

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 754, 746, 788, 765, 841, 887 & 861

AN ACT

To repeal sections 211.031, 211.071, 217.345, 217.690, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public safety, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 211.031, 211.071, 217.345, 217.690, 2 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 3 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 4 590.653, 600.042, and 610.140, RSMo, are repealed and twenty- 5 eight new sections enacted in lieu thereof, to be known as 6 sections 211.031, 211.071, 211.600, 217.345, 217.690, 307.018, 7 547.031, 547.500, 556.021, 558.016, 558.019, 565.258, 568.045, 8 571.015, 571.031, 571.070, 575.010, 575.353, 578.007, 578.022, 9 579.021, 579.022, 579.065, 579.068, 590.192, 590.653, 600.042, 10 and 610.140, to read as follows:

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 chapter 487 shall 4 have exclusive original jurisdiction in proceedings:

(1) Involving any child who may be a resident of or 5 found within the county and who is alleged to be in need of 6 care and treatment because: 7

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

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

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

23 (d) The child is in need of mental health services and
24 the parent, guardian or custodian is unable to afford or
25 access appropriate mental health treatment or care for the
26 child;

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

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

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

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

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

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

50 (3) Involving any child who is alleged to have
51 violated a state law or municipal ordinance, or any person
52 who is alleged to have violated a state law or municipal
53 ordinance prior to attaining the age of eighteen years, in
54 which cases jurisdiction may be taken by the court of the
55 circuit in which [the child or person resides or may be
56 found or in which] the violation is alleged to have
57 occurred, except as provided in subsection 2 of this
58 section; except that, the juvenile court shall not have
59 jurisdiction over any child fifteen years of age who is
60 alleged to have violated a state or municipal traffic
61 ordinance or regulation, the violation of which does not
62 constitute a felony, and except that the juvenile court
63 shall have concurrent jurisdiction with the municipal court
64 over any child who is alleged to have violated a municipal
65 curfew ordinance, and except that the juvenile court shall
66 have concurrent jurisdiction with the circuit court on any
67 child 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 (6) Involving an order of protection pursuant to
74 chapter 455 when the respondent is less than eighteen years
75 of age; and

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

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

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

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

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

101 (4) Upon motion of any party or upon its own motion at
102 any time following a judgment of disposition or treatment
103 pursuant to section 211.181, the court having jurisdiction
104 of the cause may place the child under the supervision of

105 another juvenile court within or without the state pursuant
106 to section 210.570 with the consent of the receiving court;

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

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

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

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

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

211.071. 1. If a petition alleges that a child
2 between the ages of ~~[twelve]~~ fourteen and eighteen has
3 committed an offense which would be considered a felony if
4 committed by an adult, the court may, upon its own motion or
5 upon motion by the juvenile officer, the child or the
6 child's custodian, order a hearing and may, in its
7 discretion, dismiss the petition and such child may be
8 transferred to the court of general jurisdiction and
9 prosecuted under the general law; except that if a petition
10 alleges that ~~[any]~~ a child between the ages of twelve and
11 eighteen has committed an offense which would be considered
12 first degree murder under section 565.020, second degree
13 murder under section 565.021, first degree assault under
14 section 565.050, forcible rape under section 566.030 as it
15 existed prior to August 28, 2013, rape in the first degree
16 under section 566.030, forcible sodomy under section 566.060
17 as it existed prior to August 28, 2013, sodomy in the first
18 degree under section 566.060, first degree robbery under
19 section 569.020 as it existed prior to January 1, 2017, or
20 robbery in the first degree under section 570.023,
21 distribution of drugs under section 195.211 as it existed
22 prior to January 1, 2017, or the manufacturing of a
23 controlled substance under section 579.055, a dangerous
24 felony as defined in section 556.061, any felony involving
25 the use, assistance, or aid of a deadly weapon, or has
26 committed two or more prior unrelated offenses which would
27 be felonies if committed by an adult, the court shall order
28 a hearing, and may in its discretion, dismiss the petition
29 and transfer the child to a court of general jurisdiction
30 for prosecution under the general law.

31 2. Upon apprehension and arrest, jurisdiction over the
32 criminal offense allegedly committed by any person between
33 eighteen and twenty-one years of age over whom the juvenile

34 court has retained continuing jurisdiction shall
35 automatically terminate and that offense shall be dealt with
36 in the court of general jurisdiction as provided in section
37 211.041.

38 3. Knowing and willful age misrepresentation by a
39 juvenile subject shall not affect any action or proceeding
40 which occurs based upon the misrepresentation. Any evidence
41 obtained during the period of time in which a child
42 misrepresents his or her age may be used against the child
43 and will be subject only to rules of evidence applicable in
44 adult proceedings.

45 4. Written notification of a transfer hearing shall be
46 given to the juvenile and his or her custodian in the same
47 manner as provided in sections 211.101 and 211.111. Notice
48 of the hearing may be waived by the custodian. Notice shall
49 contain a statement that the purpose of the hearing is to
50 determine whether the child is a proper subject to be dealt
51 with under the provisions of this chapter, and that if the
52 court finds that the child is not a proper subject to be
53 dealt with under the provisions of this chapter, the
54 petition will be dismissed to allow for prosecution of the
55 child under the general law.

56 5. The juvenile officer may consult with the office of
57 prosecuting attorney concerning any offense for which the
58 child could be certified as an adult under this section.
59 The prosecuting or circuit attorney shall have access to
60 police reports, reports of the juvenile or deputy juvenile
61 officer, statements of witnesses and all other records or
62 reports relating to the offense alleged to have been
63 committed by the child. The prosecuting or circuit attorney
64 shall have access to the disposition records of the child
65 when the child has been adjudicated pursuant to subdivision
66 (3) of subsection 1 of section 211.031. The prosecuting

67 attorney shall not divulge any information regarding the
68 child and the offense until the juvenile court at a judicial
69 hearing has determined that the child is not a proper
70 subject to be dealt with under the provisions of this
71 chapter.

72 6. A written report shall be prepared in accordance
73 with this chapter developing fully all available information
74 relevant to the criteria which shall be considered by the
75 court in determining whether the child is a proper subject
76 to be dealt with under the provisions of this chapter and
77 whether there are reasonable prospects of rehabilitation
78 within the juvenile justice system. These criteria shall
79 include but not be limited to:

80 (1) The seriousness of the offense alleged and whether
81 the protection of the community requires transfer to the
82 court of general jurisdiction;

83 (2) Whether the offense alleged involved viciousness,
84 force and violence;

85 (3) Whether the offense alleged was against persons or
86 property with greater weight being given to the offense
87 against persons, especially if personal injury resulted;

88 (4) Whether the offense alleged is a part of a
89 repetitive pattern of offenses which indicates that the
90 child may be beyond rehabilitation under the juvenile code;

91 (5) The record and history of the child, including
92 experience with the juvenile justice system, other courts,
93 supervision, commitments to juvenile institutions and other
94 placements;

95 (6) The sophistication and maturity of the child as
96 determined by consideration of his or her home and
97 environmental situation, emotional condition and pattern of
98 living;

99 (7) The age of the child;

100 (8) The program and facilities available to the
101 juvenile court in considering disposition;

102 (9) Whether or not the child can benefit from the
103 treatment or rehabilitative programs available to the
104 juvenile court; and

105 (10) Racial disparity in certification.

106 7. If the court dismisses the petition to permit the
107 child to be prosecuted under the general law, the court
108 shall enter a dismissal order containing:

109 (1) Findings showing that the court had jurisdiction
110 of the cause and of the parties;

111 (2) Findings showing that the child was represented by
112 counsel;

113 (3) Findings showing that the hearing was held in the
114 presence of the child and his or her counsel; and

115 (4) Findings showing the reasons underlying the
116 court's decision to transfer jurisdiction.

