

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2088, HOUSE BILL NO. 1705, AND HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1699

101ST GENERAL ASSEMBLY

3895S.05C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 43.650, 67.145, 70.631, 170.310, 190.091, 191.900, 191.905, 217.035, 217.541, 217.650, 217.670, 217.690, 217.703, 217.705, 217.710, 217.718, 217.720, 217.730, 217.785, 217.810, 304.022, 455.073, 455.075, 455.085, 491.015, 544.170, 545.473, 548.241, 556.036, 556.046, 558.011, 558.016, 558.019, 558.026, 558.046, 559.036, 559.115, 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, 590.040, 590.080, 595.201, 595.226, 600.042, 630.155, 632.305, 650.320, and 650.340, RSMo, and to enact in lieu thereof eighty-two new sections relating to public safety, with penalty provisions and an 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, 67.145, 70.631, 170.310,
2 190.091, 191.900, 191.905, 217.035, 217.541, 217.650, 217.670,
3 217.690, 217.703, 217.705, 217.710, 217.718, 217.720, 217.730,
4 217.785, 217.810, 304.022, 455.073, 455.075, 455.085, 491.015,
5 544.170, 545.473, 548.241, 556.036, 556.046, 558.011, 558.016,
6 558.019, 558.026, 558.046, 559.036, 559.115, 565.184, 566.010,
7 566.086, 566.149, 566.150, 566.151, 566.155, 567.030, 569.010,

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

8 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.095,
9 575.200, 575.205, 575.353, 578.007, 578.022, 590.040, 590.080,
10 595.201, 595.226, 600.042, 630.155, 632.305, 650.320, and
11 650.340, RSMo, are repealed and eighty-two new sections enacted
12 in lieu thereof, to be known as sections 43.650, 67.145, 70.631,
13 170.310, 190.091, 191.900, 191.905, 217.035, 217.541, 217.650,
14 217.670, 217.690, 217.705, 217.710, 217.718, 217.720, 217.730,
15 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946,
16 217.947, 304.022, 407.1700, 455.073, 455.075, 455.085, 491.015,
17 544.170, 544.453, 545.473, 546.262, 546.263, 548.241, 556.036,
18 556.046, 558.011, 558.016, 558.019, 558.026, 558.046, 559.036,
19 559.115, 565.184, 566.010, 566.086, 566.149, 566.150, 566.151,
20 566.155, 567.030, 569.010, 569.100, 570.010, 570.030, 570.036,
21 571.015, 571.031, 571.070, 575.010, 575.095, 575.200, 575.205,
22 575.353, 578.007, 578.022, 589.437, 589.564, 589.565, 590.040,
23 590.080, 595.201, 595.226, 595.320, 600.042, 630.155, 632.305,
24 650.320, and 650.340, to read as follows:

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

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

3. The registered sexual offender **and registered**
14 **violent offender** search shall include the capability to
15 search for sexual offenders by name, **by** zip code, and by

16 typing in an address and specifying a search within a
17 certain number of miles radius from that address. **The**
18 **search shall also have the capability to filter results by**
19 **sexual offenders or violent offenders.**

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

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

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

26 (3) A physical description of the offender;

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

30 (5) Any photographs of the offender;

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

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

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

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

44 (10) Any online identifiers, as defined in section
45 43.651, used by the person. Such online identifiers shall
46 not be included in the general profile of an offender on the
47 web page and shall only be available to a member of the

48 public by a search using the specific online identifier to
49 determine if a match exists with a registered offender.

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

67.145. 1. No political subdivision of this state
2 shall prohibit any first responder from engaging in any
3 political activity while off duty and not in uniform, being
4 a candidate for elected or appointed public office, or
5 holding such office unless such political activity or
6 candidacy is otherwise prohibited by state or federal law.

7 2. As used in this section, "first responder" means
8 any person trained and authorized by law or rule to render
9 emergency medical assistance or treatment. Such persons may
10 include, but shall not be limited to, emergency first
11 responders, **telecommunicator first responders**, police
12 officers, sheriffs, deputy sheriffs, firefighters, ambulance
13 attendants and attendant drivers, emergency medical
14 technicians, mobile emergency medical technicians, emergency
15 medical technician-paramedics, registered nurses, or
16 physicians.

70.631. 1. Each political subdivision may, by
2 majority vote of its governing body, elect to cover
3 **[emergency telecommunicators] telecommunicator first**
4 **responders**, jailors, and emergency medical service personnel
5 as public safety personnel members of the system. The clerk
6 or secretary of the political subdivision shall certify an
7 election concerning the coverage of **[emergency**
8 **telecommunicators] telecommunicator first responders**,

9 jailors, and emergency medical service personnel as public
10 safety personnel members of the system to the board within
11 ten days after such vote. The date in which the political
12 subdivision's election becomes effective shall be the first
13 day of the calendar month specified by such governing body,
14 the first day of the calendar month next following receipt
15 by the board of the certification of the election, or the
16 effective date of the political subdivision's becoming an
17 employer, whichever is the latest date. Such election shall
18 not be changed after the effective date. If the election is
19 made, the coverage provisions shall be applicable to all
20 past and future employment with the employer by present and
21 future employees. If a political subdivision makes no
22 election under this section, no [emergency] telecommunicator
23 **first responder**, jailor, or emergency medical service
24 personnel of the political subdivision shall be considered
25 public safety personnel for purposes determining a minimum
26 service retirement age as defined in section 70.600.

27 2. If an employer elects to cover [emergency
28 telecommunicators] **telecommunicator first responders**,
29 jailors, and emergency medical service personnel as public
30 safety personnel members of the system, the employer's
31 contributions shall be correspondingly changed effective the
32 same date as the effective date of the political
33 subdivision's election.

34 3. The limitation on increases in an employer's
35 contributions provided by subsection 6 of section 70.730
36 shall not apply to any contribution increase resulting from
37 an employer making an election under the provisions of this
38 section.

39 4. The provisions of this section shall only apply to
40 counties of the third classification and any county of the

41 first classification with more than seventy thousand but
42 fewer than eighty-three thousand inhabitants and with a city
43 of the fourth classification with more than thirteen
44 thousand five hundred but fewer than sixteen thousand
45 inhabitants as the county seat, and any political
46 subdivisions located, in whole or in part, within such
47 counties.

170.310. 1. For school year 2017-18 and each school
2 year thereafter, upon graduation from high school, pupils in
3 public schools and charter schools shall have received
4 thirty minutes of cardiopulmonary resuscitation instruction
5 and training in the proper performance of the Heimlich
6 maneuver or other first aid for choking given any time
7 during a pupil's four years of high school.

8 2. Beginning in school year 2017-18, any public school
9 or charter school serving grades nine through twelve shall
10 provide enrolled students instruction in cardiopulmonary
11 resuscitation. Students with disabilities may participate
12 to the extent appropriate as determined by the provisions of
13 the Individuals with Disabilities Education Act or Section
14 504 of the Rehabilitation Act. Instruction shall be included
15 in the district's existing health or physical education
16 curriculum. Instruction shall be based on a program
17 established by the American Heart Association or the
18 American Red Cross, or through a nationally recognized
19 program based on the most current national evidence-based
20 emergency cardiovascular care guidelines, and psychomotor
21 skills development shall be incorporated into the
22 instruction. For purposes of this section, "psychomotor
23 skills" means the use of hands-on practicing and skills
24 testing to support cognitive learning.

25 3. The teacher of the cardiopulmonary resuscitation
26 course or unit shall not be required to be a certified
27 trainer of cardiopulmonary resuscitation if the instruction
28 is not designed to result in certification of students.
29 Instruction that is designed to result in certification
30 being earned shall be required to be taught by an authorized
31 cardiopulmonary instructor. Schools may develop agreements
32 with any local chapter of a voluntary organization of first
33 responders to provide the required hands-on practice and
34 skills testing. **For purposes of this subsection, first**
35 **responders shall include telecommunicator first responders**
36 **as defined in section 650.320.**

37 4. The department of elementary and secondary
38 education may promulgate rules to implement this section.
39 Any rule or portion of a rule, as that term is defined in
40 section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of
43 chapter 536 and, if applicable, section 536.028. This
44 section and chapter 536 are nonseverable and if any of the
45 powers vested with the general assembly pursuant to chapter
46 536 to review, to delay the effective date, or to disapprove
47 and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2012, shall be invalid and void.

190.091. 1. As used in this section, the following
2 terms mean:

3 (1) "Bioterrorism", the intentional use of any
4 microorganism, virus, infectious substance, or biological
5 product that may be engineered as a result of biotechnology
6 or any naturally occurring or bioengineered component of any
7 microorganism, virus, infectious substance, or biological

8 product to cause death, disease, or other biological
9 malfunction in a human, an animal, a plant, or any other
10 living organism to influence the conduct of government or to
11 intimidate or coerce a civilian population;

12 (2) "Department", the Missouri department of health
13 and senior services;

14 (3) "Director", the director of the department of
15 health and senior services;

16 (4) "Disaster locations", any geographical location
17 where a bioterrorism attack, terrorist attack, catastrophic
18 or natural disaster, or emergency occurs;

19 (5) "First responders", state and local law
20 enforcement personnel, **telecommunicator first responders**,
21 fire department personnel, and emergency medical personnel
22 who will be deployed to bioterrorism attacks, terrorist
23 attacks, catastrophic or natural disasters, and emergencies.

24 2. The department shall offer a vaccination program
25 for first responders who may be exposed to infectious
26 diseases when deployed to disaster locations as a result of
27 a bioterrorism event or a suspected bioterrorism event. The
28 vaccinations shall include, but are not limited to,
29 smallpox, anthrax, and other vaccinations when recommended
30 by the federal Centers for Disease Control and Prevention's
31 Advisory Committee on Immunization Practices.

32 3. Participation in the vaccination program shall be
33 voluntary by the first responders, except for first
34 responders who, as determined by their employer, cannot
35 safely perform emergency responsibilities when responding to
36 a bioterrorism event or suspected bioterrorism event without
37 being vaccinated. The recommendations of the Centers for
38 Disease Control and Prevention's Advisory Committee on
39 Immunization Practices shall be followed when providing

40 appropriate screening for contraindications to vaccination
41 for first responders. A first responder shall be exempt
42 from vaccinations when a written statement from a licensed
43 physician is presented to their employer indicating that a
44 vaccine is medically contraindicated for such person.

45 4. If a shortage of the vaccines referred to in
46 subsection 2 of this section exists following a bioterrorism
47 event or suspected bioterrorism event, the director, in
48 consultation with the governor and the federal Centers for
49 Disease Control and Prevention, shall give priority for such
50 vaccinations to persons exposed to the disease and to first
51 responders who are deployed to the disaster location.

52 5. The department shall notify first responders
53 concerning the availability of the vaccination program
54 described in subsection 2 of this section and shall provide
55 education to such first responders and their employers
56 concerning the vaccinations offered and the associated
57 diseases.

58 6. The department may contract for the administration
59 of the vaccination program described in subsection 2 of this
60 section with health care providers, including but not
61 limited to local public health agencies, hospitals,
62 federally qualified health centers, and physicians.

63 7. The provisions of this section shall become
64 effective upon receipt of federal funding or federal grants
65 which designate that the funding is required to implement
66 vaccinations for first responders in accordance with the
67 recommendations of the federal Centers for Disease Control
68 and Prevention's Advisory Committee on Immunization
69 Practices. Upon receipt of such funding, the department
70 shall make available the vaccines to first responders as
71 provided in this section.

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,

32 purporting to deliver, or arranging for the delivery of any
33 health care;

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

36 (a) Has actual knowledge of the information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 7. A person who violates subsections 1 to 3 of this
53 section is guilty of a class D felony upon his or her first
54 conviction, and shall be guilty of a class B felony upon his
55 or her second and subsequent convictions. Any person who
56 has been convicted of such violations shall be referred to
57 the Office of Inspector General within the United States
58 Department of Health and Human Services. The person so
59 referred shall be subject to the penalties provided for
60 under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7.
61 A prior conviction shall be pleaded and proven as provided
62 by section 558.021. A person who violates subsection 6 of

63 this section shall be guilty of a class D felony, unless the
64 act involves no physical, sexual or emotional harm or injury
65 and the value of the property involved is less than five
66 hundred dollars, in which event a violation of subsection 6
67 of this section is a class A misdemeanor.

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

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

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

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

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

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

94 11. Any person convicted of a violation of this
95 section, in addition to any fines, penalties or sentences
96 imposed by law, shall be required to make restitution to the
97 federal and state governments, in an amount at least equal
98 to that unlawfully paid to or by the person, and shall be
99 required to reimburse the reasonable costs attributable to
100 the investigation and prosecution pursuant to sections
101 191.900 to 191.910. All of such restitution shall be paid
102 and deposited to the credit of the "MO HealthNet Fraud
103 Reimbursement Fund", which is hereby established in the
104 state treasury. Moneys in the MO HealthNet fraud
105 reimbursement fund shall be divided and appropriated to the
106 federal government and affected state agencies in order to
107 refund moneys falsely obtained from the federal and state
108 governments. All of such cost reimbursements attributable
109 to the investigation and prosecution shall be paid and
110 deposited to the credit of the "MO HealthNet Fraud
111 Prosecution Revolving Fund", which is hereby established in
112 the state treasury. Moneys in the MO HealthNet fraud
113 prosecution revolving fund may be appropriated to the
114 attorney general, or to any prosecuting or circuit attorney
115 who has successfully prosecuted an action for a violation of
116 sections 191.900 to 191.910 and been awarded such costs of
117 prosecution, in order to defray the costs of the attorney
118 general and any such prosecuting or circuit attorney in
119 connection with their duties provided by sections 191.900 to
120 191.910. No moneys shall be paid into the MO HealthNet
121 fraud protection revolving fund pursuant to this subsection
122 unless the attorney general or appropriate prosecuting or
123 circuit attorney shall have commenced a prosecution pursuant
124 to this section, and the court finds in its discretion that
125 payment of attorneys' fees and investigative costs is

126 appropriate under all the circumstances, and the attorney
127 general and prosecuting or circuit attorney shall prove to
128 the court those expenses which were reasonable and necessary
129 to the investigation and prosecution of such case, and the
130 court approves such expenses as being reasonable and
131 necessary. Any moneys remaining in the MO HealthNet fraud
132 reimbursement fund after division and appropriation to the
133 federal government and affected state agencies shall be used
134 to increase MO HealthNet provider reimbursement until it is
135 at least one hundred percent of the Medicare provider
136 reimbursement rate for comparable services. The provisions
137 of section 33.080 notwithstanding, moneys in the MO
138 HealthNet fraud prosecution revolving fund shall not lapse
139 at the end of the biennium.

