

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 775, 751 & 640

AN ACT

To repeal sections 211.031, 217.703, 455.073, 455.075, 455.085, 478.600, 491.015, 556.046, 559.036, 559.115, 566.010, 566.086, 566.149, 566.150, 566.155, 567.020, 573.010, 589.404, 595.201, 595.226, and 632.305, RSMo, and to enact in lieu thereof thirty new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 211.031, 217.703, 455.073, 455.075,
2 455.085, 478.600, 491.015, 556.046, 559.036, 559.115, 566.010,
3 566.086, 566.149, 566.150, 566.155, 567.020, 573.010, 589.404,
4 595.201, 595.226, and 632.305, RSMo, are repealed and thirty
5 new sections enacted in lieu thereof, to be known as sections
6 1.016, 210.1500, 210.1505, 211.031, 217.703, 455.073, 455.075,
7 455.085, 478.600, 491.015, 546.262, 546.263, 556.046, 559.036,
8 559.115, 566.010, 566.086, 566.149, 566.150, 566.155, 567.020,
9 573.010, 573.024, 573.206, 573.550, 589.404, 595.201, 595.226,
10 595.320, and 632.305, to read as follows:

1.016. A secondary source, including a legal treatise,
2 scholarly publication, textbook, or other explanatory text,
3 does not constitute the law or public policy of this state
4 to the extent its adoption would create, eliminate, expand,

5 or restrict a cause of action, right, or remedy, or to the
6 extent it is inconsistent with, or in conflict with, or
7 otherwise not addressed by, Missouri statutory law or
8 Missouri appellate case law precedent.

2 210.1500. 1. When a child is located by a police
3 officer or law enforcement official and there is reasonable
4 cause to suspect the child may be a victim of sex
5 trafficking or severe forms of trafficking as those terms
6 are defined under 22 U.S.C. Section 7102, the police officer
7 or law enforcement official shall immediately cause a report
8 to be made to the children's division in accordance with
9 section 210.115. Upon receipt of a report by the children's
10 division and if the children's division determines that the
11 report merits an investigation, the reporting official and
12 the children's division shall ensure the immediate safety of
13 the child and shall coinvestigate the complaint to its
14 conclusion.

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

29 3. If the child is already under the jurisdiction of
the court under paragraph (a) of subdivision (1) of

30 subsection 1 of section 211.031 and in the legal custody of
31 the children's division, the police officer or law
32 enforcement official, along with the children's division,
33 shall secure placement for the child in the least
34 restrictive setting in order to ensure the safety of the
35 child from further sex trafficking or severe forms of
36 trafficking.

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

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

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

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

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

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

13 (2) The director of the children's division or his or
14 her designee;

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

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

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

21 (6) The superintendent of the Missouri state highway
22 patrol or his or her designee;

23 (7) The executive director of the statewide network of
24 child advocacy organizations specializing in the prevention
25 of child abuse or neglect or his or her designee;

26 (8) The executive director of the statewide coalition
27 against domestic and sexual violence or his or her designee;

28 (9) The executive director of the Missouri Juvenile
29 Justice Association or his or her designee;

30 (10) The director of the attorney general's human
31 trafficking task force or his or her designee;

32 (11) Two representatives from agencies providing
33 services to victims of child sex trafficking and sexual
34 exploitation who reflect the geographic diversity of the
35 state and who shall be appointed by the director of the
36 department of social services; and

37 (12) A member of the judiciary, who shall be appointed
38 by the supreme court.

39 2. A majority of the members of the council shall
40 constitute a quorum. The council shall hold its first
41 meeting within thirty days after the council's creation and

42 organize by selecting a chair and a vice chair. The council
43 shall meet at the call of the chair.

44 3. The council shall:

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

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

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

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

74 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;

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

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

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

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

51 (3) Involving any child who is alleged to have
52 violated a state law or municipal ordinance, or any person
53 who is alleged to have violated a state law or municipal
54 ordinance prior to attaining the age of eighteen years, in
55 which cases jurisdiction may be taken by the court of the
56 circuit in which the child or person resides or may be found
57 or in which the violation is alleged to have occurred;
58 except that, the juvenile court shall not have jurisdiction
59 over any child fifteen years of age who is alleged to have
60 violated a state or municipal traffic ordinance or
61 regulation, the violation of which does not constitute a
62 felony, and except that the juvenile court shall have
63 concurrent jurisdiction with the municipal court over any
64 child who is alleged to have violated a municipal curfew
65 ordinance, and except that the juvenile court shall have
66 concurrent jurisdiction with the circuit court on any child

67 who is alleged to have violated a state or municipal
68 ordinance or regulation prohibiting possession or use of any
69 tobacco product;

70 (4) For the adoption of a person;

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

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

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

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

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

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

96 (3) Upon motion of any party or on its own motion, the
97 court in which jurisdiction has been taken pursuant to
98 subsection 1 of this section may at any time thereafter
99 transfer jurisdiction of a child to the court located in the

100 county of the child's residence for further action with the
101 prior consent of the receiving court;

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

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

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

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

121 4. When an investigation by a juvenile officer
122 pursuant to this section reveals that the only basis for
123 action involves an alleged violation of section 167.031
124 involving a child who alleges to be home schooled, the
125 juvenile officer shall contact a parent or parents of such
126 child to verify that the child is being home schooled and
127 not in violation of section 167.031 before making a report
128 of such a violation. Any report of a violation of section
129 167.031 made by a juvenile officer regarding a child who is
130 being home schooled shall be made to the prosecuting
131 attorney of the county where the child legally resides.

