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

AN ACT

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


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

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

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

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

4. Only the information listed in this subsection
shall be provided to the public in the registered sexual
offender and registered violent offender search:
   (1) The name and any known aliases of the offender;
   (2) The date of birth and any known alias dates of
       birth of the offender;
   (3) A physical description of the offender;
   (4) The residence, temporary, work, and school
       addresses of the offender, including the street address,
       city, county, state, and zip code;
   (5) Any photographs of the offender;
   (6) A physical description of the offender's vehicles,
       including the year, make, model, color, and license plate
       number;
   (7) The nature and dates of all offenses qualifying
       the offender to register, including the tier level assigned
       to the offender under sections 589.400 to 589.425;
   (8) The date on which the offender was released from
       the department of mental health, prison, or jail[;] or
       placed on parole, supervised release, or probation for the
       offenses qualifying the offender to register;
   (9) Compliance status of the sexual or violent
       offender with the provisions of [section] sections 589.400
       to 589.425; and
   (10) Any online identifiers, as defined in section
       43.651, used by the person. Such online identifiers shall
       not be included in the general profile of an offender on the
       web page and shall only be available to a member of the
public by a search using the specific online identifier to determine if a match exists with a registered offender.

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

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

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

70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency telecommunicators telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency telecommunicators telecommunicator first responders,
jailors, and emergency medical service personnel as public
safety personnel members of the system to the board within
ten days after such vote. The date in which the political
subdivision's election becomes effective shall be the first
day of the calendar month specified by such governing body,
the first day of the calendar month next following receipt
by the board of the certification of the election, or the
effective date of the political subdivision's becoming an
employer, whichever is the latest date. Such election shall
not be changed after the effective date. If the election is
made, the coverage provisions shall be applicable to all
past and future employment with the employer by present and
future employees. If a political subdivision makes no
election under this section, no [emergency] telecommunicator
first responder, jailor, or emergency medical service
personnel of the political subdivision shall be considered
public safety personnel for purposes determining a minimum
service retirement age as defined in section 70.600.

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

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

4. The provisions of this section shall only apply to
counties of the third classification and any county of the
first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat, and any political subdivisions located, in whole or in part, within such counties.

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

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.
3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students.

Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. **For purposes of this subsection, first responders shall include telecommunicator first responders as defined in section 650.320.**

4. The department of elementary and secondary education may promulgate rules to implement this section.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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

(1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological
product to cause death, disease, or other biological
malfunction in a human, an animal, a plant, or any other
living organism to influence the conduct of government or to
intimidate or coerce a civilian population;
(2) "Department", the Missouri department of health
and senior services;
(3) "Director", the director of the department of
health and senior services;
(4) "Disaster locations", any geographical location
where a bioterrorism attack, terrorist attack, catastrophic
or natural disaster, or emergency occurs;
(5) "First responders", state and local law
enforcement personnel, telecommunicator first responders,
fire department personnel, and emergency medical personnel
who will be deployed to bioterrorism attacks, terrorist
attacks, catastrophic or natural disasters, and emergencies.

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

3. Participation in the vaccination program shall be
voluntary by the first responders, except for first
responders who, as determined by their employer, cannot
safely perform emergency responsibilities when responding to
a bioterrorism event or suspected bioterrorism event without
being vaccinated. The recommendations of the Centers for
Disease Control and Prevention's Advisory Committee on
Immunization Practices shall be followed when providing
appropriate screening for contraindications to vaccination for first responders. A first responder shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

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

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

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

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders as 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,
purporting to deliver, or arranging for the delivery of any
health care;
(8) "Knowing" and "knowingly", that a person, with
respect to information:
   (a) Has actual knowledge of the information;
   (b) Acts in deliberate ignorance of the truth or
falsity of the information; or
   (c) Acts in reckless disregard of the truth or falsity
of the information.
Use of the terms knowing or knowingly shall be construed to
include the term "intentionally", which means that a person,
with respect to information, intended to act in violation of
the law;
(9) "Medical assistance program", MO HealthNet, or any
program to provide or finance health care to participants
which is established pursuant to title 42 of the United
States Code, any successor federal health insurance program,
or a waiver granted thereunder. A medical assistance
program may be funded either solely by state funds or by
state and federal funds jointly. The term "medical
assistance program" shall include the medical assistance
program provided by section 208.151, et seq., and any state
agency or agencies administering all or any part of such a
program;
(10) "Neglect", the failure to provide to a person
receiving health care the care, goods, or services that are
reasonable and necessary to maintain the physical and mental
health of such person when such failure presents either an
imminent danger to the health, safety, or welfare of the
person or a substantial probability that death or serious
physical harm would result;
"Person", a natural person, corporation, partnership, association or any legal entity.

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

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

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

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

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

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

   (1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or
(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

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

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

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

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

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

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

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

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

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

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

(3) A course of conduct involving other false claims
submitted to this or any other health care payer.
11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is
appropriate under all the circumstances, and the attorney
general and prosecuting or circuit attorney shall prove to
the court those expenses which were reasonable and necessary
to the investigation and prosecution of such case, and the
court approves such expenses as being reasonable and
necessary. Any moneys remaining in the MO HealthNet fraud
reimbursement fund after division and appropriation to the
federal government and affected state agencies shall be used
to increase MO HealthNet provider reimbursement until it is
at least one hundred percent of the Medicare provider
reimbursement rate for comparable services. The provisions
of section 33.080 notwithstanding, moneys in the MO
HealthNet fraud prosecution revolving fund shall not lapse
at the end of the biennium.