117 8. A copy of the petition and order of the dismissal
118 shall be sent to the prosecuting attorney.

119 9. When a petition has been dismissed thereby
120 permitting a child to be prosecuted under the general law
121 and the prosecution of the child results in a conviction,
122 the jurisdiction of the juvenile court over that child is
123 forever terminated, except as provided in subsection 10 of
124 this section, for an act that would be a violation of a
125 state law or municipal ordinance.

126 10. If a petition has been dismissed thereby
127 permitting a child to be prosecuted under the general law
128 and the child is found not guilty by a court of general
129 jurisdiction, the juvenile court shall have jurisdiction
130 over any later offense committed by that child which would
131 be considered a misdemeanor or felony if committed by an

132 adult, subject to the certification provisions of this
133 section.

134 11. If the court does not dismiss the petition to
135 permit the child to be prosecuted under the general law, it
136 shall set a date for the hearing upon the petition as
137 provided in section 211.171.

2 211.600. 1. The office of state courts administrator
3 shall collect information related to the filing and
4 disposition of petitions to certify juveniles pursuant to
5 section 211.071.

6 2. The data collected pursuant to this section shall
7 include the following:

8 (1) The number of certification petitions filed
9 annually;

10 (2) The disposition of certification petitions filed
11 annually;

12 (3) The offenses for which certification petitions are
13 filed annually;

14 (4) The race of the juveniles for whom the
15 certification petitions are filed annually; and

16 (5) The number of juveniles who have waived their
17 right to counsel.

18 3. The data collected pursuant to this section shall
be made publicly available annually.

217.345. 1. Correctional treatment programs for first
2 offenders and offenders eighteen years of age or younger in
3 the department shall be established, subject to the control
4 and supervision of the director, and shall include such
5 programs deemed necessary and sufficient for the successful
6 rehabilitation of offenders.

7 2. [Correctional treatment programs for offenders who
8 are younger than eighteen years of age shall be established,
9 subject to the control and supervision of the director. By

10 January 1, 1998, such] Programs established pursuant to this
11 section shall include physical separation of offenders who
12 are younger than eighteen years of age from offenders who
13 are eighteen years of age or older and shall include
14 educational programs that award a high school diploma or its
15 equivalent.

16 3. The department shall have the authority to
17 promulgate rules pursuant to subsection 2 of section 217.378
18 to establish correctional treatment programs for offenders
19 under age eighteen. Such rules may include:

20 (1) Establishing separate housing units for such
21 offenders; and

22 (2) Providing housing and program space in existing
23 housing units for such offenders that is not accessible to
24 adult offenders.

25 4. The department shall have the authority to
26 determine the number of juvenile offenders participating in
27 any treatment program depending on available
28 appropriations. The department may contract with any
29 private or public entity for the provision of services and
30 facilities for offenders under age eighteen. The department
31 shall apply for and accept available federal, state and
32 local public funds including project demonstration funds as
33 well as private moneys to fund such services and facilities.

34 5. The department shall develop and implement an
35 evaluation process for all juvenile offender programs.

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

3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs
5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. The parole
7 board shall then have the offender appear before a hearing

8 panel and shall conduct a personal interview with him or
9 her, unless waived by the offender, or if the guidelines
10 indicate the offender may be paroled without need for an
11 interview. The guidelines and rules shall not allow for the
12 waiver of a hearing if a victim requests a hearing. The
13 appearance or presence may occur by means of a
14 videoconference at the discretion of the parole board. A
15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

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

41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

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

69 7. The provisions of subsection 6 of this section
70 shall not apply to an offender found guilty of [murder in
71 the first degree or] capital murder, murder in the first
72 degree or murder in the second degree, when murder in the
73 second degree is committed pursuant to subdivision (1) of

74 subsection 1 of section 565.021, who was under eighteen
75 years of age when the offender committed the offense or
76 offenses who may be found ineligible for parole or whose
77 parole eligibility may be controlled by section 558.047 or
78 565.033.

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

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

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

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

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

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

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

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

111 (6) The parole board shall evaluate information listed
112 in the juvenile sex offender registry pursuant to section
113 211.425, provided the offender is between the ages of
114 seventeen and twenty-one, as it impacts the safety of the
115 community.

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

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

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

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

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

150 16. Any rule or portion of a rule, as that term is
151 defined in section 536.010, that is created under the
152 authority delegated in this section shall become effective
153 only if it complies with and is subject to all of the
154 provisions of chapter 536 and, if applicable, section
155 536.028. This section and chapter 536 are nonseverable and
156 if any of the powers vested with the general assembly
157 pursuant to chapter 536 to review, to delay the effective
158 date, or to disapprove and annul a rule are subsequently
159 held unconstitutional, then the grant of rulemaking
160 authority and any rule proposed or adopted after August 28,
161 2005, shall be invalid and void.

307.018. 1. Notwithstanding any other provision of
2 law, no court shall issue a warrant of arrest for a person's
3 failure to respond, pay the fine assessed, or appear in
4 court with respect to a traffic citation issued for an
5 infraction under the provisions of this chapter. In lieu of
6 such warrant of arrest, the court shall issue a notice of
7 failure to respond, pay the fine assessed, or appear, and
8 the court shall schedule a second court date for the person
9 to respond, pay the fine assessed, or appear. A copy of the
10 court's notice with the new court date shall be sent to the

11 driver of the vehicle. If the driver fails to respond, pay
12 the fine assessed, or appear on the second court date, the
13 court shall issue a second notice of failure to respond, pay
14 the fine assessed, or appear. If the driver fails to
15 respond, pay the fine assessed, or appear after the second
16 notice, the court may issue a default judgment under section
17 556.021 for the infraction.

18 2. At any point after the default judgment has been
19 entered, the driver may appear in court to state that he or
20 she is unable to pay and to request the court to modify the
21 judgment. The court shall hold a hearing to determine
22 whether the driver has the ability to pay. If the court
23 finds the driver lacks the present ability to pay, the court
24 shall modify the judgment in any way authorized by statute
25 or court rule, including:

26 (1) Allowing for payment of the fine on an installment
27 basis;

28 (2) Waiving or reducing the amount owed; or

29 (3) Requiring the driver to perform community service
30 or attend a court-ordered program in lieu of payment.

31 3. At any point after the default judgment has been
32 entered, the driver may appear in court and show proof that
33 he or she corrected the equipment violation for which the
34 fine and costs were assessed. If the driver shows such
35 proof, the court may waive the fines and costs that are due.

547.031. 1. A prosecuting or circuit attorney, in the
2 jurisdiction in which [a person was convicted of an offense]
3 charges were filed, may file a motion to vacate or set aside
4 the judgment at any time if he or she has information that
5 the convicted person may be innocent or may have been
6 erroneously convicted. The circuit court in which [the
7 person was convicted] charges were filed shall have

8 jurisdiction and authority to consider, hear, and decide the
9 motion.

10 2. Upon the filing of a motion to vacate or set aside
11 the judgment, the court shall order a hearing and shall
12 issue findings of fact and conclusions of law on all issues
13 presented. The attorney general shall be given notice of
14 hearing of such a motion by the circuit clerk and shall be
15 permitted to appear, question witnesses, and make arguments
16 in a hearing of such a motion.

17 3. The court shall grant the motion of the prosecuting
18 or circuit attorney to vacate or set aside the judgment
19 where the court finds that there is clear and convincing
20 evidence of actual innocence or constitutional error at the
21 original trial or plea that undermines the confidence in the
22 judgment. In considering the motion, the court shall take
23 into consideration the evidence presented at the original
24 trial or plea; the evidence presented at any direct appeal
25 or post-conviction proceedings, including state or federal
26 habeas actions; and the information and evidence presented
27 at the hearing on the motion.