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

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

3 (1) Not subject to lifetime supervision under sections
4 217.735 and 559.106 or otherwise found to be ineligible to
5 earn credits by a court pursuant to subsection 2 of this
6 section;

7 (2) On probation, parole, or conditional release for
8 an offense listed in chapter 579, or an offense previously
9 listed in chapter 195, or for a class D or E felony,
10 excluding sections 565.225, 565.252, 566.031, 566.061,
11 566.083, 566.093, 568.020, 568.060, offenses defined as
12 sexual assault under section 589.015, deviate sexual
13 assault, assault in the second degree under subdivision (2)
14 of subsection 1 of section 565.052, endangering the welfare
15 of a child in the first degree under subdivision (2) of
16 subsection 1 of section 568.045, and any offense of
17 aggravated stalking or assault in the second degree under
18 subdivision (2) of subsection 1 of section 565.060 as such
19 offenses existed prior to January 1, 2017;

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

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

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

26 (1) Involuntary manslaughter in the second degree;

- 27 (2) Assault in the second degree except under
28 subdivision (2) of subsection 1 of section 565.052 or
29 section 565.060 as it existed prior to January 1, 2017;
30 (3) Domestic assault in the second degree;
31 (4) Assault in the third degree when the victim is a
32 special victim or assault of a law enforcement officer in
33 the second degree as it existed prior to January 1, 2017;
34 (5) Statutory rape in the second degree;
35 (6) Statutory sodomy in the second degree;
36 (7) Endangering the welfare of a child in the first
37 degree under subdivision (1) of subsection 1 of section
38 568.045; or
39 (8) Any case in which the defendant is found guilty of
40 a felony offense under chapter 571;

41 the sentencing court may, upon its own motion or a motion of
42 the prosecuting or circuit attorney, make a finding that the
43 offender is ineligible to earn compliance credits because
44 the nature and circumstances of the offense or the history
45 and character of the offender indicate that a longer term of
46 probation, parole, or conditional release is necessary for
47 the protection of the public or the guidance of the
48 offender. The motion may be made any time prior to the
49 first month in which the person may earn compliance credits
50 under this section or at a hearing under subsection 5 of
51 this section. The offender's ability to earn credits shall
52 be suspended until the court or board makes its finding. If
53 the court or board finds that the offender is eligible for
54 earned compliance credits, the credits shall begin to accrue
55 on the first day of the next calendar month following the
56 issuance of the decision.

57 3. Earned compliance credits shall reduce the term of
58 probation, parole, or conditional release by thirty days for
59 each full calendar month of compliance with the terms of

60 supervision. Credits shall begin to accrue for eligible
61 offenders after the first full calendar month of supervision
62 or on October 1, 2012, if the offender began a term of
63 probation, parole, or conditional release before September
64 1, 2012.

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

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

84 (1) The court or board revokes the probation or parole
85 or the court places the offender in a department program
86 under subsection 4 of section 559.036 [or under section
87 217.785]; or

88 (2) The offender is found by the court or board to be
89 ineligible to earn compliance credits because the nature and
90 circumstances of the violation indicate that a longer term
91 of probation, parole, or conditional release is necessary

92 for the protection of the public or the guidance of the
93 offender.

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

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

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

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

122 9. At least twice a year, the division shall calculate
123 the number of months the offender has remaining on his or
124 her term of probation, parole, or conditional release,

125 taking into consideration any earned compliance credits, and
126 notify the offender of the length of the remaining term.

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

135 11. Any offender who was sentenced prior to January 1,
136 2017, to an offense that was eligible for earned compliance
137 credits under subsection 1 or 2 of this section at the time
138 of sentencing shall continue to remain eligible for earned
139 compliance credits so long as the offender meets all the
140 other requirements provided under this section.

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

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

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

5 (2) Provide the forms to each circuit clerk.

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

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

11 (2) "If so ordered by the court, the respondent is
12 forbidden to enter or stay at the petitioner's residence".

13 3. The form prescribed by the supreme court for the
14 notice of hearing required by subsection 2 of section
15 455.040 shall list all potential relief that can be granted
16 by the court in any proceeding pursuant to sections 455.010
17 to 455.085 as described in section 455.050, and shall advise
18 the respondent that such relief may be granted if the court
19 finds for the petitioner, or if the respondent defaults to
20 the petition.

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

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

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

455.085. 1. When a law enforcement officer has
2 probable cause to believe a party has committed a violation
3 of law amounting to domestic violence, as defined in section
4 455.010, against a family or household member, the officer
5 may arrest the offending party whether or not the violation
6 occurred in the presence of the arresting officer. When the

7 officer declines to make arrest pursuant to this subsection,
8 the officer shall make a written report of the incident
9 completely describing the offending party, giving the
10 victim's name, time, address, reason why no arrest was made
11 and any other pertinent information. Any law enforcement
12 officer subsequently called to the same address within a
13 twelve-hour period, who shall find probable cause to believe
14 the same offender has again committed a violation as stated
15 in this subsection against the same or any other family or
16 household member, shall arrest the offending party for this
17 subsequent offense. The primary report of nonarrest in the
18 preceding twelve-hour period may be considered as evidence
19 of the defendant's intent in the violation for which arrest
20 occurred. The refusal of the victim to sign an official
21 complaint against the violator shall not prevent an arrest
22 under this subsection.

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

32 3. When an officer makes an arrest, the officer is not
33 required to arrest two parties involved in an assault when
34 both parties claim to have been assaulted. The arresting
35 officer shall attempt to identify and shall arrest the party
36 the officer believes is the primary physical aggressor. The
37 term "primary physical aggressor" is defined as the most
38 significant, rather than the first, aggressor. The law

39 enforcement officer shall consider any or all of the
40 following in determining the primary physical aggressor:

41 (1) The intent of the law to protect victims from
42 continuing domestic violence;

43 (2) The comparative extent of injuries inflicted or
44 serious threats creating fear of physical injury;

45 (3) The history of domestic violence between the
46 persons involved.