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

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

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

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

14. The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.
15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

217.035. The director shall have the authority to:

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

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

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

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

(5) Establish policy for the department and each of its divisions;
(6) Designate any responsibilities, duties and powers
given by sections 217.010, [217.810,] 558.011 and 558.026 to
the department or the department director to any division or
division director.

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

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

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

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

5. The division of probation and parole shall
supervise every offender released to the house arrest
program and shall verify compliance with the requirements of
this section and such other rules and regulations that the
department shall promulgate and may do so by remote
electronic surveillance. If any probation/parole officer
has probable cause to believe that an offender under house
arrest has violated a condition of the house arrest
agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his or her designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

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

217.650. As used in sections 217.650 to 217.810, unless the context clearly indicates otherwise, the following terms mean:

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

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

(3) "Parole", the release of an offender to the community by the court or the state parole board prior to
the expiration of his term, subject to conditions imposed by
the court or the parole board and to its supervision by the
division of probation and parole;

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

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

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

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

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

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

2. Decisions of the board regarding granting of
paroles, extensions of a conditional release date or
revocations of a parole or conditional release shall be by a
majority vote of the hearing panel members. The hearing
panel shall consist of one member of the board and two
hearing officers appointed by the board. A member of the
board may remove the case from the jurisdiction of the
hearing panel and refer it to the full board for a
decision. Within thirty days of entry of the decision of
the hearing panel to deny parole or to revoke a parole or
conditional release, the offender may appeal the decision of
the hearing panel to the board. The board shall consider
the appeal within thirty days of receipt of the appeal. The
decision of the board shall be by majority vote of the board
members and shall be final.

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

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

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

6. Notwithstanding any other provision of law, when
the appearance or presence of an offender before the board
or a hearing panel is required for the purpose of deciding
whether to grant conditional release or parole, extend the
date of conditional release, revoke parole or conditional
release, or for any other purpose, such appearance or
presence may occur by means of a videoconference at the
discretion of the board. Victims having a right to attend
parole hearings may testify either at the site where the
board is conducting the videoconference or at the
institution where the offender is located. The use of
videoconferencing in this section shall be at the discretion
of the board, and shall not be utilized if either the victim
or the victim's family objects to it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.
217.705. 1. The director of the division of probation and parole shall appoint probation and parole officers and institutional parole officers as deemed necessary to carry out the purposes of the board.

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

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

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

5. Institutional parole officers shall investigate all offenders referred to them for investigation by the board and shall provide the board such other reports the board may require. They shall furnish the offender prior to release
on parole [or conditional release] a written statement of
the conditions of parole [or conditional release] and shall
instruct the offender regarding these conditions.

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

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

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

3. The department shall determine the type of firearm
to be carried by the officers, supervisors and members of
the parole board.
4. Any officer, supervisor or member of the parole board that chooses to carry a firearm in the performance of such officer's, supervisor's or member's duties shall purchase the firearm and holster.

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

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

217.718. 1. As an alternative to the revocation proceedings provided under sections 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a condition of probation under section
559.026, a probation or parole officer may order an offender to submit to a period of detention in the county jail, or other appropriate institution, upon a determination by a probation or parole officer that the offender has violated a condition of continued probation or parole.

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

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

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

5. If parole[/], probation[/], or conditional release is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or other institution as a detention condition of parole[/], probation[/], or conditional release shall be credited against the prison or jail term
served for the offense in connection with which the detention was imposed.

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

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

217.720. 1. At any time during release on parole or conditional release the division of probation and parole may issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional
release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the division. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation or parole officer may issue a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation and contain the statement that the offender has, in the judgment of the probation or parole officer, violated conditions of parole or conditional release. The warrant delivered with the offender by the arresting officer to the official in charge of any facility designated by the division to which the offender is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing as hereinafter provided, upon any charge of violation, the offender shall remain in custody or incarcerated without consideration of bail.

2. If the offender is arrested under the authority granted in subsection 1 of this section, the offender shall have the right to a preliminary hearing on the violation charged unless the offender waives such hearing. Upon such arrest and detention, the parole or probation officer shall immediately notify the board and shall submit in writing a report showing in what manner the offender has violated the conditions of his parole or conditional release. The board
shall order the offender discharged from such facility, 
require as a condition of parole or conditional release the 
placement of the offender in a treatment center operated by 
the department of corrections, or shall cause the offender 
to be brought before it for a hearing on the violation 
charged, under such rules and regulations as the board may 
adopt. If the violation is established and found, the board 
may continue or revoke the parole or conditional release, or 
enter such other order as it may see fit. If no violation 
is established and found, then the parole or conditional 
release shall continue. If at any time during release on 
parole or conditional release the offender is arrested for a 
crime which later leads to conviction, and sentence is then 
served outside the Missouri department of corrections, the 
board shall determine what part, if any, of the time from 
the date of arrest until completion of the sentence imposed 
is counted as time served under the sentence from which the 
offender was paroled or conditionally released. 

