

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 775, 751 & 640

101ST GENERAL ASSEMBLY  
2022

3386S.11T

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## AN ACT

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

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

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4 595.201, 595.226, and 632.305, RSMo, are repealed and thirty  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

**1.016. A secondary source, including a legal treatise,  
2 scholarly publication, textbook, or other explanatory text,**

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

3 does not constitute the law or public policy of this state  
4 to the extent its adoption would create, eliminate, expand,  
5 or restrict a cause of action, right, or remedy, or to the  
6 extent it is inconsistent with, or in conflict with, or  
7 otherwise not addressed by, Missouri statutory law or  
8 Missouri appellate case law precedent.

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

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

26 other person legally responsible for the child's care, as  
27 provided under section 210.125.

28 3. If the child is already under the jurisdiction of  
29 the court under paragraph (a) of subdivision (1) of  
30 subsection 1 of section 211.031 and in the legal custody of  
31 the children's division, the police officer or law  
32 enforcement official, along with the children's division,  
33 shall secure placement for the child in the least  
34 restrictive setting in order to ensure the safety of the  
35 child from further sex trafficking or severe forms of  
36 trafficking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39           2. A majority of the members of the council shall  
40 constitute a quorum. The council shall hold its first  
41 meeting within thirty days after the council's creation and  
42 organize by selecting a chair and a vice chair. The council  
43 shall meet at the call of the chair.

44           3. The council shall:

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

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

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

66           5. On or before December 31, 2023, the council shall  
67 submit a report of the council's activities to the governor  
68 and general assembly and the joint committee on child abuse

69 and neglect under section 21.771. The report shall include  
70 recommendations for priority needs and actions, including  
71 statutory or regulatory changes relating to the response to  
72 sex trafficking and sexual exploitation of children and  
73 services for child victims.

74 **6. The council shall expire on December 31, 2023.**

211.031. 1. Except as otherwise provided in this  
2 chapter, the juvenile court or the family court in circuits  
3 that have a family court as provided in [sections 487.010 to  
4 487.190] **chapter 487** shall have exclusive original  
5 jurisdiction in proceedings:

6 (1) Involving any child who may be a resident of or  
7 found within the county and who is alleged to be in need of  
8 care and treatment because:

9 (a) The parents, or other persons legally responsible  
10 for the care and support of the child, neglect or refuse to  
11 provide proper support, education which is required by law,  
12 medical, surgical or other care necessary for his or her  
13 well-being; except that reliance by a parent, guardian or  
14 custodian upon remedial treatment other than medical or  
15 surgical treatment for a child shall not be construed as  
16 neglect when the treatment is recognized or permitted  
17 pursuant to the laws of this state;

18 (b) The child is otherwise without proper care,  
19 custody or support;

20 (c) The child was living in a room, building or other  
21 structure at the time such dwelling was found by a court of  
22 competent jurisdiction to be a public nuisance pursuant to  
23 section 195.130; or

24 (d) The child is in need of mental health services and  
25 the parent, guardian or custodian is unable to afford or

26 access appropriate mental health treatment or care for the  
27 child;

28 (2) Involving any child who may be a resident of or  
29 found within the county and who is alleged to be in need of  
30 care and treatment because:

31 (a) The child while subject to compulsory school  
32 attendance is repeatedly and without justification absent  
33 from school;

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

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

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

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

51 (3) Involving any child who is alleged to have  
52 violated a state law or municipal ordinance, or any person  
53 who is alleged to have violated a state law or municipal  
54 ordinance prior to attaining the age of eighteen years, in  
55 which cases jurisdiction may be taken by the court of the  
56 circuit in which the child or person resides or may be found  
57 or in which the violation is alleged to have occurred;