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

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

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

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

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

169 14. The attorney general may bring a civil action
170 against any person who shall receive a health care payment
171 as a result of a false statement or false representation of
172 a material fact made or caused to be made by that person.
173 The person shall be liable for up to double the amount of
174 all payments received by that person based upon the false
175 statement or false representation of a material fact, and
176 the reasonable costs attributable to the prosecution of the
177 civil action. All such restitution shall be paid and
178 deposited to the credit of the MO HealthNet fraud
179 reimbursement fund, and all such cost reimbursements shall
180 be paid and deposited to the credit of the MO HealthNet
181 fraud prosecution revolving fund. No reimbursement of such
182 costs attributable to the prosecution of the civil action
183 shall be made or allowed except with the approval of the
184 court having jurisdiction of the civil action. No civil
185 action provided by this subsection shall be brought if
186 restitution and civil penalties provided by subsections 11
187 and 12 of this section have been previously ordered against
188 the person for the same cause of action.

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

 217.035. The director shall have the authority to:

2 (1) Establish, with approval of the governor, the
3 internal organization of the department and file the plan
4 thereof with the secretary of state in the manner in which
5 administrative rules are filed, the commissioner of
6 administration and the revisor of statutes;

7 (2) Exclusively prepare the budgets of the department
8 and each division within the department in the form and
9 manner set out by statute or by the commissioner of
10 administration;

11 (3) Designate by written order filed with the
12 governor, the president pro tem of the senate, and the
13 chairman of the joint committee on corrections, a deputy
14 director of the department to act for and exercise the
15 powers of the director during the director's absence for
16 official business, vacation, illness or incapacity. The
17 deputy director shall serve as acting director no longer
18 than six months; however, after the deputy director has
19 acted as director for longer than thirty days the deputy
20 director shall receive compensation equal to that of the
21 director;

22 (4) Procure, either through the division of purchasing
23 or by other means authorized by law, supplies, material,
24 equipment or contractual services for the department and
25 each of its divisions;

26 (5) Establish policy for the department and each of
27 its divisions;

28 (6) Designate any responsibilities, duties and powers
29 given by sections 217.010, [217.810,] 558.011 and 558.026 to
30 the department or the department director to any division or
31 division director.

 217.541. 1. The department shall by rule establish a
2 program of house arrest. The director or his or her
3 designee may extend the limits of confinement of offenders
4 serving sentences for class D or E felonies who have one
5 year or less remaining prior to release on parole[,
6 conditional release,] or discharge to participate in the
7 house arrest program.

 2. The offender referred to the house arrest program
9 shall remain in the custody of the department and shall be
10 subject to rules and regulations of the department
11 pertaining to offenders of the department until released on
12 parole [or conditional release] by the state parole board.

 3. The department shall require the offender to
14 participate in work or educational or vocational programs
15 and other activities that may be necessary to the
16 supervision and treatment of the offender.

 4. An offender released to house arrest shall be
18 authorized to leave his or her place of residence only for
19 the purpose and time necessary to participate in the program
20 and activities authorized in subsection 3 of this section.

 5. The division of probation and parole shall
22 supervise every offender released to the house arrest
23 program and shall verify compliance with the requirements of
24 this section and such other rules and regulations that the
25 department shall promulgate and may do so by remote
26 electronic surveillance. If any probation/parole officer
27 has probable cause to believe that an offender under house
28 arrest has violated a condition of the house arrest

29 agreement, the probation/parole officer may issue a warrant
30 for the arrest of the offender. The probation/parole
31 officer may effect the arrest or may deputize any officer
32 with the power of arrest to do so by giving the officer a
33 copy of the warrant which shall outline the circumstances of
34 the alleged violation. The warrant delivered with the
35 offender by the arresting officer to the official in charge
36 of any jail or other detention facility to which the
37 offender is brought shall be sufficient legal authority for
38 detaining the offender. An offender arrested under this
39 section shall remain in custody or incarcerated without
40 consideration of bail. The director or his or her designee,
41 upon recommendation of the probation and parole officer, may
42 direct the return of any offender from house arrest to a
43 correctional facility of the department for reclassification.

44 6. Each offender who is released to house arrest shall
45 pay a percentage of his or her wages, established by
46 department rules, to a maximum of the per capita cost of the
47 house arrest program. The money received from the offender
48 shall be deposited in the inmate fund and shall be expended
49 to support the house arrest program.

217.650. As used in sections 217.650 to [217.810]
2 **217.805**, unless the context clearly indicates otherwise, the
3 following terms mean:

4 (1) "Chairperson", chairperson of the parole board who
5 shall be appointed by the governor;

6 (2) "Diversionary program", a program designed to
7 utilize alternatives to incarceration undertaken under the
8 supervision of the division of probation and parole after
9 commitment of an offense and prior to arraignment;

10 (3) "Parole", the release of an offender to the
11 community by the court or the state parole board prior to

12 the expiration of his term, subject to conditions imposed by
13 the court or the parole board and to its supervision by the
14 division of probation and parole;

15 (4) "Parole board", the state board of parole;

16 (5) "Prerelease program", a program relating to an
17 offender's preparation for, or orientation to, supervision
18 by the division of probation and parole immediately prior to
19 or immediately after assignment of the offender to the
20 division of probation and parole for supervision;

21 (6) "Pretrial program", a program relating to the
22 investigation or supervision of persons referred or assigned
23 to the division of probation and parole prior to their
24 conviction;

25 (7) "Probation", a procedure under which a defendant
26 found guilty of a crime upon verdict or plea is released by
27 the court without imprisonment, subject to conditions
28 imposed by the court and subject to the supervision of the
29 division of probation and parole;

30 (8) "Recognizance program", a program relating to the
31 release of an individual from detention who is under arrest
32 for an offense for which he or she may be released as
33 provided in section 544.455.

217.670. 1. The board shall adopt an official seal of
2 which the courts shall take official notice.

3 2. Decisions of the board regarding granting of
4 paroles, extensions of a conditional release date or
5 revocations of a parole or conditional release shall be by a
6 majority vote of the hearing panel members. The hearing
7 panel shall consist of one member of the board and two
8 hearing officers appointed by the board. A member of the
9 board may remove the case from the jurisdiction of the
10 hearing panel and refer it to the full board for a

11 decision. Within thirty days of entry of the decision of
12 the hearing panel to deny parole or to revoke a parole or
13 conditional release, the offender may appeal the decision of
14 the hearing panel to the board. The board shall consider
15 the appeal within thirty days of receipt of the appeal. The
16 decision of the board shall be by majority vote of the board
17 members and shall be final.

18 3. The orders of the board shall not be reviewable
19 except as to compliance with the terms of sections 217.650
20 to [217.810] **217.805** or any rules promulgated pursuant to
21 such section.

22 4. The board shall keep a record of its acts and shall
23 notify each correctional center of its decisions relating to
24 persons who are or have been confined in such correctional
25 center.

26 5. Notwithstanding any other provision of law, any
27 meeting, record, or vote, of proceedings involving
28 probation, parole, or pardon, may be a closed meeting,
29 closed record, or closed vote.

30 6. Notwithstanding any other provision of law, when
31 the appearance or presence of an offender before the board
32 or a hearing panel is required for the purpose of deciding
33 whether to grant conditional release or parole, extend the
34 date of conditional release, revoke parole or conditional
35 release, or for any other purpose, such appearance or
36 presence may occur by means of a videoconference at the
37 discretion of the board. Victims having a right to attend
38 parole hearings may testify either at the site where the
39 board is conducting the videoconference or at the
40 institution where the offender is located. The use of
41 videoconferencing in this section shall be at the discretion

42 of the board, and shall not be utilized if either the victim
43 or the victim's family objects to it.

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
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.

217.705. 1. The director of the division of probation
2 and parole shall appoint probation and parole officers and
3 institutional parole officers as deemed necessary to carry
4 out the purposes of the board.

5 2. Probation and parole officers shall investigate all
6 persons referred to them for investigation by the board or
7 by any court as provided by sections 217.750 and 217.760.
8 They shall furnish to each offender released under their
9 supervision a written statement of the conditions of
10 probation[,] or parole [or conditional release] and shall
11 instruct the offender regarding these conditions. They
12 shall keep informed of the offender's conduct and condition
13 and use all suitable methods to aid and encourage the
14 offender to bring about improvement in the offender's
15 conduct and conditions.

16 3. The probation and parole officer may recommend and,
17 by order duly entered, the court may impose and may at any
18 time modify any conditions of probation. The court shall
19 cause a copy of any such order to be delivered to the
20 probation and parole officer and the offender.

21 4. Probation and parole officers shall keep detailed
22 records of their work and shall make such reports in writing
23 and perform such other duties as may be incidental to those
24 enumerated that the board may require. In the event a
25 parolee is transferred to another probation and parole
26 officer, the written record of the former probation and
27 parole officer shall be given to the new probation and
28 parole officer.

29 5. Institutional parole officers shall investigate all
30 offenders referred to them for investigation by the board
31 and shall provide the board such other reports the board may
32 require. They shall furnish the offender prior to release

33 on parole [or conditional release] a written statement of
34 the conditions of parole [or conditional release] and shall
35 instruct the offender regarding these conditions.

36 6. The department shall furnish probation and parole
37 officers and institutional parole officers, including
38 supervisors, with credentials and a special badge which such
39 officers and supervisors shall carry on their person at all
40 times while on duty.

217.710. 1. Probation and parole officers,
2 supervisors and members of the parole board, who are
3 certified pursuant to the requirements of subsection 2 of
4 this section shall have the authority to carry their
5 firearms at all times. The department of corrections shall
6 promulgate policies and operating regulations which govern
7 the use of firearms by probation and parole officers,
8 supervisors and members of the parole board when carrying
9 out the provisions of sections 217.650 to [217.810]
10 **217.805.** Mere possession of a firearm shall not constitute
11 an employment activity for the purpose of calculating
12 compensatory time or overtime.

13 2. The department shall determine the content of the
14 required firearms safety training and provide firearms
15 certification and recertification training for probation and
16 parole officers, supervisors and members of the parole
17 board. A minimum of sixteen hours of firearms safety
18 training shall be required. In no event shall firearms
19 certification or recertification training for probation and
20 parole officers and supervisors exceed the training required
21 for officers of the state highway patrol.

22 3. The department shall determine the type of firearm
23 to be carried by the officers, supervisors and members of
24 the parole board.

25 4. Any officer, supervisor or member of the parole
26 board that chooses to carry a firearm in the performance of
27 such officer's, supervisor's or member's duties shall
28 purchase the firearm and holster.

29 5. The department shall furnish such ammunition as is
30 necessary for the performance of the officer's, supervisor's
31 and member's duties.

32 6. Any rule or portion of a rule, as that term is
33 defined in section 536.010, that is promulgated under the
34 authority of this chapter, shall become effective only if
35 the agency has fully complied with all of the requirements
36 of chapter 536 including but not limited to, section
37 536.028, if applicable, after August 28, 1998. All
38 rulemaking authority delegated prior to August 28, 1998, is
39 of no force and effect and repealed as of August 28, 1998,
40 however nothing in section 571.030 or this section shall be
41 interpreted to repeal or affect the validity of any rule
42 adopted and promulgated prior to August 28, 1998. If the
43 provisions of section 536.028 apply, the provisions of this
44 section are nonseverable and if any of the powers vested
45 with the general assembly pursuant to section 536.028 to
46 review, to delay the effective date, or to disapprove and
47 annul a rule or portion of a rule are held unconstitutional
48 or invalid, the purported grant of rulemaking authority and
49 any rule so proposed and contained in the order of
50 rulemaking shall be invalid and void, except that nothing in
51 section 571.030 or this section shall affect the validity of
52 any rule adopted and promulgated prior to August 28, 1998.

 217.718. 1. As an alternative to the revocation
2 proceedings provided under sections 217.720, 217.722, and
3 559.036, and if the court has not otherwise required
4 detention to be a condition of probation under section

5 559.026, a probation or parole officer may order an offender
6 to submit to a period of detention in the county jail, or
7 other appropriate institution, upon a determination by a
8 probation or parole officer that the offender has violated a
9 condition of continued probation or parole.

10 2. The period of detention may not exceed forty-eight
11 hours the first time it is imposed against an offender
12 during a term of probation or parole. Subsequent periods
13 may exceed forty-eight hours, but the total number of hours
14 an offender spends in detention under this section shall not
15 exceed three hundred sixty in any calendar year.

16 3. The officer shall present the offender with a
17 written report detailing in what manner the offender has
18 violated the conditions of parole, probation, or conditional
19 release and advise the offender of the right to a hearing
20 before the court or board prior to the period of detention.
21 The division shall file a copy of the violation report with
22 the sentencing court or board after the imposition of the
23 period of detention and within a reasonable period of time
24 that is consistent with existing division procedures.

25 4. Any offender detained under this section in a
26 county of the first class or second class or in any city
27 with a population of five hundred thousand or more and
28 detained as herein provided shall be subject to all the
29 provisions of section 221.170, even though the offender was
30 not convicted and sentenced to a jail or workhouse.

