

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

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

102ND GENERAL ASSEMBLY

---

---

3102S.03C

KRISTINA MARTIN, Secretary

---

---

## AN ACT

To repeal sections 211.071, 217.345, 217.690, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 600.042, and 610.140, RSMo, and to enact in lieu thereof fifteen new sections relating to public safety, with penalty provisions.

---

---

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

Section A. Sections 211.071, 217.345, 217.690, 575.010,  
2 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 600.042,  
3 and 610.140, RSMo, are repealed and fifteen new sections enacted  
4 in lieu thereof, to be known as sections 211.071, 211.600,  
5 217.345, 217.690, 547.500, 571.031, 575.010, 575.353, 578.007,  
6 578.022, 579.065, 579.068, 590.192, 600.042, and 610.140, to  
7 read as follows:

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

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

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**, or has committed two  
25 or more prior unrelated offenses which would be felonies if  
26 committed by an adult, the court shall order a hearing, and  
27 may in its discretion, dismiss the petition and transfer the  
28 child to a court of general jurisdiction for prosecution  
29 under the general law.

30 2. Upon apprehension and arrest, jurisdiction over the  
31 criminal offense allegedly committed by any person between  
32 eighteen and twenty-one years of age over whom the juvenile  
33 court has retained continuing jurisdiction shall  
34 automatically terminate and that offense shall be dealt with  
35 in the court of general jurisdiction as provided in section  
36 211.041.

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

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

55           5. The juvenile officer may consult with the office of  
56 prosecuting attorney concerning any offense for which the  
57 child could be certified as an adult under this section.  
58 The prosecuting or circuit attorney shall have access to  
59 police reports, reports of the juvenile or deputy juvenile  
60 officer, statements of witnesses and all other records or  
61 reports relating to the offense alleged to have been  
62 committed by the child. The prosecuting or circuit attorney  
63 shall have access to the disposition records of the child  
64 when the child has been adjudicated pursuant to subdivision  
65 (3) of subsection 1 of section 211.031. The prosecuting  
66 attorney shall not divulge any information regarding the  
67 child and the offense until the juvenile court at a judicial  
68 hearing has determined that the child is not a proper  
69 subject to be dealt with under the provisions of this  
70 chapter.

71           6. A written report shall be prepared in accordance  
72 with this chapter developing fully all available information  
73 relevant to the criteria which shall be considered by the  
74 court in determining whether the child is a proper subject  
75 to be dealt with under the provisions of this chapter and

76 whether there are reasonable prospects of rehabilitation  
77 within the juvenile justice system. These criteria shall  
78 include but not be limited to:

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

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

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

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

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

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

98 (7) The age of the child;

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

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

104 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

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

**211.600. 1. The office of state courts administrator  
2 shall collect information related to the filing and**

3 disposition of petitions to certify juveniles pursuant to  
4 section 211.071.

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

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

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

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

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

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

17 3. The data collected pursuant to this section shall  
18 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.

**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.

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.

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  
sections 578.005 to 578.023 shall not apply to:

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

(2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

578.022. Any dog that is owned, or the service of  
which is employed, by a law enforcement agency and that

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.

579.065. 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.

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           (4) "Same course of criminal conduct", crimes which:

11           (a) Are charged as counts in the same indictment or  
12 information; or

13           **(b) Occur within a time period suggesting a common**  
14 **connection between the offenses, not to exceed one year.**

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

21           **(1)** Subject to the limitations of subsection [12] **13**  
22 of this section, a person may apply to have one or more  
23 [offenses, violations, or infractions] **crimes** expunged if  
24 **each** such [offense, violation, or infraction] **crime** occurred  
25 within the state of Missouri and was prosecuted under the  
26 jurisdiction of a Missouri [municipal, associate circuit, or  
27 circuit] court, so long as such person lists all the  
28 [offenses, violations, and infractions] **crimes** he or she is  
29 seeking to have expunged in the petition and so long as all  
30 such [offenses, violations, and infractions] **crimes** are not  
31 excluded under subsection [2] **3** of this section.

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

43 [2.] 3. The following [offenses, violations, and  
44 infractions] **crimes** shall not be eligible for expungement  
45 under this section:

46 (1) Any class A felony offense;

47 (2) Any dangerous felony as that term is defined in  
48 section 556.061;

49 (3) Any offense that requires registration as a sex  
50 offender;

51 (4) Any felony offense where death is an element of  
52 the offense;

53 (5) Any felony offense of assault; misdemeanor or  
54 felony offense of domestic assault; or felony offense of  
55 kidnapping;

56 (6) Any offense listed, [or] previously listed, **or is**  
57 **a successor to an offense** in chapter 566 or section 105.454,  
58 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,  
59 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,  
60 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,  
61 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]  
62 566.093, 566.111, 566.115, **566.116**, 568.020, 568.030,  
63 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]  
64 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,  
65 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,  
66 [570.090,] 570.180, 570.223, 570.224, [570.310,] 571.020,  
67 571.060, 571.063, 571.070, 571.072, 571.150, **573.200**,  
68 **573.205**, 574.070, 574.105, 574.115, 574.120, 574.130,  
69 **574.140**, 575.040, 575.095, 575.153, 575.155, 575.157,  
70 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,  
71 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,  
72 [578.008, 578.305, 578.310,] or 632.520;