58 except that, the juvenile court shall not have jurisdiction  
59 over any child fifteen years of age who is alleged to have  
60 violated a state or municipal traffic ordinance or  
61 regulation, the violation of which does not constitute a  
62 felony, and except that the juvenile court shall have  
63 concurrent jurisdiction with the municipal court over any  
64 child who is alleged to have violated a municipal curfew  
65 ordinance, and except that the juvenile court shall have  
66 concurrent jurisdiction with the circuit court on any child  
67 who is alleged to have violated a state or municipal  
68 ordinance or regulation prohibiting possession or use of any  
69 tobacco product;

70 (4) For the adoption of a person;

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

73 [and]

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

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

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

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



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

96           (3) Upon motion of any party or on its own motion, the  
97 court in which jurisdiction has been taken pursuant to  
98 subsection 1 of this section may at any time thereafter  
99 transfer jurisdiction of a child to the court located in the  
100 county of the child's residence for further action with the  
101 prior consent of the receiving court;

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

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

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

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

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

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

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

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

7           (2) On probation, parole, or conditional release for  
8 an offense listed in chapter 579, or an offense previously  
9 listed in chapter 195, or for a class D or E felony,  
10 excluding sections 565.225, 565.252, 566.031, 566.061,  
11 566.083, 566.093, 568.020, 568.060, offenses defined as  
12 sexual assault under section 589.015, deviate sexual  
13 assault, assault in the second degree under subdivision (2)  
14 of subsection 1 of section 565.052, endangering the welfare  
15 of a child in the first degree under subdivision (2) of

16 subsection 1 of section 568.045, and any offense of  
17 aggravated stalking or assault in the second degree under  
18 subdivision (2) of subsection 1 of section 565.060 as such  
19 offenses existed prior to January 1, 2017;

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

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

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

26 (1) Involuntary manslaughter in the second degree;

27 (2) Assault in the second degree except under  
28 subdivision (2) of subsection 1 of section 565.052 or  
29 section 565.060 as it existed prior to January 1, 2017;

30 (3) Domestic assault in the second degree;

31 (4) Assault in the third degree when the victim is a  
32 special victim or assault of a law enforcement officer in  
33 the second degree as it existed prior to January 1, 2017;

34 (5) Statutory rape in the second degree;

35 (6) Statutory sodomy in the second degree;

36 (7) Endangering the welfare of a child in the first  
37 degree under subdivision (1) of subsection 1 of section  
38 568.045; or

39 (8) Any case in which the defendant is found guilty of  
40 a felony offense under chapter 571;

41 the sentencing court may, upon its own motion or a motion of  
42 the prosecuting or circuit attorney, make a finding that the  
43 offender is ineligible to earn compliance credits because  
44 the nature and circumstances of the offense or the history  
45 and character of the offender indicate that a longer term of  
46 probation, parole, or conditional release is necessary for

47 the protection of the public or the guidance of the  
48 offender. The motion may be made any time prior to the  
49 first month in which the person may earn compliance credits  
50 under this section or at a hearing under subsection 5 of  
51 this section. The offender's ability to earn credits shall  
52 be suspended until the court or board makes its finding. If  
53 the court or board finds that the offender is eligible for  
54 earned compliance credits, the credits shall begin to accrue  
55 on the first day of the next calendar month following the  
56 issuance of the decision.

57 3. Earned compliance credits shall reduce the term of  
58 probation, parole, or conditional release by thirty days for  
59 each full calendar month of compliance with the terms of  
60 supervision. Credits shall begin to accrue for eligible  
61 offenders after the first full calendar month of supervision  
62 or on October 1, 2012, if the offender began a term of  
63 probation, parole, or conditional release before September  
64 1, 2012.