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

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

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

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

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

93 8. A violation of the terms and conditions, with
94 regard to domestic violence, stalking, sexual assault, child
95 custody, communication initiated by the respondent or
96 entrance upon the premises of the petitioner's dwelling unit
97 or place of employment or school, or being within a certain
98 distance of the petitioner or a child of the petitioner, of
99 a full order of protection shall be a class A misdemeanor,
100 unless the respondent has previously pleaded guilty to or
101 has been found guilty in any division of the circuit court
102 of violating an ex parte order of protection or a full order
103 of protection within five years of the date of the

104 subsequent violation, in which case the subsequent violation
105 shall be a class E felony. Evidence of prior pleas of
106 guilty or findings of guilt shall be heard by the court out
107 of the presence of the jury prior to submission of the case
108 to the jury. If the court finds the existence of such prior
109 plea of guilty or finding of guilt beyond a reasonable
110 doubt, the court shall decide the extent or duration of the
111 sentence or other disposition and shall not instruct the
112 jury as to the range of punishment or allow the jury to
113 assess and declare the punishment as a part of its verdict.
114 For the purposes of this subsection, in addition to the
115 notice provided by actual service of the order, a party is
116 deemed to have notice of an order of protection if:

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

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

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

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

478.600. 1. There shall be four circuit judges in the
2 eleventh judicial circuit. These judges shall sit in
3 divisions numbered one, two, three and four. Beginning on
4 January 1, 2007, there shall be six circuit judges in the
5 eleventh judicial circuit and these judges shall sit in
6 divisions numbered one, two, three, four, five, and seven.

7 The division five associate circuit judge position and the
8 division seven associate circuit judge position shall become
9 circuit judge positions beginning January 1, 2007, and shall
10 be numbered as divisions five and seven.

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

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

26 4. Beginning on January 1, 2007, the treatment court
27 commissioner position in the eleventh judicial circuit
28 appointed under section 478.003 shall become an associate
29 circuit judge position in all respects [and shall be
30 designated as division eleven. This position retains the
31 duties and responsibilities with regard to the treatment
32 court]. Such associate circuit judge shall be elected in
33 2006 for a full four-year term. This associate circuit
34 judgeship shall not be included in the statutory formula for
35 authorizing additional associate circuit judgeships per
36 county under section 478.320.

37 5. Beginning in fiscal year 2015, there shall be one
38 additional associate circuit judge position in the eleventh
39 judicial circuit. The associate circuit judge shall be

40 elected in 2016. This associate circuit judgeship shall not
41 be included in the statutory formula for authorizing
42 additional circuit judgeships per county under section
43 478.320. Beginning in fiscal year 2019, there shall be one
44 additional associate circuit judge position in the eleventh
45 judicial circuit. The associate circuit judge shall be
46 elected in 2020. This associate circuit judgeship shall not
47 be included in the statutory formula for authorizing
48 additional circuit judgeships per county under section
49 478.320.

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

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

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

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

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

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

31 3. If the defendant proposes to offer evidence of the
32 sexual conduct, acts, or practices of [the complaining] a
33 victim or witness under this section, he or she shall file
34 with the court a written motion accompanied by an offer of
35 proof or make an offer of proof on the record outside the
36 hearing of the jury. The court shall hold an in camera
37 hearing to determine the sufficiency of the offer of proof
38 and may at that hearing hear evidence if the court deems it
39 necessary to determine the sufficiency of the offer of
40 proof. If the court finds any of the evidence offered
41 admissible under this section the court shall make an order
42 stating the scope of the evidence which may be introduced.
43 Objections to any decision of the court under this section
44 may be made by either the prosecution or the defendant in
45 the manner provided by law. The in camera hearing shall be
46 recorded and the court shall set forth its reasons for its
47 ruling. The record of the in camera hearing shall be sealed
48 for delivery to the parties and to the appellate court in
49 the event of an appeal or other post trial proceeding.

546.262. A court shall not compel a victim or member
2 of the victim's family testifying in a criminal proceeding
3 for a violation of sections 565.072 to 565.076 to disclose a
4 residential address or place of employment on the record in
5 open court unless the court finds that disclosure of the
6 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.

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

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

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

 3. If the defendant violates a condition of probation
26 at any time prior to the expiration or termination of the

27 probation term, the court may continue him or her on the
28 existing conditions, with or without modifying or enlarging
29 the conditions or extending the term.

30 4. (1) Unless the defendant consents to the
31 revocation of probation, if a continuation, modification,
32 enlargement or extension is not appropriate under this
33 section, the court shall order placement of the offender in
34 [one of the] a department of corrections' one hundred twenty-
35 day [programs] program so long as:

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

57 (b) The probation violation is not the result of the
58 defendant being an absconder or being found guilty of,
59 pleading guilty to, or being arrested on suspicion of any

60 felony, misdemeanor, or infraction. For purposes of this
61 subsection, "absconder" shall mean an offender under
62 supervision who has left such offender's place of residency
63 without the permission of the offender's supervising officer
64 for the purpose of avoiding supervision;

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

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

72 (2) Upon receiving the order, the department of
73 corrections shall conduct an assessment of the offender and
74 place such offender in either the [appropriate] one hundred
75 twenty-day structured cognitive behavioral intervention
76 program [under subsection 3 of section 559.115] or the one
77 hundred twenty-day institutional treatment program. The
78 placement of the offender in the structured cognitive
79 behavioral intervention program or institutional treatment
80 program shall be at the sole discretion of the department
81 based on the assessment of the offender. The program shall
82 begin upon receipt of the offender by the department. The
83 time between the court's order and receipt of the offender
84 by the department shall not apply toward the program.

85 (3) [Notwithstanding any of the provisions of
86 subsection 3 of section 559.115 to the contrary,] Upon
87 successful completion of a program under this subsection, as
88 determined by the department, the division of probation and
89 parole shall advise the sentencing court of the defendant's
90 probationary release date thirty days prior to release.
91 Once the defendant has successfully completed [the] a
92 program under this subsection, the court shall release the

93 defendant to continue to serve the term of probation, which
94 shall not be modified, enlarged, or extended based on the
95 same incident of violation.

