locations shall permanently close. As used in this section, “business” shall include, but is not limited to, a hotel or massage parlor and “owner’s agent” shall include, but is not limited to, any person empowered to manage the owner’s business location or locations.

573.206. 1. A person commits the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age.

2. The offense of patronizing a sexual performance by a child is a class C felony.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

- (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
- (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;
- (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
- (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- (e) Kidnapping in the third degree under section 565.130;
- (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
- (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
- (h) Sexual [contact with a prisoner or offender] **conduct in the course of public duty** under section 566.145 if the victim is eighteen years of age or older;
- (i) Sex with an animal under section 566.111;
- (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
- (k) Possession of child pornography under section 573.037;
- (l) Sexual misconduct in the first degree under section 566.093;
- (m) Sexual misconduct in the second degree under section 566.095;
- (n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or
- (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Patronizing a sexual performance by a child under section 573.206;

(k) Sexual [contact with a prisoner or offender] conduct in the course of public duty under section 566.145 if the victim is thirteen to seventeen years of age;

[(k)] (l) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

[(l)] (m) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or

[(m)] (n) Age misrepresentation with intent to solicit a minor under section 566.153;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender as defined in section [566.123] **566.125** or a persistent sexual offender as defined in section [566.124] **566.125**;

- (2) Any offender who has been adjudicated for the crime of:
 - (a) Rape in the first degree under section 566.030;
 - (b) Statutory rape in the first degree under section 566.032;
 - (c) Rape in the second degree under section 566.031;
 - (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
 - (e) Sodomy in the first degree under section 566.060;
 - (f) Statutory sodomy under section 566.062;
 - (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
 - (h) Sodomy in the second degree under section 566.061;
 - (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
 - (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
 - (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
 - (l) Child kidnapping under section 565.115;
 - (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;
 - (n) Incest under section 568.020;
 - (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
 - (p) Child molestation in the first degree under section 566.067;
 - (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;

- (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) Patronizing prostitution under section 567.030 if the victim is under eighteen years of age;**
 - [(ee)] **(ff)** Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - [(ff)] Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;]
 - (gg) Sexual [intercourse with a prisoner or offender] **conduct in the course of public duty** under section 566.145;
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;
- (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
- (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. "Part-time" in this subsection means for more than

seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 2, by inserting after the number “640,” by inserting the following:

“Page 4, Section 566.155, Line 12, by inserting after the word “member” the phrase “**or shall not supervise or employ any child under eighteen years of age**”; and

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 5, Section 573.550, Line 26, by inserting after all of the said section and line the following:

“589.404. As used in sections 589.400 to 589.425, the following terms mean:

(1) “Adjudicated” or “adjudication”, adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(2) “Adjudicated delinquent”, a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) “Chief law enforcement official”, the sheriff’s office of each county or the police department of a city not within a county;

(4) “Offender registration”, the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(5) “Residence”, any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(6) “Sex offender”, any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(7) “Sex offense”, any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and

Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(8) “Sexual act”, any type or degree of genital, oral, or anal penetration;

(9) **“Sexual conduct”, sexual intercourse, deviate sexual intercourse, or sexual contact;**

(10) “Sexual contact”, any [sexual touching of or contact with a person’s body, either directly or through the clothing] touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

[(10)] **(11) “Sexual element”, used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;**

[(11)] **(12) “Signature”, the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;**

[(12)] **(13) “Student”, an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;**

[(13)] **(14) “Vehicle”, any land vehicle, watercraft, or aircraft.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;

(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and [the punishment is less than one year] **if the offense is a misdemeanor**;

(c) Sexual abuse in the second degree under section 566.101 [if the punishment is less than a year] **if the offense is a misdemeanor**;

(d) Kidnapping in the second degree under section 565.120 with sexual motivation;

(e) Kidnapping in the third degree under section 565.130;

(f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 [if the punishment is less than one year] **if the offense is a misdemeanor**;

(g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;

(h) Sexual [contact with a prisoner or offender] **conduct in the course of public duty** under section 566.145 if the victim is eighteen years of age or older;