73 (7) Any offense eligible for expungement under section  
74 [577.054 or] 610.130;

75 (8) Any intoxication-related traffic or boating  
76 offense as defined in section 577.001, or any offense of  
77 operating an aircraft with an excessive blood alcohol  
78 content or while in an intoxicated condition;

79 (9) Any ordinance violation that is the substantial  
80 equivalent of any offense that is not eligible for  
81 expungement under this section;

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

88 (11) Any **felony** offense of section 571.030, except any  
89 offense under subdivision (1) of subsection 1 of section  
90 571.030 where the person was convicted or found guilty prior  
91 to January 1, 2017, or any offense under subdivision (4) of  
92 subsection 1 of section 571.030.

93 [3.] 4. The petition shall name as defendants all law  
94 enforcement agencies, courts, prosecuting or circuit  
95 attorneys, [municipal prosecuting attorneys,] central state  
96 repositories of criminal records, or others who the  
97 petitioner has reason to believe may possess the records  
98 subject to expungement for each of the [offenses,  
99 violations, and infractions] **crimes** listed in the petition.  
100 The court's order of expungement shall not affect any person  
101 or entity not named as a defendant in the action.

102 [4.] 5. The petition shall include the following  
103 information:

104 (1) The petitioner's:

105 (a) Full name;

106 (b) Sex;

- 107 (c) Race;
- 108 (d) Driver's license number, if applicable; and
- 109 (e) Current address;
- 110 (2) Each [offense, violation, or infraction] **crime** for
- 111 which the petitioner is requesting expungement;
- 112 (3) The approximate date the petitioner was charged
- 113 for each [offense, violation, or infraction] **crime**; and
- 114 (4) The name of the county where the petitioner was
- 115 charged for each [offense, violation, or infraction] **crime**
- 116 and if any of the [offenses, violations, or infractions]
- 117 **crimes** occurred in a municipality, the name of the
- 118 municipality for each [offense, violation, or infraction]
- 119 **crime**; and
- 120 (5) The case number and name of the court for each
- 121 [offense] **crime**.

122 [5.] 6. The clerk of the court shall give notice of

123 the filing of the petition to the office of the prosecuting

124 attorney[, circuit attorney, or municipal prosecuting

125 attorney] that prosecuted the [offenses, violations, or

126 infractions] **crimes** listed in the petition. If the

127 prosecuting attorney[, circuit attorney, or municipal

128 prosecuting attorney] objects to the petition for

129 expungement, he or she shall do so in writing within thirty

130 days after receipt of service. Unless otherwise agreed upon

131 by the parties, the court shall hold a hearing within sixty

132 days after any written objection is filed, giving reasonable

133 notice of the hearing to the petitioner. If no objection

134 has been filed within thirty days after receipt of service,

135 the court may set a hearing on the matter and shall give

136 reasonable notice of the hearing to each entity named in the

137 petition. At any hearing, the court may accept evidence and

138 hear testimony on, and may consider, the following criteria

139 for each of the [offenses, violations, or infractions]  
140 **crimes** listed in the petition for expungement:

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

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

154 (3) The person has satisfied all obligations relating  
155 to any such disposition, including the payment of any fines  
156 or restitution;

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

158 (5) The petitioner's habits and conduct demonstrate  
159 that the petitioner is not a threat to the public safety of  
160 the state; and

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

163 A pleading by the petitioner that such petitioner meets the  
164 requirements of subdivisions (5) and (6) of this subsection  
165 shall create a rebuttable presumption that the expungement  
166 is warranted so long as the criteria contained in  
167 subdivisions (1) to (4) of this subsection are otherwise  
168 satisfied. The burden shall shift to the prosecuting  
169 attorney[, ] **or** circuit attorney[, or municipal prosecuting

170 attorney] to rebut the presumption. A victim of [an  
171 offense, violation, or infraction] a **crime** listed in the  
172 petition shall have an opportunity to be heard at any  
173 hearing held under this section[, and the court may make a  
174 determination based solely on such victim's testimony]. **A**  
175 **court may find that the continuing impact of the offense**  
176 **upon the victim rebuts the presumption that expungement is**  
177 **warranted.**

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

187 [7.] 8. If the court determines that such person meets  
188 all the criteria set forth in subsection [5] 6 of this  
189 section for each of the [offenses, violations, or  
190 infractions] **crimes** listed in the petition for expungement,  
191 the court shall enter an order of expungement. In all cases  
192 under this section, the court shall issue an order of  
193 expungement or dismissal within six months of the filing of  
194 the petition. A copy of the order of expungement shall be  
195 provided to the petitioner and each entity possessing  
196 records subject to the order, and, upon receipt of the  
197 order, each entity shall close any record in its possession  
198 relating to any [offense, violation, or infraction] **crime**  
199 listed in the petition, in the manner established by section  
200 610.120. The records and files maintained in any  
201 administrative or court proceeding in a municipal,

202 associate, or circuit court for any [offense, infraction, or  
203 violation] **crime** ordered expunged under this section shall  
204 be confidential and only available to the parties or by  
205 order of the court for good cause shown. The central  
206 repository shall request the Federal Bureau of Investigation  
207 to expunge the records from its files.