28 4. The prosecuting attorney or circuit attorney shall
29 have the authority and right to file and maintain an appeal
30 of the denial or disposal of such a motion. The attorney
31 general may file a motion to intervene and, in addition to
32 such motion, file a motion to dismiss the motion to vacate
33 or to set aside the judgment in any appeal filed by the
34 prosecuting or circuit attorney.

547.500. 1. The Missouri office of prosecution
2 services may establish a conviction review unit to
3 investigate claims of actual innocence of any defendant
4 including those who plead guilty.

5 2. The Missouri office of prosecution services shall
6 have the power to promulgate rules and regulations to
7 receive and investigate claims of actual innocence.

8 3. The Missouri office of prosecution services shall
9 create an application process that at a minimum shall
10 include that:

11 (1) Any application for review of a claim of actual
12 innocence shall not have any excessive fees and fees shall
13 be waived in cases of indigence;

14 (2) No application shall be accepted if there is any
15 pending motion, writ, appeal, or other matter pending
16 regarding the defendant's conviction. Any application filed
17 shall be considered a pleading under the Missouri rules of
18 civil procedure and all attorneys shall comply with supreme
19 court rule 55.03 when signing the application and the
20 application shall be sworn and signed under penalty of
21 perjury by the applicant. Any witness statements attached
22 shall be sworn and signed under penalty of perjury; and

23 (3) Any review and investigation shall be based on
24 newly discovered and reliable evidence of actual innocence
25 not presented at a trial. Such newly discovered and
26 reliable evidence shall establish by clear and convincing
27 evidence the actual innocence of the defendant.

28 4. The conviction review unit shall consist of two
29 attorneys, hired by the executive director of the Missouri
30 office of prosecution services, who have extensive
31 experience prosecuting and defending criminal matters, an
32 investigator, a paralegal, and such administrative staff as
33 is needed to efficiently and effectively process all
34 applications and claims. The executive director of the
35 Missouri office of prosecution services shall coordinate the
36 activities and budget of the conviction review unit and act
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit
41 attorney who prosecuted the defendant's case; the attorney
42 general's office if it prosecuted the case, or the special
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting
45 attorney's office, the circuit attorney's office, attorney
46 general, or special prosecutor, the findings and
47 recommendation shall be presented to the office which
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any
50 county, special prosecutor, attorney general's office if it
51 prosecuted the case, Missouri office of prosecution
52 services, or other prosecutor who prosecuted the case is not
53 required to accept or follow the findings and
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,
56 interviews, findings, and recommendations, and any
57 documents, written, electronic or otherwise, received or
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and
60 recommendations submitted to the prosecuting attorney,
61 circuit attorney, the attorney general's office if it
62 prosecuted the case, or the special prosecutor who
63 prosecuted the case, shall become open records after the
64 receiving entity of the submission makes a decision not to
65 pursue a motion under section 547.031 or, if such a motion
66 is filed, after the finality of all proceedings under
67 section 547.031, including appeals authorized therein.

556.021. 1. An infraction does not constitute a
2 criminal offense and conviction of an infraction shall not

3 give rise to any disability or legal disadvantage based on
4 conviction of a criminal offense.

5 2. Except as otherwise provided by law, the procedure
6 for infractions shall be the same as for a misdemeanor.

7 3. If a person fails to appear in court either solely
8 for an infraction or for an infraction which is committed in
9 the same course of conduct as a criminal offense for which
10 the person is charged, or if a person fails to respond to
11 notice of an infraction from the central violations bureau
12 established in section 476.385, the court may issue a
13 default judgment for court costs and fines for the
14 infraction which shall be enforced in the same manner as
15 other default judgments, including enforcement under
16 sections 488.5028 and 488.5030, unless the court determines
17 that good cause or excusable neglect exists for the person's
18 failure to appear for the infraction. The notice of entry
19 of default judgment and the amount of fines and costs
20 imposed shall be sent to the person by first class mail.
21 The default judgment may be set aside for good cause if the
22 person files a motion to set aside the judgment within six
23 months of the date the notice of entry of default judgment
24 is mailed.

25 4. Notwithstanding subsection 3 of this section or any
26 provisions of law to the contrary, a court may issue a
27 warrant for failure to appear for any violation [which] that
28 is classified or charged as an infraction; except that, a
29 court shall not issue a warrant for failure to appear for
30 any violation that is classified or charged as an infraction
31 under chapter 307.

32 5. Judgment against the defendant for an infraction
33 shall be in the amount of the fine authorized by law and the
34 court costs for the offense.

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

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

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

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

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

21 3. A "persistent offender" is one who has been found
22 guilty of two or more felonies committed at different times,
23 or one who has been previously found guilty of a dangerous
24 felony as defined in subdivision (19) of section 556.061.

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

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

31 (2) Has been found guilty of a class A or B felony or
32 a dangerous felony.

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

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

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

 558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not
4 affect those provisions of section 565.020[,] or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,

22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
28 577.706, 579.065, and 579.068 when punished as a class A or
29 B felony. For the purposes of this section, "prison
30 commitment" means and is the receipt by the department of
31 corrections of an offender after sentencing. For purposes
32 of this section, prior prison commitments to the department
33 of corrections shall not include an offender's first
34 incarceration prior to release on probation under section
35 217.362 or 559.115. Other provisions of the law to the
36 contrary notwithstanding, any offender who has been found
37 guilty of a felony other than a dangerous felony as defined
38 in section 556.061 and is committed to the department of
39 corrections shall be required to serve the following minimum
40 prison terms:

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

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

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

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

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

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

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

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

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions
86 under subsection 2 of this section, and shall be eligible

87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

90 7. (1) A sentencing advisory commission is hereby
91 created to consist of eleven members. One member shall be
92 appointed by the speaker of the house. One member shall be
93 appointed by the president pro tem of the senate. One
94 member shall be the director of the department of
95 corrections. Six members shall be appointed by and serve at
96 the pleasure of the governor from among the following: the
97 public defender commission; private citizens; a private
98 member of the Missouri Bar; the board of probation and
99 parole; and a prosecutor. Two members shall be appointed by
100 the supreme court, one from a metropolitan area and one from
101 a rural area. All members shall be appointed to a four-year
102 term. All members of the sentencing commission appointed
103 prior to August 28, 1994, shall continue to serve on the
104 sentencing advisory commission at the pleasure of the
105 governor.

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

120 to the research and investigation of disparities in death
121 penalty sentencing among economic and social classes.

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

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

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

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

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

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

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

- 153 (2) Offender treatment programs;
- 154 (3) Mandatory community service;
- 155 (4) Work release programs in local facilities; and
- 156 (5) Community-based residential and nonresidential
- 157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment
160 of a designated amount of restitution to a county law
161 enforcement restitution fund established by the county
162 commission pursuant to section 50.565. Such contribution
163 shall not exceed three hundred dollars for any charged
164 offense. Any restitution moneys deposited into the county
165 law enforcement restitution fund pursuant to this section
166 shall only be expended pursuant to the provisions of section
167 50.565.

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

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

183 13. Nothing in this section shall be construed to
184 allow the sentencing advisory commission to issue

185 recommended sentences in specific cases pending in the
186 courts of this state.