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

71 5. Credits shall not accrue during any calendar month  
72 in which a violation report, which may include a report of  
73 absconder status, has been submitted, the offender is in  
74 custody, or a motion to revoke or motion to suspend has been  
75 filed, and shall be suspended pending the outcome of a  
76 hearing, if a hearing is held. If no hearing is held, or if  
77 a hearing is held and the offender is continued under  
78 supervision, or the court or board finds that the violation

79 did not occur, then the offender shall be deemed to be in  
80 compliance and shall begin earning credits on the first day  
81 of the next calendar month following the month in which the  
82 report was submitted or the motion was filed. If a hearing  
83 is held, all earned credits shall be rescinded if:

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

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

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

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

108 7. Notwithstanding subsection 2 of section 217.730 to  
109 the contrary, once the combination of time served in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

          455.085. 1. When a law enforcement officer has  
2 probable cause to believe a party has committed a violation  
3 of law amounting to domestic violence, as defined in section  
4 455.010, against a family or household member, the officer  
5 may arrest the offending party whether or not the violation  
6 occurred in the presence of the arresting officer. When the  
7 officer declines to make arrest pursuant to this subsection,  
8 the officer shall make a written report of the incident  
9 completely describing the offending party, giving the  
10 victim's name, time, address, reason why no arrest was made  
11 and any other pertinent information. Any law enforcement  
12 officer subsequently called to the same address within a  
13 twelve-hour period, who shall find probable cause to believe  
14 the same offender has again committed a violation as stated  
15 in this subsection against the same or any other family or  
16 household member, shall arrest the offending party for this  
17 subsequent offense. The primary report of nonarrest in the  
18 preceding twelve-hour period may be considered as evidence  
19 of the defendant's intent in the violation for which arrest  
20 occurred. The refusal of the victim to sign an official  
21 complaint against the violator shall not prevent an arrest  
22 under this subsection.



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

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

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

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

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

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

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

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

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

71           7. A violation of the terms and conditions, with  
72 regard to domestic violence, stalking, sexual assault, child  
73 custody, communication initiated by the respondent or  
74 entrance upon the premises of the petitioner's dwelling unit  
75 or place of employment or school, or being within a certain  
76 distance of the petitioner or a child of the petitioner, of  
77 an ex parte order of protection of which the respondent has  
78 notice, shall be a class A misdemeanor unless the respondent  
79 has previously pleaded guilty to or has been found guilty in  
80 any division of the circuit court of violating an ex parte  
81 order of protection or a full order of protection within  
82 five years of the date of the subsequent violation, in which  
83 case the subsequent violation shall be a class E felony.  
84 Evidence of prior pleas of guilty or findings of guilt shall  
85 be heard by the court out of the presence of the jury prior

86 to submission of the case to the jury. If the court finds  
87 the existence of such prior pleas of guilty or finding of  
88 guilt beyond a reasonable doubt, the court shall decide the  
89 extent or duration of sentence or other disposition and  
90 shall not instruct the jury as to the range of punishment or  
91 allow the jury to assess and declare the punishment as a  
92 part of its verdict.

93 8. A violation of the terms and conditions, with  
94 regard to domestic violence, stalking, sexual assault, child  
95 custody, communication initiated by the respondent or  
96 entrance upon the premises of the petitioner's dwelling unit  
97 or place of employment or school, or being within a certain  
98 distance of the petitioner or a child of the petitioner, of  
99 a full order of protection shall be a class A misdemeanor,  
100 unless the respondent has previously pleaded guilty to or  
101 has been found guilty in any division of the circuit court  
102 of violating an ex parte order of protection or a full order  
103 of protection within five years of the date of the  
104 subsequent violation, in which case the subsequent violation  
105 shall be a class E felony. Evidence of prior pleas of  
106 guilty or findings of guilt shall be heard by the court out  
107 of the presence of the jury prior to submission of the case  
108 to the jury. If the court finds the existence of such prior  
109 plea of guilty or finding of guilt beyond a reasonable  
110 doubt, the court shall decide the extent or duration of the  
111 sentence or other disposition and shall not instruct the  
112 jury as to the range of punishment or allow the jury to  
113 assess and declare the punishment as a part of its verdict.  
114 For the purposes of this subsection, in addition to the  
115 notice provided by actual service of the order, a party is  
116 deemed to have notice of an order of protection if:

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

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

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

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

          478.600. 1. There shall be four circuit judges in the  
2 eleventh judicial circuit. These judges shall sit in  
3 divisions numbered one, two, three and four. Beginning on  
4 January 1, 2007, there shall be six circuit judges in the  
5 eleventh judicial circuit and these judges shall sit in  
6 divisions numbered one, two, three, four, five, and seven.  
7 The division five associate circuit judge position and the  
8 division seven associate circuit judge position shall become  
9 circuit judge positions beginning January 1, 2007, and shall  
10 be numbered as divisions five and seven.

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

17           3. Beginning January 1, 2007, the family court  
18 commissioner positions in the eleventh judicial circuit

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

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

37 5. Beginning in fiscal year 2015, there shall be one  
38 additional associate circuit judge position in the eleventh  
39 judicial circuit. The associate circuit judge shall be  
40 elected in 2016. This associate circuit judgeship shall not  
41 be included in the statutory formula for authorizing  
42 additional circuit judgeships per county under section  
43 478.320. Beginning in fiscal year 2019, there shall be one  
44 additional associate circuit judge position in the eleventh  
45 judicial circuit. The associate circuit judge shall be  
46 elected in 2020. This associate circuit judgeship shall not  
47 be included in the statutory formula for authorizing  
48 additional circuit judgeships per county under section  
49 478.320.

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

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

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

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

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

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

31 3. If the defendant proposes to offer evidence of the  
32 sexual conduct, **acts, or practices** of [the complaining] a

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

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

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

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

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

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

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

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

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

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

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

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



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.

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 conditions or extending 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

33 section, the court shall order placement of the offender in  
34 [one of the] a department of corrections' one hundred twenty-  
35 day [programs] **program** so long as:

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

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

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

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

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

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

91 Once the defendant has successfully completed [the] a  
92 program under this subsection, the court shall release the  
93 defendant to continue to serve the term of probation, which  
94 shall not be modified, enlarged, or extended based on the  
95 same incident of violation.

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

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

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

128 probation shall be for a term of probation as provided by  
129 section 559.016, notwithstanding any amount of time served  
130 by the offender on the first term of probation.

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

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

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

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

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

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

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

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

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

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

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



68 corrections or the court, the expenses of such program to be  
69 paid by the offender, or in an available program offered by  
70 another organization. If the offender is convicted of a  
71 class C, class D, or class E nonviolent felony, the court  
72 may order probation while awaiting appointment to treatment.

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

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

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

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

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

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

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

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

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

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

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

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

28 a. Ancestor or descendant by blood or adoption;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) A student teacher; [or]

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

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

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

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

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

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

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

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

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

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

11 **pornography**; section 573.025, promoting child pornography;  
12 or section 573.040, furnishing pornographic material to  
13 minors; or

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

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

26 2. No parent, legal guardian, or custodian who has  
27 been found guilty of violating any of the offenses listed in  
28 subsection 1 of this section shall be present in any school  
29 building, on real property comprising any school, or in any  
30 conveyance owned, leased, or contracted by a school to  
31 transport students to or from school or a school-related  
32 activity when persons under the age of eighteen are present  
33 in the building, on the grounds or in the conveyance unless  
34 the parent, legal guardian, or custodian has permission to  
35 be present from the superintendent or school board or in the  
36 case of a private school from the principal. In the case of  
37 a public school, if permission is granted, the  
38 superintendent or school board president must inform the  
39 principal of the school where the sex offender will be  
40 present. Permission may be granted by the superintendent,  
41 school board, or in the case of a private school from the

42 principal for more than one event at a time, such as a  
43 series of events, however, the parent, legal guardian, or  
44 custodian must obtain permission for any other event he or  
45 she wishes to attend for which he or she has not yet had  
46 permission granted.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

          567.020. 1. A person commits the offense of  
2 prostitution if he or she engages in or offers or agrees to  
3 engage in sexual conduct with another person in return for  
4 something of value to be received by any person.