96 (4) If the department determines the defendant has not
97 successfully completed a one hundred twenty-day program
98 under this section, the division of probation and parole
99 shall advise the prosecuting attorney and the sentencing
100 court of the defendant's unsuccessful program exit and the
101 defendant shall be removed from the program. The defendant
102 shall be released from the department within fifteen working
103 days after the court is notified of the unsuccessful program
104 exit, unless the court has issued a warrant in response to
105 the unsuccessful program exit to facilitate the return of
106 the defendant to the county of jurisdiction for further
107 court proceedings. If a defendant is discharged as
108 unsuccessful from a one hundred twenty-day program, the
109 sentencing court may modify, enlarge, or revoke the
110 defendant's probation based on the same incident of the
111 violation.

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

115 5. If the defendant consents to the revocation of
116 probation or if the defendant is not eligible under
117 subsection 4 of this section for placement in a program and
118 a continuation, modification, enlargement, or extension of
119 the term under this section is not appropriate, the court
120 may revoke probation and order that any sentence previously
121 imposed be executed. If imposition of sentence was
122 suspended, the court may revoke probation and impose any
123 sentence available under section 557.011. The court may
124 mitigate any sentence of imprisonment by reducing the prison
125 or jail term by all or part of the time the defendant was on

126 probation. The court may, upon revocation of probation,
127 place an offender on a second term of probation. Such
128 probation shall be for a term of probation as provided by
129 section 559.016, notwithstanding any amount of time served
130 by the offender on the first term of probation.

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

146 7. The prosecuting or circuit attorney may file a
147 motion to revoke probation or at any time during the term of
148 probation, the court may issue a notice to the probationer
149 to appear to answer a charge of a violation, and the court
150 may issue a warrant of arrest for the violation. Such
151 notice shall be personally served upon the probationer. The
152 warrant shall authorize the return of the probationer to the
153 custody of the court or to any suitable detention facility
154 designated by the court. Upon the filing of the
155 prosecutor's or circuit attorney's motion or on the court's
156 own motion, the court may immediately enter an order
157 suspending the period of probation and may order a warrant
158 for the defendant's arrest. The probation shall remain

159 suspended until the court rules on the prosecutor's or
160 circuit attorney's motion, or until the court otherwise
161 orders the probation reinstated. Notwithstanding any other
162 provision of the law to the contrary, the probation term
163 shall be tolled during the time period when the probation is
164 suspended under this section. The court may grant the
165 probationer credit on the probation term for any of the
166 tolled period when reinstating the probation term.

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

181 9. A defendant who was sentenced prior to January 1,
182 2017 to an offense that was eligible at the time of
183 sentencing under paragraph (a) of subdivision (1) of
184 subsection 4 of this section for the court ordered detention
185 sanction shall continue to remain eligible for the sanction
186 so long as the defendant meets all the other requirements
187 provided under subsection 4 of this section.

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

4 appellate court and the disposition of the appeal by such
5 court.

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

19 3. The court may recommend placement of an offender in
20 a department of corrections one hundred twenty-day program
21 under this subsection [or order such placement under
22 subsection 4 of section 559.036]. [Upon the recommendation
23 or order of the court,] The department of corrections shall
24 assess each offender to determine the appropriate one
25 hundred twenty-day program in which to place the offender,
26 which may include placement in the [shock incarceration]
27 structured cognitive behavioral intervention program or
28 institutional treatment program. The placement of an
29 offender in the structured cognitive behavioral intervention
30 program or institutional treatment program shall be at the
31 sole discretion of the department based on the assessment of
32 the offender and available bed space. When the court
33 recommends and receives placement of an offender in a
34 department of corrections one hundred twenty-day program,
35 the offender shall be released on probation if the
36 department of corrections determines that the offender has

37 successfully completed the program except as follows. Upon
38 successful completion of a program under this subsection,
39 the division of probation and parole shall advise the
40 sentencing court of an offender's probationary release date
41 thirty days prior to release. The court shall follow the
42 recommendation of the department unless the court determines
43 that probation is not appropriate. If the court determines
44 that probation is not appropriate, the court may order the
45 execution of the offender's sentence only after conducting a
46 hearing on the matter within ninety to one hundred twenty
47 days from the date the offender was delivered to the
48 department of corrections. If the department determines the
49 offender has not successfully completed a one hundred twenty-
50 day program under this subsection, the [offender shall be
51 removed from the program and the court shall be advised of
52 the removal] division of probation and parole shall advise
53 the prosecuting attorney and the sentencing court of the
54 defendant's unsuccessful program exit and the defendant
55 shall be removed from the program. The department shall
56 report on the offender's participation in the program and
57 may provide recommendations for terms and conditions of an
58 offender's probation. The court shall then have the power
59 to grant probation or order the execution of the offender's
60 sentence.

61 4. If the court is advised that an offender is not
62 eligible for placement in a one hundred twenty-day program
63 under subsection 3 of this section, the court shall consider
64 other authorized dispositions. If the department of
65 corrections one hundred twenty-day program under subsection
66 3 of this section is full, the court may place the offender
67 in a private program approved by the department of
68 corrections or the court, the expenses of such program to be
69 paid by the offender, or in an available program offered by

70 another organization. If the offender is convicted of a
71 class C, class D, or class E nonviolent felony, the court
72 may order probation while awaiting appointment to treatment.

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

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

99 7. An offender's first incarceration under this
100 section prior to release on probation shall not be
101 considered a previous prison commitment for the purpose of

102 determining a minimum prison term under the provisions of
103 section 558.019.

104 8. Notwithstanding any other provision of law,
105 probation may not be granted pursuant to this section to
106 offenders who have been convicted of murder in the second
107 degree pursuant to section 565.021; forcible rape pursuant
108 to section 566.030 as it existed prior to August 28, 2013;
109 rape in the first degree under section 566.030; forcible
110 sodomy pursuant to section 566.060 as it existed prior to
111 August 28, 2013; sodomy in the first degree under section
112 566.060; statutory rape in the first degree pursuant to
113 section 566.032; statutory sodomy in the first degree
114 pursuant to section 566.062; child molestation in the first
115 degree pursuant to section 566.067 when classified as a
116 class A felony; abuse of a child pursuant to section 568.060
117 when classified as a class A felony; or an offender who has
118 been found to be a predatory sexual offender pursuant to
119 section 566.125; any offense under section 557.045; or any
120 offense in which there exists a statutory prohibition
121 against either probation or parole.

