

# Journal of the Senate

SECOND REGULAR SESSION

---

**THIRTY-FOURTH DAY - TUESDAY, MARCH 12, 2024**

---

The Senate met pursuant to adjournment.

Senator Hough in the Chair.

Senator Bean offered the following prayer:

"If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land." (2 Chronicles 7:14 NIV)

Almighty God, we call ourselves by Your name and recognize You alone as our God. May we continue to seek You and Your will in all of our deliberations and decisions. As we humble ourselves before You, we ask for Your wisdom and guidance, and for healing from divisiveness and disunity. Lead us and guide us we ask in Your Holy Name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Missouri Independent were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Moon	Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

Absent—Senators—None

Absent with leave—Senator Brattin—1

Vacancies—None

The Lieutenant Governor was present.

President Kehoe assumed the Chair.

## RESOLUTIONS

Senator Luetkemeyer offered Senate Resolution No. 765, regarding Eagle Scout Mason Moberly Trent, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 766, regarding Eagle Scout Owen Coltrain Behne, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 767, regarding Eagle Scout William Joseph Simpson IV, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 768, regarding Eagle Scout Zach Thomas Linville, Platte City, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 769, regarding Eagle Scout Parker Lee Messenger, Platte City, which was adopted.

Senator Trent offered Senate Resolution No. 770, regarding Eagle Scout Jackson Choi, Springfield, which was adopted.

Senator Cierpiot offered Senate Resolution No. 771, regarding Lee's Summit North High School library, which was adopted.

Senator Cierpiot offered Senate Resolution No. 772, regarding Eagle Scout William Michael "Will" Boaz, Lee's Summit, which was adopted.

Senator McCreery offered Senate Resolution No. 773, regarding Eagle Scout Evan Joseph Glavanovitz, Fenton, which was adopted.

Senator Eslinger offered Senate Resolution No. 774, regarding McKenzie Stafford, Branson, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Coleman moved that **SB 811**, with **SCS**, **SS** for **SCS**, and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Coleman, **SS** for **SCS** for **SB 811** was withdrawn, rendering **SA 1** moot.

Senator Coleman offered **SS No. 2** for **SCS** for **SB 811**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 811

An Act to repeal sections 21.771, 210.109, 210.112, 210.135, 210.140, 210.147, 210.221, 210.762, 211.081, 211.221, 491.075, 492.304, 566.151, and 567.030, RSMo, and to enact in lieu thereof fifteen new sections relating to child protection, with penalty provisions.

Senator Coleman moved that **SS No. 2** for **SCS** for **SB 811** be adopted.

Senator Eigel offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 811, Page 1, In the Title, Line 6, by striking "child protection" and inserting in lieu thereof the following: "protection of vulnerable persons"; and

Further amend said bill, page 28, Section 492.304, line 47, by inserting after all of said line the following:

“516.140. Within two years:

(1) An action for libel, slander, injurious falsehood, [assault, battery,] false imprisonment, criminal conversation, malicious prosecution or actions brought under section 290.140[.];

**(2) An action for assault or battery, except for those mentioned in section 516.371;**

(3) An action by an employee for the payment of unpaid minimum wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum wages or overtime compensation, and for the recovery of any amount under and by virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an act of Congress, shall be brought within two years after the cause accrued.

**516.371. 1. Notwithstanding the provisions of section 516.140 to the contrary, an action for assault or battery based upon sexual conduct, as that term is defined in section 566.010, by a defendant against a plaintiff shall be brought within fifteen years.**

2. Notwithstanding any provision of law to the contrary, there shall be a [ten-year] **fifteen-year** statute of limitation on any action for damages for personal injury caused to an individual by a person within the third degree of affinity or consanguinity who subjects such individual to sexual contact, as defined in section 566.010.

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

(1) “Childhood sexual abuse”, any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, [566.040, 566.050] **566.031, 566.032, 566.034**, 566.060, [566.070, 566.080, 566.090] **566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.093, 566.095**, 566.100, [566.110, or 566.120] **566.101, 566.209, 566.210, 566.211**, or section 568.020;

(2) “Injury” or “illness”, either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to this section shall be commenced within [ten] **fifteen** years of the plaintiff attaining the age of twenty-one or within three years of the date the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs.