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

4. At any time during parole or probation, the 
division may issue a warrant for the arrest of any person
from another jurisdiction[, the visitation and supervision
of whom the division has undertaken pursuant to the
provisions of the interstate compact for the supervision of
parolees and probationers authorized in section 217.810,]
for violation of any of the conditions of release[,] or a
notice to appear to answer a charge of violation. The
notice shall be served personally upon the person. The
warrant shall authorize any law enforcement officer to
return the offender to any suitable detention facility
designated by the division. Any parole or probation officer
may arrest such person without a warrant, or may deputize
any other officer with power of arrest to do so by issuing a
written statement setting forth that the defendant has, in
the judgment of the parole or probation officer, violated
the conditions of his release. The written statement
delivered with the person by the arresting officer to the
official in charge of the detention facility to which the
person is brought shall be sufficient legal authority for
detaining him. After making an arrest the parole or
probation officer shall present to the detaining authorities
a similar statement of the circumstances of violation.

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

2. When an offender on parole [or conditional
release], before the expiration of the term for which the
offender was sentenced, has performed the obligation of his
parole for such time as satisfies the board that his final
release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled [or conditionally released] except where the sentence expires earlier.

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

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

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

(1) "Correctional center nursery program", the program authorized by sections 217.940 to 217.947;
(2) "Department", the department of corrections;
(3) "Public assistance", all forms of assistance, including monetary assistance from any public source paid
either to the mother or child or any other person on behalf of the child;

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

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

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

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

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

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

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

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

(4) She has not pled guilty to or been convicted of a dangerous felony as defined in section 556.061;
(5) She has not pled guilty to or been convicted of any sexual offense contained in chapter 566 where the victim of the crime was a minor;

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

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

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

3. Program capacity shall be determined by the department.

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

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

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

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

(3) Abide by any court decisions regarding the allocation of parental rights and responsibilities with respect to the child; and
(4) Specify with whom the child is to be placed in the event the inmate's participation in the program is terminated for a reason other than release from imprisonment.

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

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

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

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

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

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

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

(6) The inmate is released from imprisonment.

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

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

3. All donations accepted by the department for the correctional center nursery program shall be used solely for
any expenses relating to the operation and maintenance of
the program.

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

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

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

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

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

217.946. Notwithstanding any other provision of law to
the contrary, neither the correctional center nursery
program nor the department, with respect to the program, is
subject to any regulation, licensing or oversight by the
department of health and senior services, department of social services, children's division, juvenile officer of any jurisdiction or the office of childhood unless the department voluntarily agrees to services, regulation, licensing, or oversight from any of the aforementioned entities.

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

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

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

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

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

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

   (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state, county, or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;
(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

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

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

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

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

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

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

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

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical,
biological, or radioactive materials or in support of
official requests from the state of Missouri involving
unknown substances, hazardous materials, or as may be
requested by the appropriate state agency acting on behalf
of the governor.

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

(2) The driver of an emergency vehicle may:
(a) Park or stand irrespective of the provisions of
sections 304.014 to 304.025;
(b) Proceed past a red or stop signal or stop sign,
but only after slowing down as may be necessary for safe
operation;
(c) Exceed the prima facie speed limit so long as the
driver does not endanger life or property;
(d) Disregard regulations governing direction of
movement or turning in specified directions.

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

6. No person shall purchase an emergency light as
described in this section without furnishing the seller of
such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

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

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

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

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

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

     (a) Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;
(b) Is used by one or more third-party sellers for such purposes; and

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

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

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

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

(b) Is a business entity that has:

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

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

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

(6) "Verify", to confirm information provided to an online marketplace under this section, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf; not misappropriated; and not falsified.
2. An online marketplace shall require any high-volume third-party seller on the online marketplace to provide, no later than ten days after qualifying as a high-volume third-party seller, the following information:

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

      (a) To the online marketplace; or

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

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

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

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

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

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

   (3) A current working email address and phone number for such seller; and
(4) A business tax identification number or, if such seller does not have a business tax identification number, a taxpayer identification number.

3. An online marketplace shall:
   (1) Periodically, but no less than annually, notify any high-volume third-party seller on such online marketplace's platform of the requirement to keep any information collected under subsection 2 of this section current; and
   (2) Require any high-volume third-party seller on such online marketplace's platform to, no later than ten days after receiving the notice under subdivision (1) of this subsection, electronically certify that:
      (a) The seller has provided any changes to such information to the online marketplace if any such changes have occurred;
      (b) There have been no changes to such seller's information; or
      (c) Such seller has provided any changes to such information to the online marketplace.

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

5. (1) An online marketplace shall:
Verify the information collected in subsection 2 of this section no later than ten days after such collection; and

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

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

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

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

6. (1) An online marketplace shall:

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

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

(2) The information required shall be the following:
   (a) Subject to subdivision (3) of this subsection, the identity of the high-volume third-party seller, including:
      a. The full name of the seller, which may include the seller's name or seller's company name, or the name by which the seller or company operates on the online marketplace;
      b. The physical address of the seller; and
      c. Contact information for the seller, to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace, including:
         (i) A current working phone number;
         (ii) A current working email address; or
         (iii) Other means of direct electronic messaging, which may be provided to such seller by the online marketplace; and
   (b) Whether the high-volume third-party seller used a different seller to supply the consumer product to the consumer upon purchase and, upon the request of an authenticated purchaser, the information described in paragraph (a) of this subdivision relating to any such seller who supplied the consumer product to the purchaser if such seller is different than the high-volume third-party seller listed on the product listing prior to purchase.