565.258. 1. There is hereby created the "Stop
2 Cyberstalking and Harassment Task Force" to consist of the
3 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; and

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

12 (2) The director of the department of public safety or
13 his or her designee;

14 (3) A representative of the Missouri highway patrol
15 appointed by the superintendent of the Missouri highway
16 patrol;

17 (4) A representative of the Missouri Association of
18 Prosecuting Attorneys appointed by the president of the
19 Missouri Association of Prosecuting Attorneys;

20 (5) One or more law enforcement officers with
21 experience relating to cyberstalking and harassment
22 appointed by the governor;

23 (6) One or more representatives from a regional cyber
24 crime task force appointed by the governor;

25 (7) A person with experience in training law
26 enforcement on issues of cyberstalking or harassment
27 appointed by the governor;

28 (8) A representative of a statewide coalition against
29 domestic and sexual violence appointed by the governor;

30 (9) A representative of the Missouri safe at home
31 program appointed by the secretary of state;

32 (10) A representative of the judicial branch appointed
33 by the chief justice of the Missouri supreme court;

34 (11) A mental health service provider with experience
35 serving victims or perpetrators of crime appointed by the
36 director of the department of mental health;

37 (12) One representative from elementary and secondary
38 education services with experience educating people about
39 cyberstalking and harassment appointed by the director of
40 the department of elementary and secondary education;

41 (13) One representative from higher education services
42 with experience educating people about cyberstalking and
43 harassment appointed by the director of higher education and
44 workforce development; and

45 (14) One representative with experience in
46 cybersecurity and technology appointed by the director of
47 the office of administration.

48 2. The task force shall appoint a chairperson who is
49 elected by a majority vote of the members of the task
50 force. The task force shall have an initial meeting before
51 October 1, 2024. The members of the task force shall serve
52 without compensation, but shall be entitled to necessary and
53 actual expenses incurred in attending meetings of the task
54 force.

55 3. The task force shall collect feedback from
56 stakeholders, which may include, but shall not be limited
57 to, victims, law enforcement, victim advocates, and digital
58 evidence and forensics experts, to inform development of
59 best practices regarding:

60 (1) The treatment of victims of cyberstalking or
61 harassment; and

62 (2) Actions to stop cyberstalking and harassment when
63 it occurs.

64 4. The task force shall study and make
65 recommendations, including, but not limited to:
66 (1) Whether a need exists for further training for law
67 enforcement relating to cyberstalking and harassment, and if
68 such a need does exist, recommendations on how to best fill
69 the need, whether legislatively or otherwise;
70 (2) Whether a need exists for increased coordination
71 among police departments to address instances of
72 cyberstalking or harassment, and if such a need does exist,
73 recommendations on how to best fill the need, whether
74 legislatively or otherwise;
75 (3) Resources and tools law enforcement may need to
76 identify patterns and collect evidence in cases of
77 cyberstalking or harassment;
78 (4) Whether a need exists for strengthening the rights
79 afforded to victims of cyberstalking or harassment in
80 Missouri law, and if such a need does exist, recommendations
81 on how to best fill the need;
82 (5) Educational and any other resources deemed
83 necessary by the taskforce to educate and inform victims and
84 the public on ways to protect themselves from cyberstalking
85 and harassment;
86 (6) Whether a need exists for increased victim
87 services and training for victim advocates relating to
88 cyberstalking and harassment, and if such a need does exist,
89 recommendations on how to best fill the need, whether
90 legislatively or otherwise.
91 5. The department of public safety shall provide
92 administrative support to the task force.
93 6. On or before December thirty-first of each year,
94 the task force shall submit a report on its findings to the
95 governor and the general assembly.

96 7. The task force shall expire on December 31, 2026,
97 unless extended until December 31, 2028, as determined
98 necessary by the department of public safety.

568.045. 1. A person commits the offense of
2 endangering the welfare of a child in the first degree if he
3 or she:

4 (1) Knowingly acts in a manner that creates a
5 substantial risk to the life, body, or health of a child
6 less than seventeen years of age; or

7 (2) Knowingly engages in sexual conduct with a person
8 under the age of seventeen years over whom the person is a
9 parent, guardian, or otherwise charged with the care and
10 custody;

11 (3) Knowingly encourages, aids or causes a child less
12 than seventeen years of age to engage in any conduct which
13 violates the provisions of chapter 571 or 579;

14 (4) In the presence of a child less than seventeen
15 years of age or in a residence where a child less than
16 seventeen years of age resides, unlawfully manufactures[,]
17 or attempts to manufacture compounds, possesses, produces,
18 prepares, sells, transports, tests or analyzes amphetamine
19 or methamphetamine or any of their its analogues.

20 2. The offense of endangering the welfare of a child
21 in the first degree is a class D felony unless the offense:

22 (1) Is committed as part of an act or series of acts
23 performed by two or more persons as part of an established
24 or prescribed pattern of activity, or where physical injury
25 to the child results, or the offense is a second or
26 subsequent offense under this section, in which case the
27 offense is a class C felony;

28 (2) Results in serious physical injury to the child,
29 in which case the offense is a class B felony; or

30 (3) Results in the death of a child, in which case the
31 offense is a class A felony.

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

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

32 parole, probation, conditional release, or suspended
33 imposition or execution of sentence for a period of five
34 calendar years.

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

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

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

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

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

10 (2) On a shooting range that is:

11 (a) Indoor;

12 (b) Owned or operated by the state or any political
13 subdivision;

14 (c) A commercial shooting range, including any range
15 used by paying members; and

16 (d) Supervised by any person eighteen years of age or
17 older;

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

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

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

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

30 (7) Using blanks;

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

32 (9) In self-defense or defense of another person
33 against an imminent or ongoing animal attack unless the self-
34 defense or defense of another person is a gross deviation
35 from the standard of care which a reasonable person would
36 exercise in the situation to protect oneself or the other
37 person from such animal attack and such person shall not
38 have a duty to retreat;

39 (10) In defense of a domestic animal against an
40 imminent or ongoing animal attack, unless the defense of the
41 domestic animal is a gross deviation from the standard of
42 care which a reasonable person would exercise in the
43 situation to protect a domestic animal from attack; or

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

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

- 49 (1) For a first offense, a class A misdemeanor;
50 (2) For a second offense, a class E felony; and
51 (3) For a third or subsequent offense, a class D
52 felony.

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

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

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

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

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

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

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

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

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public

12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) Class D felony if the assault results in the death
22 of such animal [or disables such animal to the extent it is

23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

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

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

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

579.021. 1. A person commits the offense of delivery
2 of a controlled substance causing serious physical injury,
3 as defined in section 556.061, if a person delivers or
4 distributes a controlled substance under section 579.020
5 knowing such substance is mixed with another controlled
6 substance and serious physical injury results from the use
7 of such controlled substance.

8 2. It shall not be a defense that the user contributed
9 to the user's own serious physical injury by using the
10 controlled substance or consenting to the administration of
11 the controlled substance by another.

12 3. The offense of delivery of a controlled substance
13 causing serious physical injury is a class C felony.

14 4. For purposes of this section, "controlled
15 substance" means a Schedule I or Schedule II controlled
16 substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery
2 of a controlled substance causing death if a person delivers
3 or distributes a controlled substance under section 579.020
4 knowing such substance is mixed with another controlled
5 substance and a death results from the use of such
6 controlled substance.

7 2. It shall not be a defense that the user contributed
8 to the user's own death by using the controlled substance or
9 consenting to the administration of the controlled substance
10 by another.

11 3. The offense of delivery of a controlled substance
12 causing death is a class A felony.

13 4. For purposes of this section, "controlled
14 substance" means a Schedule I or Schedule II controlled
15 substance, as defined in section 195.017.