3. This section shall apply to any action commenced on or after August 28, [2004] **2024**, including any action which would have been barred by the application of the statute of limitation applicable prior to that date.

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

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

(1) For any felony, three years, except as provided in [subdivision] **subdivisions (4) and (5)** of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

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

**(5) For any violation of section 566.100 or any violation of section 566.101, when classified as a class E felony, fifteen years.**

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

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

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

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

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

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

6. The period of limitation does not run:

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

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

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

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

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

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Coleman, **SB 811**, with **SCS**, **SS No. 2** for **SCS**, and **SA 1** (pending), was placed on the Informal Calendar.

Senator Gannon moved that **SB 772** be taken up for perfection, which motion prevailed.

At the request of Senator Gannon, **SB 772** was placed on the Informal Calendar.

Senator Brown (26) moved that **SB 912**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 912**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal sections 301.142 and 301.3030, RSMo, and to enact in lieu thereof three new sections relating to motor vehicles, with existing penalty provisions.

Was taken up.

Senator Brown (26) moved that **SCS** for **SB 912** be adopted.

Senator Brown (26) offered **SS** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal sections 42.051, 301.142, 301.3030, 301.3061, and 302.188, RSMo, and to enact in lieu thereof nine new sections relating to veterans, with existing penalty provisions.

Senator Brown (26) moved that **SS** for **SCS** for **SB 912** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, In the Title, Line 4, by striking “veterans” and inserting in lieu thereof the following: “military affairs”; and

Further amend said bill, page 21, Section 302.188, line 45, by inserting after all of said line the following:

“442.571. 1. Except as provided in sections 442.586 and 442.591, [no alien or foreign business shall acquire by grant, purchase, devise, descent or otherwise agricultural land in this state if the total aggregate alien and foreign ownership of agricultural acreage in this state exceeds one percent of the total aggregate agricultural acreage in this state. A sale or transfer of any agricultural land in this state shall be submitted to the director of the department of agriculture for review in accordance with subsection 3 of this section only if there is no completed Internal Revenue Service Form W-9 signed by the purchaser] **beginning August 28, 2024, no alien or foreign business shall acquire by grant, purchase, devise, descent, or otherwise any agricultural land in this state within five hundred miles of any reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area of the Armed Forces of the United States. Any alien or foreign business who acquired any agricultural land in this state prior to August 28, 2024, shall not grant, sell, or otherwise transfer such agricultural land to any other alien or foreign business on or after August 28, 2024.** No person may hold agricultural land as an agent, trustee, or other fiduciary for an alien or foreign business in violation of sections 442.560 to 442.592, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

2. Any alien or foreign business who acquires agricultural land in violation of sections 442.560 to 442.592 remains in violation of sections 442.560 to 442.592 for as long as [he or she] **the alien or foreign business** holds an interest in the land, provided, however, that no security interest in such agricultural land shall be divested or invalidated by such violation.

3. Subject to the provisions of subsection 1 of this section, [such] **all proposed [acquisitions] transfers on or after August 28, 2024,** by grant, purchase, devise, descent, or otherwise of **any interest in agricultural land held by any alien or foreign business** in this state shall be submitted **at least thirty calendar days prior to when such transfers of such agricultural land are finalized** to the department of agriculture to determine whether such [acquisition] **transfer** of agricultural land is conveyed in accordance with the [one percent restriction on the total aggregate] **prohibition on** alien and foreign ownership of agricultural land in this state **under this section.** The department shall establish by rule the requirements for submission and approval of requests under this subsection.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Brown (26), **SB 912**, with **SCS**, and **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator O’Laughlin, the Senate recessed until 4:05 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Rowden.

**SENATE BILLS FOR PERFECTION**

Senator Brown (26) moved that **SB 912**, with **SCS**, and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 912** was again taken up.