(3) Subject to subdivision (2) of this subsection, upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under paragraph (a) of subdivision (2) of this subsection in the following situations:
(a) If such seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may:

- Disclose only the country and, if applicable, the state in which such seller resides; and
- Inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace;

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

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

(4) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subdivision (1) of this subsection or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subdivision (1) of this subsection has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such
seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond no later than ten days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under paragraph (a) of subdivision (2) of this subsection. (5) An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace. (6) If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information no later than ten days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements. 7. (1) A violation of the provisions of this section shall be treated as a violation of sections 407.010 to 407.130 and shall be enforced solely by the attorney general. Nothing in this section shall be construed as providing the basis for, or subjecting a party to, a private civil action. (2) The attorney general may promulgate rules and regulations with respect to collecting, verifying, and disclosing information under this section, provided that such rules and regulations are limited to what is necessary to collect, verify, or disclose such information. Any rule or portion of a rule, as that term is defined in section
536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

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

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

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

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

2. The following statements shall be printed in bold faced type or in capital letters on the order of protection:
(1) "Violation of this order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars"; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A defendant is a flight risk;

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

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

545.473. 1. Notwithstanding Missouri supreme court
rule 32.03, a defendant with a case filed in a county [with
department of corrections centers with a total average yearly offender population in excess of two thousand persons] having seventy-five thousand or fewer inhabitants shall follow the procedure listed in subsections 2 to 5 of this section in order to obtain a change of venue for misdemeanors or felonies.

2. Upon written application of the defendant, a change of venue may be ordered in any criminal proceeding for the following reasons:
   (1) That the inhabitants of the county are prejudiced against the defendant; or
   (2) That the state has an undue influence over the inhabitants of the county.

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

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

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

6. The state may, within five days after the filing of the application for a change of venue, file a denial of the existence of the reason or reasons alleged in the application. Such denial need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If the issues are determined in favor of the defendant, or if the truth of the grounds alleged is within the knowledge of the court, or if no denial is filed, a
change of venue shall be ordered to some other county convenient to the parties and where the reason or reasons do not exist.

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

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

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

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

2. All necessary and proper expenses accruing as a result of a person being returned to this state pursuant to the provisions of section 548.243 [or 217.810] shall be allowed and paid out of the state treasury as if the person were being returned to this state pursuant to section 548.221.
3. Any necessary and proper expenses accruing as a result of a person being returned to this state under the provisions of chapter 589 may be paid either out of the Missouri interstate compact fund established in chapter 589 or out of the state treasury.

556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, sexual abuse in the first degree, attempted sexual abuse in the first degree, incest, and attempted incest or any class A felony may be commenced at any time.

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

   (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
   (2) For any misdemeanor, one year;
   (3) For any infraction, six months;
   (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

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

   (1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of
limitation by more than three years. As used in this
subdivision, the term "person who has a legal duty to
represent an aggrieved party" shall mean the attorney
general or the prosecuting or circuit attorney having
jurisdiction pursuant to section 407.553, for purposes of
offenses committed pursuant to sections 407.511 to 407.556;
and
(2) Any offense based upon misconduct in office by a
public officer or employee at any time when the person is in
public office or employment or within two years thereafter,
but in no case shall this provision extend the period of
limitation by more than three years; and
(3) Any offense based upon an intentional and willful
fraudulent claim of child support arrearage to a public
servant in the performance of his or her duties within one
year after discovery of the offense, but in no case shall
this provision extend the period of limitation by more than
three years.
4. An offense is committed either when every element
occurs, or, if a legislative purpose to prohibit a
continuing course of conduct plainly appears, at the time
when the course of conduct or the person's complicity
therein is terminated. Time starts to run on the day after
the offense is committed.
5. A prosecution is commenced for a misdemeanor or
infraction when the information is filed and for a felony
when the complaint or indictment is filed.
6. The period of limitation does not run:
(1) During any time when the accused is absent from
the state, but in no case shall this provision extend the
period of limitation otherwise applicable by more than three
years;
(2) During any time when the accused is concealing himself or herself from justice either within or without this state;

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

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

(5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused.

For purposes of this section, the term "DNA profile" means the collective results of the DNA analysis of an evidence sample.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) For a class C misdemeanor, a term not to exceed fifteen days.
2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

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

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

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

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

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

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The
prison term may be extended by the parole board pursuant to subsection 5 of this section.