579.065. 1. A person commits the offense of
2 trafficking drugs in the first degree if, except as
3 authorized by this chapter or chapter 195, such person
4 knowingly distributes, delivers, manufactures, produces or
5 attempts to distribute, deliver, manufacture or produce:

6 (1) More than thirty grams of a mixture or substance
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or
9 substance containing a detectable amount of coca leaves,
10 except coca leaves and extracts of coca leaves from which
11 cocaine, ecgonine, and derivatives of ecgonine or their
12 salts have been removed; cocaine salts and their optical and
13 geometric isomers, and salts of isomers; ecgonine, its
14 derivatives, their salts, isomers, and salts of isomers; or
15 any compound, mixture, or preparation which contains any
16 quantity of any of the foregoing substances;

17 (3) **[More than eight grams of a mixture or substance**
18 **described in subdivision (2) of this subsection which**
19 **contains cocaine base;**

20 **(4)** More than five hundred milligrams of a mixture or
21 substance containing a detectable amount of lysergic acid
22 diethylamide (LSD);

23 **[(5)]** (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 **[(6)]** (5) More than four grams of phencyclidine;

27 **[(7)]** (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine;

39 [(10)] (9) One gram or more of flunitrazepam for the
40 first offense;

41 [(11)] (10) Any amount of gamma-hydroxybutyric acid
42 for the first offense; or

43 [(12)] (11) More than ten milligrams of fentanyl or
44 carfentanil, or any derivative thereof, or any combination
45 thereof, or any compound, mixture, or substance containing a
46 detectable amount of fentanyl or carfentanil, or their
47 optical isomers or analogues.

48 2. The offense of trafficking drugs in the first
49 degree is a class B felony.

50 3. The offense of trafficking drugs in the first
51 degree is a class A felony if the quantity involved is:

52 (1) Ninety grams or more of a mixture or substance
53 containing a detectable amount of heroin; or

54 (2) Four hundred fifty grams or more of a mixture or
55 substance containing a detectable amount of coca leaves,
56 except coca leaves and extracts of coca leaves from which
57 cocaine, ecgonine, and derivatives of ecgonine or their
58 salts have been removed; cocaine salts and their optical and
59 geometric isomers, and salts of isomers; ecgonine, its
60 derivatives, their salts, isomers, and salts of isomers; or

61 any compound, mixture, or preparation which contains any
62 quantity of any of the foregoing substances; or

63 (3) ~~Twenty-four grams or more of a mixture or~~
64 ~~substance described in subdivision (2) of this subsection~~
65 ~~which contains cocaine base; or~~

66 (4) One gram or more of a mixture or substance
67 containing a detectable amount of lysergic acid diethylamide
68 (LSD); or

69 (5) (4) Ninety grams or more of a mixture or
70 substance containing a detectable amount of phencyclidine
71 (PCP); or

72 (6) (5) Twelve grams or more of phencyclidine; or

73 (7) (6) One hundred kilograms or more of a mixture
74 or substance containing marijuana; or

75 (8) (7) Ninety grams or more of any material,
76 compound, mixture, or preparation containing any quantity of
77 the following substances having a stimulant effect on the
78 central nervous system: amphetamine, its salts, optical
79 isomers and salts of its optical isomers; methamphetamine,
80 its salts, optical isomers and salts of its optical isomers;
81 phenmetrazine and its salts; or methylphenidate; or

82 (9) (8) More than thirty grams of any material,
83 compound, mixture, or preparation containing any quantity of
84 the following substances having a stimulant effect on the
85 central nervous system: amphetamine, its salts, optical
86 isomers, and salts of its optical isomers; methamphetamine,
87 its salts, optical isomers, and salts of its optical
88 isomers; phenmetrazine and its salts; or methylphenidate,
89 and the location of the offense was within two thousand feet
90 of real property comprising a public or private elementary,
91 vocational, or secondary school, college, community college,
92 university, or any school bus, in or on the real property
93 comprising public housing or any other governmental assisted

94 housing, or within a motor vehicle, or in any structure or
95 building which contains rooms furnished for the
96 accommodation or lodging of guests, and kept, used,
97 maintained, advertised, or held out to the public as a place
98 where sleeping accommodations are sought for pay or
99 compensation to transient guests or permanent guests; or

100 [(10)] (9) Ninety grams or more of any material,
101 compound, mixture or preparation which contains any quantity
102 of 3,4-methylenedioxymethamphetamine; or

103 [(11)] (10) More than thirty grams of any material,
104 compound, mixture, or preparation which contains any
105 quantity of 3,4-methylenedioxymethamphetamine and the
106 location of the offense was within two thousand feet of real
107 property comprising a public or private elementary,
108 vocational, or secondary school, college, community college,
109 university, or any school bus, in or on the real property
110 comprising public housing or any other governmental assisted
111 housing, within a motor vehicle, or in any structure or
112 building which contains rooms furnished for the
113 accommodation or lodging of guests, and kept, used,
114 maintained, advertised, or held out to the public as a place
115 where sleeping accommodations are sought for pay or
116 compensation to transient guests or permanent guests; or

117 [(12)] (11) One gram or more of flunitrazepam for a
118 second or subsequent offense; or

119 [(13)] (12) Any amount of gamma-hydroxybutyric acid
120 for a second or subsequent offense; or

121 [(14)] (13) Twenty milligrams or more of fentanyl or
122 carfentanil, or any derivative thereof, or any combination
123 thereof, or any compound, mixture, or substance containing a
124 detectable amount of fentanyl or carfentanil, or their
125 optical isomers or analogues.

579.068. 1. A person commits the offense of
2 trafficking drugs in the second degree if, except as
3 authorized by this chapter or chapter 195, such person
4 knowingly possesses or has under his or her control,
5 purchases or attempts to purchase, or brings into this state:

6 (1) More than thirty grams of a mixture or substance
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or
9 substance containing a detectable amount of coca leaves,
10 except coca leaves and extracts of coca leaves from which
11 cocaine, ecgonine, and derivatives of ecgonine or their
12 salts have been removed; cocaine salts and their optical and
13 geometric isomers, and salts of isomers; ecgonine, its
14 derivatives, their salts, isomers, and salts of isomers; or
15 any compound, mixture, or preparation which contains any
16 quantity of any of the foregoing substances;

17 (3) [More than eight grams of a mixture or substance
18 described in subdivision (2) of this subsection which
19 contains cocaine base;

20 [(4)] More than five hundred milligrams of a mixture or
21 substance containing a detectable amount of lysergic acid
22 diethylamide (LSD);

23 [(5)] (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,

34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine; or

39 [(10)] (9) More than ten milligrams of fentanyl or
40 carfentanil, or any derivative thereof, or any combination
41 thereof, or any compound, mixture, or substance containing a
42 detectable amount of fentanyl or carfentanil, or their
43 optical isomers or analogues.

44 2. The offense of trafficking drugs in the second
45 degree is a class C felony.

46 3. The offense of trafficking drugs in the second
47 degree is a class B felony if the quantity involved is:

48 (1) Ninety grams or more of a mixture or substance
49 containing a detectable amount of heroin; or

50 (2) Four hundred fifty grams or more of a mixture or
51 substance containing a detectable amount of coca leaves,
52 except coca leaves and extracts of coca leaves from which
53 cocaine, ecgonine, and derivatives of ecgonine or their
54 salts have been removed; cocaine salts and their optical and
55 geometric isomers, and salts of isomers; ecgonine, its
56 derivatives, their salts, isomers, and salts of isomers; or
57 any compound, mixture, or preparation which contains any
58 quantity of any of the foregoing substances; or

59 (3) [Twenty-four grams or more of a mixture or
60 substance described in subdivision (2) of this subsection
61 which contains cocaine base; or

62 [(4)] One gram or more of a mixture or substance
63 containing a detectable amount of lysergic acid diethylamide
64 (LSD); or

65 [(5)] (4) Ninety grams or more of a mixture or
66 substance containing a detectable amount of phencyclidine
67 (PCP); or

68 [(6)] (5) Twelve grams or more of phencyclidine; or

69 [(7)] (6) One hundred kilograms or more of a mixture
70 or substance containing marijuana; or

71 [(8)] (7) More than five hundred marijuana plants; or

72 [(9)] (8) Ninety grams or more but less than four
73 hundred fifty grams of any material, compound, mixture, or
74 preparation containing any quantity of the following
75 substances having a stimulant effect on the central nervous
76 system: amphetamine, its salts, optical isomers and salts
77 of its optical isomers; methamphetamine, its salts, optical
78 isomers and salts of its optical isomers; phenmetrazine and
79 its salts; or methylphenidate; or

80 [(10)] (9) Ninety grams or more but less than four
81 hundred fifty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-
83 methylenedioxymethamphetamine; or

84 [(11)] (10) Twenty milligrams or more of fentanyl or
85 carfentanil, or any derivative thereof, or any combination
86 thereof, or any compound, mixture, or substance containing a
87 detectable amount of fentanyl or carfentanil, or their
88 optical isomers or analogues.