31 5. If parole[,] or probation[, or conditional release]
32 is revoked and a term of imprisonment is served by reason
33 thereof, the time spent in a jail, halfway house, honor
34 center, workhouse, or other institution as a detention
35 condition of parole[,] or probation[, or conditional
36 release] shall be credited against the prison or jail term

37 served for the offense in connection with which the
38 detention was imposed.

39 6. The division shall reimburse the county jail or
40 other institution for the costs of detention under this
41 section at a rate determined by the department of
42 corrections, which shall be at least thirty dollars per day
43 per offender and subject to appropriation of funds by the
44 general assembly. Prior to ordering the offender to submit
45 to the period of detention under subsection 1 of this
46 section, the probation and parole officer shall certify to
47 the county jail or institution that the division has
48 sufficient funds to provide reimbursement for the costs of
49 the period of detention. A jail or other institution may
50 refuse to detain an offender under this section if funds are
51 not available to provide reimbursement or if there is
52 inadequate space in the facility for the offender.

53 7. Upon successful completion of the period of
54 detention under this section, the court or board may not
55 revoke the term of parole[,] or probation[, or conditional
56 release] or impose additional periods of detention for the
57 same incident unless new or additional information is
58 discovered that was unknown to the division when the period
59 of detention was imposed and indicates that the offender was
60 involved in the commission of a crime. If the offender
61 fails to complete the period of detention or new or
62 additional information is discovered that the incident
63 involved a crime, the offender may be arrested under
64 sections 217.720 and 217.722.

217.720. 1. At any time during release on parole or
2 conditional release the division of probation and parole may
3 issue a warrant for the arrest of a released offender for
4 violation of any of the conditions of parole or conditional

5 release. The warrant shall authorize any law enforcement
6 officer to return the offender to the actual custody of the
7 correctional center from which the offender was released, or
8 to any other suitable facility designated by the division.
9 If any parole or probation officer has probable cause to
10 believe that such offender has violated a condition of
11 parole or conditional release, the probation or parole
12 officer may issue a warrant for the arrest of the offender.
13 The probation or parole officer may effect the arrest or may
14 deputize any officer with the power of arrest to do so by
15 giving the officer a copy of the warrant which shall outline
16 the circumstances of the alleged violation and contain the
17 statement that the offender has, in the judgment of the
18 probation or parole officer, violated conditions of parole
19 or conditional release. The warrant delivered with the
20 offender by the arresting officer to the official in charge
21 of any facility designated by the division to which the
22 offender is brought shall be sufficient legal authority for
23 detaining the offender. After the arrest the parole or
24 probation officer shall present to the detaining authorities
25 a similar statement of the circumstances of violation.
26 Pending hearing as hereinafter provided, upon any charge of
27 violation, the offender shall remain in custody or
28 incarcerated without consideration of bail.

29 2. If the offender is arrested under the authority
30 granted in subsection 1 of this section, the offender shall
31 have the right to a preliminary hearing on the violation
32 charged unless the offender waives such hearing. Upon such
33 arrest and detention, the parole or probation officer shall
34 immediately notify the board and shall submit in writing a
35 report showing in what manner the offender has violated the
36 conditions of his parole or conditional release. The board

37 shall order the offender discharged from such facility,
38 require as a condition of parole or conditional release the
39 placement of the offender in a treatment center operated by
40 the department of corrections, or shall cause the offender
41 to be brought before it for a hearing on the violation
42 charged, under such rules and regulations as the board may
43 adopt. If the violation is established and found, the board
44 may continue or revoke the parole or conditional release, or
45 enter such other order as it may see fit. If no violation
46 is established and found, then the parole or conditional
47 release shall continue. If at any time during release on
48 parole or conditional release the offender is arrested for a
49 crime which later leads to conviction, and sentence is then
50 served outside the Missouri department of corrections, the
51 board shall determine what part, if any, of the time from
52 the date of arrest until completion of the sentence imposed
53 is counted as time served under the sentence from which the
54 offender was paroled or conditionally released.

55 3. An offender for whose return a warrant has been
56 issued by the division shall, if it is found that the
57 warrant cannot be served, be deemed to be a fugitive from
58 justice or to have fled from justice. If it shall appear
59 that the offender has violated the provisions and conditions
60 of his parole or conditional release, the board shall
61 determine whether the time from the issuing date of the
62 warrant to the date of his arrest on the warrant, or
63 continuance on parole or conditional release shall be
64 counted as time served under the sentence. In all other
65 cases, time served on parole or conditional release shall be
66 counted as time served under the sentence.

67 4. At any time during parole or probation, the
68 division may issue a warrant for the arrest of any person

69 from another jurisdiction[, the visitation and supervision
70 of whom the division has undertaken pursuant to the
71 provisions of the interstate compact for the supervision of
72 parolees and probationers authorized in section 217.810,]
73 for violation of any of the conditions of release[,] or a
74 notice to appear to answer a charge of violation. The
75 notice shall be served personally upon the person. The
76 warrant shall authorize any law enforcement officer to
77 return the offender to any suitable detention facility
78 designated by the division. Any parole or probation officer
79 may arrest such person without a warrant, or may deputize
80 any other officer with power of arrest to do so by issuing a
81 written statement setting forth that the defendant has, in
82 the judgment of the parole or probation officer, violated
83 the conditions of his release. The written statement
84 delivered with the person by the arresting officer to the
85 official in charge of the detention facility to which the
86 person is brought shall be sufficient legal authority for
87 detaining him. After making an arrest the parole or
88 probation officer shall present to the detaining authorities
89 a similar statement of the circumstances of violation.

217.730. 1. The period served on parole, except for
2 judicial parole granted or revoked pursuant to section
3 559.100, shall be deemed service of the term of imprisonment
4 and, subject to the provisions of section 217.720 relating
5 to an offender who is or has been a fugitive from justice,
6 the total time served may not exceed the maximum term or
7 sentence.

8 2. When an offender on parole [or conditional
9 release], before the expiration of the term for which the
10 offender was sentenced, has performed the obligation of his
11 parole for such time as satisfies the board that his final

12 release is not incompatible with the best interest of
13 society and the welfare of the individual, the board may
14 make a final order of discharge and issue a certificate of
15 discharge to the offender. No such order of discharge shall
16 be made in any case less than three years after the date on
17 which the offender was paroled [or conditionally released]
18 except where the sentence expires earlier.

19 3. Upon final discharge, persons shall be informed in
20 writing on the process and procedure to register to vote.

21 **217.940. 1. This act establishes the "Correctional**
22 **Center Nursery Program". The department of corrections**
23 **shall, subject to appropriations, establish a correctional**
24 **center nursery in one or more of the correctional centers**
25 **for women operated by the department, no later than July 1,**
26 **2025. The purpose of the correctional center nursery**
27 **program is for bonding and unification between the mother**
28 **and child. The program shall allow eligible inmates and**
29 **children born from them while in the custody of the**
30 **department to reside together in the institution for up to**
31 **eighteen months post-delivery. In establishing this**
32 **program, neither the inmate's participation in the program**
33 **nor any provision of sections 217.940 to 217.947 shall**
34 **affect, modify, or interfere with the inmate's custodial**
35 **rights to the child nor does it establish legal custody of**
36 **the child with the department.**

17 2. As used in sections 217.940 to 217.947, the
18 following terms shall mean:

19 (1) "Correctional center nursery program", the program
20 authorized by sections 217.940 to 217.947;

21 (2) "Department", the department of corrections;

22 (3) "Public assistance", all forms of assistance,
23 including monetary assistance from any public source paid

24 either to the mother or child or any other person on behalf
25 of the child;

26 (4) "Support", the payment of money, including
27 interest:

28 (a) For a child or spouse ordered by a court of
29 competent jurisdiction, whether the payment is ordered in an
30 emergency, temporary, permanent, or modified order, the
31 amount of unpaid support shall bear simple interest from the
32 date it accrued, at a rate of ten dollars upon one hundred
33 dollars per annum, and proportionately for a greater or
34 lesser sum, or for a longer or shorter time;

35 (b) To third parties on behalf of a child or spouse,
36 including, but not limited to, payments to medical, dental
37 or educational providers, payments to insurers for health
38 and hospitalization insurance, payments of residential rent
39 or mortgage payments, payments on an automobile, or payments
40 for day care; or

41 (c) For a mother, ordered by a court of competent
42 jurisdiction, for the necessary expenses incurred by or for
43 the mother in connection with her confinement or of other
44 expenses in connection with the pregnancy of the mother.

217.941. 1. An inmate is eligible to participate in
2 the correctional center nursery program if:

3 (1) She delivers the child while in the custody of the
4 department;

5 (2) She is expected to give birth or gives birth on or
6 after the date the program is implemented;

7 (3) She has a presumptive release date established by
8 the parole board of eighteen months or less from the date
9 she applies to participate in the program;

10 (4) She has not pled guilty to or been convicted of a
11 dangerous felony as defined in section 556.061;

12 (5) She has not pled guilty to or been convicted of
13 any sexual offense contained in chapter 566 where the victim
14 of the crime was a minor;

15 (6) She has not pled guilty to or been convicted of an
16 offense against the family contained in chapter 568,
17 excluding criminal nonsupport; and

18 (7) She and the child meet any other criteria
19 established by the department.

20 2. Placement into the program shall be by internal
21 classification of the department. A sentencing court is
22 without jurisdiction to order a placement of an inmate into
23 the program.

24 3. Program capacity shall be determined by the
25 department.

26 4. Upon first release of the mother and child, the
27 child shall not be eligible to return to the program if the
28 mother is revoked or receives a new assignment to the
29 department of corrections.

217.942. 1. To participate in the correctional center
2 nursery program, each eligible inmate selected by the
3 department shall agree in writing to:

4 (1) Comply with all department policies, procedures
5 and other requirements related to the corrections nursery
6 program and rules that apply to all incarcerated offenders
7 generally;

8 (2) If eligible, have the child participate in the
9 state children's health insurance program under sections
10 208.631 to 208.658;

11 (3) Abide by any court decisions regarding the
12 allocation of parental rights and responsibilities with
13 respect to the child; and

14 (4) Specify with whom the child is to be placed in the
15 event the inmate's participation in the program is
16 terminated for a reason other than release from imprisonment.

17 2. The department shall be required to establish
18 policy for the operation of the program.

 217.943. An inmate's participation in the correctional
2 center nursery program may be terminated by the department
3 if one of the following occurs:

4 (1) The inmate fails to comply with the agreement
5 entered into under section 217.942;

6 (2) The inmate violates an institutional rule that
7 results in alternative housing placement outside of the area
8 designated for the program;

9 (3) The inmate's child becomes seriously ill, cannot
10 receive the necessary medical care, or otherwise cannot
11 safely participate in the program;

12 (4) A court of competent jurisdiction grants custody
13 of the child to a person other than the inmate;

14 (5) A court of competent jurisdiction issues an order
15 regarding the child granting temporary, permanent, or legal
16 custody of the child to a person other than the inmate, or
17 to a public children services agency or private child
18 placing agency; or

19 (6) The inmate is released from imprisonment.

 217.944. 1. The division of child support enforcement
2 shall collect support payments made pursuant to the
3 assignment and forward them to the department for deposit
4 into the inmate's inmate banking account.

5 2. The department may accept monetary and property
6 donations on behalf of the program.

7 3. All donations accepted by the department for the
8 correctional center nursery program shall be used solely for

9 any expenses relating to the operation and maintenance of
10 the program.

11 4. No donations of property shall be made on behalf of
12 one particular inmate or child to be used while incarcerated.

13 5. Financial donations, public assistance, or support
14 for a specific inmate or child shall be made through the
15 inmate banking system.

217.945. 1. There is hereby created in the state
2 treasury the "Correctional Center Nursery Program Fund",
3 which shall consist of money collected under this section
4 and section 217.944 as well as any appropriations made by
5 the general assembly. The department shall obtain
6 sufficient resources to initiate and maintain the program
7 and may accept gifts, grants, and donations of any kind.
8 The state treasurer shall be custodian of the fund. In
9 accordance with sections 30.170 and 30.180, the state
10 treasurer may approve disbursements. The fund shall be a
11 dedicated fund and money in the fund shall be used solely by
12 the department for the purposes of operating and maintaining
13 sections 217.940 to 217.947.

14 2. Notwithstanding the provisions of section 33.080 to
15 the contrary, any moneys remaining in the fund at the end of
16 the biennium shall not revert to the credit of the general
17 revenue fund.

18 3. The state treasurer shall invest moneys in the fund
19 in the same manner as other funds are invested. Any interest
20 and moneys earned on such investments shall be credited to
21 the fund.

217.946. Notwithstanding any other provision of law to
2 the contrary, neither the correctional center nursery
3 program nor the department, with respect to the program, is
4 subject to any regulation, licensing or oversight by the

5 department of health and senior services, department of
6 social services, children's division, juvenile officer of
7 any jurisdiction or the office of childhood unless the
8 department voluntarily agrees to services, regulation,
9 licensing, or oversight from any of the aforementioned
10 entities.

217.947. The operation of a correctional center
2 nursery program established under sections 217.940 to
3 217.947 and the presence of children of inmates
4 participating in the correctional center nursery program
5 shall not be considered a dangerous condition that would
6 result in a waiver of sovereign immunity under section
7 537.600. The sovereign immunity provisions under section
8 537.600 and any other statute regarding the sovereign
9 immunity of the state or public entities in existence as of
10 August 28, 2022, shall remain in effect and shall be applied
11 in the same manner as such provisions were applied prior to
12 the establishment of the correctional center nursery program
13 under sections 217.940 to 217.947.

304.022. 1. Upon the immediate approach of an
2 emergency vehicle giving audible signal by siren or while
3 having at least one lighted lamp exhibiting red light
4 visible under normal atmospheric conditions from a distance
5 of five hundred feet to the front of such vehicle or a
6 flashing blue light authorized by section 307.175, the
7 driver of every other vehicle shall yield the right-of-way
8 and shall immediately drive to a position parallel to, and
9 as far as possible to the right of, the traveled portion of
10 the highway and thereupon stop and remain in such position
11 until such emergency vehicle has passed, except when
12 otherwise directed by a police or traffic officer.