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

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative
manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

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

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

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

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

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

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

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

4. A "dangerous offender" is one who:
(1) Is being sentenced for a felony during the
commission of which he knowingly murdered or endangered or
threatened the life of another person or knowingly inflicted
or attempted or threatened to inflict serious physical
injury on another person; [and] or

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

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

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

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

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

2. The provisions of subsections 2 to 5 of this
section shall only be applicable to the offenses contained
in sections 565.021, 565.023, 565.024, 565.027, 565.050,
565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
570.023, 570.025, 570.030 when punished as a class A, B, or
C felony, 570.145 when punished as a class A or B felony,
570.223 when punished as a class B or C felony, 571.020,
571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
575.150, 575.153, 575.155, 575.157, 575.200 when punished as
a class A felony, 575.210, 575.230 when punished as a class
B felony, 575.240 when punished as a class B felony,
576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
577.706, 579.065, and 579.068 when punished as a class A or
B felony. For the purposes of this section, "prison
commitment" means and is the receipt by the department of
corrections of an offender after sentencing. For purposes
of this section, prior prison commitments to the department
of corrections shall not include an offender's first
incarceration prior to release on probation under section
217.362 or 559.115. Other provisions of the law to the
contrary notwithstanding, any offender who has been found
guilty of a felony other than a dangerous felony as defined
in section 556.061 and is committed to the department of
corrections shall be required to serve the following minimum
prison terms:

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

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

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

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

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

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

(2) Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.
5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

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

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

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

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

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

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

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

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

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

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

   (2) Offender treatment programs;

   (3) Mandatory community service;

   (4) Work release programs in local facilities; and

   (5) Community-based residential and nonresidential programs.

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

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

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

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

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

(1) Rape in the first degree, forcible rape, or rape;
(2) Statutory rape in the first degree;
(3) Sodomy in the first degree, forcible sodomy, or
sodomy;
(4) Statutory sodomy in the first degree; or
(5) An attempt to commit any of the felonies listed in
this subsection. In such case, the sentence of imprisonment
imposed for any felony listed in this subsection or an
attempt to commit any of the aforesaid shall run
consecutively to the other sentences. The sentences imposed
for any other offense may run concurrently.
2. If a person who is on probation[^1] or parole [or conditional release] is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole [or after the start of his or her conditional release term], the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation[^1] or parole [or conditional release] revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation[^1] or parole [or conditional release] revocation term or terms shall run with respect to the foreign sentence of imprisonment.

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

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

(1) The convicted person was:

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

(b) Convicted of an offense that involved alcohol or illegal drugs; and
(2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and

(3) The convicted person is not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Inflicts serious physical injury on the victim;
(b) Displays a deadly weapon or dangerous instrument
in a threatening manner;
(c) Subjects the victim to sexual intercourse or
deviate sexual intercourse with more than one person;
(d) Had previously been found guilty of an offense
under this chapter or under section 573.200, child used in
sexual performance; section 573.205, promoting sexual
performance by a child; section 573.023, sexual exploitation
of a minor; section 573.025, promoting child pornography in
the first degree; section 573.035, promoting child
pornography in the second degree; section 573.037,
possession of child pornography; or section 573.040,
furnishing pornographic materials to minors; or has
previously been found guilty of an offense in another
jurisdiction which would constitute an offense under this
chapter or said sections;
(e) Commits the offense as part of an act or series of
acts performed by two or more persons as part of an
established or prescribed pattern of activity; or
(f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's:
   a. Ancestor or descendant by blood or adoption;
   b. Stepchild while the marriage creating that relationship exists;
   c. Brother or sister of the whole or half blood; or
   d. Uncle, aunt, nephew, or niece of the whole blood;

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

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

(4) "Forced labor", a condition of servitude induced by means of:
   a. Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or
   b. The abuse or threatened abuse of the legal process;

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

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

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

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

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

(2) A student teacher; [or]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any tier III offense listed under section 589.414;

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

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

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

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

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

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

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

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

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

4. The offense of patronizing prostitution is a class [D] B felony if the individual who the person patronizes is [fourteen] fifteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:
(1) Statutory rape in the first degree pursuant to section 566.032;
(2) Statutory rape in the second degree pursuant to section 566.034;
(3) Statutory sodomy in the first degree pursuant to section 566.062; or
(4) Statutory sodomy in the second degree pursuant to section 566.064.

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

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;
(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;
(3) "Nuclear power plant", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;
"To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

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

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

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

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

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

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; or
(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.

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

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

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

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

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

(a) To commit any offense; or

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

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

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

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

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

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

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

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

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

(9) "Deprive":

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

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

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

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

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

(12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income
individuals who are in need of benefits to purchase food
operated by the United States Department of Agriculture
(USDA) in conjunction with the department of social services;
(13) "Forcibly steals", a person, in the course of
stealing, uses or threatens the immediate use of physical
force upon another person for the purpose of:
(a) Preventing or overcoming resistance to the taking
of the property or to the retention thereof immediately
after the taking; or
(b) Compelling the owner of such property or another
person to deliver up the property or to engage in other
conduct which aids in the commission of the theft;
(14) "Internet service", an interactive computer
service or system or an information service, system, or
access software provider that provides or enables computer
access by multiple users to a computer server, and includes,
but is not limited to, an information service, system, or
access software provider that provides access to a network
system commonly known as the internet, or any comparable
system or service and also includes, but is not limited to,
a world wide web page, newsgroup, message board, mailing
list, or chat area on any interactive computer service or
system or other online service;
(15) "Means of identification", anything used by a
person as a means to uniquely distinguish himself or herself;
(16) "Merchant", a person who deals in goods of the
kind or otherwise by his or her occupation holds oneself out
as having knowledge or skill peculiar to the practices or
goods involved in the transaction or to whom such knowledge
or skill may be attributed by his or her employment of an
agent or broker or other intermediary who by his or her
occupation holds oneself out as having such knowledge or skill;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