89 4. The offense of trafficking drugs in the second
90 degree is a class A felony if the quantity involved is four
91 hundred fifty grams or more of any material, compound,
92 mixture or preparation which contains:

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:

95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and

97 salts of its isomers; phenmetrazine and its salts; or
98 methylphenidate; or

99 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

100 5. The offense of drug trafficking in the second
101 degree is a class C felony for the first offense and a class
102 B felony for any second or subsequent offense for the
103 trafficking of less than one gram of flunitrazepam.

590.192. 1. There is hereby established the "Critical
2 Incident Stress Management Program" within the department of
3 public safety. The program shall provide services for peace
4 officers and firefighters to assist in coping with stress
5 and potential psychological trauma resulting from a response
6 to a critical incident or emotionally difficult event. Such
7 services may include consultation, risk assessment,
8 education, intervention, and other crisis intervention
9 services provided by the department to peace officers and
10 firefighters affected by a critical incident. For purposes
11 of this section, a "critical incident" shall mean any event
12 outside the usual realm of human experience that is markedly
13 distressing or evokes reactions of intense fear,
14 helplessness, or horror and involves the perceived threat to
15 a person's physical integrity or the physical integrity of
16 someone else.

17 2. All peace officers and firefighters shall be
18 required to meet with a program service provider once every
19 three to five years for a mental health check-in. The
20 program service provider shall send a notification to the
21 peace officer's commanding officer or firefighter's fire
22 protection district director that he or she completed such
23 check-in.

24 3. Any information disclosed by a peace officer or
25 firefighter shall be privileged and shall not be used as

26 evidence in criminal, administrative, or civil proceedings
27 against the peace officer or firefighter unless:

28 (1) A program representative reasonably believes the
29 disclosure is necessary to prevent harm to a person who
30 received services or to prevent harm to another person;

31 (2) The person who received the services provides
32 written consent to the disclosure; or

33 (3) The person receiving services discloses
34 information that is required to be reported under mandatory
35 reporting laws.

36 4. (1) There is hereby created in the state treasury
37 the "988 Public Safety Fund", which shall consist of moneys
38 appropriated by the general assembly. The state treasurer
39 shall be custodian of the fund. In accordance with sections
40 30.170 and 30.180, the state treasurer may approve
41 disbursements. The fund shall be a dedicated fund and
42 moneys in the fund shall be used solely by the department of
43 public safety for the purposes of providing services for
44 peace officers and firefighters to assist in coping with
45 stress and potential psychological trauma resulting from a
46 response to a critical incident or emotionally difficult
47 event pursuant to subsection 1 of this section. Such
48 services may include consultation, risk assessment,
49 education, intervention, and other crisis intervention
50 services provided by the department to peace officers or
51 firefighters affected by a critical incident. The director
52 of public safety may prescribe rules and regulations
53 necessary to carry out the provisions of this section. Any
54 rule or portion of a rule, as that term is defined in
55 section 536.010, that is created under the authority
56 delegated in this section shall become effective only if it
57 complies with and is subject to all of the provisions of
58 chapter 536 and, if applicable, section 536.028. This

59 section and chapter 536 are nonseverable and if any of the
60 powers vested with the general assembly pursuant to chapter
61 536 to review, to delay the effective date, or to disapprove
62 and annul a rule are subsequently held unconstitutional,
63 then the grant of rulemaking authority and any rule proposed
64 or adopted after August 28, 2021, shall be invalid and void.

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

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

590.653. 1. Each city, county and city not within a
2 county may establish a civilian review board, division of
3 civilian oversight, or any other entity which provides
4 civilian review or oversight of police agencies, or may use
5 an existing civilian review board or division of civilian
6 oversight or other named entity which has been appointed by
7 the local governing body, with the authority to investigate
8 allegations of misconduct by local law enforcement officers
9 towards members of the public. The members shall not
10 receive compensation but shall receive reimbursement from
11 the local governing body for all reasonable and necessary
12 expenses.

13 2. The board, division, or any other such entity,
14 shall have the power **[to receive, investigate, make]** solely
15 limited to receiving, investigating, making findings and
16 **[recommend]** recommending disciplinary action upon complaints
17 by members of the public against members of the police
18 department that allege misconduct involving excessive use of
19 force, abuse of authority, discourtesy, or use of offensive

20 language, including, but not limited to, slurs relating to
21 race, ethnicity, religion, gender, sexual orientation and
22 disability. The findings and recommendations of the board,
23 division, or other entity and the basis therefor, shall be
24 submitted to the chief law enforcement official. No finding
25 or recommendation shall be based solely upon an unsworn
26 complaint or statement, nor shall prior unsubstantiated,
27 unfounded or withdrawn complaints be the basis for any such
28 findings or recommendations. Only the powers specifically
29 granted herein are authorized and any and all authority
30 granted to future or existing boards, divisions, or entities
31 outside the scope of the powers listed herein are expressly
32 preempted and void as a matter of law.

600.042. 1. The director shall:

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

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

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

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

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

36 (6) Keep and maintain proper financial records with
37 respect to the provision of all public defender services for
38 use in the calculating of direct and indirect costs of any
39 or all aspects of the operation of the state public defender
40 system;

41 (7) Supervise the training of all public defenders and
42 other personnel and establish such training courses as shall
43 be appropriate;

44 (8) With approval of the commission, promulgate
45 necessary rules, regulations and instructions consistent
46 with this chapter defining the organization of the state
47 public defender system and the responsibilities of division
48 directors, district defenders, deputy district defenders,
49 assistant public defenders and other personnel;

50 (9) With the approval of the commission, apply for and
51 accept on behalf of the public defender system any funds
52 which may be offered or which may become available from
53 government grants, private gifts, donations or bequests or

54 from any other source. Such moneys shall be deposited in
55 the [state general revenue] public defender - federal and
56 other fund;

57 (10) Contract for legal services with private
58 attorneys on a case-by-case basis and with assigned counsel
59 as the commission deems necessary considering the needs of
60 the area, for fees approved and established by the
61 commission;

62 (11) With the approval and on behalf of the
63 commission, contract with private attorneys for the
64 collection and enforcement of liens and other judgments owed
65 to the state for services rendered by the state public
66 defender system.

67 2. No rule or portion of a rule promulgated under the
68 authority of this chapter shall become effective unless it
69 has been promulgated pursuant to the provisions of section
70 536.024.

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

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

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

84 (2) Who is detained or charged with a misdemeanor
85 which will probably result in confinement in the county jail
86 upon conviction, including appeals from a conviction in such

87 a case, unless the prosecuting or circuit attorney has
88 waived a jail sentence;

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

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

98 (5) For whom the federal constitution or the state
99 constitution requires the appointment of counsel; and

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

108 5. The director may:

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

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

114 6. There is hereby created within the state treasury
115 the "Public Defender - Federal and Other Fund", which shall
116 be funded annually by appropriation, and which shall contain
117 moneys received from any other funds from government grants,
118 private gifts, donations, bequests, or any other source to
119 be used for the purpose of funding local offices of the

120 office of the state public defender. The state treasurer
121 shall be the custodian of the fund and shall approve
122 disbursements from the fund upon the request of the director
123 of the office of state public defender. Any interest or
124 other earnings with respect to amounts transferred to the
125 fund shall be credited to the fund. Notwithstanding the
126 provisions of section 33.080 to the contrary, any unexpended
127 balances in the fund at the end of any fiscal year shall not
128 be transferred to the general revenue fund or any other fund.