13 2. Upon approaching a stationary vehicle displaying
14 lighted red or red and blue lights, or a stationary vehicle
15 displaying lighted amber or amber and white lights, the
16 driver of every motor vehicle shall:

17 (1) Proceed with caution and yield the right-of-way,
18 if possible with due regard to safety and traffic
19 conditions, by making a lane change into a lane not adjacent
20 to that of the stationary vehicle, if on a roadway having at
21 least four lanes with not less than two lanes proceeding in
22 the same direction as the approaching vehicle; or

23 (2) Proceed with due caution and reduce the speed of
24 the vehicle, maintaining a safe speed for road conditions,
25 if changing lanes would be unsafe or impossible.

26 3. The motorman of every streetcar shall immediately
27 stop such car clear of any intersection and keep it in such
28 position until the emergency vehicle has passed, except as
29 otherwise directed by a police or traffic officer.

30 4. An "emergency vehicle" is a vehicle of any of the
31 following types:

32 (1) A vehicle operated by the state highway patrol,
33 the state water patrol, the Missouri capitol police, a
34 conservation agent, or a state, **county, or municipal** park
35 ranger, those vehicles operated by enforcement personnel of
36 the state highways and transportation commission, police or
37 fire department, sheriff, constable or deputy sheriff,
38 federal law enforcement officer authorized to carry firearms
39 and to make arrests for violations of the laws of the United
40 States, traffic officer, coroner, medical examiner, or
41 forensic investigator of the county medical examiner's
42 office, or by a privately owned emergency vehicle company;

43 (2) A vehicle operated as an ambulance or operated
44 commercially for the purpose of transporting emergency
45 medical supplies or organs;

46 (3) Any vehicle qualifying as an emergency vehicle
47 pursuant to section 307.175;

48 (4) Any wrecker, or tow truck or a vehicle owned and
49 operated by a public utility or public service corporation
50 while performing emergency service;

51 (5) Any vehicle transporting equipment designed to
52 extricate human beings from the wreckage of a motor vehicle;

53 (6) Any vehicle designated to perform emergency
54 functions for a civil defense or emergency management agency
55 established pursuant to the provisions of chapter 44;

56 (7) Any vehicle operated by an authorized employee of
57 the department of corrections who, as part of the employee's
58 official duties, is responding to a riot, disturbance,
59 hostage incident, escape or other critical situation where
60 there is the threat of serious physical injury or death,
61 responding to mutual aid call from another criminal justice
62 agency, or in accompanying an ambulance which is
63 transporting an offender to a medical facility;

64 (8) Any vehicle designated to perform hazardous
65 substance emergency functions established pursuant to the
66 provisions of sections 260.500 to 260.550;

67 (9) Any vehicle owned by the state highways and
68 transportation commission and operated by an authorized
69 employee of the department of transportation that is marked
70 as a department of transportation emergency response or
71 motorist assistance vehicle; or

72 (10) Any vehicle owned and operated by the civil
73 support team of the Missouri National Guard while in
74 response to or during operations involving chemical,

75 biological, or radioactive materials or in support of
76 official requests from the state of Missouri involving
77 unknown substances, hazardous materials, or as may be
78 requested by the appropriate state agency acting on behalf
79 of the governor.

80 5. (1) The driver of any vehicle referred to in
81 subsection 4 of this section shall not sound the siren
82 thereon or have the front red lights or blue lights on
83 except when such vehicle is responding to an emergency call
84 or when in pursuit of an actual or suspected law violator,
85 or when responding to, but not upon returning from, a fire.

86 (2) The driver of an emergency vehicle may:

87 (a) Park or stand irrespective of the provisions of
88 sections 304.014 to 304.025;

89 (b) Proceed past a red or stop signal or stop sign,
90 but only after slowing down as may be necessary for safe
91 operation;

92 (c) Exceed the prima facie speed limit so long as the
93 driver does not endanger life or property;

94 (d) Disregard regulations governing direction of
95 movement or turning in specified directions.

96 (3) The exemptions granted to an emergency vehicle
97 pursuant to subdivision (2) of this subsection shall apply
98 only when the driver of any such vehicle while in motion
99 sounds audible signal by bell, siren, or exhaust whistle as
100 may be reasonably necessary, and when the vehicle is
101 equipped with at least one lighted lamp displaying a red
102 light or blue light visible under normal atmospheric
103 conditions from a distance of five hundred feet to the front
104 of such vehicle.

105 6. No person shall purchase an emergency light as
106 described in this section without furnishing the seller of

107 such light an affidavit stating that the light will be used
108 exclusively for emergency vehicle purposes.

109 7. Violation of this section shall be deemed a class A
110 misdemeanor.

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

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

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

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

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

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

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

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

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

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

42 (b) Is a business entity that has:

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

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

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

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

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

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

70 (a) To the online marketplace; or

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

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

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

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

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

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

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

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

94 3. An online marketplace shall:

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

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

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

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

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

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

120 5. (1) An online marketplace shall:

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

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

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

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

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

143 6. (1) An online marketplace shall:

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

150 (b) Disclose the information described in subdivision
151 (2) of this subsection to consumers in a clear and
152 conspicuous manner in the order confirmation message or

153 other document or communication made to a consumer after a
154 purchase is finalized and in the consumer's account
155 transaction history.

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

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

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

162 b. The physical address of the seller; and

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

166 (i) A current working phone number;

167 (ii) A current working email address; or

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

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

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

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

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

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

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

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

207 (4) If an online marketplace becomes aware that a high-
208 volume third-party seller has made a false representation to
209 the online marketplace in order to justify the provision of
210 a partial disclosure under subdivision (1) of this
211 subsection or that a high-volume third-party seller who has
212 requested and received a provision for a partial disclosure
213 under subdivision (1) of this subsection has not provided
214 responsive answers within a reasonable time frame to
215 consumer inquiries submitted to the seller by phone, email,
216 or other means of electronic messaging provided to such

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

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

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

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

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

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

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

- 265 (1) Enjoin further such violation by the defendant;
266 (2) Enforce compliance with this section or such rule
267 or regulation;
268 (3) Obtain civil penalties in the amount provided for
269 under subsection 6 of this section;
270 (4) Obtain other remedies permitted under state law;
271 and
272 (5) Obtain damages, restitution, or other compensation
273 on behalf of residents of this state.

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

- 3 (1) Develop and adopt uniform forms for petitions and
4 orders of protection; and
5 (2) Provide the forms to each circuit clerk.

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

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

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

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

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

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

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

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

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

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

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

38 significant, rather than the first, aggressor. The law
39 enforcement officer shall consider any or all of the
40 following in determining the primary physical aggressor:

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

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

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

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

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

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

67 6. The same procedures, including those designed to
68 protect constitutional rights, shall be applied to the

69 respondent as those applied to any individual detained in
70 police custody.

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

93 8. A violation of the terms and conditions, with
94 regard to domestic violence, stalking, sexual assault, child
95 custody, communication initiated by the respondent or
96 entrance upon the premises of the petitioner's dwelling unit
97 or place of employment or school, or being within a certain
98 distance of the petitioner or a child of the petitioner, of
99 a full order of protection shall be a class A misdemeanor,
100 unless the respondent has previously pleaded guilty to or

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

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

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

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

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

491.015. 1. In prosecutions under chapter 566 or
2 prosecutions related to sexual conduct under chapter 568,

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

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

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

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

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

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

31 3. If the defendant proposes to offer evidence of the
32 sexual conduct, **acts, or practices** of [the complaining] **a**
33 **victim or** witness under this section, he **or she** shall file
34 with the court a written motion accompanied by an offer of

35 proof or make an offer of proof on the record outside the
36 hearing of the jury. The court shall hold an in camera
37 hearing to determine the sufficiency of the offer of proof
38 and may at that hearing hear evidence if the court deems it
39 necessary to determine the sufficiency of the offer of
40 proof. If the court finds any of the evidence offered
41 admissible under this section the court shall make an order
42 stating the scope of the evidence which may be introduced.
43 Objections to any decision of the court under this section
44 may be made by either the prosecution or the defendant in
45 the manner provided by law. The in camera hearing shall be
46 recorded and the court shall set forth its reasons for its
47 ruling. The record of the in camera hearing shall be sealed
48 for delivery to the parties and to the appellate court in
49 the event of an appeal or other post trial proceeding.

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

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

14 3. Any person who violates the provisions of this
15 section, by refusing to release any person who is entitled
16 to release pursuant to this section, or by refusing to
17 permit a confinee to consult with counsel or other persons,

18 or who transfers any such confinees to the custody or
19 control of another, or to another place, or who falsely
20 charges such person, with intent to avoid the provisions of
21 this section, is guilty of a class A misdemeanor.

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

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

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

9 (2) A defendant is a flight risk;

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

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

545.473. 1. Notwithstanding Missouri supreme court
2 rule 32.03, a defendant with a case filed in a county [with

3 department of corrections centers with a total average
4 yearly offender population in excess of two thousand
5 persons] **having seventy-five thousand or fewer inhabitants**
6 shall follow the procedure listed in subsections 2 to 5 of
7 this section in order to obtain a change of venue for
8 misdemeanors or felonies.

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

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

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

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

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

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

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

35 change of venue shall be ordered to some other county
36 convenient to the parties and where the reason or reasons do
37 not exist.

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

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

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

548.241. 1. All necessary and proper expenses
2 accruing under section 548.221, upon being ascertained to
3 the satisfaction of the governor, shall be allowed on his
4 certificate and paid out of the state treasury as other
5 demands against the state.

6 2. All necessary and proper expenses accruing as a
7 result of a person being returned to this state pursuant to
8 the provisions of section 548.243 [or 217.810] shall be
9 allowed and paid out of the state treasury as if the person
10 were being returned to this state pursuant to section
11 548.221.

12 3. Any necessary and proper expenses accruing as a
13 result of a person being returned to this state under the
14 provisions of chapter 589 may be paid either out of the
15 Missouri interstate compact fund established in chapter 589
16 or out of the state treasury.

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

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

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

14 (2) For any misdemeanor, one year;

15 (3) For any infraction, six months;

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

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

22 (1) Any offense a material element of which is either
23 fraud or a breach of fiduciary obligation within one year
24 after discovery of the offense by an aggrieved party or by a
25 person who has a legal duty to represent an aggrieved party
26 and who is himself or herself not a party to the offense,
27 but in no case shall this provision extend the period of

28 limitation by more than three years. As used in this
29 subdivision, the term "person who has a legal duty to
30 represent an aggrieved party" shall mean the attorney
31 general or the prosecuting or circuit attorney having
32 jurisdiction pursuant to section 407.553, for purposes of
33 offenses committed pursuant to sections 407.511 to 407.556;
34 and

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

40 (3) Any offense based upon an intentional and willful
41 fraudulent claim of child support arrearage to a public
42 servant in the performance of his or her duties within one
43 year after discovery of the offense, but in no case shall
44 this provision extend the period of limitation by more than
45 three years.

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

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

55 6. The period of limitation does not run:

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

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

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

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

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

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

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

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

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

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

17 (1) It is in an indictment or information; or
18 (2) It is an offense submitted to the jury because
19 there is a **rational** basis for a verdict acquitting the
20 person of the offense charged and convicting the person of
21 the included offense.

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

558.011. 1. The authorized terms of imprisonment,
2 including both prison and conditional release terms, are:

3 (1) For a class A felony, a term of years not less
4 than ten years and not to exceed thirty years, or life
5 imprisonment;

6 (2) For a class B felony, a term of years not less
7 than five years and not to exceed fifteen years;

8 (3) For a class C felony, a term of years not less
9 than three years and not to exceed ten years;

10 (4) For a class D felony, a term of years not to
11 exceed seven years;

12 (5) For a class E felony, a term of years not to
13 exceed four years;

14 (6) For a class A misdemeanor, a term not to exceed
15 one year;

16 (7) For a class B misdemeanor, a term not to exceed
17 six months;

18 (8) For a class C misdemeanor, a term not to exceed
19 fifteen days.

20 2. In cases of class D and E felonies, the court shall
21 have discretion to imprison for a special term not to exceed
22 one year in the county jail or other authorized penal
23 institution, and the place of confinement shall be fixed by
24 the court. If the court imposes a sentence of imprisonment
25 for a term longer than one year upon a person convicted of a
26 class D or E felony, it shall commit the person to the
27 custody of the department of corrections.

28 3. (1) When a regular sentence of imprisonment for a
29 felony is imposed, the court shall commit the person to the
30 custody of the department of corrections for the term
31 imposed under section 557.036, or until released under
32 procedures established elsewhere by law.

33 (2) A sentence of imprisonment for a misdemeanor shall
34 be for a definite term and the court shall commit the person
35 to the county jail or other authorized penal institution for
36 the term of his or her sentence or until released under
37 procedure established elsewhere by law.

38 4. (1) Except as otherwise provided, a sentence of
39 imprisonment for a term of years for felonies other than
40 dangerous felonies as defined in section 556.061, and other
41 than sentences of imprisonment which involve the
42 individual's fourth or subsequent remand to the department
43 of corrections shall consist of a prison term and a
44 conditional release term **when the offense occurred before**
45 **August 28, 2022**. The conditional release term of any term
46 imposed under section 557.036 shall be:

47 (a) One-third for terms of nine years or less;

48 (b) Three years for terms between nine and fifteen
49 years;

50 (c) Five years for terms more than fifteen years; and
51 the prison term shall be the remainder of such term. The

52 prison term may be extended by the parole board pursuant to
53 subsection 5 of this section.

54 (2) "Conditional release" means the conditional
55 discharge of an offender by the parole board, subject to
56 conditions of release that the parole board deems reasonable
57 to assist the offender to lead a law-abiding life, and
58 subject to the supervision under the division of probation
59 and parole. The conditions of release shall include
60 avoidance by the offender of any other offense, federal or
61 state, and other conditions that the parole board in its
62 discretion deems reasonably necessary to assist the releasee
63 in avoiding further violation of the law.