(i) Sex with an animal under section 566.111;

(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;

(k) Possession of child pornography under section 573.037;

(l) Sexual misconduct in the first degree under section 566.093;

(m) Sexual misconduct in the second degree under section 566.095;

(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the [punishment is less than one year] **offense is a misdemeanor**; [or]

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age; **or**

(p) Sexual contact with a student eighteen years of age or older under section 566.086;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Sexual [contact with a prisoner or offender] **conduct in the course of public duty** under section 566.145 if the victim is thirteen to seventeen years of age;

(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and [the penalty is a term of imprisonment of more than a year] **if the offense is a felony; [or]**

(m) Age misrepresentation with intent to solicit a minor under section 566.153; **or**

(n) Sexual abuse in the first degree under section 566.100 if the victim is thirteen to seventeen years of age;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender [as defined in section 566.123] or a persistent sexual offender as defined in section [566.124] **566.125;**

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

(c) Rape in the second degree under section 566.031;

(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

(e) Sodomy in the first degree under section 566.060;

(f) Statutory sodomy under section 566.062;

(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

(h) Sodomy in the second degree under section 566.061;

(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;

(k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;

- (l) Child kidnapping under section 565.115;
- (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 [if the punishment is greater than a year] **if the offense is a felony**;
- (n) Incest under section 568.020;
- (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- (p) Child molestation in the first degree under section 566.067;
- (q) Child molestation in the second degree under section 566.068;
- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
- (x) Sexual trafficking of a child in the first degree under section 566.210;
- (y) Sexual trafficking of a child in the second degree under section 566.211;
- (z) Genital mutilation of a female child under section 568.065;
- (aa) Statutory rape in the second degree under section 566.034;
- (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
- (cc) Sexual abuse in the second degree under section 566.101 [if the penalty is a term of imprisonment of more than a year] **if the offense is a felony**;
- (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
- (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
- (ff) Sexual [contact with a prisoner or offender] **conduct in the course of public duty** under section 566.145 if the victim is under thirteen years of age;
- (gg) Sexual [intercourse with a prisoner or offender] **conduct in the course of public duty** under section 566.145;

- (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
- (ii) Use of a child in a sexual performance under section 573.200; or
- (jj) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425[,] or other comparable out-of-state failure to register offense[,] **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and** who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section 476.418, Line 11, by inserting after said section and line the following:

“478.437. 1. Beginning in fiscal year [2015] **2024**, there shall be [twenty] **twenty-one** circuit judges in the twenty-first judicial circuit. These judges shall sit in [twenty] **twenty-one** divisions, and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional judgeships per county under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in

divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the treatment court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects [and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the treatment court]. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.

6. Beginning in fiscal year 2023, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2024. This associate circuit judgeship shall be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

7. Beginning in fiscal year 2023, there shall be a commissioner of the probate division under section 478.265. This commissioner of the probate division shall be included in the statutory formula for authorizing additional probate commissioners per county under section 478.265.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

“**1.016. A secondary source, including a legal treatise, scholarly publication, textbook, or other**

explanatory text, does not constitute the law or public policy of this state to the extent its adoption would create, eliminate, expand, or restrict a cause of action, right, or remedy, or to the extent it is inconsistent with, or in conflict with, or otherwise not addressed by, Missouri statutory law or Missouri appellate case law precedent.

455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after said section and line the following:

“455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:

(1) Develop and adopt uniform forms for petitions and orders of protection; and

(2) Provide the forms to each circuit clerk.

2. The following statements shall be printed in bold faced type or in capital letters on the order of protection:

(1) “Violation of this order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars”; and

(2) “If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner’s residence”.

3. The form prescribed by the supreme court for the notice of hearing required by subsection 2 of section 455.040 shall list all potential relief that can be granted by the court in any proceeding pursuant to sections 455.010 to 455.085 as described in section 455.050, and shall advise the respondent that such relief may be granted if the court finds for the petitioner, or if the respondent defaults to the petition.

4. If a full order of protection is granted, all temporary orders shall continue in the full order of protection and shall remain in full force and effect unless otherwise ordered by the court.