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

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

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

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

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

10 (d) Had previously been found guilty of an offense
11 under this chapter or under section 573.200, child used in
12 sexual performance; section 573.205, promoting sexual
13 performance by a child; section 573.023, sexual exploitation

14 of a minor; section 573.025, promoting child pornography in
15 the first degree; section 573.035, promoting child
16 pornography in the second degree; section 573.037,
17 possession of child pornography; or section 573.040,
18 furnishing pornographic materials to minors; or has
19 previously been found guilty of an offense in another
20 jurisdiction which would constitute an offense under this
21 chapter or said sections;

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

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

28 a. Ancestor or descendant by blood or adoption;

29 b. Stepchild while the marriage creating that
30 relationship exists;

31 c. Brother or sister of the whole or half blood; or

32 d. Uncle, aunt, nephew, or niece of the whole blood;

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

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

43 (4) "Forced labor", a condition of servitude induced
44 by means of:

45 (a) Any scheme, plan, or pattern of behavior intended
46 to cause a person to believe that, if the person does not

47 enter into or continue the servitude, such person or another
48 person will suffer substantial bodily harm or physical
49 restraint; or

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

51 (5) "Sexual conduct", sexual intercourse, deviate
52 sexual intercourse or sexual contact;

53 (6) "Sexual contact", any touching of another person
54 with the genitals or any touching of the genitals or anus of
55 another person, or the breast of a female person, or such
56 touching through the clothing, or causing semen, seminal
57 fluid, or other ejaculate to come into contact with another
58 person, for the purpose of arousing or gratifying the sexual
59 desire of any person or for the purpose of terrorizing the
60 victim;

61 (7) "Sexual intercourse", any penetration, however
62 slight, of the female genitalia by the penis.

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

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

6 (2) A student teacher; [or]

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

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

11 (5) An elected or appointed official of the school
12 district; [or]

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

15 (7) A coach, assistant coach, director, or other adult
16 with a school-aged team, club, or ensemble, regardless of
17 whether such team, club, or ensemble is connected to a

18 school or scholastic association. For purposes of this
19 subdivision, "school-aged team, club, or ensemble" means any
20 group organized for individual or group competition for the
21 performance of sports activities or any group organized for
22 individual or group presentation for fine or performing
23 arts, by any child under eighteen years of age.

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

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

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

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

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 subsection 2 of section 568.080 as it existed prior to
6 January 1, 2017, or section 573.200, use of a child in a
7 sexual performance; section 568.090 as it existed prior to
8 January 1, 2017, or section 573.205, promoting a sexual
9 performance by a child; section 573.023, sexual exploitation
10 of a minor; section 573.037, possession of child
11 pornography; section 573.025, promoting child pornography;
12 or section 573.040, furnishing pornographic material to
13 minors; or

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

17 shall not be present in or loiter within five hundred feet
18 of any school building, on real property comprising any

19 school, or in any conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school-
21 related activity when persons under the age of eighteen are
22 present in the building, on the grounds, or in the
23 conveyance, unless the offender is a parent, legal guardian,
24 or custodian of a student present in the building and has
25 met the conditions set forth in subsection 2 of this section.

26 2. No parent, legal guardian, or custodian who has
27 been found guilty of violating any of the offenses listed in
28 subsection 1 of this section shall be present in any school
29 building, on real property comprising any school, or in any
30 conveyance owned, leased, or contracted by a school to
31 transport students to or from school or a school-related
32 activity when persons under the age of eighteen are present
33 in the building, on the grounds or in the conveyance unless
34 the parent, legal guardian, or custodian has permission to
35 be present from the superintendent or school board or in the
36 case of a private school from the principal. In the case of
37 a public school, if permission is granted, the
38 superintendent or school board president must inform the
39 principal of the school where the sex offender will be
40 present. Permission may be granted by the superintendent,
41 school board, or in the case of a private school from the
42 principal for more than one event at a time, such as a
43 series of events, however, the parent, legal guardian, or
44 custodian must obtain permission for any other event he or
45 she wishes to attend for which he or she has not yet had
46 permission granted.

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

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

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

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

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

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

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

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

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

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

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

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member or shall not supervise or employ any child under eighteen years of age.

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

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

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.

13 4. The judge may order a drug and alcohol abuse
14 treatment program for any person found guilty of
15 prostitution, either after trial or upon a plea of guilty,
16 before sentencing. For the class B misdemeanor offense,
17 upon the successful completion of such program by the
18 defendant, the court may at its discretion allow the
19 defendant to withdraw the plea of guilty or reverse the
20 verdict and enter a judgment of not guilty. For the class B
21 felony offense, the court shall not allow the defendant to
22 withdraw the plea of guilty or reverse the verdict and enter
23 a judgment of not guilty. The judge, however, has
24 discretion to take into consideration successful completion
25 of a drug or alcohol treatment program in determining the
26 defendant's sentence.

