

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 850

101ST GENERAL ASSEMBLY

4329S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 217.690, 544.170, 558.016, 558.019, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007, and 578.022, RSMo, and to enact in lieu thereof eleven new sections relating to criminal laws, with penalty provisions.

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

Section A. Sections 217.690, 544.170, 558.016, 558.019, 2 571.015, 571.070, 575.010, 575.200, 575.353, 578.007, and 3 578.022, RSMo, are repealed and eleven new sections enacted in 4 lieu thereof, to be known as sections 217.690, 544.170, 558.016, 5 558.019, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007, 6 and 578.022, to read as follows:

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

3 2. Before ordering the parole of any offender, the 4 parole board shall conduct a validated risk and needs 5 assessment and evaluate the case under the rules governing 6 parole that are promulgated by the parole board. The parole 7 board shall then have the offender appear before a hearing 8 panel and shall conduct a personal interview with him or 9 her, unless waived by the offender, or if the guidelines 10 indicate the offender may be paroled without need for an 11 interview. The guidelines and rules shall not allow for the 12 waiver of a hearing if a victim requests a hearing. The 13 appearance or presence may occur by means of a

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 videoconference at the discretion of the parole board. A
15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

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

45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

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

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

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

82 9. A victim who has requested an opportunity to be
83 heard shall receive notice that the parole board is
84 conducting an assessment of the offender's risk and
85 readiness for release and that the victim's input will be
86 particularly helpful when it pertains to safety concerns and
87 specific protective measures that may be beneficial to the
88 victim should the offender be granted release.

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

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

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

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

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

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

108 (6) The parole board shall evaluate information listed
109 in the juvenile sex offender registry pursuant to section
110 211.425, provided the offender is between the ages of
111 seventeen and twenty-one, as it impacts the safety of the
112 community.

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

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

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

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

136 15. Beginning January 1, 2001, the parole board shall
137 not order a parole unless the offender has obtained a high
138 school diploma or its equivalent, or unless the parole board
139 is satisfied that the offender, while committed to the

140 custody of the department, has made an honest good-faith
141 effort to obtain a high school diploma or its equivalent;
142 provided that the director may waive this requirement by
143 certifying in writing to the parole board that the offender
144 has actively participated in mandatory education programs or
145 is academically unable to obtain a high school diploma or
146 its equivalent.

147 16. Any rule or portion of a rule, as that term is
148 defined in section 536.010, that is created under the
149 authority delegated in this section shall become effective
150 only if it complies with and is subject to all of the
151 provisions of chapter 536 and, if applicable, section
152 536.028. This section and chapter 536 are nonseverable and
153 if any of the powers vested with the general assembly
154 pursuant to chapter 536 to review, to delay the effective
155 date, or to disapprove and annul a rule are subsequently
156 held unconstitutional, then the grant of rulemaking
157 authority and any rule proposed or adopted after August 28,
158 2005, shall be invalid and void.

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

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

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

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

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

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

11 (2) The statute under which the person was found
12 guilty contains a sentencing enhancement provision that is
13 based on a prior finding of guilt or a finding of prior

14 criminal conduct and the person is sentenced according to
15 the statute; or

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

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

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

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

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

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

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

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

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

558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not

4 affect those provisions of section 565.020[,] or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,
22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
28 577.706, 579.065, and 579.068 when punished as a class A or
29 B felony. For the purposes of this section, "prison
30 commitment" means and is the receipt by the department of
31 corrections of an offender after sentencing. For purposes
32 of this section, prior prison commitments to the department
33 of corrections shall not include an offender's first
34 incarceration prior to release on probation under section
35 217.362 or 559.115. Other provisions of the law to the

36 contrary notwithstanding, any offender who has been found
37 guilty of a felony other than a dangerous felony as defined
38 in section 556.061 and is committed to the department of
39 corrections shall be required to serve the following minimum
40 prison terms:

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

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

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

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

67 seventy years of age, and has served at least forty percent
68 of the sentence imposed, whichever occurs first.

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

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

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

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

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

90 7. (1) A sentencing advisory commission is hereby
91 created to consist of eleven members. One member shall be
92 appointed by the speaker of the house. One member shall be
93 appointed by the president pro tem of the senate. One
94 member shall be the director of the department of
95 corrections. Six members shall be appointed by and serve at
96 the pleasure of the governor from among the following: the
97 public defender commission; private citizens; a private
98 member of the Missouri Bar; the board of probation and

99 parole; and a prosecutor. Two members shall be appointed by
100 the supreme court, one from a metropolitan area and one from
101 a rural area. All members shall be appointed to a four-year
102 term. All members of the sentencing commission appointed
103 prior to August 28, 1994, shall continue to serve on the
104 sentencing advisory commission at the pleasure of the
105 governor.

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

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

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

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

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

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

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

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

153 (2) Offender treatment programs;

154 (3) Mandatory community service;

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

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

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment
160 of a designated amount of restitution to a county law
161 enforcement restitution fund established by the county

162 commission pursuant to section 50.565. Such contribution
163 shall not exceed three hundred dollars for any charged
164 offense. Any restitution moneys deposited into the county
165 law enforcement restitution fund pursuant to this section
166 shall only be expended pursuant to the provisions of section
167 50.565.

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

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

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

571.015. 1. Any person who commits any felony under
2 the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly
4 weapon is also guilty of the offense of armed criminal
5 action, **the offense of armed criminal action shall be an**
6 **unclassified felony**, and, upon conviction, shall be punished
7 by imprisonment by the department of corrections for a term

8 of not less than three years [and not to exceed fifteen
9 years], unless the person is unlawfully possessing a
10 firearm, in which case the term of imprisonment shall be for
11 a term of not less than five years. The punishment imposed
12 pursuant to this subsection shall be in addition to and
13 consecutive to any punishment provided by law for the crime
14 committed by, with, or through the use, assistance, or aid
15 of a dangerous instrument or deadly weapon. No person
16 convicted under this subsection shall be eligible for
17 parole, probation, conditional release, or suspended
18 imposition or execution of sentence [for a period of three
19 calendar years].

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

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be punished by imprisonment by the department
38 of corrections for a term of not less than ten years, unless
39 the person is unlawfully possessing a firearm, in which case

40 the term of imprisonment shall be no less than fifteen
41 years. The punishment imposed pursuant to this subsection
42 shall be in addition to and consecutive to any punishment
43 provided by law for the crime committed by, with, or through
44 the use, assistance, or aid of a dangerous instrument or
45 deadly weapon. No person convicted under this subsection
46 shall be eligible for parole, probation, conditional
47 release, or suspended imposition or execution of sentence
48 **[for a period of ten calendar years]**.

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

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

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

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

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

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

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and

5 which is sworn to before a person authorized to administer
6 oaths;

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

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

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

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

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

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

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

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search

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

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

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

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

47 (12) "Witness" means any natural person:

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

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

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

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

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

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

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

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

575.353. 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;

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

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

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

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

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

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

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

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

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

✓