Senator Eigel offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, In the Title, Line 4, by striking “veterans” and inserting in lieu thereof the following: “military affairs”; and

Further amend said bill, page 4, Section 42.312, line 30, by inserting after all of said line the following:

“143.174. For all tax years beginning on or after January 1, 2016, for purposes of calculating the Missouri taxable income as required under section 143.011, one hundred percent of the income received by any person as salary or compensation in any form as a member of the active duty component of the Armed Forces of the United States, and to the extent that such income is included in the federal adjusted gross income, may be deducted from the taxpayer's Missouri adjusted gross income to determine such taxpayer's Missouri taxable income. If such person files a combined return with a spouse, any military income received while engaging in the performance of active duty may be deducted from their Missouri combined adjusted gross income. **For the purposes of this section, “salary or compensation” shall include any signing bonus.**

143.175. 1. For all tax years beginning on or after January 1, 2020, for purposes of calculating the Missouri taxable income as required under section 143.011, a percentage of the income received by any person as salary or compensation:

(1) In performance of inactive duty for training (IDT) of the National Guard or annual training status (AT) of the National Guard; [or]

(2) In reserve components of the Armed Forces of the United States; **or**

**(3) In the form of a bonus from the National Guard or a reserve component of the United States Armed Forces for joining, reenlisting, or for any other reason;**

and to the extent that such income is included in the federal adjusted gross income, may be deducted from the taxpayer's Missouri adjusted gross income to determine such taxpayer's Missouri taxable income. If such person files a combined return with a spouse, a percentage of any military income received while engaging in the performance of National Guard or reserve military duty may be deducted from their Missouri combined adjusted gross income. Such military income shall be deducted as follows:

(a) For the tax year beginning on or after January 1, 2020, twenty percent of such military income;

- (b) For the tax year beginning on or after January 1, 2021, forty percent of such military income;
- (c) For the tax year beginning on or after January 1, 2022, sixty percent of such income;
- (d) For the tax year beginning on or after January 1, 2023, eighty percent of such income;
- (e) For all tax years beginning on January 1, 2024, and thereafter, one hundred percent of such income.

2. Notwithstanding the provisions of this section or any other provision of law to the contrary, the deduction authorized by this section shall not apply to compensation received while engaging in civilian federal service, including civil service positions requiring the wearing of military uniform and military affiliation.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Brown (26) moved that **SS** for **SCS** for **SB 912**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown (26), **SS** for **SCS** for **SB 912**, as amended, was declared perfected and ordered printed.

Senator Koenig moved that **SB 727**, with **SCS**, **SS** for **SCS**, and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Koenig, **SS** for **SCS** for **SB 727** was withdrawn, rendering **SA 1** moot.

Senator Koenig offered **SS No. 2** for **SCS** for **SB 727**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 727

An Act to repeal sections 135.713, 135.714, 135.715, 160.011, 160.041, 160.400, 160.415, 161.670, 162.471, 162.492, 162.611, 162.996, 163.011, 163.018, 163.021, 163.044, 163.172, 166.700, 167.031, 167.061, 167.071, 167.600, 167.619, 167.850, 168.021, 168.110, 168.400, 168.500, 169.560, 170.048, 171.031, 171.033, 173.232, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof forty-two new sections relating to elementary and secondary education, with penalty provisions and an effective date for certain sections.

Senator Koenig moved that **SS No. 2** for **SCS** for **SB 727** be adopted.

Senator Luetkemeyer assumed the Chair.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 727, Page 7, Section 135.714, Lines 109-124, by striking all of said lines; and further renumber the remaining subdivisions accordingly; and



Further amend said bill and section, page 9, line 174, by inserting at the end of said line the following: “**and**”; and further amend lines 175-181, by striking all of said lines; and further renumber the remaining subdivision accordingly; and

Further amend said bill and section, page 10, lines 213-215, by striking all of said lines; and further renumber the remaining subdivisions accordingly.

Senator Moon moved that the above amendment be adopted, which motion failed.

Senator Moon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 727, Page 120, Section 169.560, Line 107, by inserting after all of said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) [Present ] **Teach that life begins at conception and present** students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline;

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; and

(9) Teach pupils about sexual harassment, sexual violence, and consent:

(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;

(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;

(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

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

(1) "Abortion", the same meaning as such term is defined in section 188.015;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother."; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion failed.

Senator Moon offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 727, Page 120, Section 169.560, Line 107, by inserting after all of said line the following:

"170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) [Present ] **Teach that life begins at conception and present** students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, **including an abortion or voluntary ending of a pregnancy**, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline;

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; and

(9) Teach pupils about sexual harassment, sexual violence, and consent:

(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;

(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;

(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

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

(1) "Abortion", the same meaning as such term is defined in section 188.015;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother."; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion failed.