5           2. The offense of prostitution is a class B  
6 misdemeanor unless the person knew prior to performing the  
7 act of prostitution that he or she was infected with HIV in  
8 which case prostitution is a class B felony. The use of  
9 condoms is not a defense to this offense.

10           3. As used in this section, "HIV" means the human  
11 immunodeficiency virus that causes acquired immunodeficiency  
12 syndrome.

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

27           5. [In addition to the affirmative defense provided in  
28 subsection 2 of section 566.223, it shall be an affirmative  
29 defense to prosecution pursuant to this section that the  
30 defendant] **A person shall not be certified as an adult or**

31 **adjudicated as a delinquent for the offense of prostitution**  
32 **under this section if the person** was under the age of  
33 eighteen **[and was acting under the coercion, as defined in**  
34 **section 566.200, of an agent]** at the time **[of]** the offense  
35 **[charged] occurred.** In such cases where the **[defendant]**  
36 **person** was under the age of eighteen, the **[defendant] person**  
37 shall be classified as a victim of abuse, as defined under  
38 section 210.110, and such abuse shall be reported  
39 **immediately to the children's division,** as required under  
40 section 210.115 **and to the juvenile officer for appropriate**  
41 **services, treatment, investigation, and other proceedings as**  
42 **provided under chapters 207, 210, and 211.** Upon request,  
43 **the local law enforcement agency and the prosecuting**  
44 **attorney shall assist the children's division and the**  
45 **juvenile officer in conducting the investigation.**

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

3 (1) "Adult cabaret", a nightclub, bar, juice bar,  
4 restaurant, bottle club, or other commercial establishment,  
5 regardless of whether alcoholic beverages are served, which  
6 regularly features persons who appear semi-nude;

7 (2) "Characterized by", describing the essential  
8 character or dominant theme of an item;

9 (3) "Child", any person under the age of fourteen;

10 (4) "Child pornography":

11 (a) Any obscene material or performance depicting  
12 sexual conduct, sexual contact as defined in section  
13 566.010, or a sexual performance and which has as one of its  
14 participants or portrays as an observer of such conduct,  
15 contact, or performance a minor; or

16 (b) Any visual depiction, including any photograph,  
17 film, video, picture, or computer or computer-generated

18 image or picture, whether made or produced by electronic,  
19 mechanical, or other means, of sexually explicit conduct  
20 where:

21 a. The production of such visual depiction involves  
22 the use of a minor engaging in sexually explicit conduct;

23 b. Such visual depiction is a digital image, computer  
24 image, or computer-generated image that is, or is  
25 indistinguishable from, that of a minor engaging in sexually  
26 explicit conduct, in that the depiction is such that an  
27 ordinary person viewing the depiction would conclude that  
28 the depiction is of an actual minor engaged in sexually  
29 explicit conduct; or

30 c. Such visual depiction has been created, adapted, or  
31 modified to show that an identifiable minor is engaging in  
32 sexually explicit conduct. "Identifiable minor" means a  
33 person who was a minor at the time the visual depiction was  
34 created, adapted, or modified; or whose image as a minor was  
35 used in creating, adapting, or modifying the visual  
36 depiction; and who is recognizable as an actual person by  
37 the person's face, likeness, or other distinguishing  
38 characteristic, such as a unique birthmark or other  
39 recognizable feature. The term "identifiable minor" shall  
40 not be construed to require proof of the actual identity of  
41 the identifiable minor;

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

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

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

61           (8) "Material", anything printed or written, or any  
62 picture, drawing, photograph, motion picture film, videotape  
63 or videotape production, or pictorial representation, or any  
64 recording or transcription, or any mechanical, chemical, or  
65 electrical reproduction, or stored computer data, or  
66 anything which is or may be used as a means of  
67 communication. Material includes undeveloped photographs,  
68 molds, printing plates, stored computer data and other  
69 latent representational objects;