64 5. The date of conditional release from the prison
65 term may be extended up to a maximum of the entire sentence
66 of imprisonment by the parole board. The director of any
67 division of the department of corrections except the
68 division of probation and parole may file with the parole
69 board a petition to extend the conditional release date when
70 an offender fails to follow the rules and regulations of the
71 division or commits an act in violation of such rules.
72 Within ten working days of receipt of the petition to extend
73 the conditional release date, the parole board shall convene
74 a hearing on the petition. The offender shall be present
75 and may call witnesses in his or her behalf and cross-
76 examine witnesses appearing against the offender. The
77 hearing shall be conducted as provided in section 217.670.
78 If the violation occurs in close proximity to the
79 conditional release date, the conditional release may be
80 held for a maximum of fifteen working days to permit
81 necessary time for the division director to file a petition
82 for an extension with the parole board and for the parole
83 board to conduct a hearing, provided some affirmative

84 manifestation of an intent to extend the conditional release
85 has occurred prior to the conditional release date. If at
86 the end of a fifteen-working-day period a parole board
87 decision has not been reached, the offender shall be
88 released conditionally. The decision of the parole board
89 shall be final.

90 **6. For offenses occurring on or after August 28, 2022,**
91 **a sentence of imprisonment shall consist only of a prison**
92 **term without eligibility for conditional release.**

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.

558.026. 1. Multiple sentences of imprisonment shall
2 run concurrently unless the court specifies that they shall
3 run consecutively; except in the case of multiple sentences
4 of imprisonment imposed for any offense committed during or
5 at the same time as, or multiple offenses of, the following
6 felonies:

7 (1) Rape in the first degree, forcible rape, or rape;

8 (2) Statutory rape in the first degree;

9 (3) Sodomy in the first degree, forcible sodomy, or
10 sodomy;

11 (4) Statutory sodomy in the first degree; or

12 (5) An attempt to commit any of the felonies listed in
13 this subsection. In such case, the sentence of imprisonment
14 imposed for any felony listed in this subsection or an
15 attempt to commit any of the aforesaid shall run
16 consecutively to the other sentences. The sentences imposed
17 for any other offense may run concurrently.

18 2. If a person who is on probation[,] or parole [or
19 conditional release] is sentenced to a term of imprisonment
20 for an offense committed after the granting of probation or
21 parole [or after the start of his or her conditional release
22 term], the court shall direct the manner in which the
23 sentence or sentences imposed by the court shall run with
24 respect to any resulting probation[,] or parole [or
25 conditional release] revocation term or terms. If the
26 subsequent sentence to imprisonment is in another
27 jurisdiction, the court shall specify how any resulting
28 probation[,] or parole [or conditional release] revocation
29 term or terms shall run with respect to the foreign sentence
30 of imprisonment.

31 3. A court may cause any sentence it imposes to run
32 concurrently with a sentence an individual is serving or is
33 to serve in another state or in a federal correctional
34 center. If the Missouri sentence is served in another state
35 or in a federal correctional center, subsection 4 of section
36 558.011 and section 217.690 shall apply as if the individual
37 were serving his or her sentence within the department of
38 corrections of the state of Missouri, except that a personal
39 hearing before the parole board shall not be required for
40 parole consideration.

 558.046. The sentencing court may, upon petition,
2 reduce any term of sentence or probation pronounced by the
3 court [or a term of conditional release] or parole
4 pronounced by the parole board if the court determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve
7 violence or the threat of violence; and

8 (b) Convicted of an offense that involved alcohol or
9 illegal drugs; and

10 (2) Since the commission of such offense, the
11 convicted person has successfully completed a detoxification
12 and rehabilitation program; and

13 (3) The convicted person is not:

14 (a) A prior offender, a persistent offender, a
15 dangerous offender or a persistent misdemeanor offender as
16 defined by section 558.016; or

17 (b) A persistent sexual offender as defined in section
18 566.125; or

19 (c) A prior offender, a persistent offender or a class
20 X offender as defined in section 558.019.

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

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

22 include time when the probation term is suspended under this
23 section. Procedures for termination, discharge and
24 extension may be established by rule of court.

25 (1) The division of probation and parole shall file a
26 notification of earned discharge from probation with the
27 court for any defendant who has completed at least twenty-
28 four months of the probation term and is compliant with the
29 terms of supervision as ordered by the court and division.
30 The division shall not file a notification of earned
31 discharge for any defendant who has not paid ordered
32 restitution in full, is on a term of probation for any class
33 A or class B felony, or is subject to lifetime supervision
34 under sections 217.735 and 559.106. The division shall
35 notify the prosecuting or circuit attorney when a
36 notification of earned discharge is filed.

37 (2) The prosecuting or circuit attorney may request a
38 hearing within thirty days of the filing of the notification
39 of earned discharge from probation. If the state opposes
40 the discharge of the defendant, the prosecuting or circuit
41 attorney shall argue the earned discharge is not appropriate
42 and the defendant should continue to serve the probation
43 term.

44 (3) If a hearing is requested, the court shall hold
45 the hearing and issue its order no later than sixty days
46 after the filing of the notification of earned discharge
47 from probation. If, after a hearing, the court finds by a
48 preponderance of the evidence that the earned discharge is
49 not appropriate, the court shall order the probation term to
50 continue, may modify the conditions of probation as
51 appropriate, and may order the continued supervision of the
52 defendant by either the division of probation and parole or
53 the court. If, after a hearing, the court finds that the

54 earned discharge is appropriate, the court shall order the
55 defendant discharged from probation.

56 (4) If the prosecuting or circuit attorney does not
57 request a hearing, the court shall order the defendant
58 discharged from probation within sixty days of the filing of
59 the notification of earned discharge from probation but no
60 earlier than thirty days from the filing of notification of
61 earned discharge from probation.

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

67 4. (1) Unless the defendant consents to the
68 revocation of probation, if a continuation, modification,
69 enlargement or extension is not appropriate under this
70 section, the court shall order placement of the offender in
71 [one of the] a department of corrections' one hundred twenty-
72 day [programs] **program** so long as:

73 (a) The underlying offense for the probation is a
74 class D or E felony or an offense listed in chapter 579 or
75 an offense previously listed in chapter 195; except that,
76 the court may, upon its own motion or a motion of the
77 prosecuting or circuit attorney, make a finding that an
78 offender is not eligible if the underlying offense is
79 involuntary manslaughter in the second degree, stalking in
80 the first degree, assault in the second degree, sexual
81 assault, rape in the second degree, domestic assault in the
82 second degree, assault in the third degree when the victim
83 is a special victim, statutory rape in the second degree,
84 statutory sodomy in the second degree, deviate sexual
85 assault, sodomy in the second degree, sexual misconduct

86 involving a child, incest, endangering the welfare of a
87 child in the first degree under subdivision (1) or (2) of
88 subsection 1 of section 568.045, abuse of a child, invasion
89 of privacy, any case in which the defendant is found guilty
90 of a felony offense under chapter 571, or an offense of
91 aggravated stalking or assault of a law enforcement officer
92 in the second degree as such offenses existed prior to
93 January 1, 2017;

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

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

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

109 (2) Upon receiving the order, the department of
110 corrections shall conduct an assessment of the offender and
111 place such offender in **either** the [appropriate] one hundred
112 twenty-day **structured cognitive behavioral intervention**
113 program [under subsection 3 of section 559.115] **or the one**
114 **hundred twenty-day institutional treatment program. The**
115 **placement of the offender in the structured cognitive**
116 **behavioral intervention program or institutional treatment**
117 **program shall be at the sole discretion of the department**

118 based on the assessment of the offender. The program shall
119 begin upon receipt of the offender by the department. The
120 time between the court's order and receipt of the offender
121 by the department shall not apply toward the program.

122 (3) [Notwithstanding any of the provisions of
123 subsection 3 of section 559.115 to the contrary, once the
124 defendant has successfully completed the program under this
125 subsection, the court shall release the defendant to
126 continue to serve the term of probation, which shall not be
127 modified, enlarged, or extended based on the same incident
128 of violation.] Upon successful completion of a program under
129 this subsection, as determined by the department, the
130 division of probation and parole shall advise the sentencing
131 court of the defendant's probationary release date thirty
132 days prior to release. Once the defendant has successfully
133 completed a program under this subsection, the court shall
134 release the defendant to continue to serve the term of
135 probation, which shall not be modified, enlarged, or
136 extended based on the same incident of violation.

137 (4) If the department determines the defendant has not
138 successfully completed a one hundred twenty-day program
139 under this section, the division of probation and parole
140 shall advise the prosecuting attorney and the sentencing
141 court of the defendant's unsuccessful program exit and the
142 defendant shall be removed from the program. The defendant
143 shall be released from the department within fifteen working
144 days after the court is notified of the unsuccessful program
145 exit, unless the court has issued a warrant in response to
146 the unsuccessful program exit to facilitate the return of
147 the defendant to the county of jurisdiction for further
148 court proceedings. If a defendant is discharged as
149 unsuccessful from a one hundred twenty-day program, the

150 **sentencing court may modify, enlarge, or revoke the**
151 **defendant's probation based on the same incident of the**
152 **violation.**

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

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

172 6. Probation shall not be revoked without giving the
173 probationer notice and an opportunity to be heard on the
174 issues of whether such probationer violated a condition of
175 probation and, if a condition was violated, whether
176 revocation is warranted under all the circumstances. Not
177 less than five business days prior to the date set for a
178 hearing on the violation, except for a good cause shown, the
179 judge shall inform the probationer that he or she may have
180 the right to request the appointment of counsel if the
181 probationer is unable to retain counsel. If the probationer

182 requests counsel, the judge shall determine whether counsel
183 is necessary to protect the probationer's due process
184 rights. If the judge determines that counsel is not
185 necessary, the judge shall state the grounds for the
186 decision in the record.

187 7. The prosecuting or circuit attorney may file a
188 motion to revoke probation or at any time during the term of
189 probation, the court may issue a notice to the probationer
190 to appear to answer a charge of a violation, and the court
191 may issue a warrant of arrest for the violation. Such
192 notice shall be personally served upon the probationer. The
193 warrant shall authorize the return of the probationer to the
194 custody of the court or to any suitable detention facility
195 designated by the court. Upon the filing of the
196 prosecutor's or circuit attorney's motion or on the court's
197 own motion, the court may immediately enter an order
198 suspending the period of probation and may order a warrant
199 for the defendant's arrest. The probation shall remain
200 suspended until the court rules on the prosecutor's or
201 circuit attorney's motion, or until the court otherwise
202 orders the probation reinstated. **Notwithstanding any other**
203 **provisions of the law to the contrary, the probation term**
204 **shall be tolled during the time period when the probation is**
205 **suspended under this section. The court may grant the**
206 **probationer credit on the probation term for any of the**
207 **tolled period when reinstating the probation term.**

208 8. The power of the court to revoke probation shall
209 extend for the duration of the term of probation designated
210 by the court and for any further period which is reasonably
211 necessary for the adjudication of matters arising before its
212 expiration, provided that some affirmative manifestation of
213 an intent to conduct a revocation hearing occurs prior to

214 the expiration of the period and that every reasonable
215 effort is made to notify the probationer and to conduct the
216 hearing prior to the expiration of the period. **If the delay**
217 **of the hearing is attributable to the probationer's actions**
218 **or the probationer otherwise consents or acquiesces to the**
219 **delay, the court shall have been found to have made every**
220 **reasonable effort to conduct the hearing within the**
221 **probation term.**

222 9. A defendant who was sentenced prior to January 1,
223 2017 to an offense that was eligible at the time of
224 sentencing under paragraph (a) of subdivision (1) of
225 subsection 4 of this section for the court ordered detention
226 sanction shall continue to remain eligible for the sanction
227 so long as the defendant meets all the other requirements
228 provided under subsection 4 of this section.

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

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

17 the offender on probation with any other conditions
18 authorized by law.

19 3. The court may recommend placement of an offender in
20 a department of corrections one hundred twenty-day program
21 under this subsection [or order such placement under
22 subsection 4 of section 559.036]. [Upon the recommendation
23 or order of the court,] The department of corrections shall
24 assess each offender to determine the appropriate one
25 hundred twenty-day program in which to place the offender,
26 which may include placement in the [shock incarceration]
27 **structured cognitive behavioral intervention** program or
28 institutional treatment program. **The placement of an
29 offender in the structured cognitive behavioral intervention
30 program or institutional treatment program shall be at the
31 sole discretion of the department based on the assessment of
32 the offender and available bed space.** When the court
33 recommends and receives placement of an offender in a
34 department of corrections one hundred twenty-day program,
35 the offender shall be released on probation if the
36 department of corrections determines that the offender has
37 successfully completed the program except as follows. Upon
38 successful completion of a program under this subsection,
39 the division of probation and parole shall advise the
40 sentencing court of an offender's probationary release date
41 thirty days prior to release. The court shall follow the
42 recommendation of the department unless the court determines
43 that probation is not appropriate. If the court determines
44 that probation is not appropriate, the court may order the
45 execution of the offender's sentence only after conducting a
46 hearing on the matter within ninety to one hundred twenty
47 days from the date the offender was delivered to the
48 department of corrections. If the department determines the

49 offender has not successfully completed a one hundred twenty-
50 day program under this subsection, the [offender shall be
51 removed from the program and the court shall be advised of
52 the removal.] **division of probation and parole shall advise**
53 **the prosecuting attorney and the sentencing court of the**
54 **defendant's unsuccessful program exit and the defendant**
55 **shall be removed from the program.** The department shall
56 report on the offender's participation in the program and
57 may provide recommendations for terms and conditions of an
58 offender's probation. The court shall then have the power
59 to grant probation or order the execution of the offender's
60 sentence.