5. All orders of protection shall be issued on the form adopted pursuant to subsection 1 of this section.

455.075. The court may order a party to pay a reasonable amount to the other party for attorney’s fees incurred prior to the commencement of the proceeding [or], **throughout the proceeding, and** after entry of judgment. The court shall consider all relevant factors, including the financial resources of both parties, and may order that the amount be paid directly to the attorney, who may enforce the order in his name.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim’s name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered

as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims from continuing domestic violence;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if:

(1) The law enforcement officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent; or

(2) Notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.”; and

Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after said section and line the following:

“546.262. A court shall not compel a victim or member of the victim’s family testifying in a criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary.

546.263. 1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit and associate circuit court judges for each circuit shall develop local rules and instructions for appearances by video conference permitted under this subsection, which shall be posted on the circuit court’s internet website.

2. The circuit and associate circuit court judges for each circuit shall provide, and post on the circuit court’s internet website, a telephone number for the public to call for assistance regarding appearances by video conference.

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

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

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

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

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

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

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

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

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

(1) “Aggravated sexual offense”, any sexual offense, in the course of which, the actor:

(a) Inflicts serious physical injury on the victim;

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

(c) Subjects the victim to sexual intercourse or 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;

(4) “Forced labor”, a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(5) “Sexual conduct”, sexual intercourse, deviate sexual intercourse or sexual contact;

(6) “Sexual contact”, any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, **or causing semen, seminal fluid, or other ejaculate to come into contact with another person**, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

(7) “Sexual intercourse”, any penetration, however slight, of the female genitalia by the penis.

566.086. 1. A person commits the offense of sexual contact with a student if he or she has sexual contact with a student of the school and is:

(1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;

(2) A student teacher; [or]

(3) An employee of the school; [or]

(4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the school; [or]

(5) An elected or appointed official of the school 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 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, by any child under eighteen years of age.

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.”; and

Further amend said bill, Page 12, Section 595.226, Line 28, by inserting after said section and line the following:

“595.320. If a judge orders a person who has been convicted of an offense under sections 565.072 to 565.076 to attend any batterer intervention program, as defined in section 455.549, the person shall be financially responsible for any costs associated with attending such class.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

“217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as sexual assault under section 589.015, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the division of probation and parole; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the second degree;

(2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

(3) Domestic assault in the second degree;

(4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(8) Any case in which the defendant is found guilty of a felony offense under chapter 571;

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a

finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section or at a hearing under subsection 5 of this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report or notice of citation submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report, which may include a report of absconder status, has been submitted, the offender is in custody, or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held, or if a hearing is held and the offender is continued under supervision, or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. If a hearing is held, all earned credits shall be rescinded if:

(1) The court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036 [or under section 217.785]; or

(2) The offender is found by the court or board to be ineligible to earn compliance credits because the nature and circumstances of the violation indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender.

Earned credits, if not rescinded, shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision whose whereabouts are unknown and who has left such offender's place of residency without the permission of the offender's supervising officer and without notifying of their whereabouts for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed restitution and at least two years of his or her probation, parole, or conditional release, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

12. The application of earned compliance credits shall be suspended upon entry into a treatment court, as described in sections 478.001 to 478.009, and shall remain suspended until the offender is discharged from such treatment court. Upon successful completion of treatment court, all earned compliance credits accumulated during the suspension period shall be retroactively applied, so long as the other terms and conditions of probation have been successfully completed.”; and

Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after all of said section and line the following:

“559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period[, unless otherwise specified by the Missouri court].