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

3 (1) "Court", any Missouri municipal, associate
4 circuit, or circuit court;

5 (2) "Crime", any offense, violation, or infraction of
6 Missouri state, county, municipal, or administrative law;

7 (3) "Prosecutor" or "prosecuting attorney", the
8 prosecuting attorney, circuit attorney, or municipal
9 prosecuting attorney.

10 2. Notwithstanding any other provision of law and
11 subject to the provisions of this section, any person may
12 apply to any court in which such person was charged or found
13 guilty of any [offenses, violations, or infractions] crimes
14 for an order to expunge records of such arrest, plea, trial,
15 or conviction.

16 (1) Subject to the limitations of subsection [12] 13
17 of this section, a person may apply to have one or more
18 [offenses, violations, or infractions] crimes expunged if
19 each such [offense, violation, or infraction] crime occurred
20 within the state of Missouri and was prosecuted under the
21 jurisdiction of a Missouri [municipal, associate circuit, or
22 circuit] court, so long as such person lists all the
23 [offenses, violations, and infractions] crimes he or she is
24 seeking to have expunged in the petition and so long as all

25 such [offenses, violations, and infractions] crimes are not
26 excluded under subsection [2] 3 of this section.

27 (2) If the [offenses, violations, or infractions were
28 charged as counts in the same indictment or information or]
29 crimes sought to be expunged were committed as part of the
30 same course of criminal conduct, the person may include all
31 [the] such related [offenses, violations, and infractions]
32 crimes in the petition, regardless of the limits of
33 subsection [12] 13 of this section, and [the petition] those
34 related crimes shall only count as [a petition for
35 expungement of] the highest level [violation or offense
36 contained in the petition] for the purpose of determining
37 current and future eligibility for expungement.

38 [2.] 3. The following [offenses, violations, and
39 infractions] crimes shall not be eligible for expungement
40 under this section:

41 (1) Any class A felony offense;
42 (2) Any dangerous felony as that term is defined in
43 section 556.061;

44 (3) Any offense that requires registration as a sex
45 offender;

46 (4) Any felony offense where death is an element of
47 the offense;

48 (5) Any felony offense of assault; misdemeanor or
49 felony offense of domestic assault; or felony offense of
50 kidnapping;

51 (6) Any offense listed, [or] previously listed, or is
52 a successor to an offense in chapter 566 or section 105.454,
53 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
54 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,
55 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,
56 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]
57 566.093, 566.111, 566.115, 566.116, 568.020, 568.030,

58 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]
59 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,
60 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,
61 570.090, 570.180, 570.223, 570.224, 570.310, 571.020,
62 571.060, 571.063, 571.070, 571.072, 571.150, 573.200,
63 573.205, 574.070, 574.105, 574.115, 574.120, 574.130,
64 574.140, 575.040, 575.095, 575.153, 575.155, 575.157,
65 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
66 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,
67 [578.008, 578.305, 578.310,] or 632.520;

68 (7) Any offense eligible for expungement under section
69 [577.054 or] 610.130;

70 (8) Any intoxication-related traffic or boating
71 offense as defined in section 577.001, or any offense of
72 operating an aircraft with an excessive blood alcohol
73 content or while in an intoxicated condition;

74 (9) Any ordinance violation that is the substantial
75 equivalent of any offense that is not eligible for
76 expungement under this section;

77 (10) Any violation of any state law or county or
78 municipal ordinance regulating the operation of motor
79 vehicles when committed by an individual who has been issued
80 a commercial driver's license or is required to possess a
81 commercial driver's license issued by this state or any
82 other state; and

83 (11) Any offense of section 571.030, except any
84 offense under subdivision (1) of subsection 1 of section
85 571.030 where the person was convicted or found guilty prior
86 to January 1, 2017, or any offense under subdivision (4) of
87 subsection 1 of section 571.030.

88 [3.] 4. The petition shall name as defendants all law
89 enforcement agencies, courts, prosecuting or circuit
90 attorneys, [municipal prosecuting attorneys,] central state

91 repositories of criminal records, or others who the
92 petitioner has reason to believe may possess the records
93 subject to expungement for each of the [offenses,
94 violations, and infractions] crimes listed in the petition.
95 The court's order of expungement shall not affect any person
96 or entity not named as a defendant in the action.

97 [4.] 5. The petition shall include the following
98 information:

99 (1) The petitioner's:

100 (a) Full name;

101 (b) Sex;

102 (c) Race;

103 (d) Driver's license number, if applicable; and

104 (e) Current address;

105 (2) Each [offense, violation, or infraction] crime for
106 which the petitioner is requesting expungement;

107 (3) The approximate date the petitioner was charged
108 for each [offense, violation, or infraction] crime; and

109 (4) The name of the county where the petitioner was
110 charged for each [offense, violation, or infraction] crime
111 and if any of the [offenses, violations, or infractions]
112 crimes occurred in a municipality, the name of the
113 municipality for each [offense, violation, or infraction]
114 crime; and

115 (5) The case number and name of the court for each
116 [offense] crime.

117 [5.] 6. The clerk of the court shall give notice of
118 the filing of the petition to the office of the prosecuting
119 attorney[, circuit attorney, or municipal prosecuting
120 attorney] that prosecuted the [offenses, violations, or
121 infractions] crimes listed in the petition. If the
122 prosecuting attorney[, circuit attorney, or municipal
123 prosecuting attorney] objects to the petition for

124 expungement, he or she shall do so in writing within thirty
125 days after receipt of service. Unless otherwise agreed upon
126 by the parties, the court shall hold a hearing within sixty
127 days after any written objection is filed, giving reasonable
128 notice of the hearing to the petitioner. If no objection
129 has been filed within thirty days after receipt of service,
130 the court may set a hearing on the matter and shall give
131 reasonable notice of the hearing to each entity named in the
132 petition. At any hearing, the court may accept evidence and
133 hear testimony on, and may consider, the following criteria
134 for each of the [offenses, violations, or infractions]
135 crimes listed in the petition for expungement:

136 (1) At the time the petition is filed, it has been at
137 least three years if the offense is a felony, or at least
138 one year if the offense is a misdemeanor, municipal
139 [offense] violation, or infraction, from the date the
140 petitioner completed any authorized disposition imposed
141 under section 557.011 for each [offense, violation, or
142 infraction] crime listed in the petition;

143 (2) At the time the petition is filed, the person has
144 not been found guilty of any other misdemeanor or felony,
145 not including violations of the traffic regulations provided
146 under chapters 301, 302, 303, 304, and 307, during the time
147 period specified for the underlying [offense, violation, or
148 infraction] crime in subdivision (1) of this subsection;

149 (3) The person has satisfied all obligations relating
150 to any such disposition, including the payment of any fines
151 or restitution;

152 (4) The person does not have charges pending;

153 (5) The petitioner's habits and conduct demonstrate
154 that the petitioner is not a threat to the public safety of
155 the state; and

156 (6) The expungement is consistent with the public
157 welfare and the interests of justice warrant the expungement.