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

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

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

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

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

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

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

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

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

98 (a) The average person, applying contemporary  
99 community standards, would find that the material or  
100 performance, taken as a whole, has a tendency to cater or  
101 appeal to a prurient interest of minors; and

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

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

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

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

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

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

126 (19) "Semi-nude" or "state of semi-nudity", the  
127 showing of the female breast below a horizontal line across  
128 the top of the areola and extending across the width of the  
129 breast at such point, or the showing of the male or female  
130 buttocks. Such definition includes the lower portion of the  
131 human female breast, but shall not include any portion of  
132 the cleavage of the female breasts exhibited by a bikini,  
133 dress, blouse, shirt, leotard, or similar wearing apparel  
134 provided the areola is not exposed in whole or in part;

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

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

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

147 (b) Bestiality;

148 (c) Masturbation;

149 (d) Sadistic or masochistic abuse; or

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

152 (22) "Sexually oriented business" includes:

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

165 a. Has a substantial portion of its displayed  
166 merchandise which consists of such items; or

167 b. Has a substantial portion of the wholesale value of  
168 its displayed merchandise which consists of such items; or

169 c. Has a substantial portion of the retail value of  
170 its displayed merchandise which consists of such items; or

171 d. Derives a substantial portion of its revenues from  
172 the sale or rental, for any form of consideration, of such  
173 items; or

- 174 e. Maintains a substantial section of its interior  
175 business space for the sale or rental of such items; or
- 176 f. Maintains an adult arcade. "Adult arcade" means  
177 any place to which the public is permitted or invited  
178 wherein coin-operated or slug-operated or electronically,  
179 electrically, or mechanically controlled still or motion  
180 picture machines, projectors, or other image-producing  
181 devices are regularly maintained to show images to five or  
182 fewer persons per machine at any one time, and where the  
183 images so displayed are characterized by their emphasis upon  
184 matter exhibiting specified sexual activities or specified  
185 anatomical areas;
- 186 (b) An adult cabaret;
- 187 (c) An adult motion picture theater. "Adult motion  
188 picture theater" means a commercial establishment where  
189 films, motion pictures, video cassettes, slides, or similar  
190 photographic reproductions, which are characterized by their  
191 emphasis upon the display of specified sexual activities or  
192 specified anatomical areas are regularly shown to more than  
193 five persons for any form of consideration;
- 194 (d) A semi-nude model studio. "Semi-nude model  
195 studio" means a place where persons regularly appear in a  
196 state of semi-nudity for money or any form of consideration  
197 in order to be observed, sketched, drawn, painted,  
198 sculptured, photographed, or similarly depicted by other  
199 persons. Such definition shall not apply to any place where  
200 persons appearing in a state of semi-nudity do so in a  
201 modeling class operated:
- 202 a. By a college, junior college, or university  
203 supported entirely or partly by taxation;
- 204 b. By a private college or university which maintains  
205 and operates educational programs in which credits are



206 transferable to a college, junior college, or university  
207 supported entirely or partly by taxation; or

208 c. In a structure:

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

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

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

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

224 (24) "Specified anatomical areas" include:

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

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

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

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

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

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

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

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

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

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

573.206. 1. A person commits the offense of  
2 patronizing a sexual performance by a child if such person  
3 obtains, solicits, or participates in a sexual performance  
4 by a child under eighteen years of age.

5 2. The offense of patronizing a sexual performance by  
6 a child is a class C felony.