27 5. [In addition to the affirmative defense provided in
28 subsection 2 of section 566.223, it shall be an affirmative
29 defense to prosecution pursuant to this section that the
30 defendant] A person shall not be certified as an adult or
31 adjudicated as a delinquent for the offense of prostitution
32 under this section if the person was under the age of
33 eighteen [and was acting under the coercion, as defined in
34 section 566.200, of an agent] at the time [of] the offense
35 [charged] occurred. In such cases where the [defendant]
36 person was under the age of eighteen, the [defendant] person
37 shall be classified as a victim of abuse, as defined under
38 section 210.110, and such abuse shall be reported
39 immediately to the children's division, as required under
40 section 210.115 and to the juvenile officer for appropriate
41 services, treatment, investigation, and other proceedings as
42 provided under chapters 207, 210, and 211. Upon request,
43 the local law enforcement agency and the prosecuting
44 attorney shall assist the children's division and the
45 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

34 created, adapted, or modified; or whose image as a minor was
35 used in creating, adapting, or modifying the visual
36 depiction; and who is recognizable as an actual person by
37 the person's face, likeness, or other distinguishing
38 characteristic, such as a unique birthmark or other
39 recognizable feature. The term "identifiable minor" shall
40 not be construed to require proof of the actual identity of
41 the identifiable minor;

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

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

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

61 (8) "Material", anything printed or written, or any
62 picture, drawing, photograph, motion picture film, videotape
63 or videotape production, or pictorial representation, or any
64 recording or transcription, or any mechanical, chemical, or
65 electrical reproduction, or stored computer data, or
66 anything which is or may be used as a means of

67 communication. Material includes undeveloped photographs,
68 molds, printing plates, stored computer data and other
69 latent representational objects;

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

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

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

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

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

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

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

93 (13) "Performance", any play, motion picture film,
94 videotape, dance or exhibition performed before an audience
95 of one or more;

96 (14) "Pornographic for minors", any material or
97 performance if the following apply:

98 (a) The average person, applying contemporary
99 community standards, would find that the material or

100 performance, taken as a whole, has a tendency to cater or
101 appeal to a prurient interest of minors; and

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

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

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

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

121 (17) "Regularly", the consistent and repeated doing of
122 the act so described;

123 (18) "Sadomasochistic abuse", flagellation or torture
124 by or upon a person as an act of sexual stimulation or
125 gratification;

126 (19) "Semi-nude" or "state of semi-nudity", the
127 showing of the female breast below a horizontal line across
128 the top of the areola and extending across the width of the
129 breast at such point, or the showing of the male or female
130 buttocks. Such definition includes the lower portion of the
131 human female breast, but shall not include any portion of
132 the cleavage of the female breasts exhibited by a bikini,

133 dress, blouse, shirt, leotard, or similar wearing apparel
134 provided the areola is not exposed in whole or in part;

135 (20) "Sexual conduct", actual or simulated, normal or
136 perverted acts of human masturbation; deviate sexual
137 intercourse; sexual intercourse; or physical contact with a
138 person's clothed or unclothed genitals, pubic area,
139 buttocks, or the breast of a female in an act of apparent
140 sexual stimulation or gratification or any sadomasochistic
141 abuse or acts including animals or any latent objects in an
142 act of apparent sexual stimulation or gratification;

143 (21) "Sexually explicit conduct", actual or simulated:

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

147 (b) Bestiality;

148 (c) Masturbation;

149 (d) Sadistic or masochistic abuse; or

150 (e) Lascivious exhibition of the genitals or pubic
151 area of any person;

152 (22) "Sexually oriented business" includes:

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

165 a. Has a substantial portion of its displayed
166 merchandise which consists of such items; or
167 b. Has a substantial portion of the wholesale value of
168 its displayed merchandise which consists of such items; or
169 c. Has a substantial portion of the retail value of
170 its displayed merchandise which consists of such items; or
171 d. Derives a substantial portion of its revenues from
172 the sale or rental, for any form of consideration, of such
173 items; or
174 e. Maintains a substantial section of its interior
175 business space for the sale or rental of such items; or
176 f. Maintains an adult arcade. "Adult arcade" means
177 any place to which the public is permitted or invited
178 wherein coin-operated or slug-operated or electronically,
179 electrically, or mechanically controlled still or motion
180 picture machines, projectors, or other image-producing
181 devices are regularly maintained to show images to five or
182 fewer persons per machine at any one time, and where the
183 images so displayed are characterized by their emphasis upon
184 matter exhibiting specified sexual activities or specified
185 anatomical areas;
186 (b) An adult cabaret;
187 (c) An adult motion picture theater. "Adult motion
188 picture theater" means a commercial establishment where
189 films, motion pictures, video cassettes, slides, or similar
190 photographic reproductions, which are characterized by their
191 emphasis upon the display of specified sexual activities or
192 specified anatomical areas are regularly shown to more than
193 five persons for any form of consideration;
194 (d) A semi-nude model studio. "Semi-nude model
195 studio" means a place where persons regularly appear in a
196 state of semi-nudity for money or any form of consideration
197 in order to be observed, sketched, drawn, painted,

198 sculptured, photographed, or similarly depicted by other
199 persons. Such definition shall not apply to any place where
200 persons appearing in a state of semi-nudity do so in a
201 modeling class operated:

202 a. By a college, junior college, or university
203 supported entirely or partly by taxation;

204 b. By a private college or university which maintains
205 and operates educational programs in which credits are
206 transferable to a college, junior college, or university
207 supported entirely or partly by taxation; or

208 c. In a structure:

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

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

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

221 (23) "Sexual performance", any performance, or part
222 thereof, which includes sexual conduct by a child who is
223 less than ~~seventeen~~ eighteen years of age;

224 (24) "Specified anatomical areas" include:

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

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

230 (25) "Specified sexual activity", includes any of the
231 following:

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

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

237 (26) "Substantial", at least thirty percent of the
238 item or items so modified;

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

573.024. 1. A person commits the offense of enabling
2 sexual exploitation of a minor if such person acting with
3 criminal negligence permits or allows any violation of
4 section 566.210, 566.211, 573.020, 573.023, 573.025,
5 573.030, 573.035, 573.200, or 573.205.

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

9 3. If the person guilty of the offense of enabling
10 sexual exploitation of a minor is an owner of a business or
11 the owner's agent and the business provided the location or
12 locations for such exploitation, the business location or
13 locations shall be required to close for up to one year for
14 the first offense, and the length of time shall be
15 determined by the court. For a second offense, such
16 business location or locations shall permanently close. As
17 used in this section, "business" shall include, but is not
18 limited to, a hotel or massage parlor and "owner's agent"
19 shall include, any person empowered to manage the owner's
20 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.