61 4. If the court is advised that an offender is not
62 eligible for placement in a one hundred twenty-day program
63 under subsection 3 of this section, the court shall consider
64 other authorized dispositions. If the department of
65 corrections one hundred twenty-day program under subsection
66 3 of this section is full, the court may place the offender
67 in a private program approved by the department of
68 corrections or the court, the expenses of such program to be
69 paid by the offender, or in an available program offered by
70 another organization. If the offender is convicted of a
71 class C, class D, or class E nonviolent felony, the court
72 may order probation while awaiting appointment to treatment.

73 5. Except when the offender has been found to be a
74 predatory sexual offender pursuant to section 566.125, the
75 court shall request the department of corrections to conduct
76 a sexual offender assessment if the defendant has been found
77 guilty of sexual abuse when classified as a class B felony.
78 Upon completion of the assessment, the department shall
79 provide to the court a report on the offender and may
80 provide recommendations for terms and conditions of an

81 offender's probation. The assessment shall not be
82 considered a one hundred twenty-day program as provided
83 under subsection 3 of this section. The process for
84 granting probation to an offender who has completed the
85 assessment shall be as provided under subsections 2 and 6 of
86 this section.

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

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

104 8. Notwithstanding any other provision of law,
105 probation may not be granted pursuant to this section to
106 offenders who have been convicted of murder in the second
107 degree pursuant to section 565.021; forcible rape pursuant
108 to section 566.030 as it existed prior to August 28, 2013;
109 rape in the first degree under section 566.030; forcible
110 sodomy pursuant to section 566.060 as it existed prior to
111 August 28, 2013; sodomy in the first degree under section
112 566.060; statutory rape in the first degree pursuant to

113 section 566.032; statutory sodomy in the first degree
114 pursuant to section 566.062; child molestation in the first
115 degree pursuant to section 566.067 when classified as a
116 class A felony; abuse of a child pursuant to section 568.060
117 when classified as a class A felony; or an offender who has
118 been found to be a predatory sexual offender pursuant to
119 section 566.125; **any offense under section 557.045**; or any
120 offense in which there exists a statutory prohibition
121 against either probation or parole.

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

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

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

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

21 2. The offense of abuse of an elderly person, a person
22 with a disability, or a vulnerable person is a class [A
23 misdemeanor] **D felony**. Nothing in this section shall be

24 construed to mean that an elderly person, a person with a
25 disability, or a vulnerable person is abused solely because
26 such person chooses to rely on spiritual means through
27 prayer, in lieu of medical care, for his or her health care,
28 as evidence by such person's explicit consent, advance
29 directive for health care, or practice.

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

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

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

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

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

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

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

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

28 a. Ancestor or descendant by blood or adoption;

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

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

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

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

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

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

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

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

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

53 (6) "Sexual contact", any touching of another person
54 with the genitals or any touching of the genitals or anus of
55 another person, or the breast of a female person, or such
56 touching through the clothing, **or causing semen, seminal**

57 **fluid, or other ejaculate to come into contact with another**
58 **person,** for the purpose of arousing or gratifying the sexual
59 desire of any person or for the purpose of terrorizing the
60 victim;

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

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

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

6 (2) A student teacher; [or]

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

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

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

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

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

25 2. For the purposes of this section, "school" shall
26 mean any public or private school in this state serving

27 kindergarten through grade twelve or any school bus used by
28 the school district.

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

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

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

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

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

17 shall not be present in or loiter within five hundred feet
18 of any school building, on real property comprising any
19 school, or in any conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school-
21 related activity when persons under the age of eighteen are
22 present in the building, on the grounds, or in the
23 conveyance, unless the offender is a parent, legal guardian,

24 or custodian of a student present in the building and has
25 met the conditions set forth in subsection 2 of this section.

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

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

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

- 2 (1) Violating any of the provisions of this chapter or
- 3 the provisions of section 568.020, incest; section 568.045,
- 4 endangering the welfare of a child in the first degree;
- 5 section 573.200, use of a child in a sexual performance;

6 section 573.205, promoting a sexual performance by a child;
7 section 573.023, sexual exploitation of a minor; section
8 573.025, promoting child pornography; **section 573.037,**
9 **possession of child pornography;** or section 573.040,
10 furnishing pornographic material to minors; or

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

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

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

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

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

566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she

3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than
6 **[fifteen] seventeen** years of age for the purpose of engaging
7 in sexual conduct.

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

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

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

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

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

14 (3) **Any tier III offense listed under section 589.414;**
15 shall not serve as an athletic coach, manager, or athletic
16 trainer for any sports team in which a child less than

17 [seventeen] **eighteen** years of age is a member **or shall not**
18 **supervise or employ any child under eighteen years of age.**

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

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

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

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

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

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

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

16 3. The offense of patronizing prostitution is a class
17 B misdemeanor, unless the individual who the person
18 patronizes is less than eighteen years of age but older than
19 [fourteen] **fifteen** years of age, in which case patronizing
20 prostitution is a class E felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) "Adulterated", varying from the standard of
4 composition or quality prescribed by statute or lawfully

5 promulgated administrative regulations of this state
6 lawfully filed, or if none, as set by commercial usage;

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

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

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

13 (a) To commit any offense; or

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

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

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

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

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

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

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

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

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

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

56 (9) "Deprive":

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

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

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

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

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

67 (12) "Food stamps", the nutrition assistance program
68 in Missouri that provides food and aid to low-income

69 individuals who are in need of benefits to purchase food
70 operated by the United States Department of Agriculture
71 (USDA) in conjunction with the department of social services;

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

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

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

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

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

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

100 occupation holds oneself out as having such knowledge or
101 skill;

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

108 (18) "Pharmacy", any building, warehouse, physician's
109 office, hospital, pharmaceutical house or other structure
110 used in whole or in part for the sale, storage, or
111 dispensing of any controlled substance as defined in chapter
112 195;

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

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

130 (21) "Services" includes transportation, telephone,
131 electricity, gas, water, or other public service, cable

132 television service, video service, voice over internet
133 protocol service, or internet service, accommodation in
134 hotels, restaurants or elsewhere, admission to exhibitions
135 and use of vehicles;

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

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

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

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

172 ~~[(24)]~~ (25) "Voice over internet protocol service", a
173 service that:

174 (a) Enables real-time, two-way voice communication;

175 (b) Requires a broadband connection from the user's
176 location;

177 (c) Requires internet protocol-compatible customer
178 premises equipment; and

179 (d) Permits users generally to receive calls that
180 originate on the public switched telephone network and to
181 terminate calls to the public switched telephone network;

182 ~~[(25)]~~ (26) "Writing" includes printing, any other
183 method of recording information, money, coins, negotiable
184 instruments, tokens, stamps, seals, credit cards, badges,
185 trademarks and any other symbols of value, right, privilege
186 or identification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (3) The property appropriated consists of:

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

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

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

67 (d) Any firearms;

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

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

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

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

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

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

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

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

86 (m) Any controlled substance as defined by section
87 195.010;

88 (n) Ammonium nitrate;

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

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

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

100 (1) The property appropriated is an animal;

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

102 (3) A person has previously been found guilty of three
103 stealing-related offenses committed on three separate

104 occasions where such offenses occurred within ten years of
105 the date of occurrence of the present offense; or

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

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

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

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

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

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

570.036. 1. A person commits the offense of organized
2 **retail theft if he or she, while alone or with any other**

3 person or persons, commits a series of thefts of retail
4 merchandise against one or more persons either on the
5 premises of a merchant or through the use of an internet or
6 network site in this state with the intent to:

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

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

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

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

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

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

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

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

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

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

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years [and not to exceed
24 thirty years], unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed

27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for
32 parole, probation, [conditional release,] or suspended
33 imposition or execution of sentence [for a period of five
34 calendar years].

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

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

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

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

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

- 11 (2) On a properly supervised shooting range;
- 12 (3) To lawfully take wildlife during an open season
13 established by the department of conservation. Nothing in
14 this subdivision shall prevent a municipality from adopting
15 an ordinance restricting the discharge of a firearm within
16 one-quarter mile of an occupied structure;
- 17 (4) For the control of nuisance wildlife as permitted
18 by the department of conservation or the United States Fish
19 and Wildlife Service;
- 20 (5) By special permit of the chief of police of the
21 municipality;
- 22 (6) As required by an animal control officer in the
23 performance of his or her duties;
- 24 (7) Using blanks;
- 25 (8) More than one mile from any occupied structure;
- 26 (9) In self-defense or defense of another person
27 against an animal attack if a reasonable person would
28 believe that deadly physical force against the animal is
29 immediately necessary and reasonable under the circumstances
30 to protect oneself or the other person; or
- 31 (10) By law enforcement personnel, as defined in
32 section 590.1040, or a member of the United States Armed
33 Forces if acting in an official capacity.

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

- 36 (1) For a first offense, a class A misdemeanor;
- 37 (2) For a second offense, a class E felony; and
- 38 (3) For a third or subsequent offense, a class D
39 felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) Such officer's spouse; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

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

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

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

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

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

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 2. The division of probation and parole of the
17 department of corrections, or the department of mental
18 health if the person qualifies as a violent offender under
19 subdivision (2) of subsection 1 of this section, shall
20 notify the Missouri state highway patrol if a violent
21 offender is placed on probation or parole, is placed on
22 conditional release, is removed from probation or parole, or
23 relocates to this state under the interstate compact for
24 adult offender supervision, sections 589.500 to 589.569, so
25 that the Missouri state highway patrol can update the
26 offender registry under section 43.650.

 589.564. 1. Upon a petition from the state, a circuit
2 court is authorized to add any condition to a term of
3 probation for an offender supervised in this state for a
4 term of probation ordered by another state, including shock
5 incarceration; however, the court shall not reduce, extend,
6 or revoke such a term of probation. The circuit court for
7 the jurisdiction in which a probationer is under supervision
8 shall serve as the authorizing court for the purposes of
9 this section. The prosecuting attorney or circuit attorney
10 for the jurisdiction in which a probationer is under
11 supervision shall serve as the authorized person to petition
12 the court to add a condition of probation. Notwithstanding
13 any provision of section 549.500 or 559.125, the division of
14 probation and parole may submit violation reports to the
15 prosecuting attorney or circuit attorney with authority to
16 petition the court to add a condition to a term of probation
17 under this section.

18 2. If supervision of a parolee in Missouri is
19 administered pursuant to this compact, the division of
20 probation and parole shall have the authority to impose a
21 sanction or additional conditions in response to written
22 violations of supervision; however, the division of
23 probation and parole shall not reduce, extend, or revoke
24 such a term of parole.

 589.565. A Missouri probationer or parolee seeking
2 transfer of their supervision through this compact shall pay
3 a fee for each transfer application submitted in the amount
4 of one hundred seventy-five dollars. The transfer
5 application fee shall be paid to the compact commissioner
6 upon submission of the transfer application. The
7 commissioner or commissioner's designee may waive the
8 application fee if either the commissioner or the
9 commissioner's designee finds that payment of the fee would
10 constitute an undue economic burden on the offender. All
11 fees collected pursuant to this section shall be paid and
12 deposited to the credit of the "Missouri Interstate Compact
13 Fund", which is hereby established in the state treasury.
14 The state treasurer shall be custodian of the fund. In
15 accordance with sections 30.170 and 30.180, the state
16 treasurer may approve disbursements. The fund shall be a
17 dedicated fund and, upon appropriation, moneys in the fund
18 shall be used for the sole benefit of the department of
19 corrections in support of administration of this section;
20 expenses related to assessment, retaking, staff development,
21 and training; and implementation of evidence-based practices
22 in support of offenders under supervision. Notwithstanding
23 the provisions of section 33.080 to the contrary, any moneys
24 remaining in the fund at the end of the biennium shall not
25 revert to the credit of the general revenue fund. The state

26 **treasurer shall invest moneys in the fund in the same manner**
27 **as other funds are invested. Any interest and moneys earned**
28 **on such investments shall be credited to the fund.**

590.040. 1. The POST commission shall set the minimum
2 number of hours of basic training for licensure as a peace
3 officer no lower [than four hundred seventy and no higher]
4 than six hundred, with the following exceptions:

5 (1) Up to one thousand hours may be mandated for any
6 class of license required for commission by a state law
7 enforcement agency;

8 (2) As few as one hundred twenty hours may be mandated
9 for any class of license restricted to commission as a
10 reserve peace officer with police powers limited to the
11 commissioning political subdivision;

12 (3) Persons validly licensed on August 28, 2001, may
13 retain licensure without additional basic training;

14 (4) Persons licensed and commissioned within a county
15 of the third classification before July 1, 2002, may retain
16 licensure with one hundred twenty hours of basic training if
17 the commissioning political subdivision has adopted an order
18 or ordinance to that effect;

19 (5) Persons serving as a reserve officer on August 27,
20 2001, within a county of the first classification or a
21 county with a charter form of government and with more than
22 one million inhabitants on August 27, 2001, having
23 previously completed a minimum of one hundred sixty hours of
24 training, shall be granted a license necessary to function
25 as a reserve peace officer only within such county. For the
26 purposes of this subdivision, the term "reserve officer"
27 shall mean any person who serves in a less than full-time
28 law enforcement capacity, with or without pay and who,
29 without certification, has no power of arrest and who,

30 without certification, must be under the direct and
31 immediate accompaniment of a certified peace officer of the
32 same agency at all times while on duty; and

33 (6) The POST commission shall provide for the
34 recognition of basic training received at law enforcement
35 training centers of other states, the military, the federal
36 government and territories of the United States regardless
37 of the number of hours included in such training and shall
38 have authority to require supplemental training as a
39 condition of eligibility for licensure.

40 2. The director shall have the authority to limit any
41 exception provided in subsection 1 of this section to
42 persons remaining in the same commission or transferring to
43 a commission in a similar jurisdiction.