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

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

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

16 (1) "Explicit sexual material", any pictorial, three-  
17 dimensional, or visual depiction, including any photography,  
18 film, video, picture, or computer-generated image, showing  
19 human masturbation, deviate sexual intercourse as defined in  
20 section 566.010, sexual intercourse, direct physical  
21 stimulation of genitals, sadomasochistic abuse, or  
22 emphasizing the depiction of postpubertal human genitals;  
23 provided, however, that works of art, when taken as a whole,  
24 that have serious artistic significance, or works of  
25 anthropological significance, or materials used in science  
26 courses, including but not limited to materials used in  
27 biology, anatomy, physiology, and sexual education classes  
28 shall not be deemed to be within the foregoing definition;

29 (2) "Person affiliated with a public or private  
30 elementary or secondary school in an official capacity", an  
31 administrator, teacher, librarian, media center personnel,  
32 substitute teacher, teacher's assistant, student teacher,

33 law enforcement officer, school board member, school bus  
34 driver, guidance counselor, coach, guest lecturer, guest  
35 speaker, or other nonschool employee who is invited to  
36 present information to students by a teacher, administrator,  
37 or other school employee. Such term shall not include a  
38 student enrolled in the elementary or secondary school.

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

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

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

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

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

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

24 (6) "Sex offender", any person who meets the criteria  
25 to register under sections 589.400 to 589.425 or the Sex  
26 Offender Registration and Notification Act, Title I of the

27 Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-  
28 248;

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (a) The survivor's rights pursuant to this section and  
57 other rules and regulations by the department of public

58 safety and the department of health and senior services,  
59 which shall be signed by the survivor of sexual assault to  
60 confirm receipt;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

152 (12) Upon initial interaction with a survivor, a law  
153 enforcement officer shall provide the survivor with a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

247 (4) "Disposition", the sentencing or determination of  
248 a penalty or punishment to be imposed upon a person  
249 convicted of a crime or found delinquent or against who a

250 finding of sufficient facts for conviction or finding of  
251 delinquency is made;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339           5. The document shall include the following:

- 340           (1) A description of the rights of the sexual assault  
341 survivor pursuant to this section; and
- 342           (2) Telephone and internet means for contacting the  
343 local rape crisis center, as defined in 455.003.



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

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

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

27 **court determines that the disclosure to the person or entity**  
28 **would not compromise the welfare or safety of the victim,**  
29 and only after providing reasonable notice to the victim and  
30 after allowing the victim the right to respond to such  
31 request.

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

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

632.305. 1. An application for detention for  
2 evaluation and treatment may be executed by any adult  
3 person, who need not be an attorney or represented by an  
4 attorney, including the mental health coordinator, on a form  
5 provided by the court for such purpose, and [must] shall  
6 allege under oath, **without a notarization requirement,** that  
7 the applicant has reason to believe that the respondent is  
8 suffering from a mental disorder and presents a likelihood  
9 of serious harm to himself **or herself** or to others. The  
10 application [must] shall specify the factual information on  
11 which such belief is based and should contain the names and

12 addresses of all persons known to the applicant who have  
13 knowledge of such facts through personal observation.

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

35         3. A mental health coordinator may request a peace  
36 officer to take or a peace officer may take a person into  
37 custody for detention for evaluation and treatment for a  
38 period not to exceed ninety-six hours only when such mental  
39 health coordinator or peace officer has reasonable cause to  
40 believe that such person is suffering from a mental disorder  
41 and that the likelihood of serious harm by such person to  
42 himself **or herself** or others is imminent unless such person  
43 is immediately taken into custody. Upon arrival at the

44 mental health facility, the peace officer or mental health  
45 coordinator who conveyed such person or caused him **or her** to  
46 be conveyed shall either present the application for  
47 detention for evaluation and treatment upon which the court  
48 has issued a finding of probable cause and the respondent  
49 was taken into custody or complete an application for  
50 initial detention for evaluation and treatment for a period  
51 not to exceed ninety-six hours which shall be based upon his  
52 **or her** own personal observations or investigations and shall  
53 contain the information required in subsection 1 of this  
54 section.

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

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

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