Senator Fitzwater assumed the Chair.

Senator Rowden assumed the Chair.

Senator Eigel offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 727, Page 81, Section 166.700, Lines 11-12, by striking all of said lines and inserting in lieu thereof the following: **“present in the United States or any person who gained illegal entry into the United States;”**; and

Further amend said bill, page 120, section 169.560, line 107 by inserting after all of said line the following:

“169.660. 1. On and after the first day of July next following the operative date, any member who is sixty or more years of age and who has at least five years of creditable service, or who has attained age fifty-five and has at least twenty-five years of creditable service, or who has at least thirty years of creditable service regardless of age may retire and receive the full retirement benefits based on the member's creditable service. A member whose creditable service at retirement is less than five years shall not be entitled to a retirement allowance but shall be entitled to receive the member's contributions.

2. Any person retired and currently receiving a retirement allowance pursuant to sections 169.600 to 169.715[, other than for disability,] may be employed on either a part-time or temporary-substitute basis by a district included in the retirement system not to exceed a total of five hundred fifty hours in any one school year, without a discontinuance of the person's retirement allowance. Such a person shall not contribute to the retirement system, or to the public school retirement system established by sections 169.010 to 169.141, because of earnings during such period of employment. If such a person is employed in any capacity by such a district on a regular, full-time basis, or the person's part-time or temporary-substitute service in any capacity exceeds five hundred fifty hours in any one school year, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed **or the retirement system shall recover the amount the person earned in excess of the limitations, whichever is less.**

3. The system shall pay a monthly retirement allowance for the month in which a retired member or beneficiary receiving a retirement allowance dies.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Moon offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 727, Page 151, Section 452.375, Line 263, by inserting after all of said line the following:

“595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of

domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such

hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;



(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding. **A public school district, public school, or charter school shall not discipline a child for failure to comply with the district's or school's attendance policy, and the parent or legal guardian shall not be deemed to be in violation of the provisions of section 167.061, and the district or school shall not otherwise discipline a child, based on such child's honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding;**

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, electronic mail addresses, and telephone numbers or the addresses, electronic mail addresses, or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim

notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail or electronic mail to the most current address or electronic mail address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS No. 2 for SCS for SB 727**, as amended, be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Black, Eigel, Schroer, and Trent.

**SS No. 2 for SCS for SB 727**, as amended, was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (26th Dist.)	Carter
Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater	Hoskins
Hough	Koenig	Luetkemeyer	May	O'Laughlin	Rizzo	Rowden
Schroer	Thompson Rehder	Trent—24				

NAYS—Senators

Brown (16th Dist.)	Gannon	McCreery	Moon	Mosley	Razer	Roberts
Washington	Williams—9					

Absent—Senators—None

Absent with leave—Senator Brattin—1

Vacancies—None

Senator Koenig moved that **SS No. 2 for SCS for SB 727**, as amended, be declared perfected and ordered printed, and requested a roll call vote be taken. He was joined in his request by Senators Rizzo, Schroer, Trent, and Williams.

**SS No. 2 for SCS for SB 727**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bean	Bernskoetter	Black	Brown (26th Dist.)	Carter	Cierpiot	Coleman
Crawford	Eigel	Eslinger	Fitzwater	Hoskins	Hough	Koenig
Luetkemeyer	O'Laughlin	Rowden	Schroer	Thompson Rehder	Trent—20	

NAYS—Senators

Arthur	Beck	Brown (16th Dist.)	Gannon	May	McCreery	Moon
Mosley	Razer	Rizzo	Roberts	Washington	Williams—13	

Absent—Senators—None

Absent with leave—Senator Brattin—1

Vacancies—None

## COMMUNICATIONS

Senator Hoskins submitted the following:

March 11, 2024

Ms. Kristina Martin  
Secretary of the Senate  
Missouri Senate  
201 W. Capitol Ave., Room 325  
Jefferson City, Missouri 65101

RE: Consent Calendar

Madam Secretary:

I respectfully request the following senate bills be removed from the Consent Calendar.

SB 1296 – Conveys certain state property;

SB 1266 – Modifies provisions relating to pretrial witness protection programs;

SB 1379 – Modifies provisions relating to funding for the Office of the Public Defender; and

SB 1393 – Changes the deadline for school districts to submit proposals to operate recovery high schools.