44 3. The basic training of every peace officer, except
45 agents of the conservation commission, shall include at
46 least thirty hours of training in the investigation and
47 management of cases involving domestic and family violence.
48 Such training shall include instruction, specific to
49 domestic and family violence cases, regarding: report
50 writing; physical abuse, sexual abuse, child fatalities and
51 child neglect; interviewing children and alleged
52 perpetrators; the nature, extent and causes of domestic and
53 family violence; the safety of victims, other family and
54 household members and investigating officers; legal rights
55 and remedies available to victims, including rights to
56 compensation and the enforcement of civil and criminal
57 remedies; services available to victims and their children;
58 the effects of cultural, racial and gender bias in law
59 enforcement; and state statutes. Said curriculum shall be
60 developed and presented in consultation with the department
61 of health and senior services, the children's division,

62 public and private providers of programs for victims of
63 domestic and family violence, persons who have demonstrated
64 expertise in training and education concerning domestic and
65 family violence, and the Missouri coalition against domestic
66 violence.

590.080. 1. The director shall have cause to
2 discipline any peace officer licensee who:

3 (1) Is unable to perform the functions of a peace
4 officer with reasonable competency or reasonable safety [as
5 a result of a mental condition, including alcohol or
6 substance abuse];

7 (2) Has committed any criminal offense, whether or not
8 a criminal charge has been filed;

9 (3) **Has been convicted, or has entered a plea of**
10 **guilty or nolo contendere, in a criminal prosecution under**
11 **the laws of any state, or the United States, or of any**
12 **country, regardless of whether or not sentence is imposed;**

13 (4) Has committed any act [while on active duty or
14 under color of law] that involves moral turpitude or a
15 reckless disregard for the safety of the public or any
16 person;

17 [(4)] (5) Has caused a material fact to be
18 misrepresented for the purpose of obtaining or retaining a
19 peace officer commission or any license issued pursuant to
20 this chapter;

21 [(5)] (6) Has violated a condition of any order of
22 probation lawfully issued by the director; [or

23 (6)] (7) Has violated a provision of this chapter or a
24 rule promulgated pursuant to this chapter;

25 (8) **Has tested positive for a controlled substance, as**
26 **defined in chapter 195, without a valid prescription for the**
27 **controlled substance;**

28 (9) Is subject to an order of another state,
29 territory, the federal government, or any peace officer
30 licensing authority suspending or revoking a peace officer
31 license or certification; or

32 (10) Has committed any act of gross misconduct
33 indicating inability to function as a peace officer.

34 2. When the director has knowledge of cause to
35 discipline a peace officer license pursuant to this section,
36 the director may cause a complaint to be filed with the
37 administrative hearing commission, which shall conduct a
38 hearing to determine whether the director has cause for
39 discipline, and which shall issue findings of fact and
40 conclusions of law on the matter. The administrative
41 hearing commission shall not consider the relative severity
42 of the cause for discipline or any rehabilitation of the
43 licensee or otherwise impinge upon the discretion of the
44 director to determine appropriate discipline when cause
45 exists pursuant to this section.

46 3. Upon a finding by the administrative hearing
47 commission that cause to discipline exists, the director
48 shall, within thirty days, hold a hearing to determine the
49 form of discipline to be imposed and thereafter shall
50 probate, suspend, or permanently revoke the license at
51 issue. If the licensee fails to appear at the director's
52 hearing, this shall constitute a waiver of the right to such
53 hearing.

54 4. Notice of any hearing pursuant to this chapter or
55 section may be made by certified mail to the licensee's
56 address of record pursuant to subdivision (2) of subsection
57 3 of section 590.130. Proof of refusal of the licensee to
58 accept delivery or the inability of postal authorities to

59 deliver such certified mail shall be evidence that required
60 notice has been given. Notice may be given by publication.

61 5. Nothing contained in this section shall prevent a
62 licensee from informally disposing of a cause for discipline
63 with the consent of the director by voluntarily surrendering
64 a license or by voluntarily submitting to discipline.

65 6. The provisions of chapter 621 and any amendments
66 thereto, except those provisions or amendments that are in
67 conflict with this chapter, shall apply to and govern the
68 proceedings of the administrative hearing commission and
69 pursuant to this section the rights and duties of the
70 parties involved.

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

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

21 forensic evidence. The following rights shall be afforded
22 to sexual assault survivors] **a criminal investigation or**
23 **prosecution results or if the survivor has previously waived**
24 **any of these rights. A sexual assault survivor has the**
25 **right to:**

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

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

47 (3) Before a medical provider commences a forensic
48 examination of a survivor, the medical provider shall
49 provide the survivor with a document to be developed by the
50 department of public safety that explains the rights of
51 survivors, pursuant to this section, in clear language that
52 is comprehensible to a person proficient in English at the

53 fifth-grade level, accessible to persons with visual
54 disabilities, and available in all major languages of the
55 state. This document shall include, but is not limited to:

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

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

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

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

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

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

83 (b) The survivor's right to consult with an employee
84 or volunteer of a rape crisis center during any interview by

85 a law enforcement official, prosecuting attorney, or defense
86 attorney, to be summoned by the interviewer before the
87 commencement of the interview, unless no employee or
88 volunteer of a rape crisis center can be summoned in a
89 reasonably timely manner;

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

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

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

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

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

113 (8) A survivor has the right to be informed, upon the
114 survivor's request, of the results of the analysis of the
115 survivor's sexual assault forensic evidence, whether the
116 analysis yielded a DNA profile, and whether the analysis

117 yielded a DNA match, either to the named perpetrator or to a
118 suspect already in CODIS. The survivor has the right to
119 receive this information through a secure and confidential
120 message in writing from the crime laboratory so that the
121 survivor can call regarding the results;

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

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

142 (11) No sexual assault forensic evidence shall be used
143 to prosecute a survivor for any misdemeanor crimes or any
144 misdemeanor crime pursuant to sections 579.015 to 579.185;
145 or as a basis to search for further evidence of any
146 unrelated misdemeanor crimes or any misdemeanor crime
147 pursuant to sections 579.015 to 579.185, that shall have
148 been committed by the survivor, except that sexual assault

149 forensic evidence shall be admissible as evidence in any
150 criminal or civil proceeding against the defendant or person
151 accused;

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

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

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

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

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

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

178 (13) A law enforcement official shall, upon written
179 request by a survivor, furnish within fourteen days of
180 receiving such request a free, complete, and unaltered copy

181 of all law enforcement reports concerning the sexual
182 assault, regardless of whether the report has been closed by
183 the law enforcement agency;

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

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

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

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

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

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

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

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

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

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

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

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

240 (3) "Crime laboratory", a laboratory operated or
241 supported financially by the state, or any unit of city,
242 county, or other local Missouri government that employs at
243 least one scientist who examines physical evidence in

244 criminal matters and provides expert or opinion testimony
245 with respect to such physical evidence in a state court of
246 law;

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

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

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

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

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

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

274 (10) "Sexual assault forensic evidence", any human
275 biological specimen collected by a medical provider during a

276 forensic medical examination from an alleged survivor, as
277 provided for in section 595.220, including, but not limited
278 to, a toxicology kit;

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

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

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

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

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

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

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

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

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

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

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

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

339 5. The document shall include the following:

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

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

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

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

15 2. [If the court determines that a person or entity
16 who is requesting identifying information of a victim has a
17 legitimate interest in obtaining such information, the court
18 may allow access to the information, but only if the court
19 determines that disclosure to the person or entity would not
20 compromise the welfare or safety of such victim,] **Any person**
21 **who is requesting identifying information of a victim and**

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

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

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

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy
3 directors and other state public defender office personnel
4 appointed pursuant to this chapter; and he or she and the
5 deputy director or directors may participate in the trial

6 and appeal of criminal actions at the request of the
7 defender;

8 (2) Submit to the commission, between August fifteenth
9 and September fifteenth of each year, a report which shall
10 include all pertinent data on the operation of the state
11 public defender system, the costs, projected needs, and
12 recommendations for statutory changes. Prior to October
13 fifteenth of each year, the commission shall submit such
14 report along with such recommendations, comments,
15 conclusions, or other pertinent information it chooses to
16 make to the chief justice, the governor, and the general
17 assembly. Such reports shall be a public record, shall be
18 maintained in the office of the state public defender, and
19 shall be otherwise distributed as the commission shall
20 direct;

21 (3) With the approval of the commission, establish
22 such divisions, facilities and offices and select such
23 professional, technical and other personnel, including
24 investigators, as he deems reasonably necessary for the
25 efficient operation and discharge of the duties of the state
26 public defender system under this chapter;

27 (4) Administer and coordinate the operations of
28 defender services and be responsible for the overall
29 supervision of all personnel, offices, divisions and
30 facilities of the state public defender system, except that
31 the director shall have no authority to direct or control
32 the legal defense provided by a defender to any person
33 served by the state public defender system;

34 (5) Develop programs and administer activities to
35 achieve the purposes of this chapter;

36 (6) Keep and maintain proper financial records with
37 respect to the provision of all public defender services for

38 use in the calculating of direct and indirect costs of any
39 or all aspects of the operation of the state public defender
40 system;

41 (7) Supervise the training of all public defenders and
42 other personnel and establish such training courses as shall
43 be appropriate;

44 (8) With approval of the commission, promulgate
45 necessary rules, regulations and instructions consistent
46 with this chapter defining the organization of the state
47 public defender system and the responsibilities of division
48 directors, district defenders, deputy district defenders,
49 assistant public defenders and other personnel;

50 (9) With the approval of the commission, apply for and
51 accept on behalf of the public defender system any funds
52 which may be offered or which may become available from
53 government grants, private gifts, donations or bequests or
54 from any other source. Such moneys shall be deposited in
55 the [state general revenue] **public defender - federal and**
56 **other** fund;

57 (10) Contract for legal services with private
58 attorneys on a case-by-case basis and with assigned counsel
59 as the commission deems necessary considering the needs of
60 the area, for fees approved and established by the
61 commission;

62 (11) With the approval and on behalf of the
63 commission, contract with private attorneys for the
64 collection and enforcement of liens and other judgments owed
65 to the state for services rendered by the state public
66 defender system.

67 2. No rule or portion of a rule promulgated under the
68 authority of this chapter shall become effective unless it

69 has been promulgated pursuant to the provisions of section
70 536.024.

71 3. The director and defenders shall, within guidelines
72 as established by the commission and as set forth in
73 subsection 4 of this section, accept requests for legal
74 services from eligible persons entitled to counsel under
75 this chapter or otherwise so entitled under the constitution
76 or laws of the United States or of the state of Missouri and
77 provide such persons with legal services when, in the
78 discretion of the director or the defenders, such provision
79 of legal services is appropriate.

80 4. The director and defenders shall provide legal
81 services to an eligible person:

82 (1) Who is detained or charged with a felony,
83 including appeals from a conviction in such a case;

84 (2) Who is detained or charged with a misdemeanor
85 which will probably result in confinement in the county jail
86 upon conviction, including appeals from a conviction in such
87 a case, unless the prosecuting or circuit attorney has
88 waived a jail sentence;

89 (3) Who is charged with a violation of probation when
90 it has been determined by a judge that the appointment of
91 counsel is necessary to protect the person's due process
92 rights under section 559.036;

93 (4) Who has been taken into custody pursuant to
94 section 632.489, including appeals from a determination that
95 the person is a sexually violent predator and petitions for
96 release, notwithstanding any provisions of law to the
97 contrary;

98 (5) For whom the federal constitution or the state
99 constitution requires the appointment of counsel; and

100 (6) Who is charged in a case in which he or she faces
101 a loss or deprivation of liberty, and in which the federal
102 or the state constitution or any law of this state requires
103 the appointment of counsel; however, the director and the
104 defenders shall not be required to provide legal services to
105 persons charged with violations of county or municipal
106 ordinances, or misdemeanor offenses except as provided in
107 this section.

108 5. The director may:

109 (1) Delegate the legal representation of an eligible
110 person to any member of the state bar of Missouri;

111 (2) Designate persons as representatives of the
112 director for the purpose of making indigency determinations
113 and assigning counsel.

114 **6. There is hereby created within the state treasury**
115 **the "Public Defender - Federal and Other Fund", which shall**
116 **be funded annually by appropriation, and which shall contain**
117 **moneys received from any other funds from government grants,**
118 **private gifts, donations, bequests, or any other source to**
119 **be used for the purpose of funding local offices of the**
120 **office of the state public defender. The state treasurer**
121 **shall be the custodian of the fund and shall approve**
122 **disbursements from the fund upon the request of the director**
123 **of the office of state public defender. Any interest or**
124 **other earnings with respect to amounts transferred to the**
125 **fund shall be credited to the fund. Notwithstanding the**
126 **provisions of section 33.080 to the contrary, any unexpended**
127 **balances in the fund at the end of any fiscal year shall not**
128 **be transferred to the general revenue fund or any other fund.**

630.155. 1. A person commits the offense of patient,
2 resident or client abuse or neglect against any person
3 admitted on a voluntary or involuntary basis to any mental

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

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

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

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

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

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

632.305. 1. An application for detention for
2 evaluation and treatment may be executed by any adult
3 person, who need not be an attorney or represented by an
4 attorney, including the mental health coordinator, on a form
5 provided by the court for such purpose, and [must] shall
6 allege under oath, **without a notarization requirement**, that
7 the applicant has reason to believe that the respondent is
8 suffering from a mental disorder and presents a likelihood

9 of serious harm to himself **or herself** or to others. The
10 application [must] **shall** specify the factual information on
11 which such belief is based and should contain the names and
12 addresses of all persons known to the applicant who have
13 knowledge of such facts through personal observation.

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

35 3. A mental health coordinator may request a peace
36 officer to take or a peace officer may take a person into
37 custody for detention for evaluation and treatment for a
38 period not to exceed ninety-six hours only when such mental
39 health coordinator or peace officer has reasonable cause to
40 believe that such person is suffering from a mental disorder

41 and that the likelihood of serious harm by such person to
42 himself **or herself** or others is imminent unless such person
43 is immediately taken into custody. Upon arrival at the
44 mental health facility, the peace officer or mental health
45 coordinator who conveyed such person or caused him **or her** to
46 be conveyed shall either present the application for
47 detention for evaluation and treatment upon which the court
48 has issued a finding of probable cause and the respondent
49 was taken into custody or complete an application for
50 initial detention for evaluation and treatment for a period
51 not to exceed ninety-six hours which shall be based upon his
52 **or her** own personal observations or investigations and shall
53 contain the information required in subsection 1 of this
54 section.