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. **Total time on any probation term shall not include time when the probation term is suspended under this section.** Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in [one of the] a department of corrections’ one hundred twenty-day [programs] **program** so long

as:

(a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, “absconder” shall mean an offender under supervision who has left such offender’s place of residency without the permission of the offender’s supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in **either** the [appropriate] one hundred twenty-day **structured cognitive behavioral intervention** program [under subsection 3 of section 559.115] **or the one hundred twenty-day institutional treatment program. The placement of the offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender. The program shall begin upon receipt of the offender by the department. The time between the court’s order and receipt of the offender by the department shall not apply toward the program.**

(3) [Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.] **Upon successful completion of a program under this subsection, as determined by the department, the division of probation and parole shall advise the sentencing court of the defendant’s probationary release date thirty days prior to release. Once the defendant has successfully completed a program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.**

(4) **If the department determines the defendant has not successfully completed a one hundred twenty-day program under this section, the division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant’s unsuccessful program exit and the defendant shall be removed from the program. The defendant shall be released from the department**

within fifteen working days after the court is notified of the unsuccessful program exit, unless the court has issued a warrant in response to the unsuccessful program exit to facilitate the return of the defendant to the county of jurisdiction for further court proceedings. If a defendant is discharged as unsuccessful from a one hundred twenty-day program, the sentencing court may modify, enlarge, or revoke the defendant's probation based on the same incident of the violation.

(5) Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated. **Notwithstanding any other provision of the law, the probation term shall be tolled during the time period when the probation is suspended under this section. The court may grant the probationer credit on the probation term for any of the tolled period when reinstating the probation term.**

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period. **If the delay of the hearing is attributable to the probationer's actions or the probationer otherwise consents or acquiesces to the delay, the court shall have been found to have made every reasonable effort to**

conduct the hearing within the probation term.

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.

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

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection [or order such placement under subsection 4 of section 559.036]. [Upon the recommendation or order of the court,] The department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the [shock incarceration] **structured cognitive behavioral intervention** program or institutional treatment program. **The placement of an offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender and available bed space.** When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the division of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the [offender shall be removed from the program and the court shall be advised of the removal.] **division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program.** The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court,

the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

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

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

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; **any offense under section 557.045**; or any offense in which there exists a statutory prohibition against either probation or parole.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Lines 7 and 10, by deleting each occurrence of the word “must” and inserting in lieu thereof the words “[must] **shall**”; and

Further amend said amendment, Page 2, Line 16, by deleting said line and inserting in lieu thereof the following:

“this section.

5. Any oath required by the provisions of this section shall be subject to the provisions of section 492.060.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 12, Section 595.226, Line 28, by inserting after all of said section and line the following:

“632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath, **without a notarization requirement**, that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or to others. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or others, it shall direct a peace officer to take the respondent into custody and transport him **or her** to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself **or herself** or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him **or her** to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his **or her** own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself **or herself** or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself **or herself** or others unless he **or she** is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete

an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his **or her** own personal observations or investigation and shall contain the information required in subsection 1 of this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section 476.418, Lines 1-11, by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 2, Section 491.015, Line 31, by inserting after all of said section and line the following:

“535.012. No county, municipality, or other political subdivision shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by state law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 28**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 681 & 662**, as amended, and grants the Senate a conference thereon.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3017**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3018**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3019**, begs leave

to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3020**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Riddle, Chairman of the Committee on Professional Registration, Senator Burlison submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 2331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **HCS** for **HB 1590**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1583**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1597**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 1860**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HB 2382**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 2593**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **HCS** for **HB 1732**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **HCS** for **HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, Senator Bean submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2694**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 2325**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **SBs 681** and **682**, with **HCS**, as amended: Senators O’Laughlin, Koenig, Eslinger, Arthur, and Schupp.

RESOLUTIONS

Senator Brown offered Senate Resolution No. 888, regarding the Ninety-Fifth Birthday of Dr. James A. Noland Jr., Osage Beach, which was adopted.

Senator Eslinger offered Senate Resolution No. 889, regarding Scott Womack, West Plains, which was adopted.

Senator White offered Senate Resolution No. 890, regarding Eugene Meyer, Sarcoxie, which was adopted.

Senator White offered Senate Resolution No. 891, regarding the One Hundred and Twentieth Anniversary of the Joplin Public Library, which was adopted.

INTRODUCTION OF GUESTS

Senator May introduced to the Senate, Keith Robinson; and Oluwadamini Melvin, St. Louis.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, May 4, 2022.