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

3. The offense of stealing is a class B felony if:
   (1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;
   (2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;
   (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;
(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

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

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

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

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

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

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

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

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

(d) Any firearms;

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

(f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;

Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;

Any book of registration or list of voters required by chapter 115;

Any animal considered livestock as that term is defined in section 144.010;

Any live fish raised for commercial sale with a value of seventy-five dollars or more;

Any captive wildlife held under permit issued by the conservation commission;

Any controlled substance as defined by section 195.010;

Ammonium nitrate;

Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

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

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

1. The property appropriated is an animal;

2. The property is a catalytic converter; or

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

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

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

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

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

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

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

570.036. 1. A person commits the offense of organized
retail theft if he or she, while alone or with any other
person or persons, commits a series of thefts of retail
merchandise against one or more persons either on the
premises of a merchant or through the use of an internet or
network site in this state with the intent to:
    (1) Return the merchandise to the merchant for value;
or
    (2) Resell, trade, or barter the merchandise for value
in any manner including, but not limited to, through the use
of an internet or network site.

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

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

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

5. For the purposes of this section, in determining
the aggregated value of the property or services involved in
all thefts committed in this state during a period of one
hundred twenty days:
    (1) The amount involved in a single theft shall be
deemed to be the highest value, by any reasonable standard,
of the property or services that are obtained; and
    (2) The amounts involved in all thefts committed by
all participants in the organized retail theft shall be
aggregated.
In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.

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

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

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

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

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

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

   (1) As allowed by a defense of justification under chapter 563;
(2) On a properly supervised shooting range;
(3) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure;
(4) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service;
(5) By special permit of the chief of police of the municipality;
(6) As required by an animal control officer in the performance of his or her duties;
(7) Using blanks;
(8) More than one mile from any occupied structure;
(9) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person; or
(10) By law enforcement personnel, as defined in section 590.1040, or a member of the United States Armed Forces if acting in an official capacity.

4. A person who commits the offense of discharge of a firearm shall be guilty of:
   (1) For a first offense, a class A misdemeanor;
   (2) For a second offense, a class E felony; and
   (3) For a third or subsequent offense, a class D felony.

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
(1) Such person has been convicted of a felony under
the laws of this state, or of a crime under the laws of any
state or of the United States which, if committed within
this state, would be a felony; or
(2) Such person is a fugitive from justice, is
habitually in an intoxicated or drugged condition, or is
currently adjudged mentally incompetent.

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

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

575.010. The following definitions shall apply to this
chapter and chapter 576:
(1) "Affidavit" means any written statement which is
authorized or required by law to be made under oath, and
which is sworn to before a person authorized to administer
oaths;
(2) "Government" means any branch or agency of the
government of this state or of any political subdivision
thereof;
(3) "Highway" means any public road or thoroughfare
for vehicles, including state roads, county roads and public
streets, avenues, boulevards, parkways or alleys in any
municipality;
(4) "Judicial proceeding" means any official
proceeding in court, or any proceeding authorized by or held
under the supervision of a court;
(5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;
(6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;
(7) "Law enforcement animal" means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;
(8) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;
(9) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;
(10) "Public record" means any document which a public servant is required by law to keep;
(11) "Testimony" means any oral statement under oath or affirmation;
(12) "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;
(13) "Witness" means any natural person:
Having knowledge of the existence or nonexistence of facts relating to any crime; or

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

Who has reported any crime to any peace officer or prosecutor; or

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

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

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

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

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

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

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

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

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

   (1) Such officer's spouse; or
   (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or
   (3) Such officer's stepchild, while the marriage creating that relationship exists.

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

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

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

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

   (1) The person escaping or attempting to escape is under arrest for a felony, in which case it is a class E felony; or
(2) The offense is committed by means of a deadly
weapon or dangerous instrument or by holding any person as
hostage, in which case it is a class A felony.

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

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

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

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

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

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

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

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

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

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

578.007. The provisions of section 574.130[3] and
sections 578.005 to 578.023 shall not apply to:

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

(2) Bona fide scientific experiments;

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

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

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

(6) The killing of an animal by the owner thereof, the
agent of such owner, or by a veterinarian at the request of
the owner thereof;
(7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

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

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

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

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

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

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

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

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

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

(c) An offense in a jurisdiction outside of this state that would qualify under paragraph (a) or (b) of this subdivision if the offense were to have been committed in this state; and
(2) Any person who was found not guilty by reason of mental disease or defect of an offense listed under subdivision (1) of this subsection.