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

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

650.320. For the purposes of sections 650.320 to
2 650.340, the following terms mean:

3 (1) "Board", the Missouri 911 service board
4 established in section 650.325;

5 (2) "Public safety answering point", the location at
6 which 911 calls are answered;

7 (3) "Telecommunicator **first responder**", any person
8 employed as an emergency telephone worker, call taker or
9 public safety dispatcher whose duties include receiving,
10 processing or transmitting public safety information
11 received through a 911 public safety answering point.

650.340. 1. The provisions of this section may be
2 cited and shall be known as the "911 Training and Standards
3 Act".

4 2. Initial training requirements for
5 [telecommunicators] **telecommunicator first responders** who
6 answer 911 calls that come to public safety answering points
7 shall be as follows:

8 (1) Police telecommunicator **first responder**, 16 hours;

9 (2) Fire telecommunicator **first responder**, 16 hours;

10 (3) Emergency medical services telecommunicator **first**
11 **responder**, 16 hours;

12 (4) Joint communication center telecommunicator **first**
13 **responder**, 40 hours.

14 3. All persons employed as a telecommunicator **first**
15 **responder** in this state shall be required to complete
16 ongoing training so long as such person engages in the
17 occupation as a telecommunicator **first responder**. Such
18 persons shall complete at least twenty-four hours of ongoing
19 training every three years by such persons or organizations
20 as provided in subsection 6 of this section.

21 4. Any person employed as a telecommunicator on August
22 28, 1999, shall not be required to complete the training
23 requirement as provided in subsection 2 of this section.
24 Any person hired as a telecommunicator **or a telecommunicator**
25 **first responder** after August 28, 1999, shall complete the
26 training requirements as provided in subsection 2 of this
27 section within twelve months of the date such person is
28 employed as a telecommunicator **or telecommunicator first**
29 **responder**.

30 5. The training requirements as provided in subsection
31 2 of this section shall be waived for any person who
32 furnishes proof to the committee that such person has
33 completed training in another state which is at least as
34 stringent as the training requirements of subsection 2 of
35 this section.

36 6. The board shall determine by administrative rule
37 the persons or organizations authorized to conduct the
38 training as required by subsection 2 of this section.

39 7. This section shall not apply to an emergency
40 medical dispatcher or **dispatch** agency as defined in section
41 190.100, or a person trained by an entity accredited or
42 certified under section 190.131, or a person who provides
43 prearrival medical instructions who works for an agency
44 which meets the requirements set forth in section 190.134.

2 [217.703. 1. The division of probation
3 and parole shall award earned compliance credits
4 to any offender who is:
5 (1) Not subject to lifetime supervision
6 under sections 217.735 and 559.106 or otherwise
7 found to be ineligible to earn credits by a
8 court pursuant to subsection 2 of this section;
9 (2) On probation, parole, or conditional
10 release for an offense listed in chapter 579, or
11 an offense previously listed in chapter 195, or
12 for a class D or E felony, excluding sections
13 565.225, 565.252, 566.031, 566.061, 566.083,
14 566.093, 568.020, 568.060, offenses defined as
sexual assault under section 589.015, deviate

15 sexual assault, assault in the second degree
16 under subdivision (2) of subsection 1 of section
17 565.052, endangering the welfare of a child in
18 the first degree under subdivision (2) of
19 subsection 1 of section 568.045, and any offense
20 of aggravated stalking or assault in the second
21 degree under subdivision (2) of subsection 1 of
22 section 565.060 as such offenses existed prior
23 to January 1, 2017;

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

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

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

31 (1) Involuntary manslaughter in the second
32 degree;

33 (2) Assault in the second degree except
34 under subdivision (2) of subsection 1 of section
35 565.052 or section 565.060 as it existed prior
36 to January 1, 2017;

37 (3) Domestic assault in the second degree;

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

42 (5) Statutory rape in the second degree;

43 (6) Statutory sodomy in the second degree;

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

47 (8) Any case in which the defendant is
48 found guilty of a felony offense under chapter
49 571;

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

70 3. Earned compliance credits shall reduce
71 the term of probation, parole, or conditional

72 release by thirty days for each full calendar
73 month of compliance with the terms of
74 supervision. Credits shall begin to accrue for
75 eligible offenders after the first full calendar
76 month of supervision or on October 1, 2012, if
77 the offender began a term of probation, parole,
78 or conditional release before September 1, 2012.

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

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

103 (1) The court or board revokes the
104 probation or parole or the court places the
105 offender in a department program under
106 subsection 4 of section 559.036 or under section
107 217.785; or

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

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

122 6. Offenders who are deemed by the
123 division to be absconders shall not earn
124 credits. For purposes of this subsection,
125 "absconder" shall mean an offender under
126 supervision whose whereabouts are unknown and
127 who has left such offender's place of residency
128 without the permission of the offender's

129 supervising officer and without notifying of
130 their whereabouts for the purpose of avoiding
131 supervision. An offender shall no longer be
132 deemed an absconder when such offender is
133 available for active supervision.

134 7. Notwithstanding subsection 2 of section
135 217.730 to the contrary, once the combination of
136 time served in custody, if applicable, time
137 served on probation, parole, or conditional
138 release, and earned compliance credits satisfy
139 the total term of probation, parole, or
140 conditional release, the board or sentencing
141 court shall order final discharge of the
142 offender, so long as the offender has completed
143 restitution and at least two years of his or her
144 probation, parole, or conditional release, which
145 shall include any time served in custody under
146 section 217.718 and sections 559.036 and 559.115.

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

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

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

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

176 12. The application of earned compliance
177 credits shall be suspended upon entry into a
178 treatment court, as described in sections
179 478.001 to 478.009, and shall remain suspended
180 until the offender is discharged from such
181 treatment court. Upon successful completion of
182 treatment court, all earned compliance credits
183 accumulated during the suspension period shall
184 be retroactively applied, so long as the other

185 terms and conditions of probation have been
186 successfully completed.]

[217.785. 1. As used in this section, the
2 term "Missouri postconviction drug treatment
3 program" means a program of noninstitutional and
4 institutional correctional programs for the
5 monitoring, control and treatment of certain
6 drug abuse offenders.

7 2. The department of corrections shall
8 establish by regulation the "Missouri
9 Postconviction Drug Treatment Program". The
10 program shall include noninstitutional and
11 institutional placement. The institutional
12 phase of the program may include any offender
13 under the supervision and control of the
14 department of corrections. The department shall
15 establish rules determining how, when and where
16 an offender shall be admitted into or removed
17 from the program.

18 3. Any first-time offender who has been
19 found guilty of violating the provisions of
20 chapter 195 or 579, or whose controlled
21 substance abuse was a precipitating or
22 contributing factor in the commission of his
23 offense, and who is placed on probation may be
24 required to participate in the noninstitutional
25 phase of the program, which may include
26 education, treatment and rehabilitation
27 programs. Persons required to attend a program
28 pursuant to this section may be charged a
29 reasonable fee to cover the costs of the
30 program. Failure of an offender to complete
31 successfully the noninstitutional phase of the
32 program shall be sufficient cause for the
33 offender to be remanded to the sentencing court
34 for assignment to the institutional phase of the
35 program or any other authorized disposition.

36 4. A probationer shall be eligible for
37 assignment to the institutional phase of the
38 postconviction drug treatment program if he has
39 failed to complete successfully the
40 noninstitutional phase of the program. If space
41 is available, the sentencing court may assign
42 the offender to the institutional phase of the
43 program as a special condition of probation,
44 without the necessity of formal revocation of
45 probation.

46 5. The availability of space in the
47 institutional program shall be determined by the
48 department of corrections. If the sentencing
49 court is advised that there is no space
50 available, then the court shall consider other
51 authorized dispositions.

52 6. Any time after ninety days and prior to
53 one hundred twenty days after assignment of the
54 offender to the institutional phase of the

55 program, the department shall submit to the
56 court a report outlining the performance of the
57 offender in the program. If the department
58 determines that the offender will not
59 participate or has failed to complete the
60 program, the department shall advise the
61 sentencing court, who shall cause the offender
62 to be brought before the court for consideration
63 of revocation of the probation or other
64 authorized disposition. If the offender
65 successfully completes the program, the
66 department shall release the individual to the
67 appropriate probation and parole district office
68 and so advise the court.
69 7. Time spent in the institutional phase
70 of the program shall count as time served on the
71 sentence.]

[217.810. 1. The governor is hereby
2 authorized and directed to enter into the
3 interstate compact for the supervision of
4 parolees and probationers on behalf of the state
5 of Missouri with the commonwealth of Puerto
6 Rico, the Virgin Islands, the District of
7 Columbia and any and all other states of the
8 United States legally joining therein and
9 pursuant to the provisions of an act of the
10 Congress of the United States of America
11 granting the consent of Congress to the
12 commonwealth of Puerto Rico, the Virgin Islands,
13 the District of Columbia and any two or more
14 states to enter into agreements or compacts for
15 cooperative effort and mutual assistance in the
16 prevention of crime and for other purposes,
17 which compact shall have as its objective the
18 permitting of persons placed on probation or
19 released on parole to reside in any other state
20 signatory to the compact assuming the duties of
21 visitation and supervision over such
22 probationers and parolees; permitting the
23 extradition and transportation without
24 interference of prisoners, being retaken,
25 through any and all states signatory to the
26 compact under such terms, conditions, rules and
27 regulations, and for such duration as in the
28 opinion of the governor of this state shall be
29 necessary and proper and in a form substantially
30 as contained in subsection 2 of this section.
31 The chairman of the board shall administer the
32 compact for the state.

33 2. INTERSTATE COMPACT FOR THE SUPERVISION
34 OF PAROLEES AND PROBATIONERS

35 This compact shall be entered into by and
36 among the contracting states, signatories
37 hereto, with the consent of the Congress of the
38 United States of America, granted by an act
39 entitled "An act granting the consent of

40 Congress to any two or more states to enter into
41 agreements or compacts for cooperative effort
42 and mutual assistance in the prevention of crime
43 and for other purposes."

44 The contracting states solemnly agree:

45 (1) That it shall be competent for the
46 duly constituted judicial and administrative
47 authorities of a state party to this compact
48 (herein called "sending state") to permit any
49 person convicted of an offense within such state
50 and placed on probation or released on parole to
51 reside in any other state party to this compact
52 (herein called "receiving state"), while on
53 probation or parole, if

54 (a) Such a person is in fact a resident of
55 or has his family residing within the receiving
56 state and can obtain employment there;

57 (b) Though not a resident of the receiving
58 state and not having his family residing there,
59 the receiving state consents to such person
60 being sent there.

61 Before granting such permission,
62 opportunity shall be granted to the receiving
63 state to investigate the home and prospective
64 employment of such person.

65 A resident of the receiving state, within
66 the meaning of this section, is one who has been
67 an actual inhabitant of such state continuously
68 for more than one year prior to his coming to
69 the sending state and has not resided within the
70 sending state more than six continuous months
71 immediately preceding the commission of the
72 offense for which he has been convicted.

73 (2) The receiving state shall assume the
74 duties of visitation and supervision over
75 probationers or parolees of any sending state
76 transferred under the compact and will apply the
77 same standards of supervision that prevail for
78 its own probationers and parolees.

79 (3) That duly accredited officers of a
80 sending state may at all times enter a receiving
81 state and there apprehend and retake any person
82 on probation or parole. For that purpose no
83 formalities will be required other than
84 establishing the authority of the officer and
85 the identity of the person to be retaken. All
86 legal requirements to obtain extradition of
87 fugitives from justice are hereby expressly
88 waived on the part of states party hereto, as to
89 such persons. The decision of the sending state
90 to retake a person on probation or parole shall
91 be conclusive upon and not reviewable within the
92 receiving state. Provided, however, that if at
93 the time when a state seeks to retake a
94 probationer or parolee there should be pending
95 against him within the receiving state any
96 criminal charge, or he should be suspected of

97 having committed within such state a criminal
98 offense, he shall not be retaken without the
99 consent of the receiving state until discharged
100 from prosecution or from imprisonment for such
101 offense.

102 (4) That the duly accredited officers of
103 the sending state will be permitted to transport
104 prisoners being retaken through any and all
105 states parties to this compact, without
106 interference.

107 (5) Each state may designate an officer
108 who, acting jointly with like officers of other
109 contracting states shall promulgate such rules
110 and regulations as may be deemed necessary to
111 more effectively carry out the terms of this
112 compact.

113 (6) That this compact shall become
114 operative immediately upon its execution by any
115 state as between it and any other state or
116 states so executing. When executed it shall
117 have the full force and effect of law within
118 such state, the form of execution to be in
119 accordance with the laws of the executing state.

120 (7) That this compact shall continue in
121 force and remain binding upon each executing
122 state until renounced by it. The duties and
123 obligations hereunder of a renouncing state
124 shall continue as to parolees or probationers
125 residing therein at the time of withdrawal until
126 retaken or finally discharged by the sending
127 state. Renunciation of this compact shall be by
128 the same authority which executed it, by sending
129 six months' notice in writing of its intention
130 to withdraw from the compact to the other states
131 party hereto.

132 3. If any section, sentence, subdivision
133 or clause within subsection 2 of this section is
134 for any reason held invalid or to be
135 unconstitutional, such decision shall not affect
136 the validity of the remaining provisions of that
137 subsection or this section.

138 4. All necessary and proper expenses
139 accruing as a result of a person being returned
140 to this state by order of a court or the parole
141 board shall be paid by the state as provided in
142 section 548.241 or 548.243.]

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

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