208 [8.] **9.** The order shall not limit any of the  
209 petitioner's rights that were restricted as a collateral  
210 consequence of such person's criminal record, and such  
211 rights shall be restored upon issuance of the order of  
212 expungement. **Except as otherwise provided under this**  
213 **section, the effect of such order shall be to fully restore**  
214 **the civil rights of such person to the status he or she**  
215 **occupied prior to such arrests, pleas, trials, or**  
216 **convictions as if such events had never taken place. This**  
217 **includes fully restoring the civil rights of a person to the**  
218 **right to vote, the right to hold public office, and to serve**  
219 **as a juror.** For purposes of 18 U.S.C. Section  
220 921(a)(33)(B)(ii), an order [or] of expungement granted  
221 pursuant to this section shall be considered a complete  
222 removal of all effects of the expunged conviction. Except  
223 as otherwise provided under this section, the effect of such  
224 order shall be to restore such person to the status he or  
225 she occupied prior to such arrests, pleas, trials, or  
226 convictions as if such events had never taken place. No  
227 person as to whom such order has been entered shall be held  
228 thereafter under any provision of law to be guilty of  
229 perjury or otherwise giving a false statement by reason of  
230 his or her failure to recite or acknowledge such arrests,  
231 pleas, trials, convictions, or expungement in response to an  
232 inquiry made of him or her and no such inquiry shall be made  
233 for information relating to an expungement, except the



234 petitioner shall disclose the expunged [offense, violation,  
235 or infraction] **crime** to any court when asked or upon being  
236 charged with any subsequent [offense, violation, or  
237 infraction] **crime**. The expunged [offense, violation, or  
238 infraction] **crime** may be considered a prior offense in  
239 determining a sentence to be imposed for any subsequent  
240 offense that the person is found guilty of committing.

241 [9.] 10. Notwithstanding the provisions of subsection  
242 [8] 9 of this section to the contrary, a person granted an  
243 expungement shall disclose any expunged [offense, violation,  
244 or infraction] **crime** when the disclosure of such information  
245 is necessary to complete any application for:

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

248 (2) Any license issued under chapter 313 or permit  
249 issued under chapter 571;

250 (3) Paid or unpaid employment with an entity licensed  
251 under chapter 313, any state-operated lottery, or any  
252 emergency services provider, including any law enforcement  
253 agency;

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

258 (5) Employment with any entity engaged in the business  
259 of insurance or any insurer for the purpose of complying  
260 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or  
261 other similar law which requires an employer engaged in the  
262 business of insurance to exclude applicants with certain  
263 criminal convictions from employment; or

264 (6) Employment with any employer that is required to  
265 exclude applicants with certain criminal convictions from

266 employment due to federal or state law, including  
267 corresponding rules and regulations.

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

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

294 [11.] **12.** If the court determines that the petitioner  
295 has not met the criteria for any of the [offenses,  
296 violations, or infractions] **crimes** listed in the petition

297 for expungement or the petitioner has knowingly provided  
298 false information in the petition, the court shall enter an  
299 order dismissing the petition. Any person whose petition  
300 for expungement has been dismissed by the court for failure  
301 to meet the criteria set forth in subsection [5] 6 of this  
302 section may not refile another petition until a year has  
303 passed since the date of filing for the previous petition.

304 [12.] 13. A person may be granted more than one  
305 expungement under this section provided that during his or  
306 her lifetime, the total number of [offenses, violations, or  
307 infractions] **crimes** for which orders of expungement are  
308 granted to the person shall not exceed the following limits:

309 (1) Not more than [two] **three** misdemeanor offenses or  
310 ordinance violations that have an authorized term of  
311 imprisonment; and

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

313 A person may be granted expungement under this section for  
314 any number of infractions. [Nothing in this section shall  
315 prevent the court from maintaining records to ensure that an  
316 individual has not exceeded the limitations of this  
317 subsection] **A person may not be granted more than one  
318 expungement under subdivision (3) of subsection 2 of this  
319 section.** Nothing in this section shall be construed to  
320 limit or impair in any way the subsequent use of any record  
321 expunged under this section of any arrests or findings of  
322 guilt by a law enforcement agency, criminal justice agency,  
323 prosecuting attorney[, ] **or** circuit attorney[, or municipal  
324 prosecuting attorney], including its use as a prior  
325 [offense, violation, or infraction] **crime**.

326 [13.] 14. The court shall make available a form for  
327 pro se petitioners seeking expungement, which shall include

328 the following statement: "I declare under penalty of  
329 perjury that the statements made herein are true and correct  
330 to the best of my knowledge, information, and belief."

331 [14.] 15. Nothing in this section shall be construed  
332 to limit or restrict the availability of expungement to any  
333 person under any other law.

✓