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

589.564. 1. Upon a petition from the state, a circuit court is authorized to add any condition to a term of probation for an offender supervised in this state for a term of probation ordered by another state, including shock incarceration; however, the court shall not reduce, extend, or revoke such a term of probation. The circuit court for the jurisdiction in which a probationer is under supervision shall serve as the authorizing court for the purposes of this section. The prosecuting attorney or circuit attorney for the jurisdiction in which a probationer is under supervision shall serve as the authorized person to petition the court to add a condition of probation. Notwithstanding any provision of section 549.500 or 559.125, the division of probation and parole may submit violation reports to the prosecuting attorney or circuit attorney with authority to petition the court to add a condition to a term of probation under this section.
2. If supervision of a parolee in Missouri is administered pursuant to this compact, the division of probation and parole shall have the authority to impose a sanction or additional conditions in response to written violations of supervision; however, the division of probation and parole shall not reduce, extend, or revoke such a term of parole.

589.565. A Missouri probationer or parolee seeking transfer of their supervision through this compact shall pay a fee for each transfer application submitted in the amount of one hundred seventy-five dollars. The transfer application fee shall be paid to the compact commissioner upon submission of the transfer application. The commissioner or commissioner's designee may waive the application fee if either the commissioner or the commissioner's designee finds that payment of the fee would constitute an undue economic burden on the offender. All fees collected pursuant to this section shall be paid and deposited to the credit of the "Missouri Interstate Compact Fund", which is hereby established in the state treasury. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used for the sole benefit of the department of corrections in support of administration of this section; expenses related to assessment, retaking, staff development, and training; and implementation of evidence-based practices in support of offenders under supervision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state
treasurer shall invest moneys in the fund in the same manner
as other funds are invested. Any interest and moneys earned
on such investments shall be credited to the fund.

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

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

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

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

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

(5) Persons serving as a reserve officer on August 27,
2001, within a county of the first classification or a
county with a charter form of government and with more than
one million inhabitants on August 27, 2001, having
previously completed a minimum of one hundred sixty hours of
training, shall be granted a license necessary to function
as a reserve peace officer only within such county. For the
purposes of this subdivision, the term "reserve officer"
shall mean any person who serves in a less than full-time
law enforcement capacity, with or without pay and who,
without certification, has no power of arrest and who,
without certification, must be under the direct and
immediate accompaniment of a certified peace officer of the
same agency at all times while on duty; and

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

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

3. The basic training of every peace officer, except
agents of the conservation commission, shall include at
least thirty hours of training in the investigation and
management of cases involving domestic and family violence.
Such training shall include instruction, specific to
domestic and family violence cases, regarding: report
writing; physical abuse, sexual abuse, child fatalities and
child neglect; interviewing children and alleged
perpetrators; the nature, extent and causes of domestic and
family violence; the safety of victims, other family and
household members and investigating officers; legal rights
and remedies available to victims, including rights to
compensation and the enforcement of civil and criminal
remedies; services available to victims and their children;
the effects of cultural, racial and gender bias in law
enforcement; and state statutes. Said curriculum shall be
developed and presented in consultation with the department
of health and senior services, the children's division,
public and private providers of programs for victims of
domestic and family violence, persons who have demonstrated
expertise in training and education concerning domestic and
family violence, and the Missouri coalition against domestic
violence.

590.080. 1. The director shall have cause to
discipline any peace officer licensee who:
   (1) Is unable to perform the functions of a peace
officer with reasonable competency or reasonable safety [as
a result of a mental condition, including alcohol or
substance abuse];
   (2) Has committed any criminal offense, whether or not
a criminal charge has been filed;
   (3) Has been convicted, or has entered a plea of
guilty or nolo contendere, in a criminal prosecution under
the laws of any state, or the United States, or of any
country, regardless of whether or not sentence is imposed;
   (4) Has committed any act [while on active duty or
under color of law] that involves moral turpitude or a
reckless disregard for the safety of the public or any
person;
   [(4)] (5) Has caused a material fact to be
misrepresented for the purpose of obtaining or retaining a
peace officer commission or any license issued pursuant to
this chapter;
   [(5)] (6) Has violated a condition of any order of
probation lawfully issued by the director; [or
   (6)] (7) Has violated a provision of this chapter or a
rule promulgated pursuant to this chapter;
   (8) Has tested positive for a controlled substance, as
defined in chapter 195, without a valid prescription for the
controlled substance;
(9) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

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

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

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

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to
deliver such certified mail shall be evidence that required
notice has been given. Notice may be given by publication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;
(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post arrest release decision, plea, sentencing, post conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Notification about the right to information pursuant to subsection 4 of section 610.100;
(9) Be free from intimidation, harassment, and abuse in any related criminal or civil proceeding and the right to reasonable protection from the offender or any person acting on behalf of the offender from harm and threats of harm arising out of the survivor's disclosure of the sexual assault.