Thank you for your time and attention in this matter.



Denny L. Hoskins, CPA  
Missouri State Senator  
District 21

## INTRODUCTION OF GUESTS

Senator Rowden introduced to the Senate, Leadership Columbia.

Senator May introduced to the Senate, Zachary and Xander Boyd; and Zachary and Xander were made honorary pages.

Senator Schroer introduced to the Senate, Joe and Sandy Bast, St. Louis County.

Senator Moon introduced to the Senate, Alexa and Serinda Dudley, Joplin.

Senator Williams introduced to the Senate, Michael McMillan; Urban League Vice President of Public Safety and Community Response, James Clark; Regional Director of Save Our Sons, Tydrell Stevens; Regional Executive Vice President, Michael K. Holmes; and Regional Director of Wellness and Executive Assisstant, Michael Costrof.

Senator Coleman introduced to the Senate, Claire Culwell.

On motion of Senator O’Laughlin, the Senate adjourned until 9:00 a.m., Wednesday, March 13, 2024.

## SENATE CALENDAR

---

 THIRTY-FIFTH DAY-WEDNESDAY, MARCH 13, 2024
 

---

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 1569	HB 1751-Haffner
HCS for HB 2016	HB 1518-Hudson
HCS for HJR 68 & 79	HCS for HB 2352
HB 2287-Christofanelli	HCS for HB 2279
HB 2111-Christofanelli	HB 1486-Shields
HCS for HBs 2322 & 1774	HB 1604-Hinman
HB 2282-Lovasco	HB 1713-Schnelting
HB 2385-Keathley	HCS for HB 2065
HCS for HB 2431	HB 1496-Griffith

## SENATE BILLS FOR PERFECTION

1. SB 801-Fitzwater, with SCS	11. SB 900-Black
2. SB 1111-Black	12. SJR 78-Brown (26)
3. SBs 894 & 825-Fitzwater, with SCS	13. SB 1351-Luetkemeyer, with SCS
4. SB 1207-Hoskins	14. SB 782-Bean, with SCS
5. SJR 50-Koenig, with SCS	15. SB 898-Black
6. SB 834-Crawford, with SCS	16. SB 734-Eigel, with SCS
7. SB 903-Schroer	17. SB 735-Eigel and Moon, with SCS
8. SB 1359-Trent	18. SB 1036-Razer, with SCS
9. SB 835-Crawford, with SCS	19. SB 1391-Luetkemeyer, with SCS
10. SB 845-Bernskoetter	

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 739-Cierpiot	SB 748-Hough
SB 740-Cierpiot, with SCS	SB 750-Hough, with SCS & SA 1 (pending)
SB 742-Arthur, with SS (pending)	SBs 767 & 1342-Thompson Rehder, with SCS
SB 745-Bernskoetter, with SS & SA 1 (pending)	SB 772-Gannon

SB 778-Eslinger, with SS & SA 1 (pending)  
SB 799-Fitzwater and Eigel, with SCS &  
SS for SCS (pending)  
SB 811-Coleman, with SCS, SS#2 for SCS &  
SA 1 (pending)  
SB 818-Brown (26) and Coleman, with SS &  
SA 2 (pending)  
SB 830-Rowden, with SS, SA 2 & point of  
order (pending)  
SB 847-Hough, with SCS, SS for SCS &  
SA 1 (pending)  
SB 848-Hough  
SB 850-Brown (16)

SB 862-Thompson Rehder, with SS & SA 7  
(pending)  
SB 872-Eslinger, with SS & SA 1 (pending)  
SB 876-Bean, with SCS  
SB 964-Razer, with SS & SA 5 (pending)  
SB 984-Schroer  
SBs 1168 & 810-Coleman, with SCS, SS for  
SCS, SA 2, SA 1 to SA 2 & point of order  
(pending)  
SB 1199-Trent  
SB 1375-Eslinger  
SB 1392-Trent

RESOLUTIONS

SR 557-Eigel  
SR 558-Eigel  
SR 561-Moon  
SR 562-Moon

SR 563-Moon  
SR 631-May  
SR 647-Coleman

Reported from Committee

SCR 22-Carter

To be Referred

SCR 35-Schroer

✓