

SENATE COMMITTEE SUBSTITUTE

FOR

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

AN ACT

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

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

Section A. Sections 43.650, 191.900, 191.905, 217.690, 491.015, 544.170, 556.046, 558.016, 558.019, 565.184, 566.010, 566.086, 566.149, 566.150, 566.151, 566.155, 567.030, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.095, 575.200, 575.205, 575.353, 578.007, 578.022, 595.201, 595.226, and 630.155, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 43.650, 191.900, 191.905, 217.690, 407.1700, 491.015, 544.170, 544.453, 556.046, 558.016, 558.019, 565.184, 566.010, 566.086, 566.149, 566.150, 566.151, 566.155, 567.030, 569.010, 569.100, 570.010, 570.030, 570.036, 571.015, 571.031, 571.070, 575.010, 575.095, 575.200, 575.205, 575.353, 578.007, 578.022, 589.437, 595.201, 595.226, and 630.155, to read as follows:

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

sexual offender and registered violent offender search capability.

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

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

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

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

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

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

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

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

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

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

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

(3) "False", wholly or partially untrue. A false statement or false representation of a material fact means the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

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

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

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

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

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

(a) Has actual knowledge of the information;

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

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

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

(9) "Medical assistance program", MO HealthNet, or any program to provide or finance health care to participants which is established pursuant to title 42 of the United

States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term "medical assistance program" shall include the medical assistance program provided by section 208.151, et seq., and any state agency or agencies administering all or any part of such a program;

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

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

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

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

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

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment

in an amount greater than that which the health care provider or any other health care provider is entitled;

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

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

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

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

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

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

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

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

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

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

9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to

demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

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

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

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

11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of

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

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

government sustained because of the act of the person, if the court finds:

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

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

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

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

14. The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet

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

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

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

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

sentence or a pardon. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the parole board.

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

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

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

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

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

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

9. A victim who has requested an opportunity to be heard shall receive notice that the parole board is conducting an assessment of the offender's risk and readiness for release and that the victim's input will be

particularly helpful when it pertains to safety concerns and specific protective measures that may be beneficial to the victim should the offender be granted release.

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

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

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

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

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

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

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

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

12. The parole board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions

are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

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

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

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

16. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

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

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

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

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

(a) Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase,

payment, storage, shipping, or delivery of a consumer product in the United States;

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

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

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

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

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

(b) Is a business entity that has:

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

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

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

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

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

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

(a) To the online marketplace; or

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

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

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

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

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

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

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

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

3. An online marketplace shall:

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

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

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

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

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

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

5. (1) An online marketplace shall:

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

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

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

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

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

6. (1) An online marketplace shall:

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

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

(2) The information required shall be the following:

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

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

b. The physical address of the seller; and

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

(i) A current working phone number;

(ii) A current working email address; or

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

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

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

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

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

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

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

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

(4) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subdivision (1) of this subsection or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subdivision (1) of this subsection has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond no later than ten days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the

disclosure of the identity information required under paragraph (a) of subdivision (2) of this subsection.

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

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

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

(2) The attorney general may promulgate rules and regulations with respect to collecting, verifying, and disclosing information under this section, provided that such rules and regulations are limited to what is necessary to collect, verify, or disclose such information. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to

delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

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

(1) Enjoin further such violation by the defendant;

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

(3) Obtain civil penalties in the amount provided for under subsection 6 of this section;

(4) Obtain other remedies permitted under state law;

and

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

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

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

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

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

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

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

3. If the defendant proposes to offer evidence of the sexual conduct, acts, or practices of [the complaining] a victim or witness under this section, he or she shall file with the court a written motion accompanied by an offer of proof or make an offer of proof on the record outside the hearing of the jury. The court shall hold an in camera hearing to determine the sufficiency of the offer of proof and may at that hearing hear evidence if the court deems it necessary to determine the sufficiency of the offer of proof. If the court finds any of the evidence offered admissible under this section the court shall make an order stating the scope of the evidence which may be introduced. Objections to any decision of the court under this section may be made by either the prosecution or the defendant in the manner provided by law. The in camera hearing shall be recorded and the court shall set forth its reasons for its

ruling. The record of the in camera hearing shall be sealed for delivery to the parties and to the appellate court in the event of an appeal or other post trial proceeding.

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

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

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

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for a criminal offense involving a dangerous felony or deadly weapon as defined in section 556.061, or on suspicion thereof, shall be discharged from said custody within forty-eight hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some

credible person, and be held by warrant to answer to such offense.

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

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

(2) A defendant is a flight risk;

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

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

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

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

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

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

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

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

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

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

558.016. 1. The court may sentence a person who has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court may sentence a person to an extended term of imprisonment if:

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

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

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

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

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

4. A "dangerous offender" is one who:

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

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

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

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

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

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

2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,

565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender

attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

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

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

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

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

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

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

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

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

7. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length

of sentences imposed and the use of probation for offenders convicted of the same or similar offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

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

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

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

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

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

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

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

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

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

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

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

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

(1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or

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

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

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

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

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

(a) Inflicts serious physical injury on the victim;

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

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

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

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

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

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

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

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

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

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

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

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

(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another

person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

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

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

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

(2) A student teacher; [or]

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

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

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

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

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

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

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

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

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

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

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

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

2. No parent, legal guardian, or custodian who has been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school

building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted.