SENATE CALENDAR

FIFTY-NINTH DAY—WEDNESDAY, MAY 4, 2022

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1859-Eggleston	HB 2160-Dinkins
HB 1692-Boggs	HB 2660-Veit
HCS for HB 2381	HCS for HB 2638
HB 1977-Kelley (127)	HCS for HB 2136
HJR 114-Coleman (32)	HCS for HB 1489
HCS for HB 1704	HS for HB 2310
HB 1973-Gregory (51)	HCS for HB 2177
HCS for HB 2140	HB 1564-Griffith
HCS for HB 2600	HCS for HB 1559
HB 2439-Hovis	

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 649-Eigel (In Fiscal Oversight)	SB 987-Bean
SS for SCS for SB 741-Crawford (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

1. SB 1179-Hough	9. SB 833-Luetkemeyer
2. SB 994-Washington	10. SB 1023-Gannon
3. SBs 961 & 733-Beck, with SCS	11. SB 809-Koenig, with SCS
4. SB 739-Eigel	12. SB 800-Hegeman
5. SB 874-Arthur	13. SB 958-Bean, with SCS
6. SB 1040-Burlison	14. SB 694-Brattin
7. SB 1143-Brown	15. SB 1063-Crawford
8. SB 685-May	16. SB 963-Brown, with SCS

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| 17. SB 978-Eslinger, with SCS | 21. SB 684-May |
| 18. SB 843-Moon, with SCS | 22. SB 923-Brattin |
| 19. SB 1178-White and Cierpiot, with SCS | 23. SJRs 52 & 53-Koenig, with SCS |
| 20. SB 1133-White, with SCS | 24. SB 839-Brattin, with SCS |

HOUSE BILLS ON THIRD READING

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| 1. HCS for HB 1686 (Brown)
(In Fiscal Oversight) | 18. HB 2697, HB 1589, HB 1637 & HCS for
HB 2127, with SCS (Luetkemeyer)
(In Fiscal Oversight) |
| 2. HCS for HJR 117 (Hegeman)
(In Fiscal Oversight) | 19. HB 2088, HB 1705 & HCS for HB 1699,
with SCS (Luetkemeyer) (In Fiscal Oversight) |
| 3. HCS for HB 2304, with SCS (O'Laughlin)
(In Fiscal Oversight) | 20. HB 1962-Copeland (Eslinger) |
| 4. HCS for HB 1462, with SCS (Burlison)
(In Fiscal Oversight) | 21. HB 2202-Fitzwater, with SCS (Cierpiot)
(In Fiscal Oversight) |
| 5. HCS for HJR 79, with SCS (Crawford)
(In Fiscal Oversight) | 22. HCS for HB 1662 (Koenig) |
| 6. HCS for HB 1858 (O'Laughlin)
(In Fiscal Oversight) | 23. HB 1738-Dogan, with SCS (Roberts) |
| 7. HCS for HB 1472, with SCS (White) | 24. HB 2365-Shields (In Fiscal Oversight) |
| 8. HCS for HB 2168, with SCS (Crawford)
(In Fiscal Oversight) | 25. HCS for HB 3017, with SCS (Hegeman) |
| 9. HB 2400-Houx (Hoskins) | 26. HCS for HB 3018, with SCS (Hegeman) |
| 10. HCS for HB 2000, with SCS (Williams) | 27. HCS for HB 3019, with SCS (Hegeman) |
| 11. HCS for HB 2587 (Hoskins)
(In Fiscal Oversight) | 28. HCS for HB 3020, with SCS (Hegeman) |
| 12. HCS for HB 2485, with SCS (O'Laughlin) | 29. HB 2331-Baker, with SCS (White) |
| 13. HCS for HB 1734, with SCS (White) | 30. HCS for HB 1590 (Hoskins) |
| 14. HCS for HB 2151, with SCS (Arthur) | 31. HCS for HB 1583 (Koenig) |
| 15. HJR 116-Schnelting (White) | 32. HCS for HB 1597, with SCS (O'Laughlin) |
| 16. HCS for HBs 2116, 2097, 1690 & 2221,
with SCS (White) | 33. HB 1860-Eggleston, with SCS (Bernskoetter) |
| 17. HB 2090-Griffith, with SCS (Bernskoetter) | 34. HCS for HB 2382 (Koenig) |
| | 35. HB 2593-Lovasco, with SCS (Koenig) |
| | 36. HCS for HB 1732, with SCS (Crawford) |
| | 37. HCS for HB 2012, with SCS (White) |
| | 38. HB 2694-Hudson, with SCS (Crawford) |
| | 39. HB 2325-Patterson |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| SB 631-Hegeman, with SCS, SS for SCS &
SA 4 (pending) | SB 648-Rowden
SB 650-Eigel |
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SB 654-Crawford, with SCS	SB 732-Hoskins, with SCS
SB 657-Cierpiot, with SS (pending)	SB 762-Brown, with SS & SA 4 (pending)
SB 663-Bernskoetter, with SCS	SBs 777 & 808-Brattin, with SCS
SB 664-Bernskoetter	SB 781-Moon, with SCS & SS for SCS (pending)
SB 665-Bernskoetter, with SS (pending)	SB 850-Bean, with SCS & SS for SCS (pending)
SB 667-Burlison, with SS (pending)	SB 864-Hoskins, with SCS
SB 671-White, with SCS, SS for SCS, SA 1 & point of order (pending)	SB 867-Koenig, with SCS
SB 674-Hough, with SCS	SB 869-Koenig, with SS (pending)
SBs 698 & 639-Gannon, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)	SB 918-Burlison, with SCS, SS for SCS & SA 1 (pending)
SBs 702, 636, 651, & 693-Eslinger, with SCS	SB 938-White, with SCS & SS#2 for SCS & SA 1 (pending)
SB 713-Razer, with SCS	SB 1153-Eslinger, with SCS
SB 723-Hegeman, with SA 1 (pending)	
SB 726-Onder, with SS & SA 6 (pending)	