573.550. 1. A person commits the offense of providing explicit sexual material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the approval of the providing of explicit sexual material to a student.

2. The offense of providing explicit sexual material to a student is a class A misdemeanor.

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

(1) "Explicit sexual material", any pictorial, three-dimensional, or visual depiction, including any photography, film, video, picture, or computer-generated image, showing human masturbation, deviate sexual intercourse as defined in section 566.010, sexual intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art, when taken as a whole, that have serious artistic significance, or works of anthropological significance, or materials used in science courses, including but not limited to materials used in

27 biology, anatomy, physiology, and sexual education classes
28 shall not be deemed to be within the foregoing definition;

29 (2) "Person affiliated with a public or private
30 elementary or secondary school in an official capacity", an
31 administrator, teacher, librarian, media center personnel,
32 substitute teacher, teacher's assistant, student teacher,
33 law enforcement officer, school board member, school bus
34 driver, guidance counselor, coach, guest lecturer, guest
35 speaker, or other nonschool employee who is invited to
36 present information to students by a teacher, administrator,
37 or other school employee. Such term shall not include a
38 student enrolled in the elementary or secondary school.

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

3 (1) "Adjudicated" or "adjudication", adjudication of
4 delinquency, a finding of guilt, plea of guilt, finding of
5 not guilty due to mental disease or defect, or plea of nolo
6 contendere to committing, attempting to commit, or
7 conspiring to commit;

8 (2) "Adjudicated delinquent", a person found to have
9 committed an offense that, if committed by an adult, would
10 be a criminal offense;

11 (3) "Chief law enforcement official", the sheriff's
12 office of each county or the police department of a city not
13 within a county;

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

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

24 (6) "Sex offender", any person who meets the criteria
25 to register under sections 589.400 to 589.425 or the Sex
26 Offender Registration and Notification Act, Title I of the
27 Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-
28 248;

29 (7) "Sex offense", any offense which is listed under
30 section 589.414 or comparable to those listed under section
31 589.414 or otherwise comparable to offenses covered under
32 the Sex Offender Registration and Notification Act, Title I
33 of the Adam Walsh Child Protection and Safety Act of 2006,
34 P.L. 109-248;

35 (8) "Sexual act", any type or degree of genital, oral,
36 or anal penetration;

37 (9) "Sexual conduct", sexual intercourse, deviate
38 sexual intercourse, or sexual contact;

39 (10) "Sexual contact", any [sexual touching of or
40 contact with a person's body, either directly or through the
41 clothing] touching of another person with the genitals or
42 any touching of the genitals or anus of another person, or
43 the breast of a female person, or such touching through the
44 clothing, or causing semen, seminal fluid, or other
45 ejaculate to come into contact with another person, for the
46 purpose of arousing or gratifying the sexual desire of any
47 person or for the purpose of terrorizing the victim;

48 [(10)] (11) "Sexual element", used for the purposes of
49 distinguishing if sexual contact or a sexual act was
50 committed. Authorities shall refer to information filed by
51 the prosecutor, amended information filed by the prosecutor,
52 indictment information filed by the prosecutor, or amended
53 indictment information filed by the prosecutor, the plea

54 agreement, or court documentation to determine if a sexual
55 element exists;

56 [(11)] (12) "Signature", the name of the offender
57 signed in writing or electronic form approved by the
58 Missouri state highway patrol;

59 [(12)] (13) "Student", an individual who enrolls in or
60 attends the physical location of an educational institution,
61 including a public or private secondary school, trade or
62 professional school, or an institution of higher education;

63 [(13)] (14) "Vehicle", any land vehicle, watercraft,
64 or aircraft.

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

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

23 prosecution results or if the survivor has previously waived
24 any of these rights. A sexual assault survivor has the
25 right to:

26 (1) [A survivor has the right to] Consult with an
27 employee or volunteer of a rape crisis center [during any
28 forensic examination that is subject to confidentiality
29 requirements pursuant to section 455.003, as well as the
30 right to have a support person of the survivor's choosing
31 present, subject to federal regulations as provided in 42
32 CFR 482; and during any interview by a law enforcement
33 official, prosecuting attorney, or defense attorney. A
34 survivor retains this right even if the survivor has waived
35 the right in a previous examination or interview;

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

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

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

61 (b) The survivor's right to consult with an employee
62 or volunteer of a rape crisis center, to be summoned by the
63 medical provider before the commencement of the forensic
64 examination, unless no employee or volunteer of a rape
65 crisis center can be summoned in a reasonably timely manner,
66 and to have present at least one support person of the
67 victim's choosing;

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

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

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

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

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

88 volunteer of a rape crisis center can be summoned in a
89 reasonably timely manner;

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

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

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

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

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

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

120 message in writing from the crime laboratory so that the
121 survivor can call regarding the results;

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

128 (10) The failure of a law enforcement agency to take
129 possession of any sexual assault forensic evidence or to
130 submit that evidence for analysis within the time prescribed
131 under section 595.220 does not alter the authority of a law
132 enforcement agency to take possession of that evidence or to
133 submit that evidence to the crime laboratory, and does not
134 alter the authority of the crime laboratory to accept and
135 analyze the evidence or to upload the DNA profile obtained
136 from that evidence into CODIS. The failure to comply with
137 the requirements of this section does not constitute grounds
138 in any criminal or civil proceeding for challenging the
139 validity of a database match or of any database information,
140 and any evidence of that DNA record shall not be excluded by
141 a court on those grounds;

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

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

161 (a) A clear statement that a survivor is not required
162 to participate in the criminal justice system or to receive
163 a forensic examination in order to retain the rights
164 provided by this section and other relevant law;

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

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

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

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

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

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

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

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

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

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

198 (15) In either a civil or criminal case relating to
199 the sexual assault, a survivor has the right to be
200 reasonably protected from the defendant and persons acting
201 on behalf of the defendant, as provided under section
202 595.209 and Article I, Section 32 of the Missouri
203 Constitution;

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

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

212 (18) A survivor has the right to be heard through a
213 survivor impact statement at any proceeding involving a post
214 arrest release decision, plea, sentencing, post conviction
215 release decision, or any other proceeding where a right of

216 the survivor is at issue, as provided under section 595.229
217 and Article I, Section 32 of the Missouri Constitution.