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

566.150. 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 573.025, promoting child pornography; section 573.037, possession of 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 knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, athletic complex or athletic fields if such facilities exist for the primary use of recreation for children, any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, or Missouri department of conservation nature or education center properties.

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.

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

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

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

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

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; or

(3) Any tier III offense listed under section 589.414

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than [seventeen] eighteen 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.

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

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

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

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

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

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than ~~fourteen~~ fifteen years of age, in which case patronizing prostitution is a class E felony.

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

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

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

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

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

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

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

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

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

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

(5) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies,

payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

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

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

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

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

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

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

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement

officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.

570.010. As used in this chapter, the following terms mean:

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

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

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

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

(a) To commit any offense; or

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

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

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

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

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

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

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

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

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

(8) "Deceit or deceive", making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement.

The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(9) "Deprive":

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

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

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

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

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

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

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

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

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

(14) "Internet service", an interactive computer service or system or an information service, system, or

access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

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

(16) "Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

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

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

(19) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence

of a debt actually executed but not delivered or issued as a valid instrument;

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

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

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

(23) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) that is a remote computer terminal or other device owned or controlled by a financial institution or a private business that allows individuals to obtain financial services, including

obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or loading moneys or digital currency to a payment card, without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(24) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

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

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

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

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

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

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

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

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

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

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

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

animal considered livestock or captive wildlife held under permit issued by the conservation commission.

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

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

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

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

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

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

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

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

(3) The property appropriated consists of:

- (a) Any motor vehicle, watercraft or aircraft;
- (b) Any will or unrecorded deed affecting real property;
- (c) Any credit device, debit device or letter of credit;
- (d) Any firearms;
- (e) Any explosive weapon as defined in section 571.010;
- (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
- (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
- (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
- (i) Any book of registration or list of voters required by chapter 115;
- (j) Any animal considered livestock as that term is defined in section 144.010;
- (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- (l) Any captive wildlife held under permit issued by the conservation commission;
- (m) Any controlled substance as defined by section 195.010;
- (n) Ammonium nitrate;
- (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

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

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

(1) The property appropriated is an animal;

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

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

(4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.

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

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

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

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

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

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

(1) Return the merchandise to the merchant for value;

or

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

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

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

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

5. For the purposes of this section, in determining the aggregated value of the property or services involved in

all thefts committed in this state during a period of one hundred twenty days:

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

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

6. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.

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

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years [and not to exceed thirty years], unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence [for a period of five calendar years].

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

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

2. A person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she

discharges a firearm within or into the limits of any municipality.

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

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

(2) On a properly supervised shooting range;

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

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

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

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

(7) Using blanks;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Witness" means any natural person:

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

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

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

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

575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

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

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

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

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

(5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account numbers,

marital status, and identity of a child under eighteen years of age.

2. A judicial officer for purposes of this section shall be a judge or commissioner of a state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

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

(1) Such officer's spouse; or

(2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or

(3) Such officer's stepchild, while the marriage creating that relationship exists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The division of probation and parole of the department of corrections, or the department of mental health if the person qualifies as a violent offender under

subdivision (2) of subsection 1 of this section, shall notify the Missouri state highway patrol if a violent offender is placed on probation or parole, is placed on conditional release, is removed from probation or parole, or relocates to this state under the interstate compact for adult offender supervision, sections 589.500 to 589.569, so that the Missouri state highway patrol can update the offender registry under section 43.650.

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

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

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

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

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

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services,

which shall be signed by the survivor of sexual assault to confirm receipt;

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

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

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

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

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

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

(c) The survivor's right to have a support person of the survivor's choosing present during any interview by a

law enforcement officer, prosecuting attorney, or defense attorney, unless the law enforcement officer, prosecuting attorney, or defense attorney determines in his or her good faith professional judgment that the presence of that individual would be detrimental to the purpose of the interview; and

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

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

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

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

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

(9) A defendant or person accused or convicted of a crime against a survivor shall have no standing to object to any failure to comply with this section, and the failure to

provide a right or notice to a survivor under this section may not be used by a defendant to seek to have the conviction or sentence set aside;

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

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

(12) Upon initial interaction with a survivor, a law enforcement officer shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth-grade level,

accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National DNA Index System administered and operated by the Federal Bureau of Investigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Prosecuting attorneys;

(2) Chief law enforcement officers or their designees;

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

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

(5) Representatives of rape crisis centers;

(6) Representatives of the Missouri Hospital Association;

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

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

5. The document shall include the following:

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

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

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

595.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, including any visual or aural recordings that could be used to identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or

stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include, but shall not be limited to, the name, home or temporary address, personal email address, telephone number, Social Security number, birth date, place of employment, any health information, including human immunodeficiency virus (HIV) status, any information from a forensic testing report, or physical characteristics, including an unobstructed visual image of the victim's face or body.

2. [If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim,] Any person who is requesting identifying information of a victim and who has a legitimate interest in obtaining such information may petition the court for an in camera inspection of the records. If the court determines the person is entitled to all or any part of such records, the court may order production and disclosure of the records, but only if the court determines that the disclosure to the person or entity would not compromise the welfare or safety of the victim, and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a case under chapter 566 or a case of domestic assault or stalking shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires

such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.

630.155. 1. A person commits the offense of patient, resident or client abuse or neglect against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, or any patient, resident or client of any residential facility, day program or specialized service operated, funded or licensed by the department if he knowingly does any of the following:

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

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

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

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

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

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