HOUSE BILLS ON THIRD READING

HCS for HB 1606, with SS for SCS (Eslinger)	HCS for HB 2005 (Bean)
HB 1856-Baker, with SCS (O’Laughlin)	HCS for HBs 2502 & 2556, with SS, SA 1 & SA 1 to SA 1 (pending) (Hegeman)
SS for SCS for HB 1878-Simmons (Crawford) (In Fiscal Oversight)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 775, 751 & 640-Thompson Rehder and Schupp,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 681 & 662-O’Laughlin and Arthur, with HCS, as amended	HB 2149-Shields, with SS, as amended (Eslinger)
HCS for HB 1720, with SS for SCS, as amended (Bean) (House conferees allowed to exceed the differences)	HCS for HB 3002, with SS for SCS (Hegeman)
	HCS for HB 3003, with SS for SCS (Hegeman)
	HCS for HB 3004, with SCS (Hegeman)

HCS for HB 3005, with SCS (Hegeman)
 HCS for HB 3006, with SCS (Hegeman)
 HCS for HB 3007, with SCS (Hegeman)
 HCS for HB 3008, with SS for SCS (Hegeman)
 HCS for HB 3009, with SCS (Hegeman)

HCS for HB 3010, with SS for SCS (Hegeman)
 HCS for HB 3011, with SS for SCS (Hegeman)
 HCS for HB 3012, with SS for SCS (Hegeman)
 HCS for HB 3013, with SCS (Hegeman)
 HCS for HB 3015, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 820-Burlison, with HCS, as amended
 (Senate requests House recede or
 grant conference) (Senate conferees
 allowed to exceed the differences)

HCS for HB 2117, with SS#2, as amended
 (Bernskoetter) (House requests
 Senate recede or grant conference)

RESOLUTIONS

SR 435-Schatz
 SR 448-Eigel
 SR 453-Eigel
 SR 466-Eigel
 SR 467-Eigel
 SR 468-Hoskins

SR 469-Hoskins
 SR 472-White
 SR 496-Hoskins
 SR 783-Hough
 HCR 52-Plocher (Rowden)

Reported from Committee

SR 594-Bernskoetter and Schupp

SR 626-Schatz

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