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

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

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

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

247 (4) "Disposition", the sentencing or determination of
248 a penalty or punishment to be imposed upon a person

249 convicted of a crime or found delinquent or against who a
250 finding of sufficient facts for conviction or finding of
251 delinquency is made;

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

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

260 (7) "Rape crisis center", any public or private agency
261 that offers assistance to victims of sexual assault, as the
262 term sexual assault is defined in section 455.010, who are
263 adults, as defined by section 455.010, or qualified minors,
264 as defined by section 431.056;

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

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

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

279 (11) "Survivor", a natural person who suffers direct
280 or threatened physical, emotional, or financial harm as the
281 result of the commission or attempted commission of a

282 crime. The term "victim" also includes the family members
283 of a minor, incompetent or homicide victim.] as defined in
284 section 455.003;

285 (2) A sexual assault forensic examination as provided
286 in section 595.220, or when a telehealth network is
287 established, a forensic examination as provided in section
288 192.2520 and section 197.135;

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

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

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

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

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

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

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

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

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

326 (1) Prosecuting attorneys;

327 (2) Chief law enforcement officers or their designees;

328 (3) Appropriate medical providers, as defined in
329 section 595.220;

330 (4) Representatives of the statewide coalition against
331 domestic and sexual violence;

332 (5) Representatives of rape crisis centers;

333 (6) Representatives of the Missouri Hospital
334 Association;

335 (7) The director of the Missouri state highway patrol
336 crime lab or their designee; and

337 (8) The director of the department of health and
338 senior services or their designee.

339 5. The document shall include the following:

340 (1) A description of the rights of the sexual assault
341 survivor pursuant to this section; and

342 (2) Telephone and internet means for contacting the
343 local rape crisis center, as defined in 455.003.

344 The department of public safety shall provide this document
345 in clear language that is comprehensible to a person
346 proficient in English and shall provide this document in any

347 other foreign language spoken by at least five percent of
348 the population in any county or city not within a county in
349 Missouri.

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

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

30 after allowing the victim the right to respond to such
31 request.

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

2 595.320. If a judge orders a person who has been
3 convicted of an offense under sections 565.072 to 565.076 to
4 attend any batterer intervention program, as described in
5 section 455.549, the person shall be financially responsible
6 for any costs associated with attending such class.

7 632.305. 1. An application for detention for
8 evaluation and treatment may be executed by any adult
9 person, who need not be an attorney or represented by an
10 attorney, including the mental health coordinator, on a form
11 provided by the court for such purpose, and [must] shall
12 allege under oath, without a notarization requirement, that
13 the applicant has reason to believe that the respondent is
14 suffering from a mental disorder and presents a likelihood
15 of serious harm to himself or herself or to others. The
16 application [must] shall specify the factual information on
17 which such belief is based and should contain the names and
18 addresses of all persons known to the applicant who have
19 knowledge of such facts through personal observation.

20 2. The filing of a written application in court by any
21 adult person, who need not be an attorney or represented by

16 an attorney, including the mental health coordinator, shall
17 authorize the applicant to bring the matter before the court
18 on an ex parte basis to determine whether the respondent
19 should be taken into custody and transported to a mental
20 health facility. The application may be filed in the court
21 having probate jurisdiction in any county where the
22 respondent may be found. If the court finds that there is
23 probable cause, either upon testimony under oath or upon a
24 review of affidavits, to believe that the respondent may be
25 suffering from a mental disorder and presents a likelihood
26 of serious harm to himself or herself or others, it shall
27 direct a peace officer to take the respondent into custody
28 and transport him or her to a mental health facility for
29 detention for evaluation and treatment for a period not to
30 exceed ninety-six hours unless further detention and
31 treatment is authorized pursuant to this chapter. Nothing
32 herein shall be construed to prohibit the court, in the
33 exercise of its discretion, from giving the respondent an
34 opportunity to be heard.

35 3. A mental health coordinator may request a peace
36 officer to take or a peace officer may take a person into
37 custody for detention for evaluation and treatment for a
38 period not to exceed ninety-six hours only when such mental
39 health coordinator or peace officer has reasonable cause to
40 believe that such person is suffering from a mental disorder
41 and that the likelihood of serious harm by such person to
42 himself or herself or others is imminent unless such person
43 is immediately taken into custody. Upon arrival at the
44 mental health facility, the peace officer or mental health
45 coordinator who conveyed such person or caused him or her to
46 be conveyed shall either present the application for
47 detention for evaluation and treatment upon which the court
48 has issued a finding of probable cause and the respondent

49 was taken into custody or complete an application for
50 initial detention for evaluation and treatment for a period
51 not to exceed ninety-six hours which shall be based upon his
52 or her own personal observations or investigations and shall
53 contain the information required in subsection 1 of this
54 section.

55 4. If a person presents himself or herself or is
56 presented by others to a mental health facility and a
57 licensed physician, a registered professional nurse or a
58 mental health professional designated by the head of the
59 facility and approved by the department for such purpose has
60 reasonable cause to believe that the person is mentally
61 disordered and presents an imminent likelihood of serious
62 harm to himself or herself or others unless he or she is
63 accepted for detention, the licensed physician, the mental
64 health professional or the registered professional nurse
65 designated by the facility and approved by the department
66 may complete an application for detention for evaluation and
67 treatment for a period not to exceed ninety-six hours. The
68 application shall be based on his or her own personal
69 observations or investigation and shall contain the
70 information required in subsection 1 of this section.

71 5. Any oath required by the provisions of this section
72 shall be subject to the provisions of section 492.060.

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Holly Thompson Rehder

Hannah Kelly (141)