158 A pleading by the petitioner that such petitioner meets the
159 requirements of subdivisions (5) and (6) of this subsection
160 shall create a rebuttable presumption that the expungement
161 is warranted so long as the criteria contained in
162 subdivisions (1) to (4) of this subsection are otherwise
163 satisfied. The burden shall shift to the prosecuting
164 attorney[,] or circuit attorney[, or municipal prosecuting
165 attorney] to rebut the presumption. A victim of [an
166 offense, violation, or infraction] a crime listed in the
167 petition shall have an opportunity to be heard at any
168 hearing held under this section[, and the court may make a
169 determination based solely on such victim's testimony]. A
170 court may find that the continuing impact of the offense
171 upon the victim rebuts the presumption that expungement is
172 warranted.

173 [6.] 7. A petition to expunge records related to an
174 arrest for an eligible [offense, violation, or infraction]
175 crime may be made in accordance with the provisions of this
176 section to a court of competent jurisdiction in the county
177 where the petitioner was arrested no earlier than [three
178 years] eighteen months from the date of arrest; provided
179 that, during such time, the petitioner has not been charged
180 and the petitioner has not been found guilty of any
181 misdemeanor or felony offense.

182 [7.] 8. If the court determines that such person meets
183 all the criteria set forth in subsection [5] 6 of this
184 section for each of the [offenses, violations, or
185 infractions] crimes listed in the petition for expungement,
186 the court shall enter an order of expungement. In all cases
187 under this section, the court shall issue an order of
188 expungement or dismissal within six months of the filing of

189 the petition. A copy of the order of expungement shall be
190 provided to the petitioner and each entity possessing
191 records subject to the order, and, upon receipt of the
192 order, each entity shall close any record in its possession
193 relating to any [offense, violation, or infraction] crime
194 listed in the petition, in the manner established by section
195 610.120. The records and files maintained in any
196 administrative or court proceeding in a municipal,
197 associate, or circuit court for any [offense, infraction, or
198 violation] crime ordered expunged under this section shall
199 be confidential and only available to the parties or by
200 order of the court for good cause shown. The central
201 repository shall request the Federal Bureau of Investigation
202 to expunge the records from its files.

203 [8.] 9. The order shall not limit any of the
204 petitioner's rights that were restricted as a collateral
205 consequence of such person's criminal record, and such
206 rights shall be restored upon issuance of the order of
207 expungement. Except as otherwise provided under this
208 section, the effect of such order shall be to fully restore
209 the civil rights of such person to the status he or she
210 occupied prior to such arrests, pleas, trials, or
211 convictions as if such events had never taken place. This
212 includes fully restoring the civil rights of a person to the
213 right to vote, the right to hold public office, and to serve
214 as a juror. For purposes of 18 U.S.C. Section
215 921(a) (33) (B) (ii), an order [or] of expungement granted
216 pursuant to this section shall be considered a complete
217 removal of all effects of the expunged conviction. Except
218 as otherwise provided under this section, the effect of such
219 order shall be to restore such person to the status he or
220 she occupied prior to such arrests, pleas, trials, or
221 convictions as if such events had never taken place. No

222 person as to whom such order has been entered shall be held
223 thereafter under any provision of law to be guilty of
224 perjury or otherwise giving a false statement by reason of
225 his or her failure to recite or acknowledge such arrests,
226 pleas, trials, convictions, or expungement in response to an
227 inquiry made of him or her and no such inquiry shall be made
228 for information relating to an expungement, except the
229 petitioner shall disclose the expunged [offense, violation,
230 or infraction] crime to any court when asked or upon being
231 charged with any subsequent [offense, violation, or
232 infraction] crime. The expunged [offense, violation, or
233 infraction] crime may be considered a prior offense in
234 determining a sentence to be imposed for any subsequent
235 offense that the person is found guilty of committing.

236 [9.] 10. Notwithstanding the provisions of subsection
237 [8] 9 of this section to the contrary, a person granted an
238 expungement shall disclose any expunged [offense, violation,
239 or infraction] crime when the disclosure of such information
240 is necessary to complete any application for:

241 (1) A license, certificate, or permit issued by this
242 state to practice such individual's profession;

243 (2) Any license issued under chapter 313 or permit
244 issued under chapter 571;

245 (3) Paid or unpaid employment with an entity licensed
246 under chapter 313, any state-operated lottery, or any
247 emergency services provider, including any law enforcement
248 agency;

249 (4) Employment with any federally insured bank or
250 savings institution or credit union or an affiliate of such
251 institution or credit union for the purposes of compliance
252 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

253 (5) Employment with any entity engaged in the business
254 of insurance or any insurer for the purpose of complying

255 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
256 other similar law which requires an employer engaged in the
257 business of insurance to exclude applicants with certain
258 criminal convictions from employment; or

259 (6) Employment with any employer that is required to
260 exclude applicants with certain criminal convictions from
261 employment due to federal or state law, including
262 corresponding rules and regulations.

263 An employer shall notify an applicant of the requirements
264 under subdivisions (4) to (6) of this subsection.

265 Notwithstanding any provision of law to the contrary, an
266 expunged [offense, violation, or infraction] crime shall not
267 be grounds for automatic disqualification of an applicant,
268 but may be a factor for denying employment, or a
269 professional license, certificate, or permit; except that,
270 [an offense, violation, or infraction] a crime expunged
271 under the provisions of this section may be grounds for
272 automatic disqualification if the application is for
273 employment under subdivisions (4) to (6) of this subsection.

274 [10.] 11. A person who has been granted an expungement
275 of records pertaining to a [misdemeanor or felony offense,
276 an ordinance violation, or an infraction] crime may answer
277 "no" to an employer's inquiry into whether the person has
278 ever been arrested, charged, or convicted of a crime if,
279 after the granting of the expungement, the person has no
280 public record of a [misdemeanor or felony offense, an
281 ordinance violation, or an infraction] crime. The person,
282 however, shall answer such an inquiry affirmatively and
283 disclose his or her criminal convictions, including any
284 offense [or violation] expunged under this section or
285 similar law, if the employer is required to exclude
286 applicants with certain criminal convictions from employment

287 due to federal or state law, including corresponding rules
288 and regulations.

289 [11.] 12. If the court determines that the petitioner
290 has not met the criteria for any of the [offenses,
291 violations, or infractions] crimes listed in the petition
292 for expungement or the petitioner has knowingly provided
293 false information in the petition, the court shall enter an
294 order dismissing the petition. Any person whose petition
295 for expungement has been dismissed by the court for failure
296 to meet the criteria set forth in subsection [5] 6 of this
297 section may not refile another petition until a year has
298 passed since the date of filing for the previous petition.

299 [12.] 13. A person may be granted more than one
300 expungement under this section provided that during his or
301 her lifetime, the total number of [offenses, violations, or
302 infractions] crimes for which orders of expungement are
303 granted to the person shall not exceed the following limits:

304 (1) Not more than [two] three misdemeanor offenses or
305 ordinance violations that have an authorized term of
306 imprisonment; and

307 (2) Not more than [one] two felony [offense] offenses.

308 A person may be granted expungement under this section for
309 any number of infractions. [Nothing in this section shall
310 prevent the court from maintaining records to ensure that an
311 individual has not exceeded the limitations of this
312 subsection.] Nothing in this section shall be construed to
313 limit or impair in any way the subsequent use of any record
314 expunged under this section of any arrests or findings of
315 guilt by a law enforcement agency, criminal justice agency,
316 prosecuting attorney[,] or circuit attorney[, or municipal
317 prosecuting attorney], including its use as a prior
318 [offense, violation, or infraction] crime.

319 [13.] 14. The court shall make available a form for
320 pro se petitioners seeking expungement, which shall include
321 the following statement: "I declare under penalty of
322 perjury that the statements made herein are true and correct
323 to the best of my knowledge, information, and belief."

324 [14.] 15. Nothing in this section shall be construed
325 to limit or restrict the availability of expungement to any
326 person under any other law.

 Section B. The repeal and reenactment of section
2 610.140 of this act shall become effective on January 1,
3 2025.