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

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

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

5. The document shall include the following:
(1) A description of the rights of the sexual assault survivor pursuant to this section; and

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

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

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

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

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

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

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial
and appeal of criminal actions at the request of the
defender;

(2) Submit to the commission, between August fifteenth
and September fifteenth of each year, a report which shall
include all pertinent data on the operation of the state
public defender system, the costs, projected needs, and
recommendations for statutory changes. Prior to October
fifteenth of each year, the commission shall submit such
report along with such recommendations, comments,
conclusions, or other pertinent information it chooses to
make to the chief justice, the governor, and the general
assembly. Such reports shall be a public record, shall be
maintained in the office of the state public defender, and
shall be otherwise distributed as the commission shall
direct;

(3) With the approval of the commission, establish
such divisions, facilities and offices and select such
professional, technical and other personnel, including
investigators, as he deems reasonably necessary for the
efficient operation and discharge of the duties of the state
public defender system under this chapter;

(4) Administer and coordinate the operations of
defender services and be responsible for the overall
supervision of all personnel, offices, divisions and
facilities of the state public defender system, except that
the director shall have no authority to direct or control
the legal defense provided by a defender to any person
served by the state public defender system;

(5) Develop programs and administer activities to
achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with
respect to the provision of all public defender services for
use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;
(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;
(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;
(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the [state general revenue] public defender - federal and other fund;
(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;
(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.
2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it
has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

   (1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

   (2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

   (3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

   (4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

   (5) For whom the federal constitution or the state constitution requires the appointment of counsel; and
(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.

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

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

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

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

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

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

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

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

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

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

5. Any oath required by the provisions of this section
shall be subject to the provisions of section 492.060.
650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

1. "Board", the Missouri 911 service board established in section 650.325;
2. "Public safety answering point", the location at which 911 calls are answered;
3. "Telecommunicator first responder", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicator first responders who answer 911 calls that come to public safety answering points shall be as follows:

1. Police telecommunicator first responder, 16 hours;
2. Fire telecommunicator first responder, 16 hours;
3. Emergency medical services telecommunicator first responder, 16 hours;
4. Joint communication center telecommunicator first responder, 40 hours.

3. All persons employed as a telecommunicator first responder in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator first responder. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.
4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator or a telecommunicator first responder after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator or telecommunicator first responder.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or dispatch agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.
sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

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

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

2. If an offender was placed on probation, parole, or conditional release for an offense of:
   (1) Involuntary manslaughter in the second degree;
   (2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;
   (3) Domestic assault in the second degree;
   (4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;
   (5) Statutory rape in the second degree;
   (6) Statutory sodomy in the second degree;
   (7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or
   (8) Any case in which the defendant is found guilty of a felony offense under chapter 571;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[217.785. 1. As used in this section, the term "Missouri postconviction drug treatment program" means a program of noninstitutional and institutional correctional programs for the monitoring, control and treatment of certain drug abuse offenders.

2. The department of corrections shall establish by regulation the "Missouri Postconviction Drug Treatment Program". The program shall include noninstitutional and institutional placement. The institutional phase of the program may include any offender under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

3. Any first-time offender who has been found guilty of violating the provisions of chapter 195 or 579, or whose controlled substance abuse was a precipitating or contributing factor in the commission of his offense, and who is placed on probation may be required to participate in the noninstitutional phase of the program, which may include education, treatment and rehabilitation programs. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of the program. Failure of an offender to complete successfully the noninstitutional phase of the program shall be sufficient cause for the offender to be remanded to the sentencing court for assignment to the institutional phase of the program or any other authorized disposition.

4. A probationer shall be eligible for assignment to the institutional phase of the postconviction drug treatment program if he has failed to complete successfully the noninstitutional phase of the program. If space is available, the sentencing court may assign the offender to the institutional phase of the program as a special condition of probation, without the necessity of formal revocation of probation.

5. The availability of space in the institutional program shall be determined by the department of corrections. If the sentencing court is advised that there is no space available, then the court shall consider other authorized dispositions.

6. Any time after ninety days and prior to one hundred twenty days after assignment of the offender to the institutional phase of the
program, the department shall submit to the court a report outlining the performance of the offender in the program. If the department determines that the offender will not participate or has failed to complete the program, the department shall advise the sentencing court, who shall cause the offender to be brought before the court for consideration of revocation of the probation or other authorized disposition. If the offender successfully completes the program, the department shall release the individual to the appropriate probation and parole district office and so advise the court.

7. Time spent in the institutional phase of the program shall count as time served on the sentence.

[217.810. 1. The governor is hereby authorized and directed to enter into the interstate compact for the supervision of parolees and probationers on behalf of the state of Missouri with the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all other states of the United States legally joining therein and pursuant to the provisions of an act of the Congress of the United States of America granting the consent of Congress to the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes, which compact shall have as its objective the permitting of persons placed on probation or released on parole to reside in any other state signatory to the compact assuming the duties of visitation and supervision over such probationers and parolees; permitting the extradition and transportation without interference of prisoners, being retaken, through any and all states signatory to the compact under such terms, conditions, rules and regulations, and for such duration as in the opinion of the governor of this state shall be necessary and proper and in a form substantially as contained in subsection 2 of this section. The chairman of the board shall administer the compact for the state.

2. INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS

This compact shall be entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of
Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such a person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;
(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) The receiving state shall assume the duties of visitation and supervision over probationers or parolees of any sending state transferred under the compact and will apply the same standards of supervision that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of
Having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) Each state may designate an officer who, acting jointly with like officers of other contracting states shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

3. If any section, sentence, subdivision or clause within subsection 2 of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining provisions of that subsection or this section.

4. All necessary and proper expenses accruing as a result of a person being returned to this state by order of a court or the parole board shall be paid by the state as provided in section 548.241 or 548.243.

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